

A bill for an act

relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding

subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

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

ARTICLE 1

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2006, section 117.041, is amended by adding a subdivision to read:

Subd. 3. **Geotechnical investigation before eminent domain proceedings.** (a) A state agency by order of the commissioner or a political subdivision by resolution may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to perform geotechnical investigations.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting permission to enter the property, stating the approximate time and purpose of the entry, and giving the owner the option of refusing entry. If the property owner refuses to consent to the entry, the state agency or political subdivision must apply for a court order authorizing the entry and the removal of any sample or portion from the property, giving notice of the court order to the property owner. The court shall issue an order if the state agency or political subdivision meets the standards in paragraph (a). Notices under this paragraph must be served in the same manner as a summons in a civil action.

(c) The state agency or political subdivision must not cause any unnecessary damage to the property and must compensate the property owner for any damages actually incurred as a result of the geotechnical investigations.

Sec. 2. Minnesota Statutes 2006, section 160.02, is amended by adding a subdivision to read:

Subd. 18a. **Expressway.** "Expressway" means a divided highway with partial control of access.

Sec. 3. Minnesota Statutes 2006, section 160.02, subdivision 19, is amended to read:

Subd. 19. **Freeway or expressway.** "Freeway" or "expressway" means a divided, controlled-access highway with four or more lanes full control of access.

Sec. 4. Minnesota Statutes 2006, section 160.80, is amended to read:

160.80 SIGN FRANCHISE PROGRAM.

Subdivision 1. **Commissioner may establish program.** (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, ~~and~~ lodging, and 24-hour pharmacies for the benefit of the motoring public.

(b) The sign franchise program must include urban interstate highways.

Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

(1) be open for business;

(2) have a sign on site that both identifies the business and is visible to motorists;

(3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;

(4) not impose a cover charge or otherwise require customers to purchase additional products or services; and

(5) meet the appropriate criteria in paragraphs (b) to ~~(e)~~ (f).

(b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ten hours a day, seven days a week except holidays as defined in section 645.44,

subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; and possess any required state or local licensing or approval. Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day, seven days a week, during their months of operation.

(d) Lodging businesses must include sleeping accommodations, provide public access to a telephone, and possess any required state or local licensing or approval.

(e) Camping businesses must include sites for camping, include parking accommodations for each campsite, provide sanitary facilities and drinking water, and possess any required state or local licensing or approval.

(f) 24-hour pharmacy businesses must be continuously operated 24 hours per day, seven days per week, and must have a state-licensed pharmacist present and on duty at all times.

(g) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.

~~(g)~~ (h) Seasonal businesses must indicate to motorists when they are open for business by either putting the full months of operation directly on the business panel or by having a "closed" plaque applied to the business panel when the business is closed for the season.

~~(h)~~ (i) The maximum distance that an eligible business in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County can be located from the interchange is: for gas businesses, one mile; for food businesses, two miles; for lodging businesses and 24-hour pharmacies, three miles; and for camping businesses, ten miles.

~~(i)~~ (j) The maximum distance that an eligible business in any other county can be located from the interchange shall not exceed 15 miles in either direction, except the maximum distance that an eligible 24-hour pharmacy business can be located from the interchange shall not exceed three miles in either direction.

~~(j)~~ (k) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: 24-hour pharmacy, camping, lodging, food, gas.

~~(k)~~ (l) If there is insufficient space on a logo sign panel to display all eligible businesses for a specific type of service, the businesses closest to the interchange have priority over businesses farther away from the interchange.

Subd. 2. **Franchises.** The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, ~~and~~ camping facilities, and 24-hour pharmacies. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, ~~and~~ camping facilities, and 24-hour pharmacies for the general public, and lease advertising space on the signs to operators of these facilities.

Subd. 3. **Costs.** All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.

Subd. 4. **Contract requirements.** (a) All contracts made by the commissioner with a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

(2) reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.

(b) The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

Subd. 5. **Restrictions.** The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds.

Sec. 5. Minnesota Statutes 2006, section 161.14, subdivision 18, is amended to read:

Subd. 18. **Voyageur Highway.** The following route is named and designated the "Voyageur Highway":

(a) Beginning at a point on Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly along Trunk Highway No. 26 to its junction with Trunk Highway No. 61; thence northwesterly along Trunk Highway No. 61 to its junction with Trunk Highway No. 10 in the city of St. Paul; thence extending in a general northwesterly direction along Trunk Highway No. 10 to its junction with Trunk Highway No. 371 at Little Falls; thence extending in a general northerly direction along Trunk Highway No. 371 to its junction with Trunk Highway No. 210 at Brainerd; thence northeasterly along Trunk Highway No. 210 to its junction with Trunk Highway

No. 169 at Aitkin; thence in a general northerly direction along Trunk Highway No. 169 to its junction with Trunk Highway No. 2 at Grand Rapids; thence northwesterly along Trunk Highway No. 2 to its junction with Trunk Highway No. 71 at Bemidji; thence northeasterly along Trunk Highway No. 71 to its junction with Trunk Highway No. 11 at Pelland; thence northeasterly along Trunk Highway No. 11 to its junction with Trunk Highway No. 53 at International Falls; thence southeasterly along Trunk Highway No. 53 to its junction with ~~Trunk Highway No. 61~~ Central Entrance at Duluth; Beginning at a point on Trunk Highway No. 61 at its junction with Interstate Highway 35 and thence northeasterly along Trunk Highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur Highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

Beginning at a point on Trunk Highway No. 1 at its junction with Trunk Highway No. 61 northerly of Silver Bay; thence northwesterly along Trunk Highway No. 1 to Ely; thence southwesterly along Trunk Highway No. 1 to its junction with Trunk Highway No. 169; thence southerly and westerly along Trunk Highway No. 169 to its junction with Trunk Highway No. 53, and there terminating.

Beginning at a point on Trunk Highway No. 11 at its junction with Trunk Highway No. 53 at International Falls; thence easterly along Trunk Highway No. 11 to its easterly terminus near Island View.

Beginning at a point on Trunk Highway No. 33 at its junction with Interstate Highway marked I-35 southerly of Cloquet, thence northerly along Trunk Highway No. 33 to its junction with Trunk Highway No. 53.

(c) The commissioner of transportation shall:

(1) adopt a suitable marking design of signs or informational plaques;

(2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

Sec. 6. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 57. **Walter F. Mondale Drive.** Trunk Highway marked 53 from its intersection with Superior Street to its intersection with Central Entrance in the city of Duluth, as signed on the effective date of this section, is designated "Walter F. Mondale Drive." Subject to section 161.139, the commissioner of transportation shall adopt a suitable marking design to mark this highway and erect appropriate signs.

H.F. No. 1351, 2nd Engrossment - 85th Legislative Session (2007-2008)

Sec. 7. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 58. **Dallas Sams Memorial Highway.** That portion of Legislative Route No. 2, signed as Trunk Highway 210 on the date of final enactment of this section, from the city of Motley to the city of Staples, is designated as the "Dallas Sams Memorial Highway." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 8. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 59. **Purple Heart Trail.** Statutory Route No. 392, described in section 161.12 and marked on the effective date of this section as Interstate Highway 94, is designated in its entirety within Minnesota as the Purple Heart Trail. Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs at each safety rest area located on the highway.

Sec. 9. Minnesota Statutes 2006, section 161.32, subdivision 1, is amended to read:

Subdivision 1. **Advertisement for bids.** The commissioner may conduct the work or any part of the work incidental to the construction and maintenance of the trunk highways by labor employed to do the work or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, may either reject all bids and readvertise, or do the work by labor employed to do the work. Except as provided in subdivision 3 or 4, when work is to be done under contract, the commissioner shall advertise for bids once each week for three successive weeks prior to the date the bids are to be received. The advertisement for bids must be published ~~in a newspaper or other periodical of general circulation in the state and may be placed~~ on the Internet. The plans and specifications for the proposed work must be on file in the commissioner's office prior to the first call for bids.

Sec. 10. Minnesota Statutes 2006, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. **Lowest responsible bidder; electronic bids.** Bidders may submit bids electronically in a form and manner required by the commissioner; however, the commissioner may require that all bids ~~of \$5,000,000 and over~~ for trunk highway contracts must be submitted electronically. Notwithstanding section 13.591, subdivision 3, or any other law or rule to the contrary, bids are not required to be opened and read in public if the commissioner publishes the public data specified by section 13.591, subdivision 3,

on a state Web site immediately after the deadline for receipt of bids has passed. Bids for federal-aid highway projects must be conducted in accordance with Code of Federal Regulations, title 23, section 635. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. When competitive bids are required and all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 11. Minnesota Statutes 2006, section 161.32, subdivision 4, is amended to read:

Subd. 4. **Trunk highways damaged by spring breakup.** Contracts may be let for the repair and restoration of trunk highways damaged by spring breakup upon advertisement for bids ~~and publication thereof in a newspaper or periodical of general circulation~~ for a period of one week prior to the date such bids are to be received, and upon the mailing of such advertisements to all contractors who have filed a written request therefor.

Sec. 12. **[161.3203] CONTRACTS FOR WORK, SUPPLIES, OR MATERIALS FOR TRUNK HIGHWAY.**

Subdivision 1. **Privatization transportation contracts.** For purposes of this section, "privatization transportation contract" means an enforceable agreement, or combination or series of agreements, by which a private contractor agrees with the commissioner of transportation to provide work, supplies, or materials (1) that is incidental to the construction or improvement of trunk highways, including but not limited to predesign, design, and preliminary engineering, or (2) for maintenance of trunk highways. A privatization transportation contract does not include a design-build contract as defined in section 161.3410, subdivision 3.

Subd. 2. **Applicability.** This section applies to privatization transportation contracts in a total amount of \$25,000 or more. The requirements imposed by this section are in addition to, and do not supersede, the requirements of any other applicable section of law.

Subd. 3. **Review of contract costs.** (a) Before entering into a privatization transportation contract, the commissioner of transportation shall prepare a comprehensive written estimate of the cost of having the same work, supplies, or materials provided in the

most cost-effective manner by agency employees. The cost estimate must include all costs of having agency employees provide the work, supplies, or materials, including the cost of pension, insurance, and other employee benefits. The cost estimate is nonpublic data, as defined in section 13.02, subdivision 9, until the day after the deadline for receipt of responses under paragraph (b), when it becomes public data.

(b) After soliciting and receiving responses, the commissioner shall publicly designate the responder to which it proposes to award the privatization contract. The commissioner shall prepare a comprehensive written estimate of the cost of the proposal based on the designated responder's bid, including the cost of a transition from public to private provision of the work, any additional unemployment and retirement benefits resulting from the transfer, and costs associated with monitoring the proposed contract. If the designated responder proposes to perform any or all of the desired services outside the state, the commissioner of transportation shall include in the cost estimate, as nearly as possible, any loss of sales and income tax revenue to the state. The cost estimate must not include trade secret data which is classified as nonpublic data under section 13.37, subdivision 2.

(c) Before entering into a privatization transportation contract for \$250,000 or more, the commissioner shall determine that:

(1) the cost estimated under paragraph (b) will be lower than the cost estimated under paragraph (a);

(2) the quality of the work, supplies, or materials to be provided by the designated responder is likely to equal or exceed the quality of services that could be provided by Department of Transportation employees; and

(3) the proposed privatization contract is in the public interest.

Subd. 4. **Reports.** The commissioner shall provide, no later than September 1, an annual written report to the legislature, in compliance with sections 3.195 and 3.197, and shall submit the report to the chairs of the senate and house of representatives committees having jurisdiction over transportation. The report must list all privatization transportation contracts within the meaning of this section that were executed or performed, whether wholly or in part, in the previous fiscal year. The report must identify, with respect to each contract: the contractor; contract amount; duration; work, supplies, or materials provided or to be provided; the comprehensive estimate derived under subdivision 3, paragraph (a); the comprehensive estimate derived under subdivision 3, paragraph (b); the actual cost to the agency of the contractor's performance of the contract; and for contracts of at least \$250,000, a statement containing the commissioner's determinations under subdivision 3, paragraph (c).

10.1 Subd. 5. **Short title.** This section may be cited as the "Taxpayers' Transportation
10.2 Accountability Act."

10.3 **EFFECTIVE DATE.** This section is effective August 1, 2007.

10.4 Sec. 13. Minnesota Statutes 2006, section 164.06, subdivision 2, is amended to read:

10.5 Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice
10.6 ~~under section 366.01, subdivision 8~~ as required in paragraph (c), the town board may by
10.7 resolution disclaim and extinguish a town interest in a town road without action under
10.8 subdivision 1 if:

10.9 (1) the extinguishment is found by the town board to be in the public interest;

10.10 (2) the interest is not a fee interest;

10.11 (3) the interest was established more than 25 years earlier;

10.12 (4) the interest is not recorded or filed with the county recorder;

10.13 (5) no road improvement has been constructed on a right-of-way affected by the
10.14 interest within the last 25 years; and

10.15 (6) no road maintenance on a right-of-way affected by the interest has occurred
10.16 within the last 25 years.

10.17 (b) The resolution shall be filed with the county auditor and recorded with the
10.18 county recorder.

10.19 (c) Before the meeting on any resolution to disclaim and extinguish a town interest
10.20 in a town road under this subdivision, the town board shall provide notice to affected
10.21 landowners in the same manner as a petitioner under section 164.07, subdivision 2. A
10.22 notice must also be posted as provided under section 366.01, subdivision 8.

10.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.24 Sec. 14. Minnesota Statutes 2006, section 165.01, is amended to read:

10.25 **165.01 DEFINITIONS.**

10.26 Subdivision 1. Scope. For the purposes of this chapter, the terms defined in this
10.27 section and section 160.02 ~~shall~~ have the ~~same~~ meanings given them.

10.28 Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition
10.29 Evaluation of Bridges, published by the American Association of State Highway and
10.30 Transportation Officials.

10.31 Sec. 15. Minnesota Statutes 2006, section 165.03, is amended to read:

10.32 **165.03 STRENGTH OF BRIDGE; INSPECTION.**

11.1 Subdivision 1. **Standards generally.** Each bridge, including a privately owned
11.2 bridge, must conform to the strength, width, clearance, and safety standards imposed
11.3 by the commissioner for the connecting highway or street. This subdivision applies to
11.4 a bridge that is constructed after August 1, 1989, on any public highway or street. The
11.5 bridge must have sufficient strength to support with safety the maximum vehicle weights
11.6 allowed under sections 169.822 to 169.829 and must have the minimum width specified
11.7 in section 165.04, subdivision 3.

11.8 Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer
11.9 interval not to exceed two years for bridges or four years for bridges classified as culverts
11.10 is authorized by the commissioner. The commissioner's authorization must be based
11.11 on factors including, but not limited to, the age and condition of the bridge, the rate of
11.12 deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure,
11.13 and the characteristics of traffic on the bridge. The commissioner may require interim
11.14 inspections at intervals of less than one year on bridges that are posted, bridges subjected
11.15 to extreme scour conditions, bridges subject to significant substructure movement or
11.16 settlement, and for other reasons as specified or inferred in the AASHTO manual.

11.17 (b) The thoroughness of each inspection depends on such factors as age, traffic
11.18 characteristics, state of maintenance, and known deficiencies. The evaluation of these
11.19 factors is the responsibility of the engineer assigned the responsibility for inspection as
11.20 defined by rule adopted by the commissioner of transportation.

11.21 Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The
11.22 commissioner of transportation shall adopt official inventory and bridge inspection report
11.23 forms for use in making bridge inspections by the owners or highway authorities specified
11.24 by this subdivision. ~~Bridge~~ Inspections shall must be made at regular intervals, not to
11.25 exceed two years for bridges and not to exceed four years for culverts, by the following
11.26 owner or official:

11.27 (1) the commissioner of transportation for all bridges located wholly or partially
11.28 within or over the right-of-way of a state trunk highway;

11.29 (2) the county highway engineer for all bridges located wholly or partially within
11.30 or over the right-of-way of any county or ~~township~~ town road, or any street within a
11.31 municipality ~~which~~ that does not have a city engineer regularly employed;

11.32 (3) the city engineer for all bridges located wholly or partially within or over the
11.33 right-of-way of any street located within or along municipal limits;

11.34 (4) the commissioner of transportation in case of a toll bridge that is used by the
11.35 general public and that is not inspected and certified under subdivision 6; provided, that the
11.36 commissioner of transportation may assess the owner for the costs of ~~such~~ the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

(b) The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of; or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. **Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of; or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. **Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph (a), clause (5), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. The certification ~~shall~~ must be accompanied by a report of the inspection. The report ~~shall~~

13.1 must contain recommendations for the correction of or legal posting of load limitations if
13.2 the bridge is found to be understrength or unsafe.

