

*into consideration the earning capacity of each parent and the parent's spouse, if any.*

Approved June 6, 1969.

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CHAPTER 1031—H. F. No. 1889

*An act relating to the department of public service; amending Minnesota Statutes 1967, Sections 216A.01; 216A.05, Subdivision 6; 216A.07; 221.031, Subdivision 1; 221.131; 221.141; 232.13; 233.20; 233.25; 237.10; 239.10; and 239.18, Subdivision 3.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 216A.01, is amended to read:

**216A.01 Department of public service; establishment of department and branches.** There is hereby created and established the department of public service to consist of two branches, the public service commission and the administrative division. *The department of public service shall have and possess all of the rights and powers and perform all of the duties vested in it by Laws 1967, Chapter 864, and, immediately prior to enactment of said chapter, vested by law in the railroad and warehouse commission.*

Sec. 2. Minnesota Statutes 1967, Section 216A.05, Subdivision 6, is amended to read:

**Subd. 6. Operation with regard to federal law.** The commission is authorized:

(1) To cooperate with ~~the interstate commerce commission~~ *all federal agencies* for the purpose of harmonizing state and federal regulations within the state to the extent and in the manner deemed advisable, and for such purpose may approve and establish freight rates which depart from the distance principle required by any state law.

(2) To conduct joint hearings with the interstate commerce commission or federal communications commission within or without the state and participate in any proceedings before such commissions when it considers such participation advisable and in the interest of the people of this state.

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(3) To nominate members to any joint board as provided by federal acts.

Sec. 3. Minnesota Statutes 1967, Section 216A.07, is amended to read:

**216A.07 Duties of director.** The director shall be the executive and administrative head of the public service department. He shall ~~expedite and supervise the enforcement of all orders and directives of the commission~~ *have and possess all the rights and powers and perform all the duties relating to the administrative function of the department as set forth in Minnesota Statutes 1967, Section 216A.02, Subdivision 2.*

Sec. 4. Minnesota Statutes 1967, Section 221.031, Subdivision 1, is amended to read:

**221.031 Rules for operation of motor carriers.** Subdivision 1. The commission shall prescribe rules and regulations for operation of all motor carriers, including their facilities, accounts, service, safety of operations and equipment, maximum hours of service of drivers, installation of safety devices and proper automatic speed regulators if, in the opinion of the commission, there is a necessity therefor. It may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms and accommodations or shelters in any village or city in this state or at any point on the highway traversed which the commission may deem just and proper for the protection of passengers or property. It shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges or other data by such motor carriers, regulate such motor carriers in all matters affecting the relationship between them and the traveling and shipping public and prescribe such other rules and regulations as may be necessary to carry out the provisions of this chapter; provided, however, that any motor carrier having gross revenues from all for-hire transportation in any calendar year of less than \$15,000 may, at the discretion of the commission, be exempted from the filing of an annual report, if in lieu thereof such motor carrier files an affidavit, in such form as may be prescribed by the commission, attesting that said gross revenues have not exceeded \$15,000 in the previous calendar year. *Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, shall not include gross revenues received from the operation of school buses as defined in Minnesota Statutes 1967, Section 169.01, Subdivision 6.* The commission may extend the termini of any route or alter or change the route of any regular route common carrier upon petition

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and after finding that public convenience and necessity require such extension, alteration or change.

Sec. 5. Minnesota Statutes 1967, Section 221.131, is amended to read:

**221.131 Permits; terms, fees, plates.** Permits issued pursuant to the provisions of sections 221.011 to 221.291 shall be effective for a 12-month period, commencing on the first day of the month of their issuance and shall continue from year to year thereafter upon payment of the required registration fee and compliance otherwise with law. The permit holder shall pay into the treasury of the State of Minnesota a registration fee of \$12.50 on each vehicle, including pickup and delivery vehicles, operated by him under authority of such permit during said 12-month period or fraction thereof. Trailers used by applicant in combination with truck-tractors shall not be counted as vehicles in the computation of fees under this section, provided applicant pays the fees for such truck-tractors. The commission shall furnish a distinguishing plate, *card*, or *decal* for each vehicle or truck-tractor for which a fee has been paid, which plate, *card*, or *decal* shall at all times be displayed on the vehicle or truck-tractor to which it has been assigned. Plates may be reassigned to another vehicle or truck-tractor without fee by the commission upon application of the permit holder. Plates, *cards*, or *decals* issued under the provisions of this section shall be good only for the period for which the permit is effective. The name and residence of the permit holder shall be stenciled or otherwise shown in a conspicuous place on each vehicle operated under his permit. In the event a permit has been suspended or revoked, the commission may consider a petition for reinstatement thereof, upon the same procedure required for an original application, and may, in its discretion, grant or deny the same. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay into the treasury of the State of Minnesota an annual registration fee of \$12.50 for each vehicle, including pickup and delivery vehicles, operated during any calendar year. On vehicles registered under this section after March 31 of any calendar year, the registration fee shall be prorated on a quarterly basis as follows:

Vehicles registered after March 31	\$9.50
Vehicles registered after June 30	6.25
Vehicles registered after September 30	3.25
A fee of \$2.50 shall be charged for the replacement of an unex-	

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pired plate, card, or decal which has been lost or damaged by the owner.

