HOUSE DOCKET, NO. 3247 FILED ON: 1/16/2015

HOUSE . . . . . No. 3116

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph F. Wagner

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to truck inspections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Joseph F. Wagner	*8th Hampden*	*1/16/2015*

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HOUSE . . . . . No. 3116

By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 3116) of Joseph F. Wagner relative to truck inspections and establishing a program to train municipal police officers in conducting commercial carrier inspections. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1. Subsection (b) of section 19L of chapter 90 of the General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting after the words "terminal audits", in line 38, the following words:- ; provided further, that no officer or department from a municipality with a population less than 150,000 shall conduct routine commercial carrier inspections or, without probable cause, a random inspection of a commercial carrier.

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

(b½)(1) The department of state police shall establish procedures for the certification of municipal police officers to enforce the commercial motor vehicle safety plan and regulations necessary to conduct commercial carrier inspections. Municipal police officers shall not conduct routine commercial carrier inspections or, without probable cause, a random inspection of a

commercial carrier unless so certified by the department of state police. The procedures shall include, but not be limited to:

(i) Initial maintenance and certification, to include:

(A) training;

(B) continuing education, to be conducted minimally on an annual basis;

(C) testing;

(D) on-the-job experience under the direct supervision of a certified law enforcement official or training officer;

(E) delineation of roles and responsibilities within the specific agency as it relates to coordinating efforts with the department of state police;

(F) proscribed use of forms and other official documents related to the certification; and

(G) a fine and sanction structure that is consistent with that of the department of state police.

(2) Commercial motor vehicle safety data collection, management and distribution by municipal law enforcement official of the commonwealth shall support the systems of the department of state police.

(3) The fine and sanction structure for violations of the commercial motor vehicle laws and regulations shall be consistent with those of the department of state police for each violation cited.

(4) All fines collected shall be deposited in a manner consistent with those fines issued by the department of state police.

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

(6) The municipal police departments for which law enforcement officials certified under this section work shall, to the extent practicable, adhere to the same requirements as 49 CFR 350.00 of the Federal Motor Carrier Safety Administration regulations.

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