13.3 Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding
13.4 subdivision 2, the commissioners of transportation and natural resources shall negotiate a
13.5 memorandum of understanding that governs the inspection of bridges owned, operated,
13.6 or maintained by the commissioner of natural resources.

13.7 (b) The memorandum of understanding must provide for:

13.8 (1) the inspection and inventory of bridges subject to federal law or regulations;

13.9 (2) the frequency of inspection of bridges described in paragraph (a); and

13.10 (3) who may perform inspections required under the memorandum of understanding.

13.11 Sec. 16. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

13.12 Subd. 22. **Special mobile equipment.** "Special mobile equipment" means every
13.13 vehicle not designed or used primarily for the transportation of persons or property
13.14 and only incidentally operated or moved over a highway, including but not limited to:
13.15 ditch-digging apparatuses, moving dollies, pump hoists and other water well-drilling
13.16 equipment registered under chapter 103I, vehicle-mounted concrete pumps with or
13.17 without placement booms, street-sweeping vehicles, and other machinery such as
13.18 asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors,
13.19 ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers,
13.20 truck-mounted log loaders, earth-moving carryalls, scrapers, power shovels, draglines,
13.21 self-propelled cranes, and earth-moving equipment. The term does not include travel
13.22 trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other
13.23 motor vehicles designed for the transportation of persons or property to which machinery
13.24 has been attached.

13.25 Sec. 17. Minnesota Statutes 2006, section 168A.01, is amended by adding a
13.26 subdivision to read:

13.27 Subd. 1a. **Commissioner.** "Commissioner" means the commissioner of public
13.28 safety.

13.29 Sec. 18. Minnesota Statutes 2006, section 168A.05, subdivision 3, is amended to read:

13.30 Subd. 3. **Content of certificate.** Each certificate of title issued by the department
13.31 shall contain:

13.32 (1) the date issued;

14.1 (2) the first, middle, and last names, ~~and the dates of birth, and addresses~~ of all
14.2 owners who are natural persons, ~~and the full names and addresses~~ of all other owners;

14.3 (3) the residence address of the owner listed first if that owner is a natural person or
14.4 the address if that owner is not a natural person;

14.5 (4) ~~the names and addresses~~ of any secured parties, and the address of the first
14.6 secured party, listed in the order of priority (i) as shown on the application, or (ii) if the
14.7 application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise
14.8 determined by the department;

14.9 ~~(4)~~ (5) any liens filed pursuant to a court order or by a public agency responsible for
14.10 child support enforcement against the owner;

14.11 ~~(5)~~ (6) the title number assigned to the vehicle;

14.12 ~~(6)~~ (7) a description of the vehicle including, so far as the following data exists, its
14.13 make, model, year, identifying number, type of body, whether new or used, and if a new
14.14 vehicle, the date of the first sale of the vehicle for use;

14.15 ~~(7)~~ (8) with respect to ~~a motor vehicles~~ a vehicle subject to ~~the provisions of~~ section
14.16 325E.15, (i) the true cumulative mileage registered on the odometer or (ii) that the actual
14.17 mileage is unknown if the odometer reading is known by the owner to be different from
14.18 the true mileage;

14.19 ~~(8)~~ (9) with respect to ~~vehicles~~ a vehicle subject to sections 325F.6641 and
14.20 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or
14.21 "reconstructed";

14.22 ~~(9)~~ (10) with respect to a vehicle contaminated by methamphetamine production, if
14.23 the registrar has received the certificate of title and notice described in section 152.0275,
14.24 subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle"; ~~and~~

14.25 ~~(10)~~ (11) with respect to a vehicle subject to section 325F.665, the term "lemon law
14.26 vehicle"; and

14.27 (12) any other data the department prescribes.

14.28 Sec. 19. Minnesota Statutes 2006, section 168A.05, subdivision 5, is amended to read:

14.29 Subd. 5. **Forms.** (a) The certificate of title shall contain forms:

14.30 (1) for assignment and warranty of title by the owner;

14.31 (2) for assignment and warranty of title by a dealer;

14.32 (3) to apply for a certificate of title by a transferee;

14.33 (4) to name a secured party; and

14.34 (5) to make the disclosure required by section 325F.6641.

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(b) The certificate of title must also include a separate detachable ~~postcard~~ form entitled "Notice of Sale" that contains, but is not limited to, the vehicle's title number and vehicle identification number. The ~~postcard~~ form must include sufficient space for the owner to record the purchaser's name, address, and driver's license number, if any, and the date of sale. The notice of sale must include clear instructions regarding the owner's responsibility to complete and return the form, or to transmit the required information electronically in a form acceptable to the commissioner, pursuant to section 168A.10, subdivision 1.

Sec. 20. Minnesota Statutes 2006, section 168A.10, subdivision 1, is amended to read:

Subdivision 1. **Assignment and warranty of title; mileage; notice of sale.** If an owner transfers interest in a vehicle other than by the creation of a security interest, the owner shall at the time of the delivery of the vehicle execute an assignment and warranty of title to the transferee and shall state the actual selling price in the space provided on the certificate. Within ten days of the date of sale, other than a sale by or to a licensed motor vehicle dealer, the owner shall: (1) complete, detach, and return to the department the ~~postcard~~ form on the certificate entitled "Notice of Sale," if one is provided, including the transferee's name, address, and driver's license number, if any, and the date of sale; or (2) transmit this information electronically in a form acceptable to the commissioner. With respect to motor vehicles subject to the provisions of section 325E.15, the transferor shall also, in the space provided therefor on the certificate, state the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. The transferor shall cause the certificate and assignment to be delivered to the transferee immediately.

Sec. 21. Minnesota Statutes 2006, section 168A.101, is amended to read:

168A.101 CANCELLATION OF MOTOR VEHICLE SALE.

Subdivision 1. **Required documentation.** If the parties cancel a purchase of a motor vehicle after the transfer of interest, they must submit within 90 days of the original purchase date the following items:

(1) ~~the outstanding certificate of title with proper assignment, and~~ a written claim for refund;

(2) an affidavit correcting ownership signed by the parties; and

(3) the outstanding certificate of title, if available, with proper assignment.

Subd. 2. **Refunds.** A party may be eligible for a refund of taxes ~~and fees paid~~ pursuant to chapter 297B only if the items indicated in subdivision 1 are submitted within

16.1 the 90-day time frame unless otherwise provided by law. No other taxes or fees paid may
16.2 be refunded due to the cancellation of a motor vehicle sale.

16.3 Sec. 22. Minnesota Statutes 2006, section 168A.151, subdivision 1, is amended to read:

16.4 Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in
16.5 Minnesota, acquires ownership of a late-model or high-value vehicle through payment
16.6 of damages, the insurer shall immediately apply for a salvage certificate of title or shall
16.7 stamp the existing certificate of title with the legend "SALVAGE CERTIFICATE OF
16.8 TITLE" in a manner prescribed by the department. Within 48 hours of taking possession
16.9 of a vehicle through payment of damages, an insurer must notify the department in a
16.10 manner prescribed by the department.

16.11 ~~(b) Any person who acquires a damaged motor vehicle with an out-of-state title and~~
16.12 ~~the cost of repairs exceeds the value of the damaged vehicle or a motor vehicle with an~~
16.13 ~~out-of-state salvage title or certificate, as proof of ownership, shall immediately apply for~~
16.14 ~~a salvage certificate of title. A person shall immediately apply for a salvage certificate~~
16.15 of title if the person acquires a damaged late-model or high-value motor vehicle with an
16.16 out-of-state title, and the vehicle:

16.17 (1) is a vehicle that was acquired by an insurer through payment of damages;

16.18 (2) is a vehicle for which the cost of repairs exceeds the value of the damaged
16.19 vehicle; or

16.20 (3) has an out-of-state salvage certificate of title as proof of ownership.

16.21 (c) A self-insured owner of a late-model or high-value vehicle who sustains damage
16.22 by collision or other occurrence which exceeds 70 percent of its actual cash value
16.23 shall immediately apply for a salvage certificate of title. Damage, for the purpose of
16.24 this calculation, does not include the actual cost incurred to repair, replace, or reinstall
16.25 inflatable safety restraints and other vehicle components that must be replaced due to the
16.26 deployment of the inflatable safety restraints.

16.27 Sec. 23. Minnesota Statutes 2006, section 168A.153, is amended to read:

16.28 **168A.153 REPORT OF VEHICLE RECEIPT;~~SURRENDER OF~~**
16.29 **~~CERTIFICATE.~~**

16.30 Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle
16.31 to be dismantled or destroyed shall report to the department within 30 days including
16.32 the vehicle's license plate number and identification number, and the seller's name and
16.33 driver's license number.

Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and ~~then surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days~~ the commissioner in the manner prescribed in subdivision 3. The dealer must then properly destroy the certificate of title.

Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.** Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the vehicle to be dismantled or destroyed. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Sec. 24. Minnesota Statutes 2006, section 169.01, subdivision 4c, is amended to read:

Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has ~~either (1) no more than two ten-inch~~ 12-inch or smaller diameter wheels ~~or (2) and has~~ an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 25. Minnesota Statutes 2006, section 169.01, subdivision 19, is amended to read:

Subd. 19. **Explosives.** ~~"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb~~ has the meaning given in Code of Federal Regulations, title 49, section 173.50.

Sec. 26. Minnesota Statutes 2006, section 169.01, subdivision 20, is amended to read:

Subd. 20. **Flammable liquid.** ~~"Flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent~~

18.1 ~~closed cup test device~~ has the meaning given in Code of Federal Regulations, title 49,
18.2 section 173.120.

18.3 Sec. 27. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision
18.4 to read:

18.5 Subd. 92. **Valid license; valid driver's license.** "Valid license," "valid driver's
18.6 license," "valid Minnesota driver's license," "valid standard driver's license," or other
18.7 similar term, has the meaning given in section 171.01, subdivision 49a.

18.8 Sec. 28. Minnesota Statutes 2006, section 169.06, subdivision 5, is amended to read:

18.9 Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control
18.10 signals exhibiting different colored lights, or colored lighted arrows, successively one at a
18.11 time or in combination, only the colors Green, Red, and Yellow shall be used, except for
18.12 special pedestrian signals carrying a word or legend. The traffic-control signal lights or
18.13 colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

18.14 (1) Green indication:

18.15 (i) Vehicular traffic facing a circular green signal may proceed straight through or
18.16 turn right or left unless a sign at such place prohibits either turn. But vehicular traffic,
18.17 including vehicles turning right or left, shall yield the right-of-way to other vehicles
18.18 and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this
18.19 signal is exhibited.

18.20 (ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with
18.21 another indication, may cautiously enter the intersection only to make the movement
18.22 indicated by the arrow, or other movement as permitted by other indications shown at the
18.23 same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully
18.24 within an adjacent crosswalk and to other traffic lawfully using the intersection.

18.25 (iii) Unless otherwise directed by a pedestrian-control signal as provided in
18.26 subdivision 6, pedestrians facing any green signal, except when the sole green signal is a
18.27 turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
18.28 Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the
18.29 pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the
18.30 time that the green signal indication is first shown.

18.31 (2) Steady yellow indication:

18.32 (i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby
18.33 warned that the related green movement is being terminated or that a red indication will be
18.34 exhibited immediately thereafter when vehicular traffic must not enter the intersection,

19.1 except for the continued movement allowed by any green arrow indication simultaneously
19.2 exhibited.

19.3 (ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a
19.4 pedestrian-control signal as provided in subdivision 6, are thereby advised that there is
19.5 insufficient time to cross the roadway before a red indication is shown and no pedestrian
19.6 shall then start to cross the roadway.

19.7 ~~(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that~~
19.8 ~~the protected vehicular movement permitted by the corresponding prior green arrow~~
19.9 ~~indication is being terminated.~~

19.10 (3) Steady red indication:

19.11 (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked
19.12 stop line but, if none, before entering the crosswalk on the near side of the intersection
19.13 or, if none, then before entering the intersection and shall remain standing until a green
19.14 indication is shown, except as follows: (A) the driver of a vehicle stopped as close
19.15 as practicable at the entrance to the crosswalk on the near side of the intersection or,
19.16 if none, then at the entrance to the intersection in obedience to a red or stop signal,
19.17 and with the intention of making a right turn may make the right turn, after stopping,
19.18 unless an official sign has been erected prohibiting such movement, but shall yield the
19.19 right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal
19.20 at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another
19.21 one-way street on which traffic moves to the left shall stop in obedience to a red or stop
19.22 signal and may then make a left turn into the one-way street, unless an official sign has
19.23 been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and
19.24 other traffic lawfully proceeding as directed by the signal at that intersection.

19.25 (ii) Unless otherwise directed by a pedestrian-control signal as provided in
19.26 subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

19.27 (iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a
19.28 movement indicated by the arrow, must stop at a clearly marked stop line but, if none,
19.29 before entering the crosswalk on the near side of the intersection or, if none, then before
19.30 entering the intersection and must remain standing until a permissive signal indication
19.31 permitting the movement indicated by the red arrow is displayed, except as follows: when
19.32 an official sign has been erected permitting a turn on a red arrow signal, the vehicular
19.33 traffic facing a red arrow signal indication is permitted to enter the intersection to turn
19.34 right, or to turn left from a one-way street into a one-way street on which traffic moves
19.35 to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic
19.36 lawfully proceeding as directed by the signal at that intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

(c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection controls vehicular traffic for that movement or lane.

Sec. 29. Minnesota Statutes 2006, section 169.14, subdivision 2, is amended to read:

Subd. 2. **Speed limits.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district or on a town road in a rural residential district;

(2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18a, and noninterstate freeways ~~and expressways~~, as defined in section 160.02, subdivision 19;

(3) 55 miles per hour in locations other than those specified in this section;

(4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(6) ten miles per hour in alleys; and

(7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built

21.1 up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter
21.2 mile or more.

21.3 (d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary,
21.4 a person who violates a speed limit established in this subdivision, or a speed limit
21.5 designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles
21.6 per hour or more in excess of the applicable speed limit, is assessed an additional surcharge
21.7 equal to the amount of the fine imposed for the speed violation, but not less than \$25.

21.8 Sec. 30. Minnesota Statutes 2006, section 169.14, is amended by adding a subdivision
21.9 to read:

21.10 Subd. 2a. **Speed violations; less than 20 miles over limit.** Notwithstanding any
21.11 law or rule to the contrary, the amount of the fine imposed for a speed violation by driving
21.12 19 miles per hour or less in excess of the applicable speed limit is assessed at the June
21.13 30, 2003, amount.

21.14 **EFFECTIVE DATE.** This section is effective July 1, 2009.

21.15 Sec. 31. Minnesota Statutes 2006, section 169.14, is amended by adding a subdivision
21.16 to read:

21.17 Subd. 2b. **Limit on speed violation fines.** Notwithstanding any law or rule to the
21.18 contrary, a statutory or home rule charter city, town, county, or other political subdivision
21.19 may not impose a fine in excess of the amount of the fine imposed for a speed violation
21.20 on the effective date of this subdivision.

21.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.22 Sec. 32. Minnesota Statutes 2006, section 169.34, is amended to read:

21.23 **169.34 PROHIBITIONS; STOPPING, PARKING.**

21.24 Subdivision 1. **Prohibitions.** (a) No person shall stop, stand, or park a vehicle,
21.25 except when necessary to avoid conflict with other traffic or in compliance with the
21.26 directions of a police officer or traffic-control device, in any of the following places:

- 21.27 (1) on a sidewalk;
21.28 (2) in front of a public or private driveway;
21.29 (3) within an intersection;
21.30 (4) within ten feet of a fire hydrant;
21.31 (5) on a crosswalk;
21.32 (6) within 20 feet of a crosswalk at an intersection;

22.1 (7) within 30 feet upon the approach to any flashing beacon, stop sign, or
22.2 traffic-control signal located at the side of a roadway;

22.3 (8) between a safety zone and the adjacent curb or within 30 feet of points on the
22.4 curb immediately opposite the ends of a safety zone, unless a different length is indicated
22.5 by signs or markings;

22.6 (9) within 50 feet of the nearest rail of a railroad crossing;

22.7 (10) within 20 feet of the driveway entrance to any fire station and on the side of
22.8 a street opposite the entrance to any fire station within 75 feet of said entrance when
22.9 properly signposted;

22.10 (11) alongside or opposite any street excavation or obstruction when such stopping,
22.11 standing, or parking would obstruct traffic;

22.12 (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a
22.13 street;

22.14 (13) upon any bridge or other elevated structure upon a highway or within a highway
22.15 tunnel, except as otherwise provided by ordinance;

22.16 (14) at any place where official signs prohibit stopping.

22.17 (b) No person shall move a vehicle not owned by such person into any prohibited
22.18 area or away from a curb such distance as is unlawful.

