

Sections 1 and 2 are effective retroactive to January 1, 1996. Section 3 is effective July 1, 1996. Sections 4 to 7 are effective the day following final enactment.

Presented to the governor March 23, 1996

Signed by the governor March 26, 1996, 10:42 a.m.

CHAPTER 375—S.F.No. 1086

VETOED

CHAPTER 376—H.F.No. 2625

An act relating to the city of Baxter; allowing the city of Baxter to expand its public utilities commission to five members.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. UTILITIES COMMISSION MAY BE EXPANDED TO FIVE.

Notwithstanding Minnesota Statutes, section 412.341, the city of Baxter may expand its public utilities commission from three to five members and one of the five may also be a member of the Baxter city council. If expanded, the first term of the holder of the fourth seat is two years and the first term of the holder of the fifth seat is one year. Thereafter, the terms of the holders of the fourth and fifth seats are three years.

Presented to the governor March 23, 1996

Signed by the governor March 26, 1996, 10:27 a.m.

CHAPTER 377—S.F.No. 2342

An act relating to motor carriers; providing for deregulation of motor carriers of property; establishing a carrier registration system; allowing relief from safety regulations during declared emergency; creating exemptions from certain workplace drug and alcohol testing; requiring alcohol testing; changing the definition of warehouse operator; amending Minnesota Statutes 1994, sections 221.011, subdivision 15, and by adding a subdivision; 221.031, by adding a subdivision; 221.605, subdivision 1; and 231.01, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 221.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 221.011, subdivision 15, is amended to read:

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Subd. 15. **MOTOR CARRIER.** "Motor carrier" means a carrier operating for hire under the authority of this chapter and subject to the rules and orders of the commissioner and or the board.

Sec. 2. Minnesota Statutes 1994, section 221.011, is amended by adding a subdivision to read:

Subd. 47. **MOTOR CARRIER OF PROPERTY.** "Motor carrier of property" means a motor carrier engaged in the for-hire transportation of property, other than household goods, in Minnesota who has filed a registration statement with the commissioner.

Sec. 3. [221.0251] **CARRIER REGISTRATION.**

Subdivision 1. **REGISTRATION STATEMENT.** A person who wishes to operate as a motor carrier shall file a complete and accurate registration statement with the commissioner. A registration statement must be on a form provided by the commissioner and include:

(1) the registrant's name, including an assumed or fictitious name used by the registrant in doing business;

(2) the registrant's mailing address and business telephone number;

(3) the registrant's federal Employer Identification Number and Minnesota Business Identification Number and the identification numbers, if any, assigned to the registrant by the United States Department of Transportation, Interstate Commerce Commission, or Environmental Protection Agency;

(4) the name, title, and telephone number of the individual who is principally responsible for the operation of the registrant's transportation business;

(5) the principal location from which the registrant conducts its transportation business and where the records required by this chapter will be kept;

(6) if different from clause (5), the location in Minnesota where the records required by this chapter will be available for inspection and copying by the commissioner;

(7) whether the registrant transports hazardous materials or hazardous waste;

(8) whether the registrant's business is a corporation, partnership, limited liability partnership, limited liability company, or sole proprietorship; and

(9) if the registrant is a foreign corporation authorized to transact business in Minnesota, the state of incorporation and the name and address of its registered agent.

Subd. 2. **SIGNATURE REQUIRED.** A registration statement may be signed only by a corporate officer, general partner, limited liability company board member, or sole proprietor. A signature must be notarized.

Subd. 3. **CERTIFICATE OF REGISTRATION; ISSUANCE; LOCATION.** (a) The commissioner shall issue a certificate of registration to a registrant who has filed a registration statement that complies with subdivisions 1 and 2 and paid the required fee, has a satisfactory safety rating and, if applicable, has complied with the financial responsibility requirements in section 221.141. The commissioner may not issue a certificate of registration to a registrant who has an unsatisfactory safety rating.

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(b) A certificate of registration must be numbered and bear an effective date.

(c) A certificate of registration must be kept at the registrant's principal place of business.

Subd. 4. DURATION. A certificate of registration is not assignable or transferable and is valid until it is suspended, revoked, or canceled.

Subd. 5. OBLIGATION TO KEEP INFORMATION CURRENT. A registrant shall notify the commissioner in writing of any change in the information described in subdivision 1.

Sec. 4. [221.026] MOTOR CARRIERS OF PROPERTY; EXEMPTIONS.

Subdivision 1. REGISTRATION. No person may engage in the for-hire transportation of property, other than household goods, in Minnesota unless the person has filed a registration statement with the commissioner on a form the commissioner prescribes.

Subd. 2. EXEMPTIONS FROM REQUIREMENTS. Notwithstanding any other law, a motor carrier of property is exempt from sections 221.021; 221.041; 221.061; 221.071; 221.072; 221.081; 221.121; 221.122; 221.123; 221.131; 221.132; 221.151; 221.161; 221.172, subdivisions 3 to 8; 221.185, except as provided in subdivision 4; and 221.296. The exemptions in this subdivision do not apply to a motor carrier of property while transporting household goods.

Subd. 3. SAFETY REGULATIONS. A motor carrier of property is subject to those federal regulations incorporated by reference in section 221.0314, unless exempted from those regulations by section 221.031.

