

HOUSE No. 3357

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to truck inspections..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (b) of section 19L of chapter 90 of the General Laws, as most
2 recently amended by chapter 192 of the acts of 2006, is hereby further amended by adding the
3 following:- ; provided, further, that no such officer or department from a municipality with a
4 population less than 150,000 shall conduct routine commercial carrier inspections or, without
5 probable cause, a random inspection of a commercial carrier.

6 SECTION 2. Said section 19L of said chapter 90 is hereby further amended by inserting
7 after subsection (b) the following subsection:-

8 (b) (1/2). (1) The department of state police shall establish procedures for the certification
9 of municipal police officers to enforce the commercial motor vehicle safety plan and regulations
10 necessary to conduct commercial carrier inspections. Municipal police officers shall not conduct
11 routine commercial carrier inspections or, without probable cause, a random inspection of a
12 commercial carrier unless so certified by the department of state police. The procedures shall
13 include, but not be limited to:

- 14 (a) Initial maintenance and certification, to include:
- 15 i . training;
- 16 ii. continuing education, to be conducted minimally on an annual
- 17 basis;
- 18 iii. testing; and
- 19 iv. on-the-job experience under the direct supervision of a
- 20 certified law enforcement official or training officer;
- 21 (b) Delineation of roles and responsibilities within the specific agency as it
- 22 relates to coordinating efforts with the department of state police;
- 23 (c) Proscribed use of forms and other official documents related to said certification;
- 24 (d) A fine and sanction structure that is consistent with that of the department of state
- 25 police.
- 26 (2) Commercial motor vehicle safety data collection, management and distribution by
- 27 municipal law enforcement official of the commonwealth shall support the systems of the
- 28 department of state police.
- 29 (3) The fine and sanction structure for violations of the commercial motor vehicle laws
- 30 and regulations shall be consistent with those of the department of state police for each violation
- 31 cited.
- 32 (4) All fines collected shall be deposited in a manner consistent with those fines issued
- 33 by the department of state police.

34 (5) The department of state police, if necessary, shall establish reasonable fees sufficient
35 to recover from municipal police departments the cost of training, continuing education, data
36 collection and management, certifying and additional functions for law enforcement officials
37 certified under this section.

38 (6) The municipal police departments for which law enforcement officials certified under
39 this section work shall, to the extent practicable, adhere to the same requirements of 49 CFR
40 350.00 of the federal motor carrier safety regulations.

41 (7) The municipal law enforcement officials certified under this section shall be subject
42 to periodic program reviews and, at the discretion of the department of state police, be required
43 to submit a commercial vehicle safety plan that is consistent with and incorporated into the
44 statewide enforcement plan. The department of state police shall have the right to decertify any
45 municipal law enforcement official or department that does not comply with the applicable
46 federal laws or regulations or practices; provided, however, that the department of state police
47 shall not unreasonably refuse to retrain any decertified official or department upon request.