22.19 (c) No person shall, for camping purposes, leave or park a travel trailer on or within
22.20 the limits of any highway or on any highway right-of-way, except where signs are erected
22.21 designating the place as a campsite.

22.22 (d) No person shall stop or park a vehicle on a street or highway when directed or
22.23 ordered to proceed by any peace officer invested by law with authority to direct, control,
22.24 or regulate traffic.

22.25 Subd. 2. Violation; penalty for owner or lessee. (a) If a motor vehicle is stopped,
22.26 standing, or parked in violation of subdivision 1, the owner of the vehicle, or for a leased
22.27 motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

22.28 (b) The owner or lessee may not be fined under paragraph (a) if (1) another person
22.29 is convicted for, or pleads guilty to, that violation, or (2) the motor vehicle was stolen at
22.30 the time of the violation.

22.31 (c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a
22.32 record of the name and address of the lessee.

22.33 (d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle
22.34 operator for violating subdivision 1.

22.35 (e) A violation under paragraph (a) does not constitute grounds for revocation or
22.36 suspension of the owner's or lessee's driver's license.

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23.1 Sec. 33. Minnesota Statutes 2006, section 169.471, subdivision 1, is amended to read:

23.2 Subdivision 1. **Television screen in vehicle.** No television screen shall be installed
23.3 or used in any motor vehicle where it is visible to the driver while operating the motor
23.4 vehicle except:

23.5 (1) video screens installed in law enforcement vehicles;

23.6 (2) closed-circuit video systems used exclusively to aid the driver's visibility to
23.7 the front, rear, or sides of the vehicle; and

23.8 (3) video screens installed as part of a vehicle control system or used in intelligent
23.9 vehicle highway applications.

23.10 Sec. 34. Minnesota Statutes 2006, section 171.01, is amended by adding a subdivision
23.11 to read:

23.12 Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's
23.13 license," "valid Minnesota driver's license," "valid standard driver's license," or other
23.14 similar term, means any operator's license, provisional license, temporary license, limited
23.15 license, permit, or other license to operate a motor vehicle issued or issuable under the
23.16 laws of this state by the commissioner, or by another state or jurisdiction if specified,
23.17 that is (1) not expired, suspended, revoked, or canceled, and (2) not disqualified for the
23.18 class of vehicle being operated.

23.19 Sec. 35. Minnesota Statutes 2006, section 171.02, subdivision 1, is amended to read:

23.20 Subdivision 1. **License required; duplicate identification restricted.** (a) Except
23.21 when expressly exempted, a person shall not drive a motor vehicle upon a street or
23.22 highway in this state unless the person has a ~~license~~ valid license under this chapter for
23.23 the type or class of vehicle being driven.

23.24 (b) The department shall not issue a driver's license to a person unless and until the
23.25 person's license from any jurisdiction has been invalidated. The department shall provide
23.26 to the issuing department of any jurisdiction, information that the licensee is now licensed
23.27 in Minnesota. A person is not permitted to have more than one valid driver's license
23.28 at any time. The department shall not issue to a person to whom a current Minnesota
23.29 identification card has been issued a driver's license, other than a limited license, unless
23.30 the person's Minnesota identification card has been invalidated. This subdivision does
23.31 not require invalidation of a tribal identification card as a condition of receiving a driver's
23.32 license.

23.33 Sec. 36. Minnesota Statutes 2006, section 171.06, subdivision 3, is amended to read:

- 24.1 Subd. 3. **Contents of application; other information.** (a) An application must:
- 24.2 (1) state the full name, date of birth, sex, and either (i) the residence address of the
- 24.3 applicant, or (ii) the designated address under section 5B.05;
- 24.4 (2) as may be required by the commissioner, contain a description of the applicant
- 24.5 and any other facts pertaining to the applicant, the applicant's driving privileges, and the
- 24.6 applicant's ability to operate a motor vehicle with safety;
- 24.7 (3) state:
- 24.8 (i) the applicant's Social Security number; or
- 24.9 (ii) if the applicant does not have a social security number and is applying for a
- 24.10 Minnesota identification card, instruction permit, or class D provisional or driver's license,
- 24.11 that the applicant certifies that the applicant does not have a Social Security number;
- 24.12 (4) contain a space where the applicant may indicate a desire to make an anatomical
- 24.13 gift according to paragraph (b); and
- 24.14 (5) contain a notification to the applicant of the availability of a living will/health
- 24.15 care directive designation on the license under section 171.07, subdivision 7.
- 24.16 (b) If the applicant does not indicate a desire to make an anatomical gift when
- 24.17 the application is made, the applicant must be offered a donor document in accordance
- 24.18 with section 171.07, subdivision 5. The application must contain statements sufficient
- 24.19 to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections
- 24.20 525.921 to 525.9224, so that execution of the application or donor document will make
- 24.21 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
- 24.22 desire to make an anatomical gift. The application must be accompanied by information
- 24.23 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
- 24.24 anatomical gifts, and the legal implications of making an anatomical gift, including the
- 24.25 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
- 24.26 that must accompany all applications for and renewals of a driver's license or Minnesota
- 24.27 identification card. The notice must be prepared in conjunction with a Minnesota organ
- 24.28 procurement organization that is certified by the federal Department of Health and Human
- 24.29 Services and must include:
- 24.30 (1) a statement that provides a fair and reasonable description of the organ donation
- 24.31 process, the care of the donor body after death, and the importance of informing family
- 24.32 members of the donation decision; and
- 24.33 (2) a telephone number in a certified Minnesota organ procurement organization that
- 24.34 may be called with respect to questions regarding anatomical gifts.
- 24.35 (c) The application must be accompanied also by information containing relevant
- 24.36 facts relating to:

- 25.1 (1) the effect of alcohol on driving ability;
- 25.2 (2) the effect of mixing alcohol with drugs;
- 25.3 (3) the laws of Minnesota relating to operation of a motor vehicle while under the
- 25.4 influence of alcohol or a controlled substance; and
- 25.5 (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests
- 25.6 for alcohol-related violations.

25.7 Sec. 37. Minnesota Statutes 2006, section 171.07, subdivision 1, is amended to read:

25.8 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the

25.9 department shall issue to every qualifying applicant a license designating the type or class

25.10 of vehicles the applicant is authorized to drive as applied for. This license must bear a

25.11 distinguishing number assigned to the licensee; the licensee's full name; and date of birth;

25.12 ~~and~~; either (1) the licensee's residence address, or (2) the designated address under section

25.13 5B.05; the license class, endorsements, and restrictions imposed, if any; a description of

25.14 the licensee in a manner as the commissioner deems necessary; and the usual signature of

25.15 the licensee. No license is valid unless it bears the usual signature of the licensee. Every

25.16 license must bear a colored photograph or an electronically produced image of the licensee.

25.17 (b) If the United States Postal Service will not deliver mail to the applicant's

25.18 residence address as listed on the license, then the applicant shall provide verification from

25.19 the United States Postal Service that mail will not be delivered to the applicant's residence

25.20 address and that mail will be delivered to a specified alternate mailing address. When an

25.21 applicant provides an alternate mailing address under this subdivision, the commissioner

25.22 shall use the alternate mailing address in lieu of the applicant's residence address for

25.23 all notices and mailings to the applicant.

25.24 (c) Every license issued to an applicant under the age of 21 must be of a

25.25 distinguishing color and plainly marked "Under-21."

25.26 (d) The department shall use processes in issuing a license that prohibit, as nearly as

25.27 possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a

25.28 photograph or electronically produced image on a license, without ready detection.

25.29 (e) A license issued to an applicant age 65 or over must be plainly marked "senior" if

25.30 requested by the applicant.

25.31 Sec. 38. Minnesota Statutes 2006, section 171.07, subdivision 3, is amended to read:

25.32 Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the

25.33 department shall issue to every qualifying applicant a Minnesota identification card. The

25.34 department may not issue a Minnesota identification card to an individual who has a

driver's license, other than a limited license. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, and date of birth, and, either (1) the licensee's residence address, or (2) the designated address under section 5B.05; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(e) The fee for a Minnesota identification card is 50 cents when issued to a person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 39. Minnesota Statutes 2006, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of a 55 miles per hour speed limit; or more than ~~five~~ ten miles per hour in excess of a 60 miles per hour speed limit.

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

Sec. 40. Minnesota Statutes 2006, section 171.14, is amended to read:

171.14 CANCELLATION.

(a) The commissioner ~~shall have authority to~~ may cancel any driver's license upon determination that (1) the licensee was not entitled to the issuance thereof hereunder, or that of the license, (2) the licensee failed to give the required or correct information in the application, or (3) the licensee committed any fraud or deceit in making such the application. The commissioner may also cancel the driver's license of any, or (4) the person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04.

(b) The commissioner shall cancel the driver's license of a person described in paragraph (a), clause (3), for 60 days or until the required or correct information has been provided, whichever is longer.

Sec. 41. Minnesota Statutes 2006, section 174.01, subdivision 2, is amended to read:

Subd. 2. **Transportation goals.** The goals of the state transportation system are as follows:

- (1) to provide safe transportation for users throughout the state;
- (2) to provide multimodal and intermodal transportation that enhances mobility and economic development and provides access to all persons and businesses in Minnesota while ensuring that there is no undue burden placed on any community;
- (3) to provide a reasonable travel time for commuters;
- (4) to provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;
- (5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists;
- (6) to provide transit services throughout the state to meet the needs of transit users;
- (7) to promote productivity through system management and the utilization of technological advancements;
- (8) to maximize the long-term benefits received for each state transportation investment;
- (9) to provide funding for transportation that, at a minimum, preserves the transportation infrastructure;
- (10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;
- (11) to promote and increase the use of high-occupancy vehicle-use vehicles and low-emission vehicles;
- (12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;

28.1 (13) to increase transit use ~~in the urban areas~~ statewide by giving highest priority to
28.2 the transportation modes with the greatest people-moving capacity and lowest long-term
28.3 economic and environmental cost; and

28.4 (14) to promote and increase bicycling as an energy-efficient, nonpolluting, and
28.5 healthful form of transportation ~~alternative~~;

28.6 (15) to reduce greenhouse gas emissions from the state's transportation sector; and

28.7 (16) accomplish these goals with minimal impact on the environment.

28.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

28.9 Sec. 42. Minnesota Statutes 2006, section 174.02, subdivision 1a, is amended to read:

28.10 Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part
28.11 of the department's mission that within the department's resources the commissioner
28.12 shall endeavor to:

28.13 (1) prevent the waste or unnecessary spending of public money;

28.14 (2) use innovative fiscal and human resource practices to manage the state's
28.15 resources and operate the department as efficiently as possible;

28.16 (3) minimize the degradation of air and water quality;

28.17 (4) coordinate the department's activities wherever appropriate with the activities
28.18 of other governmental agencies;

28.19 ~~(4)~~ (5) use technology where appropriate to increase agency productivity, improve
28.20 customer service, increase public access to information about government, and increase
28.21 public participation in the business of government;

28.22 ~~(5)~~ (6) utilize constructive and cooperative labor-management practices to the extent
28.23 otherwise required by chapters 43A and 179A;

28.24 ~~(6)~~ (7) report to the legislature on the performance of agency operations and the
28.25 accomplishment of agency goals in the agency's biennial budget according to section
28.26 16A.10, subdivision 1; and

28.27 ~~(7)~~ (8) recommend to the legislature appropriate changes in law necessary to carry
28.28 out the mission and improve the performance of the department.

28.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

28.30 Sec. 43. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

28.31 Subdivision 1. **Statewide transportation plan; priorities; schedule of**
28.32 **expenditures.** In order to best meet the present and future transportation needs of the
28.33 public, to insure a strong state economy, to make most efficient use of public and private

29.1 funds, to lessen adverse environmental impacts of the transportation sector, and to
29.2 promote the more efficient use of energy and other resources for transportation purposes,
29.3 the commissioner shall:

29.4 (1) three months after notification that the department is ready to commence
29.5 operations and prior to the drafting of the statewide transportation plan, hold public
29.6 hearings as may be appropriate solely for the purpose of receiving suggestions for future
29.7 transportation alternatives and priorities for the state. The Metropolitan Council, regional
29.8 development commissions, and port authorities shall appear at the hearings and submit
29.9 information concerning transportation-related planning undertaken and accomplished by
29.10 these agencies. Other political subdivisions may appear and submit such information at
29.11 the hearings. These hearings shall be completed no later than six months from the date of
29.12 the commissioner's notification;

29.13 (2) develop, adopt, revise, and monitor a statewide transportation plan, taking
29.14 into account the suggestions and information submitted at the public hearings held
29.15 pursuant to clause (1). The plan shall incorporate all modes of transportation including
29.16 bicycle commutation and recreation and provide for the interconnection and coordination
29.17 of different modes of transportation. The commissioner shall evaluate ~~alternative~~ all
29.18 transportation programs and facilities proposed for inclusion in the plan in terms of
29.19 economic costs and benefits, safety aspects, impact on present and planned land uses,
29.20 environmental effects, energy efficiency, national transportation policies and priorities,
29.21 and availability of federal and other financial assistance;

29.22 (3) based upon the statewide transportation plan, develop statewide transportation
29.23 priorities and schedule authorized public capital improvements and other authorized
29.24 public transportation expenditures pursuant to the priorities;

29.25 (4) complete the plan and priorities required by this subdivision no later than July
29.26 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare
29.27 and periodically revise, as necessary, the schedule of authorized public transportation
29.28 expenditures. The plan, priorities, and schedule are exempt from the provisions of the
29.29 Administrative Procedure Act.

29.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

29.31 Sec. 44. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision
29.32 to read:

29.33 **Subd. 10. Highway construction training.** (a) The commissioner of transportation
29.34 shall utilize, to the maximum amount feasible, federal funds available to this state

under United States Code, title 23, section 140, paragraph (b), to develop, conduct, and administer highway construction training, including skill improvement programs.

(b) The commissioner of transportation must report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's compliance with paragraph (a). The report must, with respect to each of the two previous calendar years:

(1) describe the highway construction training and skill improvement programs the commissioner has conducted and administered;

(2) analyze the results of the commissioner's training programs;

(3) state the amount of federal funds available to this state under United States Code, title 23, section 140, paragraph (b); and

(4) identify the amount spent by the commissioner in conducting and administering the programs.

Sec. 45. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 11. **Disadvantaged business enterprise program.** (a) The commissioner shall include in each contract that is funded at least in part by federal funds, sanctions for each contractor who does not meet the established project disadvantaged business enterprise goal or demonstrate good faith effort to meet the goal.

(b) The commissioner of transportation shall report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's disadvantaged business enterprise program. The report must, with respect to each of the two previous calendar years:

(1) state the department's annual overall goal, compared with the percentage attained;

(2) explain the methodology, applicable facts, and public participation used to establish the overall goal;

(3) describe good faith efforts to meet the goal, if the goal was not attained;

(4) describe actions to address overconcentration of disadvantaged business enterprises in certain types of work;

(5) state the number of contracts that included disadvantaged business enterprise goals, the number of contractors that met established disadvantaged business enterprise goals, and sanctions imposed for lack of good faith effort; and

31.1 (6) describe contracts with no disadvantaged business enterprise goals, and, of
31.2 those, state number of contracts and amount of each contract with targeted groups under
31.3 section 16C.16.

31.4 Sec. 46. **[174.56] REPORT ON MAJOR HIGHWAY PROJECTS.**

31.5 Subdivision 1. **Report required.** The commissioner of transportation shall submit a
31.6 report on January 15, 2008, and on January 15 of each year thereafter, on the status of
31.7 major highway projects under construction or planned during the year of the report and for
31.8 the ensuing 15 years. For purposes of this section, a "major highway project" is a highway
31.9 project that has a total cost for all segments that the commissioner estimates at the time of
31.10 the report to be at least (1) \$25,000,000 in the metropolitan highway construction district,
31.11 or (2) \$10,000,000 in any nonmetropolitan highway construction district.

31.12 Subd. 2. **Report contents.** For each major highway project the report must include:

31.13 (1) a description of the project sufficient to specify its scope and location;

31.14 (2) a history of the project, including, but not limited to, previous official actions
31.15 by the department or the appropriate area transportation partnership, or both, the date
31.16 on which the project was first included in the state transportation improvement plan,
31.17 the cost of the project at that time, the dates of environmental approval, the dates of
31.18 municipal approval, the date of final geometric layout, and the date of establishment of
31.19 any construction limits;

31.20 (3) the project's priority listing or rank within its construction district, if any, as
31.21 well as the reasons for that listing or rank, the criteria used in prioritization or rank, any
31.22 changes in that prioritization or rank since the project was first included in a department
31.23 work plan, and the reasons for those changes; and

31.24 (4) past and potential future reasons for delay in letting or completing the project.

