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HOUSE BILL NO. 1029

Offered January 24, 2000

A *BILL to amend the Code of Virginia by adding in Chapter 10 of Title 46.2 an article numbered 24, consisting of sections numbered 46.2-1193 through 46.2-1198, relating to intermodal vehicle safety.*

Patron—Drake

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 10 of Title 46.2 an article numbered 24, consisting of sections numbered 46.2-1193 through 46.2-1198 as follows:

Article 24.

Intermodal Vehicle Safety.

§ 46.2-1193. *Definitions.*

The following words and phrases when used in this article shall have the following meanings except where the context clearly indicates a different meaning:

"Equipment interchange agreement" means a written document executed by the owner or lessor of a vehicle and an operator at the time the owner or lessor tenders or interchanges the vehicle for use by an operator.

"Operator" means a motor carrier or driver of a commercial motor vehicle.

"Vehicle" means an intermodal trailer, chassis, or container vehicle.

§ 46.2-1194. *Tender or interchange of certain vehicles prohibited; inspections and repairs.*

A. No person shall tender or interchange for use by an operator on a highway a vehicle that is in violation of any requirement of the Federal Motor Carrier Safety Regulations or the regulations adopted pursuant to § 52-8.4.

B. Before a person may tender or interchange a vehicle for use on a highway, the person shall:

1. Inspect the vehicle and, if the vehicle does not comply with the regulations specified in subsection A of this section, promptly repair the vehicle to bring it into compliance.

2. Provide the operator to whom the vehicle will be tendered the opportunity and facilities to perform an inspection of the vehicle and, if the operator determines that the vehicle does not comply with the regulations specified in subsection A of this section: (i) promptly repair the vehicle to bring it into compliance or (ii) immediately provide the operator with a replacement vehicle that complies with the regulations specified in subsection A of this section.

§ 46.2-1195. *Certain defects presumed to have existed at time of tender or interchange.*

If, as a result of a vehicle inspection conducted pursuant to § 46.2-1001 within five days of the date of tender or interchange as indicated on the equipment interchange agreement applicable to the vehicle, a defect in any of the following vehicle equipment components is discovered, it shall be presumed that the defect existed at the time of the tender or interchange: brakes or brake drums, air lines and tubing, reservoir tank, frame, electrical system, wheel assembly, suspension, chassis locking pin, tires, or rims.

§ 46.2-1196. *Owner or lessor to reimburse operators for certain fines, penalties, and costs.*

If an operator receives a citation for a violation due to the defect of any equipment specified in § 46.2-1195, the vehicle owner or lessor shall reimburse the operator for any (i) fines and penalties paid by the operator as required by the citation and (ii) costs incurred by the operator to repair the defects specified in the citation, unless such fines, penalties, or repair costs are due to actions or omissions of the operator after the vehicle was tendered or interchanged.

§ 46.2-1197. *Operator relieved of responsibility for condition of certain vehicles.*

A. If an operator interchanges a vehicle to another mode of transportation or a warehouse in substantially the same condition as it was when tendered to the operator, the operator is relieved of any responsibility for the condition of the vehicle.

B. The provisions of this section shall apply only to an operator that is a motor carrier.

§ 46.2-1198. *Certain reports not to be used against motor carrier.*

A report citing equipment defects discovered during an inspection of a vehicle conducted pursuant to § 46.2-1001 may not be used or applied against the motor carrier operating the vehicle and may not be forwarded to the U. S. Department of Transportation if (i) the vehicle is not owned by the motor carrier, and (ii) the report could adversely affect the motor carrier's overall record of compliance with the Federal Motor Carrier Safety Regulations or the regulations adopted pursuant to § 52-8.4.

INTRODUCED

HB1029