

8850.8550 CARRIER RESPONSIBILITY.

Subpart 1. **Repair before use.** Except as provided in subpart 2, a carrier shall not require or permit a person to operate nor shall a person operate a motor vehicle declared and marked out of service until the repairs required by the out-of-service notice have been satisfactorily completed. In this subpart, "operate" includes towing the vehicle, except that vehicles marked out of service may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and the out-of-service vehicle must not be operated unless the combination meets the performance requirements of this chapter except for those conditions noted on the driver, vehicle, and equipment compliance checklist.

Subp. 2. **Exception.** A vehicle with an out-of-service defect may be moved under its own power to a place of repair only in the following circumstances:

A. A vehicle transporting hazardous materials requiring the vehicle to be placarded may be escorted to a repair facility or safe parking place.

B. When the imminently hazardous condition is one that is automatically removed by the disconnection of the power unit from the towed unit, the unit that is not out of service may be operated.

C. If it is less hazardous to the public to operate the vehicle than to permit it to remain on the highway, the vehicle may be operated only to the nearest place where repairs can be made safely.

Subp. 3. **Prohibition.** A person shall not remove the "out-of-service vehicle" sticker from a motor vehicle before completion of the repairs required by the out-of-service notice.

Statutory Authority: *MS s 221.031; 221.141*

History: *13 SR 38*

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