31.25 Sec. 47. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

31.26 Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail
31.27 service improvement account for the following purposes:

31.28 (1) to make transfers as provided under section 222.57 or to pay interest adjustments
31.29 on loans guaranteed under the state rail user and rail carrier loan guarantee program;

31.30 (2) to pay a portion of the costs of capital improvement projects designed to
31.31 improve rail service ~~including construction or improvement of short segments of rail line~~
31.32 ~~such as side track, team track, and connections between existing lines, and construction~~
31.33 ~~and improvement of loading, unloading, storage, and transfer facilities of a rail user or~~
31.34 a rail carrier;

32.1 (3) to pay a portion of the costs of rehabilitation projects designed to improve rail
32.2 service of a rail user or a rail carrier;

32.3 (4) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to
32.4 the state rail bank program;

32.5 ~~(4)~~ (5) to provide for aerial photography survey of proposed and abandoned railroad
32.6 tracks for the purpose of recording and reestablishing by analytical triangulation the
32.7 existing alignment of the in-place track;

32.8 ~~(5)~~ (6) to pay a portion of the costs of acquiring a rail line by a regional railroad
32.9 authority established pursuant to chapter 398A;

32.10 ~~(6)~~ (7) to pay the state matching portion of federal grants for rail-highway grade
32.11 crossing improvement projects.

32.12 (b) All money derived by the commissioner from the disposition of railroad
32.13 right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall
32.14 be deposited in the rail service improvement account.

32.15 Sec. 48. Minnesota Statutes 2006, section 222.63, subdivision 4, is amended to read:

32.16 Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or
32.17 right-of-way held in the state rail bank or enter into an agreement with any person for the
32.18 operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2
32.19 in accordance with a fee schedule to be developed by the commissioner.

32.20 (b) The commissioner may convey any rail line or right-of-way, for consideration or
32.21 for no consideration and upon other terms as the commissioner may determine to be in
32.22 the public interest, to any other state agency or to a governmental subdivision of the state
32.23 having power by law to utilize it for any of the purposes set forth in subdivision 2.

32.24 (c) The commissioner may convey a portion of previously acquired rail bank
32.25 right-of-way to a state agency or governmental subdivision when the commissioner
32.26 determines that:

32.27 (1) the portion to be conveyed is in excess of that needed for the purposes stated in
32.28 subdivision 2;

32.29 (2) the conveyance is upon terms and conditions agreed upon by both the
32.30 commissioner and the state agency or governmental subdivision;

32.31 (3) after the sale, the rail bank corridor will continue to meet the future public and
32.32 commercial transportation and transmission needs of the state; and

32.33 (4) the conveyance will not reduce the width of the rail bank corridor to less than
32.34 ~~50~~ 100 feet.

(d) The commissioner may lease previously acquired state rail bank right-of-way to a state agency or governmental subdivision or to a private entity for nontransportation purposes when:

(1) the portion to be leased is in excess of that needed for the purposes stated in subdivision 2;

(2) the lease will not reduce the useable width of the rail bank corridor to less than ~~50~~ 100 feet;

(3) the cost of the lease is based on the fair market value of the portion to be leased, as determined by appraisal;

(4) the lease allows the commissioner to terminate the lease on 90 days' written notice to the lessee; and

(5) the lease prohibits the construction or erection of any permanent structure within the ~~50-foot~~ 100-foot rail bank corridor and requires any structure erected on the leased property to be removed and the land restored to its original condition on 90 days' written notice to the lessee.

(e) Proceeds from a sale or lease must be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 49. Minnesota Statutes 2006, section 222.63, is amended by adding a subdivision to read:

Subd. 9. Rail bank property use; misdemeanors. (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to perform any of the following activities on rail bank property:

(1) obstruct any trail;

(2) deposit snow or ice;

(3) remove or place any earth, gravel, or rock without authorization;

(4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;

(5) erect a fence, or place or maintain any advertising, sign, or memorial;

(6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;

(7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, or maintenance vehicles;

34.1 (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker,
34.2 paving, guardrail, drain, or any other rail bank appurtenance; or

34.3 (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry
34.4 on, across, or over the limits of rail bank property.

34.5 (b) Any violation of this subdivision is a misdemeanor.

34.6 (c) The cost to remove, repair, or perform any other corrective action necessitated by
34.7 a violation of this subdivision may be charged to the violator.

34.8 Sec. 50. Minnesota Statutes 2006, section 299F.60, subdivision 1, is amended to read:

34.9 Subdivision 1. **Money penalty.** Any person who violates any provision of sections
34.10 299F.56 to 299F.641, or any rule issued thereunder, ~~shall be~~ is subject to a civil penalty to
34.11 be imposed by the commissioner not to exceed ~~\$10,000~~ \$100,000 for each ~~such~~ violation
34.12 for each day that ~~such~~ the violation persists, except that the maximum civil penalty ~~shall~~
34.13 must not exceed ~~\$500,000~~ \$1,000,000 for any related series of violations.

34.14 Sec. 51. Minnesota Statutes 2006, section 299J.16, subdivision 1, is amended to read:

34.15 Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07,
34.16 subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections,
34.17 shall forfeit and pay to the state a civil penalty in an amount to be determined by the court,
34.18 up to ~~\$10,000~~ \$100,000 for each day that the operator remains in violation, subject to a
34.19 maximum of ~~\$500,000~~ \$1,000,000 for a related series of violations.

34.20 (b) The penalty provided under this subdivision may be recovered by an action
34.21 brought by the attorney general at the request of the commissioner, in the name of the
34.22 state, in connection with an action to recover expenses of the director under section
34.23 299J.13, subdivision 4:

34.24 (1) in the District Court of Ramsey County; or

34.25 (2) in the county of the defendant's residence.

34.26 Sec. 52. Minnesota Statutes 2006, section 325F.665, is amended by adding a
34.27 subdivision to read:

34.28 Subd. 14. **Title branding.** (a) Upon transfer and application for title of all vehicles
34.29 subject to this section, the registrar of motor vehicles shall record the term "lemon law
34.30 vehicle" on the certificate of title and all subsequent certificates of title for that vehicle.

34.31 (b) For vehicles with out-of-state titles that bear the term "lemon law vehicle," or
34.32 any similar term, the registrar of motor vehicles shall record the term "lemon law vehicle"

35.1 on the first Minnesota certificate of title and all subsequent Minnesota certificates of
35.2 title issued for that vehicle.

35.3 (c) The designation of "lemon law vehicle" on a certificate of title must be made by
35.4 the registrar of motor vehicles in a clear and conspicuous manner, in a color different from
35.5 all other writing on the certificate of title.

35.6 Sec. 53. **CULKIN SAFETY REST AREA.**

35.7 The commissioner of transportation shall reopen without delay the Culkin safety rest
35.8 area, located on marked Interstate Highway 35.

35.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.10 Sec. 54. **STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.**

35.11 (a) The commissioner of transportation shall conduct a study in consultation with
35.12 other state agencies and key stakeholders to evaluate the current and long-range needs of
35.13 the state's transportation system, and investigate possible strategies to meet these needs.

35.14 (b) The study must include, but is not limited to:

35.15 (1) evaluation of the current needs of the state's highway systems, bridges, and
35.16 transit;

35.17 (2) analysis and quantification of the needs for the next 20 years of the state's
35.18 highway systems, bridges, and transit;

35.19 (3) comparison of estimates of revenues raised by current transportation funding
35.20 sources, with long-term needs of the state's transportation system;

35.21 (4) identification of options for maintenance and improvement of the state's
35.22 transportation system with specific reference to the effects of potential increases in vehicle
35.23 fuel economy, availability of alternative modes of transportation, and extreme fuel price
35.24 volatility on future transportation revenues;

35.25 (5) analysis of alternative pricing options utilized in other states and countries,
35.26 and their potential for use, public acceptance, alleviation of congestion, and revenue
35.27 generation in this state; and

35.28 (6) identification of options for road-use pricing, other alternative financing
35.29 mechanisms with particular consideration of key environmental impacts such as air
35.30 quality, water quality, and greenhouse gas emissions, and estimates of implementation
35.31 costs, user costs, and revenue.

35.32 (c) The commissioner shall report the results of the study to the legislature no later
35.33 than November 1, 2008.

Sec. 55. **STUDY AND REPORT ON SPEED LIMITS.**

The commissioner of transportation shall report to the chairs of the legislative committees with jurisdiction over transportation and local government by January 30, 2008, on speed limits on local roads. The commissioner shall consult with local governments and solicit input from local governments before issuing the report. The report must include, at a minimum:

(1) whether the current statutory speed limit of 30 miles per hour in urban districts and rural residential districts is appropriate, or if there are locations where the appropriate speed limit is 25 miles per hour;

(2) whether the current statutory speed limit of 55 miles per hour in rural residential districts within a city is appropriate, or if there are locations where the appropriate speed limit is 30 miles per hour; and

(3) whether the current definitions of urban district, rural residential district, and residential roadway are appropriate, or whether and how they should be changed.

Sec. 56. **REPORT ON INTERNET-BASED DRIVER EDUCATION.**

The commissioner of public safety shall submit a report on Internet-based driver education for the instruction permit component by February 15, 2008, to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation finance and policy. The report must review and analyze current findings and studies on the feasibility, effectiveness, and impacts of Internet-based driver education programs for the instruction permit component, including program effectiveness for persons under age 18.

Sec. 57. **NONCOMPLIANCE WITH REAL ID ACT.**

In order to promote the security and well-being of the people of Minnesota, to avoid unneeded expense to the people, and to preserve the principles of federalism embodied in the Tenth Amendment to the United States Constitution, the commissioner of public safety is prohibited from taking any action to implement or to plan for the implementation by this state of those sections of Public Law 109-13 known as the Real ID Act.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 58. **NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.**

(a) Any extinguishment of town interest in a town road under Minnesota Statutes, section 164.06, subdivision 2, is hereby nullified if:

(1) the interest is not recorded or filed with the county recorder but is recorded or filed with the county auditor;

(2) the state or a political subdivision has constructed a road or bridge improvement on a right-of-way affected by the interest;

(3) the affected road was the only means of access to a property; and

(4) the extinguishment took place within the last ten years.

(b) Notwithstanding Minnesota Statutes, section 164.08, subdivision 1, for any nullification under paragraph (a), the affected road is hereby deemed to be a cartway. The provisions of Minnesota Statutes, section 164.08, subdivision 2, apply except that "petitioner" means the property owner for whom the only means of access to a property is by way of the affected road, and that the petitioner must not be required to pay damages for the land upon which the cartway is established, the cost of professional and other services, hearing costs, administrative costs, recording costs, or other costs and expenses.

(c) For purposes of this section, "affected road" means the road that the town board extinguished town interest in.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 59. **WILLMAR AIRPORT.**

(a) Notwithstanding any law, rule, or agreement to the contrary, the commissioner of transportation may enter into an agreement with the city of Willmar to allow funds appropriated by the state to the city for aeronautical purposes at its former airport to instead be used by June 30, 2012, as the state's share of funds for eligible aeronautical purposes at the city's new airport.

(b) Funds not spent pursuant to paragraph (a) by June 30, 2012, must be paid to the commissioner of transportation and deposited in the state airports fund.

Sec. 60. **AIRPORT ZONING EXCEPTION.**

(a) Notwithstanding any other law, rule, or ordinance to the contrary, the Eveleth-Virginia Municipal Airport Board of Adjustment must grant a variance to a property owner who resides in Safety Zone A of the Eveleth-Virginia Municipal Airport for the construction of, reconstruction of, remodeling of, or expansion of a structure in accordance with St. Louis County Ordinance 46, provided that the structure must not exceed the height restrictions imposed by the airport ordinance.

(b) Notwithstanding any other law, rule, or ordinance to the contrary, Safety Zone A of the Eveleth-Virginia Municipal Airport shall not include any residential building lot

38.1 riparian to the east shore of St. Mary's Lake, St. Louis County provided such residential
38.2 building lot was in existence on January 1, 1978.

38.3 Sec. 61. **REPEALER.**

38.4 Minnesota Statutes 2006, sections 168A.05, subdivision 5a; and 325E.0951,
38.5 subdivision 3a, are repealed.

38.6 **ARTICLE 2**
38.7 **TOWING**

38.8 Section 1. Minnesota Statutes 2006, section 168B.04, subdivision 2, is amended to read:

38.9 Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may
38.10 take into custody and impound any unauthorized vehicle under section 169.041.

38.11 (b) A vehicle may also be impounded after it has been left unattended in one of the
38.12 following public or private locations for the indicated period of time:

38.13 (1) in a public location not governed by section 169.041:

38.14 (i) on a highway and properly tagged by a peace officer, four hours;

38.15 (ii) located so as to constitute an accident or traffic hazard to the traveling public, as
38.16 determined by a peace officer, immediately; ~~or~~

38.17 (iii) located so as to constitute an accident or traffic hazard to the traveling public
38.18 within the Department of Transportation's eight-county metropolitan district, as determined
38.19 by an authorized employee of the department's freeway service patrol, immediately; or

38.20 ~~(iii)~~ (iv) that is a parking facility or other public property owned or controlled by a
38.21 unit of government, properly posted, four hours; or

38.22 (2) on private property:

38.23 (i) that is single-family or duplex residential property, immediately;

38.24 (ii) that is private, nonresidential property, properly posted, immediately;

38.25 (iii) that is private, nonresidential property, not posted, 24 hours;

38.26 (iv) that is private, nonresidential property of an operator of an establishment for the
38.27 servicing, repair, or maintenance of motor vehicles, five business days after notifying the
38.28 vehicle owner by certified mail, return receipt requested, of the property owner's intention
38.29 to have the vehicle removed from the property; or

38.30 (v) that is any residential property, properly posted, immediately.

38.31 (c) When a tow is requested under paragraph (b), clause (1) (iii), the department shall
38.32 ensure that the tower initially requested to remove the vehicle is given the opportunity,
38.33 to the greatest reasonable extent, to actually conduct and complete all towing operations
38.34 requested; provided that, the owner of the vehicle to be towed has not already requested

39.1 that another tower remove the vehicle, in which case the tower contacted by the owner
39.2 must be given the first reasonable opportunity to conduct the towing operations required.

39.3 **EFFECTIVE DATE.** This section is effective August 1, 2007.

39.4 Sec. 2. Minnesota Statutes 2006, section 168B.051, subdivision 2, is amended to read:

39.5 Subd. 2. **Sale after 45 days or title transfer.** ~~An~~ (a) If an unauthorized vehicle
39.6 is impounded, but not by the city of Minneapolis or the city of St. Paul, the impounded
39.7 vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

39.8 (1) 45 days after notice to the owner, if the vehicle is determined to be an
39.9 unauthorized vehicle that was not impounded by the city of Minneapolis or the city of St.
39.10 Paul; or

39.11 (2) when the registered owner, in writing, voluntarily transfers the title to the
39.12 impound lot operator.

39.13 (b) A voluntary transfer, in writing, constitutes a waiver by the registered owner of
39.14 any right, title, and interest in the vehicle.

39.15 Sec. 3. Minnesota Statutes 2006, section 168B.06, subdivision 1, is amended to read:

39.16 Subdivision 1. ~~Contents; Written notice given within five days of impound.~~ (a)
39.17 When an impounded vehicle is taken into custody, the unit of government or impound lot
39.18 operator taking it into custody shall give written notice of the taking within five days to
39.19 the registered vehicle owner and any lienholders.

39.20 (b) The notice shall must:

39.21 (1) set forth the date and place of the taking;

39.22 (2) provide the year, make, model, and serial number of the impounded motor
39.23 vehicle, if such information can be reasonably obtained, and the place where the vehicle
39.24 is being held;

39.25 ~~(2)~~ (3) inform the registered owner and any lienholders of their right to reclaim the
39.26 vehicle and contents under section 168B.07, and; and

39.27 ~~(3)~~ (4) state that failure of the owner or lienholders to exercise their right to reclaim
39.28 the vehicle and contents within the appropriate time allowed under section 168B.051,
39.29 subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in
39.30 the vehicle and contents and a consent to the transfer of title to and disposal or sale of the
39.31 vehicle and contents pursuant to section 168B.08: reclaim the vehicle and its contents as
39.32 provided under section 168B.07 results in the loss of title and consent to sell or dispose of
39.33 both the vehicle and its contents.

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Sec. 4. Minnesota Statutes 2006, section 168B.06, subdivision 3, is amended to read:

Subd. 3. **Unauthorized vehicle; second notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice ~~shall~~ must be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 5. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. **Retrieval of contents.** (a) A unit of government or impound lot operator may establish a reasonable procedure for retrieval of vehicle contents.