Sec. 6. Minnesota Statutes 1967, Section 221.141, is amended to read:

**221.141 Insurance or bonds of motor carriers.** Before any certificate or permit shall be issued to any motor carrier, it shall secure and file with the commission and keep the same at all times in full effect public liability and indemnity insurance in such amount and in such form as the commission shall have prescribed, covering injuries and damage to persons or property occurring on the highways, other than the employees of such motor carrier or the property being transported by such carrier, provided that the commission shall require cargo insurance for certificated carriers and may require any permit carrier to file such insurance when it deems necessary to protect the users of the service. Such insurance shall be subject to cancellation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon not less than fifteen (15) days' written notice to the insured and to the commission. Such insurance or bond may from time to time be reduced or increased by order of the commission. The commission may, if desired by the applicant, prescribe in lieu of the bond or insurance such other form of security as may be satisfactory. Failure to maintain any required insurance or security shall void the permit or certificate.

~~Any person owning a motor vehicles power unit which he leases to a motor carrier shall, before such leasing shall be valid and before the lessee shall use such unit in for hire operation, file with and have approved by the commission so called "bob tail," or contingent, insurance, as defined by the commission; such insurance to cover any movement of such unit when the same is not operating under a lease to a motor carrier. Failure to file such insurance shall void any lease of such unit and shall constitute a misdemeanor on the part of the lessor owner.~~

Sec. 7. Minnesota Statutes 1967, Section 232.13, is amended to read:

**232.13 Bonds.** Before any license is issued, the public local grain warehouseman shall file with the commission a bond in such sum as the commission may prescribe, which sum shall not be less than \$1,500. ~~Such bonds shall be filed annually and cover the period of the license.~~ Such bonds shall run to the state of Minnesota for the benefit of all persons storing grain in such warehouse. They shall be conditioned upon the faithful performance by the public local grain warehouseman of all the provisions of law relating to the stor-

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age of grain by such warehouseman and the rules and regulations of the said commission relative thereto. The commission is authorized to require such increases in the amount of such bonds from time to time as it deems necessary for the protection of the storage receipt holders. The surety on such bonds shall be a surety company authorized to transact business in the state of Minnesota. *Termination of coverage of a bond or other acceptable collateral shall void the license.*

Only one bond need be given for any line of elevators, mills, or warehouses owned, controlled, or operated by one individual, firm or corporation.

Every such bond shall specify the location of each public local grain warehouse intended to be covered thereby and shall at all times be in a sufficient sum to protect the holders of outstanding storage receipts.

Sec. 8. Minnesota Statutes 1967, Section 233.20, is amended to read:

**233.20 Duty of inspectors.** Chief or deputy inspectors appointed by the ~~Minnesota railroad and warehouse commission~~ *public service department* shall inspect and grade all grain received at any terminal warehouse ~~provided such grain has not previously been inspected under the provisions of the U.S. grain standards act. They shall inspect other grain received at or shipped from any terminal warehouse if requested to do so by the warehouseman when requested to do so by any person having a contractual or other financial interest in such grain as the owner, seller, purchaser, warehouseman, or carrier or otherwise.~~ *They shall provide inspection service for interhouse transfers or when grain is "run for grade" within a house if requested by the warehouseman. All rights and privileges covering reinspection and appeal in all such cases are hereby preserved to all interested parties.*

Sec. 9. Minnesota Statutes 1967, Section 233.25, is amended to read:

**233.25 Weighmasters and weighers.** The commission shall appoint at each terminal point a state weighmaster and such weighers as may be necessary, who shall have the control of the weighing of all grain received at each terminal warehouse, *except those terminal warehouses licensed under the provisions of the United States Warehouse Act*, for sale or storage, except when otherwise ordered by the party shipping the same, and shall have the supervision *or control* of the other weighing of grain when requested by the operator of the facility desiring the service. Every such weighmaster and weigher shall give

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bond to the state in the sum of \$5,000 conditioned for the faithful discharge of his duty.

Sec. 10. Minnesota Statutes 1967, Section 237.10, is amended to read:

**237.10 Uniform rules.** It shall be the duty of the commission to prescribe uniform rules and classifications pertaining to the conduct of intrastate telephone business and a system of accounting to be used by telephone companies in transacting this business, and it shall prescribe and furnish blanks and forms for reports, all of which shall conform as nearly as practicable to the rules, classifications, accounting systems, and reports prescribed by the ~~Interstate Commerce Commission~~ *Federal Communications Commission* for the interstate business of like size companies.

The commission shall by correspondence or conference where necessary use its best endeavors toward establishing uniformity in practice in all matters pertaining to regulation of the business of telephone companies between the federal government and state government of this and adjacent states.

