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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2881

03/10/2014 Authored by Masin; Beard; Ward, J.A.; Sawatzky and Carlson
The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to transportation; railroads; amending regulation of motor carriers of
1.3 railroad employees; imposing penalties; amending Minnesota Statutes 2012,
1.4 sections 169.781, subdivision 2; 221.0255.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 169.781, subdivision 2, is amended to read:

1.7 Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit
1.8 the operation, in violation of the requirements of paragraph (b), of:

1.9 (1) a commercial motor vehicle registered in Minnesota or a spotter truck; ~~or~~

1.10 (2) special mobile equipment as defined in section 168.002, subdivision 31, and
1.11 which is self-propelled, if it is mounted on a commercial motor vehicle chassis, ~~in~~
1.12 ~~violation of the requirements of paragraph (b);~~ or

1.13 (3) a vehicle used to transport passengers by a motor carrier of railroad employees
1.14 under section 221.0255.

1.15 (b) A vehicle described in paragraph (a):

1.16 (1) must display a valid safety inspection decal issued by an inspector certified
1.17 by the commissioner; or

1.18 (2) must carry (i) proof that the vehicle complies with federal motor vehicle
1.19 inspection requirements for vehicles in interstate commerce, and (ii) a certificate of
1.20 compliance with federal requirements issued by the commissioner under subdivision 9.

1.21 Sec. 2. Minnesota Statutes 2012, section 221.0255, is amended to read:

1.22 **221.0255 MOTOR CARRIER OF RAILROAD EMPLOYEES.**

2.1 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
 2.2 the meanings given:

2.3 (1) "conviction" has the meaning given in section 609.02; and

2.4 (2) "on-duty time" means all time from the time a driver begins to work, or is
 2.5 required to be in readiness to work, until the time the driver is relieved from work,
 2.6 including: (i) driving time; (ii) time at a terminal, facility, or other property of a contract
 2.7 carrier; (iii) time on any public or private property waiting to be dispatched; (iv) time
 2.8 spent in working hours by a driver while under employment or agreement with another
 2.9 employer who is not a motor carrier of railroad employees; and (v) time spent inspecting,
 2.10 servicing, conditioning, or attending a vehicle.

2.11 Subd. 2. **Application.** (a) A motor carrier of railroad employees must meet the
 2.12 requirements specified in this section, is subject to section 221.291, and is otherwise
 2.13 exempt from the provisions of this chapter.

2.14 (b) The requirements of this section for a motor carrier of railroad employees or a
 2.15 vehicle operator for a motor carrier of railroad employees apply in the same manner to any
 2.16 entity that enters into an agreement with the carrier to transport railroad employees.

2.17 Subd. 3. **Vehicle operator requirements.** (a) A vehicle operator for a motor carrier
 2.18 of railroad employees who transports passengers must:

2.19 (1) have a valid driver's license under chapter 171; and

2.20 (2) submit to a physical examination; ~~examinations that meet the requirements for~~
 2.21 commercial motor vehicle operators under Code of Federal Regulations, title 49, sections
 2.22 391.41 to 391.45, or successor requirements; and

2.23 (3) perform pretrip and posttrip vehicle inspections.

2.24 (b) A vehicle operator may not communicate over or otherwise operate a cellular
 2.25 phone, whether handheld or hands-free, when the vehicle is in motion or a part of traffic.

2.26 Subd. 4. **Motor carrier of railroad employees; requirements.** ~~(e)~~ (a) The motor
 2.27 carrier of railroad employees must implement a policy that provides for annual training
 2.28 and certification of the operator in:

2.29 (1) safe operation of the vehicle transporting railroad employees;

2.30 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

2.31 (3) handling emergency situations;

2.32 (4) proper use of seat belts;

2.33 (5) performance of pretrip and posttrip vehicle inspections, and inspection record
 2.34 keeping; and

2.35 (6) proper maintenance of required records.