(b) At any time before the expiration of the waiting periods provided under section 168B.051, the registered owner of an impounded vehicle has the right to retrieve, without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle, the following contents of the vehicle: medicine; medical-related items and equipment; clothing; eyeglasses; educational materials belonging to a person under age 18; and legal documents related to a judicial or administrative proceeding. Nothing in this section shall be construed to prohibit the return of other contents at the discretion of the impound lot operator. For the purposes of this subdivision, "contents" does not include any permanently affixed mechanical or nonmechanical:

(1) automobile parts;

(2) automobile body parts; or

(3) automobile accessories, including audio or video players.

(c) An impound lot operator is not required to return any contents to a person who is not the registered owner of the impounded vehicle.

Sec. 6. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 4. **Waiver of right to reclaim.** The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 is deemed a waiver of all right, title, and interest in the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle under section 168B.08. The failure of the registered owner to exercise the right provided under subdivision 3 is deemed a waiver of all right, title, and interest in the contents of the vehicle and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08.

41.1 Sec. 7. Minnesota Statutes 2006, section 168B.087, subdivision 1, is amended to read:

41.2 Subdivision 1. **Deficiency claim.** (a) The nonpublic or public impound lot operator
41.3 has a deficiency claim against the registered owner of the vehicle for the reasonable costs
41.4 of services provided in the towing, storage, and inspection of the vehicle minus the
41.5 proceeds of the sale or auction.

41.6 (b) The claim for storage costs may not exceed the costs of:

41.7 (1) 25 days storage, for a vehicle described in section 168B.051, subdivision 1; ~~and~~

41.8 (2) 15 days storage, for a vehicle described in section 168B.051, subdivision 1a; and

41.9 ~~(2)~~ (3) 55 days storage, for a vehicle described in section 168B.051, subdivision 2.

41.10 Sec. 8. Minnesota Statutes 2006, section 168B.087, is amended by adding a
41.11 subdivision to read:

41.12 Subd. 3. **Requirements for public impound lot operator.** (a) For purposes of
41.13 this subdivision, "storage time period" means the time from the towing of a vehicle to
41.14 an impound lot through 15 days of storage of the vehicle.

41.15 (b) For purposes of this subdivision, "relief based on need" includes, but is not
41.16 limited to, the following:

41.17 (1) Minnesota Family Investment Program (MFIP) and Diversionary Work Program
41.18 (DWP);

41.19 (2) Medical Assistance (MA);

41.20 (3) General Assistance (GA);

41.21 (4) General Assistance Medical Care (GAMC);

41.22 (5) Emergency General Assistance (EGA);

41.23 (6) Minnesota Supplemental Aid (MSA);

41.24 (7) MSA-Emergency Assistance (MSA-EA);

41.25 (8) Supplemental Security Income (SSI);

41.26 (9) Energy Assistance;

41.27 (10) Emergency Assistance (EA); or

41.28 (11) Food Stamps.

41.29 (c) Before commencement of an action under this section, a public impound lot
41.30 operator must provide notice to a registered owner that the owner may be subject to a
41.31 deficiency claim. The notice must also inform the owner that the owner is exempt from
41.32 such claim if the owner provides proof that, during the storage time period, the owner was
41.33 eligible for legal aid or received relief based on need.

41.34 (d) A public impound lot operator is prohibited from seeking to recover a deficiency
41.35 from a registered owner if the operator is notified by the registered owner that, during the

42.1 storage time period, the registered owner was eligible for legal aid or received relief
42.2 based on need.

42.3 (e) It shall be a defense against a suit for a deficiency judgment sought by a public
42.4 impound lot operator if the defendant can establish that, during the storage time period,
42.5 the defendant was eligible for legal aid or received relief based on need.

42.6 (f) Any judgment obtained by a public impound lot operator under this subdivision
42.7 shall be vacated pursuant to Rule 60.02(a) of the Minnesota Rules of Civil Procedure upon
42.8 a showing that, during the storage time period, the defendant was eligible for legal aid
42.9 or received relief based on need.

42.10 Sec. 9. Minnesota Statutes 2006, section 169.041, subdivision 1, is amended to read:

42.11 Subdivision 1. **Towing authority.** For purposes of this section, "towing authority"
42.12 means:

42.13 (1) any local authority authorized by section 169.04 to enforce the traffic laws, and
42.14 ~~also includes a private towing company authorized by a local authority to tow vehicles on~~
42.15 ~~behalf of that local authority; or~~

42.16 (2) an authorized employee of the Department of Transportation's freeway service
42.17 patrol within the department's eight-county metropolitan district, and also includes a
42.18 private towing company authorized by the department to tow vehicles on behalf of the
42.19 department.

42.20 **EFFECTIVE DATE.** This section is effective August 1, 2007.

42.21 Sec. 10. Minnesota Statutes 2006, section 169.041, subdivision 2, is amended to read:

42.22 Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle
42.23 from public property unless a peace officer or parking enforcement officer has prepared, in
42.24 addition to the parking citation, a written towing report describing the motor vehicle and
42.25 the reasons for towing. The report must be signed by the officer and the tow driver. Within
42.26 the Department of Transportation's eight-county metropolitan district, an authorized
42.27 employee of the department's freeway service patrol may order a tow from a trunk highway
42.28 after preparing a written towing report provided by the Minnesota State Patrol. A citation
42.29 need not be issued before the employee orders a tow. The department employee shall
42.30 ensure that the tower initially requested to remove the vehicle is given the opportunity,
42.31 to the greatest reasonable extent, to actually conduct and complete all towing operations
42.32 requested; provided that, the owner of the vehicle to be towed has not already requested
42.33 that another tower remove the vehicle, in which case the tower contacted by the owner
42.34 must be given the first reasonable opportunity to conduct the towing operations required.

43.1 **EFFECTIVE DATE.** This section is effective August 1, 2007.

43.2 Sec. 11. Minnesota Statutes 2004, section 169.86, is amended by adding a subdivision
43.3 to read:

43.4 Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or
43.5 damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length
43.6 and weight limitations of this chapter, subject to a \$300 annual permit fee and such
43.7 conditions as the commissioner may prescribe.

43.8 **ARTICLE 3**

43.9 **TRANSIT**

43.10 Section 1. Minnesota Statutes 2006, section 174.24, subdivision 2a, is amended to read:

43.11 Subd. 2a. **Eligible activities.** Activities eligible for assistance under the program
43.12 include but are not limited to:

43.13 (1) planning and engineering design for transit services and facilities;

43.14 (2) capital assistance to purchase or refurbish transit vehicles and other capital
43.15 expenditures necessary to provide a transit service;

43.16 (3) operating assistance as provided under subdivision 3b; ~~and~~

43.17 (4) partnership creation to coordinate and supplement services of county, local, and
43.18 private transit providers;

43.19 (5) design and operation of regional call centers; and

43.20 (6) other assistance for public transit services that furthers the purposes of section
43.21 174.21.

43.22 **EFFECTIVE DATE.** This section is effective July 1, 2007.

43.23 Sec. 2. Minnesota Statutes 2006, section 174.255, is amended by adding a subdivision
43.24 to read:

43.25 Subd. 1a. **Service standard.** The commissioner shall require any paratransit project
43.26 that serves disabled individuals and receives assistance under section 174.24 to allow
43.27 passengers to schedule trips up to four days in advance.

43.28 **EFFECTIVE DATE.** This section is effective January 1, 2010.

43.29 Sec. 3. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision
43.30 to read:

44.1 Subd. 4. **Supplementary paratransit.** The commissioner shall facilitate the
44.2 creation of partnerships among paratransit providers, including, but not limited to, medical
44.3 assistance transportation providers, to supplement and coordinate with available county
44.4 and local transit service.

44.5 **EFFECTIVE DATE.** This section is effective July 2, 2007.

44.6 Sec. 4. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision
44.7 to read:

44.8 Subd. 5. **Intercounty service.** The commissioner shall require providers of
44.9 service to enter into regional intercounty service agreements with adjacent counties.
44.10 The commissioner, in cooperation with state agencies that assist, provide, reimburse, or
44.11 regulate special transportation services, shall establish a reimbursement mechanism to
44.12 facilitate reimbursement for intercounty trips.

44.13 **EFFECTIVE DATE.** This section is effective January 1, 2010.

44.14 Sec. 5. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision
44.15 to read:

44.16 Subd. 6. **One-stop call centers.** The commissioner shall promote, support, and
44.17 facilitate the establishment and operation of one-stop regional call centers that assist
44.18 callers in arranging the most efficient and cost-effective available rides while meeting
44.19 passengers' needs for special equipment.

44.20 **EFFECTIVE DATE.** This section is effective January 1, 2010.

44.21 Sec. 6. Minnesota Statutes 2006, section 174.30, subdivision 4, is amended to read:

44.22 Subd. 4. **Vehicle and equipment inspection, rules; decal; complaint contact**
44.23 **information.** (a) The commissioner shall inspect or provide for the inspection of
44.24 vehicles at least annually. In addition to scheduled annual inspections and reinspections
44.25 scheduled for the purpose of verifying that deficiencies have been corrected, unannounced
44.26 inspections of any vehicle may be conducted.

44.27 (b) On determining that a vehicle or vehicle equipment is in a condition that is likely
44.28 to cause an accident or breakdown, the commissioner shall require the vehicle to be taken
44.29 out of service immediately. The commissioner shall require that vehicles and equipment
44.30 not meeting standards be repaired and brought into conformance with the standards
44.31 and shall require written evidence of compliance from the operator before allowing the
44.32 operator to return the vehicle to service.

(c) The commissioner shall provide in the rules procedures for inspecting vehicles, removing unsafe vehicles from service, determining and requiring compliance, and reviewing driver qualifications.

(d) The commissioner shall design a distinctive decal to be issued to special transportation service providers with a current certificate of compliance under this section. A decal is valid for one year from the last day of the month in which it is issued. A person who is subject to the operating standards adopted under this section may not provide special transportation service in a vehicle that does not conspicuously display a decal issued by the commissioner.

(e) Special transportation service providers shall prominently display in each vehicle all contact information for the submission of complaints regarding the transportation services provided to that individual.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 7. Minnesota Statutes 2006, section 174.30, subdivision 9, is amended to read:

Subd. 9. ~~Complaint data;~~ **Complaints; report; data classification.** (a) The commissioner shall investigate all complaints over which the commissioner has jurisdiction regarding special transportation service providers regulated under this section.

(b) By January 15, 2008, and in every subsequent even-numbered year by January 15, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation policy and finance. The report must identify each complaint investigated by the commissioner under paragraph (a), including but not limited to any findings and steps taken for resolution of the complaint.

(c) When information is furnished to the Department of Transportation that alleges a violation of this section, an operating standard adopted under this section, or section 174.315, the following data are classified as confidential data or protected nonpublic data:

- (1) names of complainants;
- (2) complaint letters; and
- (3) other unsolicited data when furnished by a person who is not the subject of the data and who is not a department employee.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 8. Minnesota Statutes 2006, section 221.091, subdivision 2, is amended to read:

Subd. 2. **Local licensing of small vehicle passenger service.** A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021. A person who provides small vehicle passenger service to an individual for the purpose of obtaining nonemergency medical care and who receives reimbursement under section 256B.0625, subdivision 17, for providing the service, must comply with the rules of the commissioner adopted under section 174.30.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 9. Minnesota Statutes 2006, section 473.1466, is amended to read:

473.1466 TRANSPORTATION SYSTEM PERFORMANCE ~~AUDIT~~;
TRANSIT EVALUATION.

~~(a) In 1997 and every four years thereafter, the council shall provide for an independent entity selected through a request for proposal process conducted nationwide to do~~ Prior to each major revision of the transportation policy plan, the council must carry out a performance ~~audit~~ evaluation of the ~~commuting~~ metropolitan area's transportation system as a whole. The performance ~~audit~~ evaluation must:

(1) evaluate the ~~commuting~~ area's ability to meet the ~~region's needs~~ need for effective and efficient transportation of goods and people;

(2) evaluate ~~future~~ trends and their impacts on the ~~region's~~ area's transportation system; and

(3) assess the region's success in meeting the currently adopted regional transportation benchmarks; and

(4) include an evaluation of the regional transit system, including a comparison with peer metropolitan regions with regard to key operating and investment measurements.

(b) The council must update the evaluation of the regional transit system every two years.

(c) The council shall use the results of the performance evaluation to make recommendations for improving the system in each revision of the transportation policy plan. ~~The performance audit must recommend performance-funding measures.~~

~~(b) In 1999 and every four years thereafter, the council must evaluate the performance of the metropolitan transit system's operation in relationship to the regional transit performance standards developed by the council.~~

(d) The council must conduct a peer review of the performance evaluation using at least two nationally recognized transportation and transit consultants.

(e) The council must submit the performance evaluation to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over transportation finance and policy.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 10. Minnesota Statutes 2006, section 473.166, is amended to read:

**473.166 CONTROLLED ACCESS; ~~TRANSIT FIXED-GUIDEWAY;~~
APPROVAL.**

Before acquiring land for or constructing a controlled access highway ~~or transit fixed-guideway~~ in the area, the state Transportation Department or local government unit proposing the acquisition or construction shall submit to the council a statement describing the proposed project. The statement must be in the form and detail required by the council. The council shall review the statement to ascertain its consistency with its policy plan and the development guide. No project may be undertaken unless the council determines that it is consistent with the policy plan. This approval is in addition to the requirements of any other statute, ordinance or rule.

Sec. 11. Minnesota Statutes 2006, section 473.386, subdivision 1, is amended to read:

Subdivision 1. **Service objectives.** The council shall implement a special transportation service, as defined in section 174.29, in the metropolitan area. The service has the following objectives:

(a) to provide greater access to transportation for the elderly, people with disabilities, and others with special transportation needs in the metropolitan area;

(b) to develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner; and

(c) to use existing public, private, and private nonprofit providers of service ~~wherever possible~~ when feasible and cost-efficient, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 12. Minnesota Statutes 2006, section 473.386, subdivision 2, is amended to read:

Subd. 2. **Service contracts; management; transportation accessibility advisory committee.** (a) The council may contract for services necessary for the provision of special transportation. Transportation service provided under a contract must specify the service to be provided, the standards that must be met, and the rates for operating and providing special transportation services.

(b) The council shall establish management policies for the service and may contract with a service administrator for day-to-day administration and management of the service. Any contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to council management policies and must establish performance and compliance standards for the service administrator. The council may provide directly day to day administration and management of the service and may own or lease vehicles used to provide the service.

(c) The council shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service.

~~(d) The council shall annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the council and the service administrator to identify causes and provide remedies to recurring problems~~ on its special transportation services as part of the program evaluation provided for in section 473.13, subdivision 1a.

~~(d) Each year before renewing contracts with providers and the service administrator, the council shall provide an opportunity for the transportation accessibility advisory committee, users, and other interested persons to testify before the council concerning providers, contract terms, and other matters relating to council policies and procedures for implementing the service.~~

(e) The council shall provide, on an annual basis, an opportunity for users and other interested persons to provide testimony to the council concerning services provided under this section.

~~(e)~~ (f) The council shall establish a Transportation Accessibility Advisory Committee consisting of 15 members and a chair to advise the council on management policies for the council's special transportation service. The Transportation Accessibility Advisory Committee must include elderly and disabled persons, other users of special transportation service, ~~representatives of persons contracting to provide special transportation services,~~ and representatives of appropriate agencies for elderly and disabled persons ~~to advise the council on management policies for the service.~~ At least half the Transportation

49.1 Accessibility Advisory Committee members must be ~~disabled or elderly persons or the~~
49.2 ~~representatives of disabled or elderly persons~~ who are both ADA-certified and users of
49.3 public transit in the metropolitan area. Two of the appointments to the Transportation
49.4 Accessibility Advisory Committee shall be made by the Council on Disability in
49.5 consultation with the chair of the Metropolitan Council.

49.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

49.7 Sec. 13. Minnesota Statutes 2006, section 473.386, subdivision 2a, is amended to read:

49.8 Subd. 2a. **Eligibility certification application and verification; penalty for**
49.9 **fraudulent certification.** If the council requires a person to be certified as eligible for
49.10 special transportation services, an applicant for certification must submit an application
49.11 form and the applicant's eligibility must be verified by a type of professional specified by
49.12 the council. The council shall include the notice of penalty for fraudulent certification, and:

49.13 (1) require the applicant to sign the application form and certify that the application
49.14 information is accurate; and

49.15 (2) require the person ~~certifying~~ verifying the applicant applicant's eligibility to sign
49.16 the eligibility ~~certification~~ verification form and the applicant to sign the application form,
49.17 as provided in section 174.295 certify that the verifying information is accurate.