Sec. 11. Minnesota Statutes 1967, Section 239.10, is amended to read:

**239.10 Annual inspection.** No fee, *unless specially scheduled by the commission*, shall be charged for the regular annual inspection of scales, weights, measures, and weighing or measuring devices. At all other times, the cost of the inspection shall be paid by the owner when the same is performed at his request; and when made at the request of some other person the cost shall be paid by the owner, if the scale, weight, measure, and weighing or measuring device is found to be incorrect; otherwise by the person making the request. The commission shall have power to fix the fees and expenses for all special services. All moneys collected by the department for special services, fees, and penalties shall be paid into the state treasury, and credited to the state revenue fund.

Sec. 12. Minnesota Statutes 1967, Section 239.18, Subdivision 3, is amended to read:

**Subd. 3. Surety bonds; termination and cancellation of licenses.** Each applicant shall file with his application a surety bond naming him as principal, issued by a responsible surety company in a principal sum which shall be fixed by the commission on a graduated scale based on the amount of business the applicant has done during the preceding twelve month period, but which shall be not less than the sum of \$5,000. The commission shall by rule after

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public hearing fix a formula for determining the graduated amount of all bonds in excess of \$5,000, which formula shall be based on a percentage of the gross business of the licensee in a preceding twelve month period. If the licensee has not previously engaged in business as a livestock buyer or dealer, the commission shall require a financial statement from the applicant and on the basis of the financial statement, and on any other factor it may deem pertinent, shall fix the bond at a sum which in its judgment will protect the public. The commission may at any time raise or lower such bond requirements if it appears from an audit of the licensee's books and his financial statement that a modification of such bond requirements is justified. The ~~railroad and warehouse~~ *public service* commission shall be named as trustee in the bond which bond shall be for the purpose of protecting any person dealing with the licensee, or his or their agent or agents, within the state of Minnesota, from loss by reason of the failure to pay when due to the person or persons entitled thereto the purchase price of all livestock purchased from such persons by said principal or his or their agents and representatives. Such bond shall run continuously during the period such license shall be in force and effect. *Failure to maintain a bond as required shall void the license.* In case of default by the licensee the commission shall have the power to require the licensee and the surety company to appear before it at a hearing held for the purpose of determining all liability of the licensee under the terms of his bond, and after said hearing, based on the evidence adduced thereat, the commission shall make its order fixing and determining the liability of the licensee and of the surety company because of the licensee's default and if the bond is insufficient to cover the liability of all claimants, the commission shall prorate the proceeds of the bond among the claimants on a percentage basis. Before such hearing the commission shall publish a notice setting forth the licensee's default and requiring all claimants to file proof of claim with the commission within three months of the date such notice is published or be barred from participating in the proceeds of such bond. Such publication shall be made in a newspaper published at the county seat of the county in which the licensee has his principal place of business and if the licensee maintains an auction pavilion which is not located at his principal place of business, publication shall also be made in a newspaper at or near the location of such livestock pavilion. The order of the commission may be enforced by appropriate proceedings in the district court of Ramsey county and any party aggrieved by the order of the commission may appeal to said district court in the manner provided for appeal from other proceedings before the commission. Upon the filing of the bond as required by the commission and the payment of the sum of \$15, a license entitling the applicant to conduct the business of buying live-

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stock at the places named in the application shall be issued. Such licenses shall run until the succeeding July 1, at which time they may be renewed by the payment of the aforesaid fee. In lieu of the bond required under the provisions of this subdivision, the applicant may file with the commission the dealer's bond filed by him with the United States department of agriculture and in effect pursuant to the provisions of the Packers and Stockyards Act, as amended, (7 U.S.C. 181 et seq.) the minimum amount of which is \$5,000, unless the commission shall determine that the amount of the federal bond is insufficient in any instance, in which event the commission shall by order fix the reasonable amount of the bond required to protect the public interest. A similar license shall be required of and shall be issued to each agent of the licensee upon the payment of \$15, and no agent shall engage in the buying or dealing in livestock without first securing such license.

No surety bond shall be required of any agent or employee of a livestock commission merchant, person, firm, or corporation, licensed under this section. Unless otherwise canceled by the commission or the licensee, the license of all agents or employees shall terminate with the expiration of the principal's license. An agent's or employee's license may be canceled by the principal when such cancellation has been approved by the commission.

Approved June 6, 1969.

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CHAPTER 1032—H. F. No. 1920

[Coded]

*An act relating to the licensing or registration and regulation of persons engaged in the conduct of structural pest control activities for hire; providing penalties; and appropriating money.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[18A.01] Structural pest control; definitions.**  
 Subdivision 1. As used in this act, the following words and terms shall have the meanings given.

Subd. 2. "Structural pest control" means to control, eradicate, curb, mitigate, repel, destroy or prevent any pest through the use of any device, procedure, application of any chemical in any household or other structures including trucks, box cars, ships, airplanes, docks, warehouses, common carriers, or the contents thereof and in fumigation vaults; also the advertising and soliciting of structural pest

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