**Section 386.1060 Inspection of Records and Motor Vehicles**

a) *Authorized representatives of the Department* and the State Police, *upon presenting credentials, may enter a motor carrier's established place of business without* undue *delay, inspect and examine records of motor carriers required to be maintained under the MCSR to determine compliance with the MCSR and may enter a motor carrier's established place of business to inspect and examine the motor vehicles or motor carriers subject to these MCSR to determine compliance with the MCSR.* (Section 18b-102(c) of the Law)

b) 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.

c) Inspection conducted, pursuant to this Section, may be initiated at any time that business is being conducted or work is being performed, 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 the motor carrier leaves the premises after an inspection has been initiated shall not require the termination of the inspection.

d) Any inspection conducted pursuant to this Section shall not continue for more than 24 clock hours after initiation, without the consent of the company, but in no event shall the inspection continue for more than 72 hours after initiation.

e) In the event information comes to the attention of the individuals conducting an inspection 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.

f) No more than three inspections of a motor carrier shall be conducted pursuant to this Section within any six month period except pursuant to a search warrant.

g) Notwithstanding this limitation, nothing is this Section shall be construed to limit the authority of the State Police or the Department to respond to public complaints of violations of the MCSR or to inspect a commercial motor vehicle, and records thereon, operating on the highways of Illinois. For the purpose of this Section, a public complaint is one in which the complainant identifies himself or herself and sets forth, in writing, the specific basis for their complaint against the motor carrier.

h) Nothing in this Section shall be construed to limit the authority of individuals, pursuant to this Section, to conduct searches of motor carriers pursuant to an issued and authorized search warrant.

i) Whenever any motor carrier who, having been informed *by a person authorized to make inspections and examine records* under this Section that that person desires to *inspect records and the motor carrier's motor vehicles* as authorized by this Section, refuses either to produce for that person records required to be kept by the MCSR or to permit such *authorized person to make an inspection of motor vehicles in accordance with this Section*, and having been advised of his right to refuse to produce records or to permit an inspection of motor vehicles at the time of inspection, the inspection shall be terminated or the inspection confined to areas concerning which no objection is raised. The representative shall endeavor to ascertain the reason for such refusal and shall immediately report the matter to the Director. If the Director desires to have an inspection and examination conducted, the Director may refer the matter to the Department's Office of Chief Counsel to take appropriate action, including issuance of a search warrant, if necessary. (Section 18b-102(c) of the Law)