
**TITLE 2 TRANSPORTATION
DELAWARE ADMINISTRATIVE CODE**

DIVISION OF STATE POLICE

1302 Motor Carrier Safety Enforcement

1.0 Scope and Purpose

Pursuant to Section 4713 of Title 21 of the Delaware Code, the Department of Public Safety, on behalf of its Division of State Police, hereby adopts regulations to implement the mandates set forth in Chapter 47 of Title 21 to ensure motor carrier safety in the State of Delaware.

2.0 Inspection of Records

- 2.1 Authorized representatives of the Division of State Police, upon presenting credentials, may enter a motor carrier's established place of business, without undue delay, to inspect and examine records of motor carriers to determine compliance with the federal Motor Carrier Safety Regulations ("MCSR").
- 2.2 The motor carrier or a representative of the motor carrier shall be entitled to be present during an inspection conducted pursuant to this Section. However, the presence of the motor carrier or an authorized representative of the motor carrier is not a condition precedent to such an inspection.
- 2.3 An inspection conducted pursuant to this Section may be initiated at any time that business is being conducted or work is being performed by the motor carrier, or its representatives, agents, or employees, whether or not open to the public, or when the motor carrier or a representative of the motor carrier other than a custodian or watchman is present. The fact that a motor carrier or representative of a motor carrier leaves the premises after an inspection has been initiated shall not require the termination of the inspection.
- 2.4 Any inspection conducted pursuant to this Section shall not continue for more than twenty-four (24) clock hours after initiation, without the consent of the motor carrier or representative of the motor carrier, but in no event shall the inspection continue for more than seventy-two (72) hours after initiation.
- 2.5 In the event information comes to the attention of the individuals conducting an investigation that may give rise to the necessity of obtaining a search warrant, and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.
- 2.6 No more than three (3) inspections of a motor carrier shall be conducted pursuant to this Section within any six (6) month period except pursuant to a search warrant.
- 2.7 Notwithstanding the limitation in subsection 1.6 nothing in this Section shall be construed to limit the authority of the State Police to respond to complaints of violations of the MCSR by inspecting the records of a commercial motor vehicle operating on the highways of the State of Delaware. For purposes of this subsection, a public complaint is one in which the complainant identifies himself or herself and sets forth the specific basis for his or her complaint against the motor carrier.
- 2.8 Nothing in this Section shall be construed to limit the authority of the State Police, pursuant to this Section, to conduct a search of motor carrier records pursuant to an authorized search warrant.

4 DE Reg. 1666 (04/01/01)