

221.012 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Armored carrier.** "Armored carrier" is a motor carrier engaged in providing armored carrier service.

Subd. 3. **Armored carrier service.** "Armored carrier service" means transportation of property in armored vehicles protected by at least one armed person other than the driver.

Subd. 4. **Bulk commodity.** "Bulk commodity" means a commodity that (1) can be poured, scooped, or shoveled into a vehicle, (2) is carried loose in that vehicle, (3) is confined by the bottom and sides of the vehicle, and (4) is not sacked, boxed, bundled, or otherwise assembled before delivery.

Subd. 5. **Certificated carrier.** "Certificated carrier" means a motor carrier holding a certificate of registration.

Subd. 6. **Class I carrier.** "Class I carrier" means a person who has been issued a certificate of registration.

Subd. 7. **Class II carrier.** "Class II carrier" means a person who has been issued a permit under section 221.121, subdivisions 6c to 6e, to operate as a class II carrier. Class II carrier includes persons who have been issued either a class II-T or class II-L permit, or both.

Subd. 8. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subd. 9. **Commuter van.** "Commuter van" means a motor vehicle used in a ridesharing arrangement and used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority:

(1) when the vehicle is operated by a person who does not drive the vehicle for that person's principal occupation but is driving it only to or from that person's principal place of employment or to or from a transit stop authorized by a local transit authority; or

(2) when the vehicle is operated for personal use at other times by an authorized driver.

Subd. 10. **Contiguous.** "Contiguous" means having any portion of a common boundary with another municipality or with one of a group of contiguous municipalities.

Subd. 11. **Contract carrier.** "Contract carrier" means a person engaged in the business of transporting property for hire over the highways under special contracts of carriage with the shippers or receivers of freight who require a specialized service to meet their needs.

Subd. 12. **Courier services carrier.** (a) "Courier services carrier" means any person who transports packages and articles except household goods by either:

(1) expedited delivery, which means that:

- (i) shipments are made by single axle straight truck or smaller vehicle;
- (ii) shipments are picked up within one hour of the shipper's initial request for service;
- (iii) after shipments are picked up, delivery is made within six hours; and
- (iv) there is no cross docking or overnight sorting of shipments; or

(2) overnight small package delivery, which means that:

(i) the transportation originates and ends on the same calendar day or the following business day;

(ii) no package or article of a shipment exceeds 100 pounds per item;

(iii) the aggregate of shipments received by a single consignee from a single consignor on a single calendar day does not exceed 400 pounds;

(iv) a vehicle at the point of delivery does not exceed 15,000 pounds gross vehicle weight;

(v) there may be cross docking or overnight sorting of shipments; and

(vi) operations of the courier services carrier may resemble operations of other types of carriers defined in this section.

(b) Courier service carriers must maintain accurate records of each shipment picked up and delivered, including (1) time of the request for service, (2) time of the pickup, (3) time of delivery, (4) weight of the shipment, and (5) the specific vehicle or vehicles used to transport the shipment.

Subd. 13. **Department.** "Department" means the Department of Transportation.

Subd. 14. **For hire.** "For hire" means for remuneration or compensation of any kind promised, paid, or given to or received by a person for the transportation of persons or property on the highways, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, when the purchase or sale of the property is not a bona fide purchase or sale. The transportation of property by a person who purchases it immediately before transporting it, and sells it immediately after transporting it, is transportation for hire. The lease or rental of a motor vehicle to a person for transportation of the person's property is transportation for hire and not private carriage when the lessor, directly or indirectly, serves as driver or obtains or arranges for a driver under the

terms of the motor vehicle lease. For hire does not include motor vehicle operations conducted by a private carrier.

Subd. 15. **Gross vehicle weight.** "Gross vehicle weight" has the meaning given it in section 169.011, subdivision 32.

Subd. 16. **Hazardous material.** "Hazardous material" means a substance or material determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and so designated by the United States secretary of transportation.

Subd. 17. **Hazardous substance.** "Hazardous substance" has the meaning given it in Code of Federal Regulations, title 49, section 171.8.

Subd. 18. **Hazardous waste.** "Hazardous waste" has the meaning given it in Code of Federal Regulations, title 49, section 171.8.

Subd. 19. **Household goods.** "Household goods" means personal effects and property used or to be used by the owner in the owner's dwelling; furniture, fixtures, equipment and property of business places and institutions, public or private, when a part of the stock, equipment, supplies or property of such establishments.

Subd. 20. **Interstate carrier.** "Interstate carrier" means any person engaged in transporting property or passengers for hire in interstate commerce in Minnesota, from or into Minnesota, or between any point in the state of Minnesota and the Dominion of Canada.

Subd. 21. **Less-than-truckload freight.** "Less-than-truckload freight" means freight carried by a motor carrier that is not truckload freight.

Subd. 22. **Lightweight vehicle.** "Lightweight vehicle" means a vehicle with a gross vehicle weight of 10,000 pounds or less, but does not include a vehicle transporting passengers for hire or a vehicle transporting hazardous materials that must be placarded or marked under Code of Federal Regulations, title 49, section 177.823.

Subd. 23. **Livestock carrier.** "Livestock carrier" means any person whose primary business is the transportation of livestock.

Subd. 24. **Local cartage carrier.** "Local cartage carrier" means a person engaged in transporting property or freight, other than household goods and petroleum products, for hire when the movement is entirely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by subdivision 17.