Subd. 4. SUSPENSION AND CANCELLATION OF REGISTRATION. The commissioner shall suspend or cancel, following the procedures for suspension or cancellation in section 221.185, the registration of a motor carrier of property who fails to file with the commissioner or maintain the insurance or bond required under section 221.141. A person may not engage in the for-hire transportation of property, other than household goods, in Minnesota while the person's registration is under suspension or cancellation under this subdivision.

Subd. 5. LOCAL REGULATION. Section 221.091 applies to registration statements under this section to the same extent that it applies to certificates and permits issued by the board.

Sec. 5. [221.0269] RELIEF FROM SAFETY REGULATIONS.

Subdivision 1. GOVERNOR MAY GRANT RELIEF. The governor may declare an emergency and grant relief from any of the regulations incorporated in section 221.0314 to carriers and drivers operating motor vehicles in Minnesota to provide emergency relief during the emergency. The relief granted may not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the date of the initial declaration of the emergency, whichever is less.

Subd. 2. EXTENSION OF RELIEF. On request of a carrier or driver, the commissioner may extend the 30-day relief period in subdivision 1. A request for extension must be in writing and must give a detailed explanation of the reasons for requesting additional

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relief. The commissioner shall consider the severity of the ongoing emergency and the nature of the relief services to be provided by the motor carrier or driver in determining whether to grant an extension. If the commissioner decides to grant an extension, the extension must include a new time limit and may include any restrictions on the carrier or driver the commissioner considers necessary.

Subd. 3. TERMINATION OF RELIEF EFFORTS. (a) Upon termination of direct assistance to an emergency relief effort, a carrier or driver is subject to the requirements of section 221.0314, except that a driver may return empty to a carrier's terminal or the driver's normal work reporting location without complying with that section. A driver who informs the carrier that the driver needs immediate rest must be permitted at least eight consecutive hours off duty before the driver is required to return to the terminal or location. Having returned to the terminal or other location, the driver must be relieved of all duty and responsibilities.

(b) When a driver has been relieved of all duty and responsibilities upon termination of direct assistance to an emergency relief effort, no carrier shall permit or require any driver used by it to drive nor shall any such driver drive in commerce until the driver:

(1) has met the requirements of Code of Federal Regulations, title 49, section 395.3, paragraph (a); and

(2) has had at least 24 consecutive hours off duty if (i) the driver has been on duty for more than 60 hours in any seven consecutive days at the time the driver is relieved of all duty if the employing carrier does not operate every day in the week, or (ii) the driver has been on duty for more than 70 hours in any eight consecutive days at the time the driver is relieved of all duty if the employing carrier operates every day in the week.

(c) For purposes of this section, direct assistance to an emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo not destined for the emergency relief effort, or when the carrier dispatches that driver or vehicle to another location to begin operations in commerce.

Sec. 6. Minnesota Statutes 1994, section 221.031, is amended by adding a subdivision to read:

Subd. 10. CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING EXEMPTION. A person who or political subdivision of the state which is required to comply with the alcohol and controlled substances testing requirements of Code of Federal Regulations, title 49, parts 219, 382, 653, or 654, is exempt from sections 181.950 to 181.957 if the testing also complies with the procedures for transportation workplace drug and alcohol testing programs in Code of Federal Regulations, title 49, part 40.

Sec. 7. Minnesota Statutes 1994, section 221.605, subdivision 1, is amended to read:

Subdivision 1. FEDERAL REGULATIONS. (a) Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier safety regulations, Code of Federal Regulations, title 49, parts 390 to 398; with Code of Federal Regulations, title 49, part 40; and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists. For purposes of regulating commercial motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in Code of Federal

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Regulations, title 49, section 396.11, paragraph (d), applies in Minnesota only to drive-away-towaway operations.

(b) An interstate carrier or private carrier engaged in interstate commerce who complies with federal regulations governing testing for controlled substances and alcohol is exempt from the requirements of sections 181.950 to 181.957 unless the carrier's drug testing program provides for testing for controlled substances in addition to those listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a), or ~~for alcohol~~. Persons subject to this section may test for drugs, in addition to those listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a), or ~~for alcohol~~, only in accordance with sections 181.950 to 181.957 and rules adopted under those sections.

Sec. 8. Minnesota Statutes 1994, section 231.01, subdivision 5, is amended to read:

Subd. 5. **WAREHOUSE OPERATOR.** The term "warehouse operator," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold itself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating open air storage facilities containing minerals, ores, steel, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, copper ore, nickel ore, limestone, coal, and salt or operating grain or cold storage warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Sec. 9. **CONVERSION OF PERMITS.**

The holder of a valid class I or petroleum carrier certificate, a class II, class II-T, class II-L, livestock carrier, contract carrier, courier services carrier, local cartage carrier, temperature-controlled commodities or armored carrier permit, or a hazardous materials carrier who is registered under Minnesota Statutes, section 221.0355, on the effective date of this section, is deemed to have complied with Minnesota Statutes, section 221.0251. The commissioner shall issue a certificate of registration to any such certificate or permit holder or registered hazardous materials carrier. Upon the commissioner's issuance of a certificate of registration, the existing certificates or permits held become null and void, except hazardous materials permits.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 7 and 9 are effective the day following final enactment.

Presented to the governor March 25, 1996

Signed by the governor March 27, 1996, 11:15 a.m.

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