2.36 ~~(d)~~ (b) The motor carrier of railroad employees must:

3.1 (1) ~~perform~~ confirm that the person is not disqualified under subdivision 6, by
3.2 performing a criminal background check or background investigation of the operator;
3.3 which must include:

3.4 (i) a criminal history check of the state criminal records repository; and

3.5 (ii) if the operator has resided in Minnesota less than five years, a criminal history
3.6 check from each state of residence for the previous five years;

3.7 (2) annually verify the operator's driver's license;

3.8 (3) document meeting the requirements in this subdivision, and maintain the file
3.9 which must include maintaining at the carrier's business location;

3.10 (i) a driver qualification file on each operator who transports passengers under
3.11 this section; and

3.12 (ii) records of pretrip and posttrip vehicle inspections as required under subdivision
3.13 3, paragraph (a), clause (3);

3.14 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless
3.15 of the seating capacity of the vehicle; and

3.16 (5) maintain uninsured and underinsured coverage in a minimum amount of
3.17 ~~\$1,000,000.~~ \$5,000,000; and

3.18 (6) ensure inspection of each vehicle operated under this section as provided under
3.19 section 169.781.

3.20 (c) A driver qualification file under paragraph (b), clause (3), must include:

3.21 (1) a copy of the operator's most recent medical examiner's certificate;

3.22 (2) a copy of the operator's current driver's license;

3.23 (3) documentation of annual license verification;

3.24 (4) documentation of annual training;

3.25 (5) documentation of any known violations of motor vehicle or traffic laws; and

3.26 (6) responses from previous employers, if required by the current employer.

3.27 (d) The driver qualification file must be retained for one year following the date of
3.28 separation of employment of the driver from the carrier. A record of inspection under
3.29 paragraph (b), clause (3), item (ii), must be retained for one year following the date of
3.30 inspection.

3.31 (e) If a party contracts with the motor carrier on behalf of the railroad to transport
3.32 the railroad employees, then the insurance requirements may be satisfied by either that
3.33 party or the motor carrier, so long as the motor carrier is a named insured or additional
3.34 insured under any policy.

3.35 Subd. 5. **Vehicle; equipment.** (a) No vehicle operator may transport passengers in a
3.36 motor vehicle that does not meet the requirements of this subdivision.

4.1 (b) A motor vehicle used to transport passengers under this section must be designed
4.2 to transport ten or fewer persons, including the driver.

4.3 (c) A motor carrier of railroad employees shall maintain the following on a motor
4.4 vehicle used to transport passengers:

4.5 (1) tires that meet the same requirements as for a motor vehicle under Code of
4.6 Federal Regulations, title 49, section 393.75, or successor requirements;

4.7 (2) a full-size spare tire that is fully inflated;

4.8 (3) properly functioning seat belts for the driver and every passenger being
4.9 transported;

4.10 (4) a properly functioning heater, defroster, and air conditioner;

4.11 (5) a windshield, side windows, and a rear window that are clear of any obstructions,
4.12 including but not limited to electronic devices;

4.13 (6) a working cellular telephone or two-way radio capable of contacting personnel of
4.14 the railroad that employs the passengers being transported;

4.15 (7) a global positioning system device capable of identifying the vehicle's current
4.16 location;

4.17 (8) an emergency road kit, which must at a minimum contain a blanket, flares or
4.18 reflective triangles, jumper cables, and a secured fire extinguisher;

4.19 (9) a safety glass hammer or belt cutter;

4.20 (10) a location for personal baggage storage, so that all baggage can be secured in a
4.21 manner that prevents entry into or flight within the vehicle cabin; and

4.22 (11) vehicle identification marking that:

4.23 (i) identifies the legal or a single trade name of the motor carrier and bears an
4.24 inscription as determined by the commissioner identifying the vehicle as used by a motor
4.25 carrier of railroad employees;

4.26 (ii) is located on both sides of the vehicle;

4.27 (iii) is in letters that contrast sharply in color with the background on which the
4.28 letters are placed; and

4.29 (iv) is readily legible during daylight hours from a distance of 50 feet when the
4.30 vehicle is stationary.