49.18 The penalty provided for in section 174.295, subdivision 4, applies to the
49.19 certifications by the applicant and the person verifying the applicant's eligibility. The
49.20 council must include a notice of the penalty for fraudulent certification in the application
49.21 form and the eligibility verification form.

49.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

49.23 Sec. 14. Minnesota Statutes 2006, section 473.386, subdivision 3, is amended to read:

49.24 Subd. 3. **Duties of council.** In implementing the special transportation service, the
49.25 council shall:

49.26 (a) encourage participation in the service by public, private, and private nonprofit
49.27 providers of special transportation currently receiving capital or operating assistance
49.28 from a public agency;

49.29 (b) when feasible and cost-efficient, contract with public, private, and private
49.30 nonprofit providers that have demonstrated their ability to effectively provide service at
49.31 a reasonable cost;

49.32 (c) encourage individuals using special transportation to use the type of service
49.33 most appropriate to their particular needs;

~~(d) ensure that all persons providing special transportation service receive equitable treatment in the allocation of the ridership;~~

~~(e)~~ (d) require special transit service providers to allow passengers to schedule trips up to four days in advance and encourage shared rides to the greatest extent practicable;

~~(f)~~ (e) encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with this service and to allow reimbursement for transportation provided through the service at rates that reflect the public cost of providing that transportation;

~~(g)~~ (f) establish criteria to be used in determining individual eligibility for special transportation services;

~~(h)~~ (g) consult with the Transportation Accessibility Advisory Committee in a timely manner before changes are made in the provision of special transportation services; including, but not limited to, changes in policies affecting the matters subject to hearing under subdivision 2;

~~(i)~~ (h) provide for effective administration and enforcement of council policies and standards; and

~~(j) annually evaluate providers of special transportation service to ensure compliance with the standards established for the program; and~~

~~(k)~~ (i) ensure that, taken as a whole including contracts with public, private, and private nonprofit providers, the geographic coverage area of the special transportation service is continuous within the boundaries of the transit taxing district, as defined as of March 1, 2006, in section 473.446, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment, except that paragraph (d) is effective January 1, 2010.

Sec. 15. Minnesota Statutes 2006, section 473.399, is amended to read:

473.399 TRANSIT WAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING IN METROPOLITAN AREA.

Subdivision 1. **General requirements.** (a) The council must identify in its transportation policy plan those heavily traveled corridors where development of a transit way may be feasible and cost effective. Modes of providing service in a transit way may include bus rapid transit, light rail transit, commuter rail, or other available systems or technologies that improve transit service.

(b) After the completion of environmental studies and receipt of input from the governing body of each statutory and home rule charter city, county, and town in which a

51.1 transit way is proposed to be constructed, the council must designate the locally preferred
51.2 alternative transit mode with respect to the corridor.

51.3 (c) The council shall ~~adopt a plan to~~ ensure that any light rail transit facilities
51.4 that are designated as the locally preferred alternative and that are to be constructed in
51.5 the metropolitan area will be acquired, developed, owned, and capable of operation in
51.6 an efficient, cost-effective, and coordinated manner in coordination with buses and other
51.7 transportation modes and facilities. ~~The plan may be developed and adopted in phases~~
51.8 ~~corresponding to phasing of construction of light rail. The council may incorporate into its~~
51.9 ~~plan appropriate elements of the plans of regional railroad authorities in order to avoid~~
51.10 ~~duplication of effort.~~

51.11 ~~(b) The light rail transit plan or first phase of the plan required by this section must~~
51.12 ~~be adopted by the council before the commissioner of transportation may begin~~ (d)
51.13 Construction of light rail transit facilities in a particular transit corridor may not commence
51.14 unless and until that mode is designated as the locally preferred alternative for that corridor
51.15 by the council. ~~Following adoption of the plan, the commissioner of transportation shall~~
51.16 ~~act in conformity with the plan. The commissioner shall prepare or amend the final design~~
51.17 ~~plans as necessary to make the plans consistent with the light rail transit plan.~~

51.18 ~~(c) Throughout the development and implementation of the plan, the council shall~~
51.19 ~~contract for or otherwise obtain engineering services to assure that the plan adequately~~
51.20 ~~addresses the technical aspects of light rail transit.~~

51.21 Subd. 1a. **Integrated transportation system.** The commissioner of transportation
51.22 and the Metropolitan Council shall ensure that ~~the~~ light rail transit and commuter rail
51.23 facilities are planned, designed, and implemented: (1) to move commuters and transit
51.24 users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail
51.25 transit lines will interface with each other and other transportation facilities and services
51.26 so as to provide a unified, integrated, and efficient multimodal transportation system.

51.27 Subd. 4. **Expenditure of state funds.** No state funds may be expended by the
51.28 Metropolitan Council to study a particular light rail transit or commuter rail facility unless
51.29 the funds are appropriated in legislation that identifies the route, including the origin
51.30 and destination.

51.31 Sec. 16. Minnesota Statutes 2006, section 473.3993, subdivision 1, is amended to read:

51.32 Subdivision 1. **Application.** The definitions in this section apply to ~~section~~
51.33 ~~473.3994~~ sections 473.3993 to 473.3997.

52.1 Sec. 17. Minnesota Statutes 2006, section 473.3993, is amended by adding a
52.2 subdivision to read:

52.3 Subd. 4. **Responsible authority.** "Responsible authority" means either the
52.4 Metropolitan Council or the state of Minnesota acting through the commissioner of
52.5 transportation, as designated by the governor under section 473.3994, subdivision 1a, for a
52.6 particular light rail transit facility.

52.7 Sec. 18. Minnesota Statutes 2006, section 473.3993, subdivision 3, is amended to read:

52.8 Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that
52.9 includes the items in the preliminary design plan and the preliminary engineering plan for
52.10 the facilities proposed but with greater detail and specificity needed for construction. The
52.11 final design plan must include, at a minimum:

52.12 (1) final plans for the physical design of facilities, including the right-of-way
52.13 definition; environmental impacts and mitigation measures; intermodal coordination with
52.14 bus operations and routes; and civil engineering plans for vehicles, track, stations, parking,
52.15 and access, including disability access; and

52.16 (2) final plans for civil engineering for electrification, communication, and other
52.17 similar facilities; operational rules, procedures, and strategies; capital costs; ridership;
52.18 operating costs and revenues, and sources of funds for operating subsidies; financing for
52.19 construction and operation; an implementation method; and other similar matters.

52.20 The final design plan must be stated with sufficient particularity and detail to
52.21 allow the proposer to begin the acquisition and construction of operable facilities. If a
52.22 design-build implementation method is proposed, instead of civil engineering plans the
52.23 final design plan must state detailed design criteria and performance standards for the
52.24 facilities.

52.25 ~~The commissioner of transportation may use a design-build method of project~~
52.26 ~~development and construction for light rail transit. Notwithstanding any law to the~~
52.27 ~~contrary, the commissioner may award a design-build contract on the basis of requests~~
52.28 ~~for proposals or requests for qualifications without bids. "Design-build method of~~
52.29 ~~project development and construction" means a project delivery system in which a single~~
52.30 ~~contractor is responsible for both the design and construction of the project and bids the~~
52.31 ~~design and construction together.~~

52.32 Sec. 19. Minnesota Statutes 2006, section 473.3994, is amended to read:

52.33 **473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.**

53.1 Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit
53.2 facility in the metropolitan area, the governor must designate either the Metropolitan
53.3 Council or the state of Minnesota acting through the commissioner of transportation as
53.4 the entity responsible for planning, designing, acquiring, constructing, and equipping
53.5 the facility. Notwithstanding such designation, the commissioner and the council may
53.6 enter into one or more cooperative agreements with respect to the planning, designing,
53.7 acquiring, constructing, or equipping of a particular light rail transit facility that provide
53.8 for the parties to exercise their respective authorities in support of the project in a manner
53.9 that best serves the project and the public.

53.10 Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are
53.11 prepared for a light rail transit facility in the metropolitan area, the ~~commissioner of~~
53.12 ~~transportation~~ responsible authority and the regional railroad authority or authorities
53.13 in whose jurisdiction the line or lines are located must hold a public hearing on the
53.14 physical design component of the preliminary design plans. The ~~commissioner of~~
53.15 ~~transportation~~ responsible authority and the regional railroad authority or authorities in
53.16 whose jurisdiction the line or lines are located must provide appropriate public notice of
53.17 the hearing and publicity to ensure that affected parties have an opportunity to present
53.18 their views at the hearing. The ~~commissioner~~ responsible authority shall summarize the
53.19 proceedings and testimony and maintain the record of a hearing held under this section,
53.20 including any written statements submitted.

53.21 Subd. 3. **Preliminary design plans; local approval.** (a) At least 30 days before
53.22 the hearing under subdivision 2, the ~~commissioner of transportation~~ responsible authority
53.23 shall submit the physical design component of the preliminary design plans to the
53.24 governing body of each statutory and home rule charter city, county, and town in which
53.25 the route is proposed to be located. The city, county, or town shall hold a public hearing.
53.26 Within 45 days after the hearing under subdivision 2, the city, county, or town shall review
53.27 and approve or disapprove the plans for the route to be located in the city, county, or town.
53.28 A local unit of government that disapproves the plans shall describe specific amendments
53.29 to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure
53.30 to approve or disapprove the plans in writing within 45 days after the hearing is deemed
53.31 to be approval, unless an extension of time is agreed to by the city, county, or town and
53.32 the ~~commissioner of transportation~~ responsible authority.

53.33 Subd. 4. **Preliminary design plans; council referral.** If the governing body of
53.34 one or more cities, counties, or towns disapproves the preliminary design plans within
53.35 the period allowed under subdivision 3, the ~~commissioner of transportation may refer the~~
53.36 ~~plans, along with any comments of local jurisdictions, to the Metropolitan Council. The~~

council shall hold a hearing on the plans, giving the commissioner of transportation, if the responsible authority, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within ~~90~~ 60 days after the ~~referral~~ hearing, the council shall review the plans ~~submitted by the commissioner of transportation and the council~~ and shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. ~~The commissioner shall make the~~ Amendments to the plans as decided by the council must be made before continuing the planning and designing process.

Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial change from the preliminary design plans with respect to location, length, or termini of routes; general dimension, elevation, or alignment of routes and crossings; location of tracks above ground, below ground, or at ground level; or station locations, before beginning construction, the ~~commissioner~~ responsible authority shall submit the changed component of the final design plans to the governing body of each statutory and home rule city, county, and town in which the changed component is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town shall review and approve or disapprove the changed component located in the city, county, or town. A local unit of government that disapproves the change shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the changed plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the ~~commissioner~~ responsible authority.

(b) If the governing body of one or more cities, counties, or towns disapproves the changed plans within the period allowed under paragraph (a), the ~~commissioner may refer the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~ ~~The~~ council shall review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans.

Subd. 7. **Council review.** If the commissioner is the responsible authority, before proceeding with construction of a light rail transit facility, the commissioner must submit preliminary and final design plans to the Metropolitan Council. The council must review the plans for consistency with the council's development guide and approve the plans.

Subd. 8. **Metropolitan significance.** This section does not diminish or replace the authority of the council under section 473.173.

Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for federal assistance for light rail transit facilities in the metropolitan area, the applicant must ~~provide to the Metropolitan Council estimates~~ must prepare an estimate of the amount of operating subsidy which will be required to operate light rail transit in the corridor to which the federal assistance would be applied. The ~~information provided to the council~~ estimate must indicate the amount of operating subsidy estimated to be required in each of the first ten years of operation of the light rail transit facility. If the commissioner of transportation is the responsible authority, the commissioner must provide information requested by the council that is necessary to make the estimate.

(b) The council must review and evaluate the ~~information provided~~ estimate developed under paragraph (a) with regard to the effect of operating the light rail transit facility on the currently available mechanisms for financing transit in the metropolitan area.

Subd. 10. **Corridor Management Committee.** The responsible authority must establish a Corridor Management Committee ~~shall be established~~ to advise the ~~commissioner of transportation~~ responsible authority in the design and construction of light rail transit in each corridor to be constructed. The Corridor Management Committee for each corridor shall consist of the following members:

(1) one member appointed by each city and county in which the corridor is located;

(2) the commissioner of transportation or a designee of the commissioner;

(3) two members appointed by the Metropolitan Council, one of whom shall be designated as the chair of the committee;

(4) one member appointed by the Metropolitan Airports Commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and

(5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

The Corridor Management Committee shall advise the ~~commissioner of transportation~~ responsible authority on issues relating to ~~the alternatives analysis,~~ environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit in the corridor.

Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section, the dispute shall be submitted to the Metropolitan Council for final resolution by any party to the dispute. The Metropolitan Council shall establish ~~by July 1, 1993,~~ a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.

Subd. 14. **Transfer of facility after construction.** If the commissioner of transportation is the responsible authority for a particular light rail transit facility, the commissioner must transfer to the Metropolitan Council all facilities constructed and all equipment and property acquired in developing the facility upon completion of construction.

Sec. 20. **[473.3995] LIGHT RAIL TRANSIT; DESIGN-BUILD METHOD.**

(a) A responsible authority may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, a responsible authority may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

(b) If a responsible authority utilizes a design-build method of project development and construction for light rail transit, the requirements and procedures in sections 161.3410 to 161.3426 apply to the procurement, subject to the following conditions and exceptions:

(1) if the Metropolitan Council is the responsible authority for a particular light rail transit project, when used in sections 161.3410 to 161.3426, (i) the terms "commissioner," "Minnesota Department of Transportation," "department," "state agencies," and "road authority" refer to the Metropolitan Council, and (ii) the term "state" refers to the Metropolitan Council except in references to state law or in references to the state as a geographical location;

(2) the provisions of section 161.3412, subdivisions 3 and 4, are not applicable to the procurement; and

(3) if any federal funds are used in developing or constructing the light rail transit project, any provisions in sections 161.3410 to 161.3426 that are inconsistent with, or prohibited by, any federal law, regulation, or other requirement are not applicable to the procurement.

Sec. 21. Minnesota Statutes 2006, section 473.3997, is amended to read:

473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.

(a) Upon completion of the alternatives analysis and draft environmental impact statement, and selection of the locally preferred alternative, for the central corridor transit improvement project each light rail transit facility, the council, the commissioner of transportation, and the affected regional rail authorities responsible authority may

57.1 prepare a ~~joint~~ an application for federal assistance for the light rail transit facilities in the
57.2 ~~metropolitan area~~ facility. If the commissioner is the responsible authority, the application
57.3 must be reviewed and approved by the Metropolitan Council before it is submitted by ~~the~~
57.4 ~~council and~~ the commissioner. In reviewing the application the council must consider the
57.5 ~~information submitted to it~~ operating cost estimate developed under section 473.3994,
57.6 subdivision 9.

57.7 (b) ~~Until the application described in paragraph (a) is submitted~~ Except for the
57.8 designated responsible authority for a particular light rail transit facility, no political
57.9 subdivision in the metropolitan area may on its own apply for federal assistance for light
57.10 rail transit planning or construction.

57.11 Sec. 22. [473.3999] LIGHT RAIL TRANSIT CONSTRUCTION IN THE
57.12 METROPOLITAN AREA; COUNCIL AUTHORITY.

57.13 The Metropolitan Council may exercise the powers granted in this chapter and in
57.14 other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail
57.15 transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

57.16 Sec. 23. Minnesota Statutes 2006, section 473.4051, is amended to read:

57.17 **473.4051 LIGHT RAIL TRANSIT OPERATION.**

57.18 The council shall operate all light rail transit facilities and services located in the
57.19 metropolitan area upon completion of construction of the facilities and the commencement
57.20 of revenue service using the facilities. ~~The commissioner of transportation and the council~~
57.21 may not allow the commencement of revenue service until after an appropriate period of
57.22 acceptance testing to ensure safe and satisfactory performance. In assuming the operation
57.23 of the system, the council must comply with section 473.415. The council shall coordinate
57.24 operation of the light rail transit system with bus service to avoid duplication of service
57.25 on a route served by light rail transit and to ensure the widest possible access to light rail
57.26 transit lines in both suburban and urban areas by means of a feeder bus system.

57.27 Sec. 24. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision
57.28 to read:

57.29 Subd. 8. Charitable organization discount passes. The council may offer passes,
57.30 including tokens, for regular route bus service for sale to charitable organizations,
57.31 described in section 501(c)(3) of the Internal Revenue Code, at a special discount.

57.32 EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 25. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision to read:

Subd. 9. **Youth discount passes.** (a) The council may offer passes, including tokens, for regular route bus service to charitable organizations, described in section 501(c)(3) of the Internal Revenue Code, free of charge. Any passes provided under this subdivision must be:

(1) distributed to and used solely by a person who is under 16 years of age; and

(2) restricted to use on a bus that is not operating at full capacity at the time of use of the bus pass.