Subd. 25. **Motor carrier.** "Motor carrier" means a person engaged in the for-hire transportation of property or passengers. "Motor carrier" does not include a person providing transportation described in section 221.025, a building mover subject to section 221.81, or a person providing limousine service as defined in section 221.84.

Subd. 26. **Motor carrier of passengers.** "Motor carrier of passengers" means a person engaged in the for-hire transportation of passengers in vehicles designed to transport eight or more persons, including the driver.

Subd. 27. **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.

Subd. 28. **Out-of-service order.** "Out-of-service order" has the meaning given it in Code of Federal Regulations, title 49, section 383.5.

Subd. 29. **Permit.** "Permit" means the license, or franchise, which may be issued to motor carriers other than regular route common carriers of passengers, class I common carriers, and petroleum carriers, under the provisions of this chapter, authorizing the use of the highways of Minnesota for transportation for hire.

Subd. 30. **Permit carrier.** "Permit carrier" means a motor carrier embraced within this chapter other than regular route common carriers of passengers, class I carriers, and petroleum carriers.

Subd. 31. **Person.** "Person" means any individual, firm, copartnership, cooperative, company, association and corporation, or their lessees, trustees, or receivers. "Person" does not include the federal government, the state, or any political subdivision.

Subd. 32. **Petroleum carrier.** "Petroleum carrier" means any person engaged in the business of transporting for hire over the public highways petroleum products in bulk in quantities in excess of 2,000 gallons per load but it shall not include the transportation of such products between points or places wholly within a city, or wholly within a single group of contiguous cities.

Subd. 33. **Petroleum products.** "Petroleum products" means crude petroleum and natural gas and any and all derivatives arising out of the refinement thereof, including anhydrous ammonia and liquid fertilizer.

Subd. 34. **Petroleum transport.** "Petroleum transport" means a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk.

Subd. 35. **Private carrier.** "Private carrier" means a person engaged in the transportation of property or passengers by motor vehicle when:

(1) the person transporting the property or passengers is engaged in a business other than transportation; and

(2) the transportation is within the scope of and furthers a primary business, other than transportation, of that person.

"Private carrier" does not include a person while engaged in transportation described in section 221.025.

Subd. 36. **Public highway.** "Public highway" means every public street, alley, road, highway or thoroughfare of any kind, except waterways, open to public travel and use.

Subd. 37. **Service of notice and orders.** "Service of notice and orders" means depositing the notice and orders in the United States mails properly enveloped, addressed, and stamped, provided that service of a notice or order requiring an affirmative or negative action by a person must be by certified United States mail with return receipt.

Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service" means a service provided by a person engaged in the for-hire transportation of passengers in a vehicle designed to transport seven or fewer persons, including the driver.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, "small vehicle passenger service" also includes for-hire transportation of persons who are certified by the Metropolitan Council to use special transportation service provided under section 473.386, in a vehicle designed to transport not more than 15 persons including the driver, that is equipped with a wheelchair lift and at least three wheelchair securement positions.

Subd. 39. **Temperature-controlled commodity.** "Temperature-controlled commodity" means a commodity requiring protection from heat or cold that is transported with or without other commodities, provided that all such commodities move in mechanically temperature-controlled vehicles.

Subd. 40. **Terminal.** "Terminal" means (1) a facility that a motor carrier owns, leases, or otherwise controls, and uses to load, unload, dispense, receive, interchange, gather, or otherwise physically handle freight for shipment, or (2) any other location at which freight is exchanged by motor carriers between vehicles. "Terminal" does not mean a public warehouse with a storage capacity of at least 5,000 square feet that was licensed under chapter 231 on or before March 1, 1992.

Subd. 41. **Truckload freight.** "Truckload freight" means freight collected by a motor carrier (1) from one consignor at a single place and delivered directly to one or more consignees, or (2) from one or more consignors and delivered directly to one consignee at a single place.

Subd. 42. **Vehicle.** "Vehicle" means a vehicle or combination of vehicles used upon the highways for the transportation of persons or property.

History: *Ex1957 c 17 s 1; 1959 c 376 s 1; 1965 c 523 s 1; 1969 c 870 s 1; 1971 c 25 s 67; 1971 c 74 s 2; 1971 c 631 s 1; 1973 c 123 art 5 s 7; 1973 c 367 s 1; 1973 c 754 s 2; 1975 c 313 s 4,5; 1976 c 166 s 65-69; 1976 c 233 s 9; 1979 c 50 s 23; 1980 c 428 s 1,2; 1980 c 465 s 1; 1980 c 534 s 55-57; 1981 c 209 s 7,8; 1982 c 617 s 19; 1983 c 371 s 3-18; 1984 c 520 s 1-3; 1985 c 299 s 15,16; 1986 c 444; 1989 c 318 s 7,8; 1992 c 418 s 1; 1992 c 578 s 13-17; 1992 c 600 s 1-11; 1993 c 117 s 7,8,30; 1993 c 213 s 1,2; 1994 c 603 s 19; 1994 c 635 art 1 s 17,41; 1996 c 377 s 1,2; 1999 c 238 art 2 s 35-39; 2001 c 112 s 1; 2004 c 167 s 1; 2004 c 225 s 2; 2008 c 350 art 1 s 70*