4.31 **Subd. 6. Driver disqualification; reporting.** ~~(e)~~ (a) A person who sustains a
4.32 conviction of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's
4.33 license is revoked under sections 169A.50 to 169A.53 of the implied consent law, or who
4.34 is convicted of or has their driver's license revoked under a similar statute or ordinance
4.35 of another state, may not operate a vehicle under this subdivision for five years from the
4.36 date of conviction.

5.1 (b) A person who sustains a conviction of a moving ~~offense~~ violation in violation of
 5.2 chapter 169 within three years of the first of three other moving ~~offenses~~ violations may not
 5.3 operate a vehicle under this subdivision for one year from the date of the last conviction.

5.4 (c) A person who has ever been convicted of a disqualifying offense as defined in
 5.5 section 171.3215, subdivision 1, paragraph (c), may not operate a vehicle under this
 5.6 subdivision.

5.7 ~~(f)~~ (d) An operator who sustains a conviction as described in paragraph ~~(e)~~ (a)
 5.8 while employed by the carrier shall report the conviction to the carrier within ten days of
 5.9 the date of the conviction.

5.10 Subd. 7. Testing. ~~(g)~~ A carrier must implement a mandatory alcohol and controlled
 5.11 substance testing program as provided under sections 181.950 to 181.957 that consists of
 5.12 preemployment testing, postaccident testing, random testing, reasonable suspicion testing,
 5.13 return-to-duty testing, and follow-up testing.

5.14 Subd. 8. Hours of service. ~~(h)~~ (a) A motor carrier of railroad employees shall not
 5.15 allow or require a driver to drive or remain on duty for more than: ten hours after eight
 5.16 consecutive hours off duty; 15 hours of combined on-duty time and drive time since last
 5.17 obtaining eight consecutive hours of off-duty time; or 70 hours of on-duty and drive time
 5.18 in any period of eight consecutive days. After 24 hours off duty, a driver begins a new
 5.19 seven consecutive day period and on-duty time is reset to zero.

5.20 ~~(i)~~ (b) An operator who encounters an emergency and cannot, because of that
 5.21 emergency, safely complete a transportation assignment within the ten-hour maximum
 5.22 driving time permitted under paragraph ~~(h)~~ (a), may drive for not more than two additional
 5.23 hours in order to complete that transportation assignment or to reach a place offering
 5.24 safety for the occupants of the vehicle and security for the transport motor vehicle, if the
 5.25 transportation assignment reasonably could have been completed within the ten-hour
 5.26 period absent the emergency.

5.27 ~~(j)~~ (c) A carrier shall maintain and retain for a period of six months accurate time
 5.28 records that show the time the driver reports for duty each day₂; the total number of hours
 5.29 of on-duty time for each driver for each day₂; the time the driver is released from duty
 5.30 each day₂; and the total number of hours driven each day.

5.31 ~~(k)~~ For purposes of this subdivision, the following terms have the meanings given:

5.32 (1) "conviction" has the meaning given in section 609.02; and

5.33 (2) "on-duty time" means all time at a terminal, facility, or other property of a
 5.34 contract carrier or on any public property waiting to be dispatched. On-duty time includes
 5.35 time spent inspecting, servicing, or conditioning the vehicle.

6.1 Subd. 9. **Inspection authority.** Representatives of the Department of Transportation
6.2 and the State Patrol have the authority to enter, at a reasonable time and place, any
6.3 vehicle or facility of the carrier for purposes of random inspections, safety reviews,
6.4 audits, or accident investigations. No search warrant is required to inspect a vehicle
6.5 used to transport passengers under this section or to inspect or copy a record required to
6.6 be maintained under this section.

6.7 Subd. 10. **Violation; penalties.** (a) A violation of this section is a misdemeanor.

6.8 (b) In addition to any penalty imposed under paragraph (a), a motor carrier of
6.9 railroad employees that violates this section is liable for a civil penalty of up to \$1,000 for
6.10 each offense. For purposes of this paragraph, each day in which a violation occurs is a
6.11 separate offense. The prevailing party in any action commenced under this paragraph is
6.12 entitled to reasonable costs incurred in the action.

6.13 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
6.14 violations committed on or after that date.