(b) The council may establish additional requirements and terms of use of the passes, including but not limited to charging a fee to the charitable organization for any printing or production costs, restricting times of bus pass use to certain or non-peak hours of operation, and establishing oversight and auditing of the charitable organization with regard to bus pass distribution and use.

Sec. 26. **REPORTS ON TRANSPORTATION SERVICES FOR PERSONS WITH DISABILITIES.**

The commissioner of transportation with respect to transportation services for persons with disabilities outside the metropolitan area, and the Metropolitan Council with respect to transportation for persons with disabilities within the seven-county metropolitan area, shall each report to the chairs of the senate and house of representatives committees with jurisdiction over transportation finance and policy no later than December 15, 2008.

Both reports shall:

(1) identify transit needs of persons with disabilities, as defined under the Americans with Disabilities Act;

(2) develop a five-year phased strategy to meet identified needs to the maximum extent feasible;

(3) identify capital and operating needs for each of the five years, and ongoing needs of a fully implemented program;

(4) identify available funding sources; and

(5) investigate intercounty service and reimbursement mechanisms.

Sec. 27. **REPEALER.**

Minnesota Statutes 2006, sections 473.1465; 473.247; and 473.3994, subdivision 13, are repealed.

(b) Laws 1999, chapter 230, section 44, is repealed.

59.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

59.2 Sec. 28. **EFFECTIVE DATE.**

59.3 Sections 10 and 15 to 23 are effective the day following final enactment and apply in
59.4 the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

59.5 **ARTICLE 4**

59.6 **REGISTRATION PLATES**

59.7 Section 1. Minnesota Statutes 2006, section 168.10, subdivision 1a, is amended to read:

59.8 Subd. 1a. **Collector's vehicle, pioneer license plate.** (a) Any motor vehicle
59.9 manufactured prior to 1936 and owned and operated solely as a collector's item shall be
59.10 listed for taxation and registration as follows: An affidavit shall be executed stating the
59.11 name and address of the owner, the name and address of the person from whom purchased,
59.12 the make of the motor vehicle, year and number of the model, the manufacturer's
59.13 identification number and that the vehicle is owned and operated solely as a collector's
59.14 item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied
59.15 that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee
59.16 authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for
59.17 taxation and registration and shall issue a single number plate.

59.18 (b) The number plate so issued shall bear the inscription "Pioneer," "Minnesota"
59.19 and the registration number or other combination of characters authorized under section
59.20 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long
59.21 as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to
59.22 revoke said plate for failure to comply with this subdivision.

59.23 Sec. 2. Minnesota Statutes 2006, section 168.10, subdivision 1b, is amended to read:

59.24 Subd. 1b. **Collector's vehicle, classic car license plate.** (a) Any motor vehicle
59.25 manufactured between and including the years 1925 and 1948, and designated by the
59.26 ~~registrar of motor vehicles~~ commissioner as a classic car because of its fine design, high
59.27 engineering standards, and superior workmanship, and owned and operated solely as a
59.28 collector's item shall be listed for taxation and registration as follows: An affidavit shall be
59.29 executed stating the name and address of the owner, the name and address of the person
59.30 from whom purchased, the make of the motor vehicle, year and number of the model, the
59.31 manufacturer's identification number and that the vehicle is owned and operated solely as a
59.32 collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner
59.33 is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to

60.1 be classified as a classic car, and the owner pays a \$25 tax and the plate fee authorized
60.2 under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and
60.3 registration and shall issue a single number plate.

60.4 (b) The number plate so issued shall bear the inscription "Classic Car," "Minnesota,"
60.5 and the registration number or other combination of characters authorized under section
60.6 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long
60.7 as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to
60.8 revoke said plate for failure to comply with this subdivision.

60.9 (c) The following cars built between and including 1925 and 1948 are classic:

60.10	A.C.	
60.11	Adler	
60.12	Alfa Romeo	
60.13	Alvis	Speed 20, 25, and 4.3 litre.
60.14	Amilcar	
60.15	Aston Martin	
60.16	Auburn	All 8-cylinder and 12-cylinder models.
60.17	Audi	
60.18	Austro-Daimler	
60.19	Avions Voisin 12	
60.20	Bentley	
60.21	Blackhawk	
60.22	B.M.W.	Models 327, 328, and 335 only.
60.23	Brewster (Heart-front Ford)	
60.24	Bugatti	
60.25	Buick	1931 through 1942: series 90 only.
60.26	Cadillac	All 1925 through 1935.
60.27		All 12's and 16's.
60.28		1936-1948: Series 63, 65, 67,
60.29		70, 72, 75, 80, 85 and 90 only.
60.30		1938-1947: 60 special only.
60.31		1940-1947: All 62 Series.
60.32	Chrysler	1926 through 1930: Imperial 80.
60.33		1929: Imperial L.
60.34		1931 through 1937: Imperial Series CG,
60.35		CH, CL, and CW.
60.36		All Newports and Thunderbolts.
60.37		1934 CX.
60.38		1935 C-3.
60.39		1936 C-11.
60.40		1937 through 1948: Custom Imperial,
60.41		Crown Imperial Series C-15, C-20, C-24,
60.42		C-27, C-33, C-37, and C-40.

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61.1	Cord	
61.2	Cunningham	
61.3	Dagmar	Model 25-70 only.
61.4	Daimler	
61.5	Delage	
61.6	Delahaye	
61.7	Doble	
61.8	Dorris	
61.9	Duesenberg	
61.10	du Pont	
61.11	Franklin	All models except 1933-34 Olympic Sixes.
61.12	Frazer Nash	
61.13	Graham	1930-1931: Series 137.
61.14	Graham-Paige	1929-1930: Series 837.
61.15	Hispano Suiza	
61.16	Horch	
61.17	Hotchkiss	
61.18	Invicta	
61.19	Isotta Fraschini	
61.20	Jaguar	
61.21	Jordan	Speedway Series 'Z' only.
61.22	Kissel	1925, 1926 and 1927: Model 8-75.
61.23		1928: Model 8-90, and 8-90 White Eagle.
61.24		1929: Model 8-126, and 8-90 White Eagle.
61.25		1930: Model 8-126.
61.26		1931: Model 8-126.
61.27	Lagonda	
61.28	Lancia	
61.29	La Salle	1927 through 1933 only.
61.30	Lincoln	All models K, L, KA, and KB.
61.31		1941: Model 168H.
61.32		1942: Model 268H.
61.33	Lincoln Continental	1939 through 1948.
61.34	Locomobile	All models 48 and 90.
61.35		1927: Model 8-80.
61.36		1928: Model 8-80.
61.37		1929: Models 8-80 and 8-88.
61.38	Marmon	All 16-cylinder models.
61.39		1925: Model 74.
61.40		1926: Model 74.
61.41		1927: Model 75.
61.42		1928: Model E75.
61.43		1931: Model 88, and Big 8.

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62.1	Maybach	
62.2	McFarlan	
62.3	Mercedes Benz	All models 2.2 litres and up.
62.4	Mercer	
62.5	M.G.	6-cylinder models only.
62.6	Minerva	
62.7	Nash	1931: Series 8-90.
62.8		1932: Series 9-90,
62.9		Advanced 8, and Ambassador 8.
62.10		1933-1934: Ambassador 8.
62.11	Packard	1925 through 1934: All models.
62.12		1935 through 1942: Models 1200,
62.13		1201, 1202, 1203, 1204, 1205, 1207,
62.14		1208, 1400, 1401, 1402, 1403, 1404,
62.15		1405, 1407, 1408, 1500, 1501, 1502,
62.16		1506, 1507, 1508, 1603, 1604, 1605,
62.17		1607, 1608, 1705, 1707, 1708, 1806,
62.18		1807, 1808, 1906, 1907, 1908, 2006,
62.19		2007, and 2008 only.
62.20		1946 and 1947: Models 2106 and
62.21		2126 only.
62.22	Peerless	1926 through 1928: Series 69.
62.23		1930-1931: Custom 8.
62.24		1932: Deluxe Custom 8.
62.25	Pierce Arrow	
62.26	Railton	
62.27	Renault	Grand Sport model only.
62.28	Reo	1930-1931: Royale Custom 8, and
62.29		Series 8-35 and 8-52 Elite 8.
62.30		1933: Royale Custom 8.
62.31	Revere	
62.32	Roamer	1925: Series 8-88, 6-54e, and 4-75.
62.33		1926: Series 4-75e, and 8-88.
62.34		1927-1928: Series 8-88.
62.35		1929: Series 8-88, and 8-125.
62.36		1930: Series 8-125.
62.37	Rohr	
62.38	Rolls Royce	
62.39	Ruxton	
62.40	Salmson	
62.41	Squire	
62.42	Stearns Knight	
62.43	Stevens Duryea	

63.1	Steyr	
63.2	Studebaker	1929-1933: President, except model 82.
63.3	Stutz	
63.4	Sunbeam	
63.5	Talbot	
63.6	Triumph	Dolomite 8 and Gloria 6.
63.7	Vauxhall	Series 25-70 and 30-98 only.
63.8	Voisin	
63.9	Wills Saint Claire	

63.10 (d) No commercial vehicles such as hearses, ambulances, or trucks are considered
63.11 to be classic cars.

63.12 Sec. 3. Minnesota Statutes 2006, section 168.10, subdivision 1c, is amended to read:

63.13 Subd. 1c. **Collector's vehicle, collector plate.** (a) The owner of any self-propelled
63.14 motor vehicle, including any truck, (1) that is (i) at least 20 model years old, or (ii) at
63.15 least ten model years old and with a body or engine style of which not more than 500
63.16 were manufactured in or imported into the United States in any model year, (2) that was
63.17 manufactured after 1935, and (3) that is owned and operated solely as a collector's vehicle,
63.18 shall list the vehicle for taxation and registration as provided in paragraph (b).

63.19 (b) The owner shall execute an affidavit stating (1) the name and address of the
63.20 person from whom purchased and of the new owner, (2) the make of the motor vehicle,
63.21 (3) the year and number of the model, (4) the manufacturer's identification number, (5)
63.22 in the case of a vehicle described in paragraph (a), clause (1)(ii), that the vehicle has a
63.23 body or engine style of which not more than 500 were manufactured or imported into the
63.24 United States in any model year, and (6) that the vehicle is owned and operated solely as a
63.25 collector's item and not for general transportation purposes.

63.26 (c) The owner shall provide a statement of the manufacturer or importer regarding
63.27 the number of vehicles manufactured or imported during the model year.

63.28 (d) The owner shall also prove that the owner also has one or more vehicles with
63.29 regular license plates.

63.30 If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the
63.31 owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~
63.32 commissioner shall list the vehicle for taxation and registration and shall issue a single
63.33 number plate.

63.34 (e) The number plate issued shall bear the inscription "Collector," "Minnesota,"
63.35 and the registration number or other combination of characters authorized under section
63.36 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long

64.1 as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to
64.2 revoke the plate for failure to comply with this subdivision.

64.3 Sec. 4. Minnesota Statutes 2006, section 168.10, subdivision 1d, is amended to read:

64.4 Subd. 1d. **Collector's vehicle, street rod ~~license~~ plate**. Any modernized motor
64.5 vehicle manufactured prior to the year 1949 or designed and manufactured to resemble
64.6 such vehicle shall be listed for taxation and registration as follows:

64.7 An affidavit shall be executed stating the name and address of the person from
64.8 whom purchased and of the new owner, the make of the motor vehicle, year number of
64.9 model, and the manufacturer's identification number. The affidavit shall further state that
64.10 the vehicle is owned and operated solely as a street rod and not for general transportation
64.11 purposes. The owner must also prove that the owner has one or more vehicles with regular
64.12 license plates. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and
64.13 correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12,
64.14 the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall
64.15 issue a single number plate.

64.16 The number plate issued shall bear the inscription "Street Rod", "Minnesota" and the
64.17 registration number or other combination of characters authorized under section 168.12,
64.18 subdivision 2a, but no date. The number plate is valid without renewal as long as the
64.19 vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke
64.20 such plate for failure to comply with this subdivision.

64.21 Sec. 5. Minnesota Statutes 2006, section 168.10, subdivision 1g, is amended to read:

64.22 Subd. 1g. **Original plates**. A vehicle registered pursuant to subdivision 1a, 1b, 1c
64.23 or 1d may in lieu of being issued number plates by the ~~registrar~~ commissioner display
64.24 original Minnesota number plates issued in the same year as the model year of the car
64.25 on which they are displayed. The number of the original plates must be provided to the
64.26 ~~registrar~~ commissioner. The original plates must be in good condition ~~and shall be used in~~
64.27 ~~pairs one to be displayed in the front of the car and one in the rear, except for an original~~
64.28 ~~plate issued in 1911, 1944, 1945, or 1946 which may be used singly and displayed at the~~
64.29 ~~rear of the vehicle~~. Original Minnesota number plates shall not be used if the number on
64.30 the original plate is identical to a number on any current ~~street rod~~ plate or any other plate
64.31 in a numbering system used by the ~~registrar~~ commissioner without written authorization
64.32 from the commissioner. Any person currently using plates issued pursuant to subdivision
64.33 1a, 1b, 1c or 1d shall return those plates to the ~~registrar~~ commissioner before substituting

65.1 original plates. The ~~registrar may~~ commissioner shall charge a fee of \$10 for registering
65.2 the number on original plates.

65.3 Sec. 6. Minnesota Statutes 2006, section 168.10, subdivision 1h, is amended to read:

65.4 Subd. 1h. **Collector military vehicle.** (a) A motor vehicle, including a truck, shall
65.5 be listed and registered under this section if it meets the following conditions:

65.6 (1) it is at least 20 years old;

65.7 (2) its first owner following its manufacture was a branch of the armed forces of
65.8 the United States and it presently conforms to the vehicle specifications required during
65.9 the time of military ownership, or it has been restored and presently conforms to the
65.10 specifications required by a branch of the armed forces for the model year that the restored
65.11 vehicle could have been owned by that branch of the armed forces; and

65.12 (3) it is owned by a nonprofit organization and operated solely as a collector's
65.13 vehicle. For purposes of this subdivision, "nonprofit organization" means a corporation,
65.14 society, association, foundation, or institution organized and operated exclusively for
65.15 historical or educational purposes, no part of the net earnings of which inures to the
65.16 benefit of a private individual.

65.17 (b) The owner of the vehicle shall execute an affidavit stating the name and address
65.18 of the person from whom purchased and of the new owner; the make, year, and model
65.19 number of the motor vehicle; the manufacturer's identification number; and the collector
65.20 military vehicle identification number, if any, located on the exterior of the vehicle. The
65.21 affidavit must affirm that the vehicle is owned by a nonprofit organization and is operated
65.22 solely as a collector's item and not for general transportation purposes. If the ~~registrar~~
65.23 commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25
65.24 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall
65.25 list the vehicle for taxation and registration and shall issue number plates. The number
65.26 plates shall bear the inscriptions "Collector" and "Minnesota" and the registration number,
65.27 but no date. The number plates are valid without renewal as long as the vehicle is in
65.28 existence in Minnesota. The ~~registrar~~ commissioner may revoke the plates for failure
65.29 to comply with this subdivision.

65.30 (c) Notwithstanding section 168.09, 168.12, or other law to the contrary, the owner
65.31 of a registered collector military vehicle is not required to display registration plates on the
65.32 exterior of the vehicle if the vehicle has an exterior number identification that conforms to
65.33 the identifying system for military vehicles in effect when the vehicle was last owned by
65.34 the branch of the armed forces of the United States or in effect in the year to which the

66.1 collector military vehicle has been restored. However, the state registration plates must be
66.2 carried in or on the collector military vehicle at all times.

66.3 (d) The owner of a registered collector military vehicle that is not required to display
66.4 registration plates under paragraph (c) may tow a registered trailer behind it. The trailer
66.5 is not required to display registration plates if the trailer:

66.6 (1) does not exceed a gross weight of 15,000 pounds;

66.7 (2) otherwise conforms to registration, licensing, and safety laws and specifications;

66.8 (3) conforms to military specifications for appearance and identification;

66.9 (4) is intended to represent and does represent a military trailer; and

66.10 (5) carries registration plates on or in the trailer or the collector military vehicle
66.11 towing the trailer.

66.12 Sec. 7. Minnesota Statutes 2006, section 168.10, subdivision 1i, is amended to read:

66.13 Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1,
66.14 on payment of a transfer fee of \$5, plates issued under this section may be transferred to
66.15 another vehicle owned or jointly owned by the person to whom the special plates were
66.16 issued or the plate may be assigned to another owner. In addition to the transfer fee a new
66.17 owner must pay the \$25 ~~plate tax~~ or and any fee required by section 168.12, subdivision
66.18 2a. The \$5 fee must be paid into the state treasury and credited to the highway user tax
66.19 distribution fund. License plates issued under this section may not be transferred to a
66.20 vehicle not eligible for the collector's vehicle license plates.

