

HOUSE No. 3682

By Mr. Wagner of Chicopee, petition 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 Year Two Thousand and Seven.

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
2 General Laws, as most recently amended by chapter 192 of the acts
3 of 2006, is hereby further amended by adding the following:— ; pro-
4 vided, further, that no such officer or department from a municipi-
5 pality with a population less than 150,000 shall conduct routine
6 commercial carrier inspections or, without probable cause, a random
7 inspection of a commercial carrier.

1 SECTION 2. Said Section 19L of said Chapter 90 is hereby fur-
2 ther amended by inserting after subsection (b) the following subsec-
3 tion:—

4 (b)($\frac{1}{2}$). (1) The department of state police shall establish proce-
5 dures for the certification of municipal police officers to enforce the
6 commercial motor vehicle safety plan and regulations necessary to
7 conduct commercial carrier inspections. Municipal police officers
8 shall not conduct routine commercial carrier inspections or, without
9 probable cause, a random inspection of a commercial carrier unless
10 so certified by the department of state police. The procedures shall
11 include, but not be limited to:—

12 (a) Initial maintenance and certification, to include:—

13 i.) training;

14 ii.) continuing education, to be conducted minimally on an annual
15 basis;

16 iii.) testing; and

- 17 iv.) on-the-job experience under the direct supervision of a certi-
18 fied law enforcement official or training officer;
- 19 (b) Delineation of roles and responsibilities within the specific
20 agency as it relates to coordinating efforts with the department of
21 state police;
- 22 (c) Proscribed use of forms and other official documents related
23 to said certification;
- 24 (d) A fine and sanction structure that is consistent with that of the
25 department of state police.
- 26 (2) Commercial motor vehicle safety data collection, management
27 and distribution by municipal law enforcement official of the com-
28 monwealth shall support the systems of the department of state
29 police.
- 30 (3) The fine and sanction structure for violations of the commer-
31 cial motor vehicle laws and regulations shall be consistent with
32 those of the department of state police for each violation cited.
- 33 (4) All fines collected shall be deposited in a manner consistent
34 with those fines issued by the department of state police.
- 35 (5) The department of state police, if necessary, shall establish
36 reasonable fees sufficient to recover from municipal police depart-
37 ments the cost of training, continuing education, data collection and
38 management, certifying and additional functions for law enforce-
39 ment officials certified under this section.
- 40 (6) The municipal police departments for which law enforcement
41 officials certified under this section work shall, to the extent practi-
42 cable, adhere to the same requirements of 49 CFR 350.00 of the fed-
43 eral motor carrier safety regulations.
- 44 (7) The municipal law enforcement officials certified under this
45 section shall be subject to periodic program reviews and, at the dis-
46 cretion of the department of state police, be required to submit a
47 commercial vehicle safety plan that is consistent with and incorpo-
48 rated into the statewide enforcement plan. The department of state
49 police shall have the right to decertify any municipal law enforce-
50 ment official or department that does not comply with the applicable
51 federal laws or regulations or practices; provided, however, that the
52 department of state police shall not unreasonably refuse to retrain
53 any decertified official or department upon request.