66.21 Sec. 8. Minnesota Statutes 2006, section 168.12, subdivision 1, is amended to read:

66.22 Subdivision 1. **Plates; design, visibility, periods of issuance.** (a) The commissioner,
66.23 upon approval and payment, shall issue to the applicant the plates required by this chapter,
66.24 bearing the state name and an assigned vehicle registration number. The number assigned
66.25 by the commissioner may be a combination of a letter or sign with figures. The color of the
66.26 plates and the color of the abbreviation of the state name and the number assigned must
66.27 be in marked contrast. The plates must be lettered, spaced, or distinguished to suitably
66.28 indicate the registration of the vehicle according to the rules of the commissioner.

66.29 (b) When a vehicle is registered on the basis of total gross weight, the plates issued
66.30 must clearly indicate by letters or other suitable insignia the maximum gross weight
66.31 for which the tax has been paid.

66.32 (c) The plates must be so treated as to be at least 100 times brighter than the
66.33 conventional painted number plates. When properly mounted on an unlighted vehicle, the

plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

(d) The commissioner shall issue plates for the following periods:

(1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be transferable from one vehicle to another but the plate may be transferred with the vehicle from one tax-exempt agency to another.

(2) Plates issued for passenger automobiles must be issued for a seven-year period. All plates issued under this paragraph must be replaced if they are seven years old or older at the time of registration renewal or will become so during the registration period.

(3) Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, must be for a seven-year period.

(4) Plates issued under subdivisions 2c and 2d and section 168.123 must be issued for the life of the veteran under section 169.79.

(5) Plates for any vehicle not specified in clauses (1) to (3), ~~except for trailers as hereafter provided,~~ must be issued for the life of the vehicle. ~~Beginning with plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less must be issued for the life of the trailer and must be not more than seven inches in length and four inches in width.~~

(e) In a year in which plates are not issued, the commissioner shall issue for each registration a sticker to designate the year of registration. This sticker must show the year or years for which the sticker is issued, and is valid only for that period. The plates and stickers issued for a vehicle may not be transferred to another vehicle during the period for which the sticker is issued, except when issued for a vehicle registered under section 168.187.

(f) Despite any other provision of this subdivision, plates issued to a vehicle used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The public school shall notify the commissioner of each transfer of plates under this paragraph. The commissioner may prescribe a format for notification.

Sec. 9. Minnesota Statutes 2006, section 168.12, subdivision 2, is amended to read:

Subd. 2. **Amateur radio licensee; special plates, rules.** (a) The commissioner shall issue amateur radio plates to an applicant who:

(1) is an owner of a passenger automobile or recreational motor vehicle;

(2) is a resident of this state;

68.1 (3) holds an official amateur radio station license or a citizens radio service class D
68.2 license, in good standing, issued by the Federal Communications Commission;

68.3 (4) pays the registration tax required under section 168.013;

68.4 (5) pays a fee of \$10 for each set of special plates and any other fees required by
68.5 this chapter; and

68.6 (6) complies with this chapter and rules governing the registration of motor vehicles
68.7 and licensing of drivers;

68.8 (b) In lieu of the registration number required for identification under subdivision 1,
68.9 the plates must indicate the official amateur call letters of the applicant, as assigned by the
68.10 Federal Communications Commission, and the words "AMATEUR RADIO."

68.11 (c) This provision for the issue of special plates applies only if the applicant's motor
68.12 vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota
68.13 plates issued for that motor vehicle under which to operate it during the time that it will
68.14 take to have the necessary special plates made.

68.15 (d) If owning more than one motor vehicle of the type specified in this subdivision,
68.16 the applicant may apply for special plates for each ~~of not more than two motor vehicles~~
68.17 motor vehicle and, if each application complies with this subdivision, the commissioner
68.18 shall furnish the applicant with the special plates, indicating the official amateur call
68.19 letters and other distinguishing information as the commissioner considers necessary, for
68.20 each of the ~~two~~ motor vehicles.

68.21 (e) The commissioner may make reasonable rules governing the use of the special
68.22 plates as will assure the full compliance by the owner of the special plates, with all existing
68.23 laws governing the registration of motor vehicles and the transfer and use of the plates.

68.24 (f) Despite any contrary provision of subdivision 1, the special plates issued under
68.25 this subdivision may be transferred by an owner to another motor vehicle listed in
68.26 paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The
68.27 commissioner must be notified before the transfer and may prescribe a format for the
68.28 notification.

68.29 Sec. 10. Minnesota Statutes 2006, section 168.12, subdivision 2a, is amended to read:

68.30 Subd. 2a. **Personalized plates; rules.** (a) The commissioner ~~shall~~ may issue
68.31 personalized plates or, if requested for special plates issued under section 168.123 for
68.32 veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war,
68.33 applicable personalized special veterans plates, to an applicant who:

68.34 (1) is an owner of a passenger automobile including a passenger automobile
68.35 registered as a classic car, pioneer car, collector car, or street rod; any truck with a

69.1 manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a
69.2 motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as
69.3 defined in section 168.126; or a recreational ~~motor~~ vehicle;

69.4 (2) pays a onetime fee of \$100 and any other fees required by this chapter;

69.5 (3) pays the registration tax required by this chapter for the motor vehicle; and

69.6 (4) complies with this chapter and rules governing registration of motor vehicles
69.7 and licensing of drivers.

69.8 (b) The commissioner shall charge a replacement fee for personalized license plates
69.9 and personalized special veterans plates issued under section 168.123 as specified in
69.10 subdivision 5. This fee must be paid by the applicant whenever the personalized plates are
69.11 required to be replaced by law, except that as provided in section 168.124, subdivision
69.12 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under
69.13 those sections.

69.14 (c) In lieu of the registration number assigned as provided in subdivision 1,
69.15 personalized plates and personalized special veterans plates must have imprinted on them
69.16 a series of not more than seven numbers and letters, or five numbers and letters for
69.17 personalized special veterans plates, in any combination and, as applicable, satisfy the
69.18 design requirements of section 168.123, 168.124, or 168.125. When an applicant has once
69.19 obtained personalized plates or personalized special veterans plates, the applicant shall
69.20 have a prior claim for similar personalized plates or personalized special veterans plates in
69.21 the next succeeding year as long as current motor vehicle registration is maintained.

69.22 (d) The commissioner shall adopt rules in the manner provided by chapter 14,
69.23 regulating the issuance and transfer of personalized plates and personalized special
69.24 veterans plates. No words or combination of letters placed on these plates may be used
69.25 for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a
69.26 nature that would offend public morals or decency. The call signals or letters of a radio or
69.27 television station are not commercial advertising for the purposes of this subdivision.

69.28 (e) Despite the provisions of subdivision 1, personalized plates and personalized
69.29 special veterans plates issued under this subdivision may be transferred to another motor
69.30 vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

69.31 (f) The commissioner may by rule specify the format for notification.

69.32 (g) A personalized plate or personalized special veterans plate issued for a classic
69.33 car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred
69.34 to a vehicle not eligible for such a plate.

69.35 (h) Despite any law to the contrary, if the personalized license plates are lost, stolen,
69.36 or destroyed, the applicant may apply and must be issued duplicate license plates bearing

the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

Sec. 11. Minnesota Statutes 2006, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is both a member of a fire department receiving state aid under chapter 69 and an owner of a passenger automobile, a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a motorcycle;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner. ~~No applicant shall receive more than two sets of plates for motor vehicles owned by the applicant.~~

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle is entitled to receive regular plates or a regular motorcycle plate for the motor vehicle without cost for the remainder of the registration period for which the special plate or plates were issued shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

71.1 (e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger
71.2 automobile or truck may be transferred to another passenger automobile or truck owned
71.3 or jointly owned by the person to whom the plates were issued. On payment of a fee of
71.4 \$5, a plate issued under this subdivision for a motorcycle may be transferred to another
71.5 motorcycle owned or jointly owned by the person to whom the plate was issued.

71.6 (f) The commissioner may adopt rules under the Administrative Procedure Act,
71.7 sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized
71.8 in this subdivision.

71.9 Sec. 12. Minnesota Statutes 2006, section 168.12, subdivision 2c, is amended to read:

71.10 Subd. 2c. **National Guard; special plates, rules.** (a) The commissioner shall
71.11 issue special plates to any applicant who:

71.12 (1) is a regularly enlisted, commissioned, or retired member of the Minnesota
71.13 National Guard, other than an inactive member who is not a retired member, and is an
71.14 owner of a passenger automobile;

71.15 (2) pays a fee of \$10 and any other fees required by this chapter;

71.16 (3) pays the registration tax required by this chapter; and

71.17 (4) complies with this chapter and rules governing the registration of motor vehicles
71.18 and licensing of drivers.

71.19 (b) The adjutant general shall design the emblem for these special plates subject to
71.20 the approval of the commissioner.

71.21 ~~(c) An applicant must not be issued more than two sets of plates for motor vehicles~~
71.22 ~~registered to the applicant.~~

71.23 ~~(d)~~ (c) Special plates issued under this subdivision may only be used during the
71.24 period that the owner of the motor vehicle is an active or retired member of the Minnesota
71.25 National Guard as specified in this subdivision. When the individual to whom the
71.26 special plates were issued is no longer an active or retired member of the Minnesota
71.27 National Guard, the special plates must be removed from the vehicle by the owner. If the
71.28 commissioner receives written notification that an individual is no longer qualified for
71.29 these special plates, the commissioner shall invalidate the plates and notify the individual
71.30 of this action. The individual may retain the plate only upon demonstrating compliance
71.31 with the qualifications of this subdivision. Upon removal or invalidation of the special
71.32 plates, either the owner or purchaser of the motor vehicle is entitled to receive regular
71.33 plates for the motor vehicle without cost for the remainder of the registration period for
71.34 which the special plates were issued shall obtain regular plates for the motor vehicle.

~~(e)~~ (d) While the person is an active or retired member of the Minnesota National Guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned by that individual upon payment of a fee of \$5.

~~(f)~~ (e) For purposes of this subdivision, "retired member" means an individual placed on the roll of retired officers or roll of retired enlisted members in the Office of the Adjutant General under section 192.18 and who is not deceased.

~~(g)~~ (f) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 13. Minnesota Statutes 2006, section 168.12, subdivision 2d, is amended to read:

Subd. 2d. **Ready Reserve; special plates, rules.** (a) The commissioner shall issue special plates to an applicant who:

(1) is not eligible for special National Guard plates under subdivision 2c, is a member of the United States armed forces ready reserve as described in United States Code, title 10, section 10142 or 10143, or a retired reserve as described in United States Code, title 10, section 10154, and is an owner of a passenger automobile;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The commissioner of veterans affairs shall design the emblem for these special plates subject to the approval of the commissioner.

~~(c) An applicant must not be issued more than two sets of plates for motor vehicles owned by the applicant.~~

~~(d)~~ (c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of the ready reserve. When the owner is no longer a member, the special plates must be removed from the motor vehicle by the owner. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. On removing removal or invalidation of the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the special plates were issued shall obtain regular plates for the motor vehicle. While the owner is a member of the ready reserve, plates

73.1 issued under this subdivision may be transferred to another motor vehicle owned by that
73.2 individual on paying a fee of \$5.

73.3 ~~(e)~~ (d) The commissioner may adopt rules under the Administrative Procedure Act
73.4 to govern the issuance and use of the special plates authorized by this subdivision.

73.5 Sec. 14. Minnesota Statutes 2006, section 168.12, subdivision 2e, is amended to read:

73.6 Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The commissioner
73.7 shall issue special license plates to an applicant who:

73.8 (1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision
73.9 15, and owns a motor vehicle taxed as a passenger automobile;

73.10 (2) pays the registration tax required by this chapter for the motor vehicle;

73.11 (3) pays a fee of \$10 and any other fees required by this chapter; and

73.12 (4) complies with this chapter and rules governing the registration of motor vehicles
73.13 and licensing of drivers.

73.14 ~~(b) The commissioner shall not issue more than two sets of these plates to each~~
73.15 ~~qualified applicant.~~

73.16 ~~(e)~~ (b) An individual may use special plates issued under this subdivision only during
73.17 the period that the individual is a volunteer ambulance attendant. When the individual to
73.18 whom the special plates were issued ceases to be a volunteer ambulance attendant, the
73.19 individual shall remove each set of special plates issued. If the commissioner receives
73.20 written notification that an individual is no longer qualified for these special plates, the
73.21 commissioner shall invalidate the plates and notify the individual of this action. The
73.22 individual may retain the plate only upon demonstrating compliance with the qualifications
73.23 of this subdivision. When ownership of the motor vehicle is transferred, the individual
73.24 shall remove the special plates from that motor vehicle. On removal or invalidation of
73.25 ~~each set of the special~~ plates, the owner or purchaser of the motor vehicle, ~~or new owner~~
73.26 ~~in case of a transferred motor vehicle, is entitled to receive regular plates for the motor~~
73.27 ~~vehicle without cost for the rest of the registration period for which the set of special~~
73.28 ~~plates were issued~~ shall obtain regular plates for the motor vehicle. Special plates issued
73.29 under this subdivision may be transferred to another motor vehicle owned by the volunteer
73.30 ambulance attendant on payment of a fee of \$5.

73.31 ~~(d)~~ (c) The commissioner may adopt rules governing the design, issuance, and sale
73.32 of the special plates authorized by this subdivision.

ARTICLE 5

VEHICLE SIZE, WEIGHT, AND LOAD RESTRICTIONS

Section 1. Minnesota Statutes 2006, section 169.01, subdivision 78, is amended to read:

Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a full-size pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer middle vehicle which has hitched to it a trailer ~~carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; all-terrain vehicle as defined in section 84.92, subdivision 8; motorized golf cart; or equestrian equipment or supplies.~~

(b) For purposes of this subdivision:

(1) a "fifth-wheel coupling" is a coupling between a camper-semitrailer middle vehicle and a towing full-size pickup truck in which a portion of the weight of the camper-semitrailer towed middle vehicle is carried over or forward of the rear axle of the towing pickup.

(2) A ~~"camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.~~

Sec. 2. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 92. **Full-size pickup truck.** "Full-size pickup truck" means any truck with a manufacturer's nominal rated carrying capacity of one ton or less and commonly known as or resembling a pickup truck.

Sec. 3. Minnesota Statutes 2006, section 169.81, subdivision 2, is amended to read:

Subd. 2. **Length of single vehicle; exceptions.** (a) Statewide, no single vehicle may exceed ~~40~~ 45 feet in overall length, including load and front and rear bumpers, except:

(1) mobile cranes, which may not exceed 48 feet in overall length;

(2) buses, which may not exceed 45 feet in overall length; and

(3) type A, B, or C motor homes as defined in section 168.011, subdivision 25, paragraph (c), which may not exceed 45 feet in overall length.

(b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air

75.1 compressors, necessary for safe and efficient operation and located on the end of the
75.2 semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may
75.3 exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the
75.4 rear axle group of the semitrailer does not exceed 43 feet.

75.5 (c) Statewide, no single trailer may have an overall length exceeding 45 feet,
75.6 including the tow bar assembly but exclusive of rear bumpers that do not increase the
75.7 overall length by more than six inches.

75.8 (d) For determining compliance with this subdivision, the length of the semitrailer
75.9 or trailer must be determined separately from the overall length of the combination of
75.10 vehicles.

75.11 (e) No semitrailer or trailer used in a three-vehicle combination may have an overall
75.12 length in excess of 28-1/2 feet, exclusive of:

75.13 (1) non-cargo-carrying accessory equipment, including refrigeration units or air
75.14 compressors and upper coupler plates, necessary for safe and efficient operation, located
75.15 on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

75.16 (2) the tow bar assembly; and

75.17 (3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer
75.18 or trailer.

75.19 **EFFECTIVE DATE.** This section is effective August 1, 2007.

75.20 Sec. 4. Minnesota Statutes 2006, section 169.81, subdivision 3c, is amended to read:

75.21 Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a
75.22 recreational vehicle combination may be operated without a permit if:

75.23 (1) the combination does not consist of more than three vehicles, and the towing
75.24 rating of the full-size pickup truck is equal to or greater than the total weight of all
75.25 vehicles being towed;

75.26 (2) the combination does not exceed 70 feet in length;

75.27 ~~(3) the middle vehicle in the combination does not exceed 28 feet in length;~~

75.28 ~~(4)~~ the operator of the combination is at least 18 years of age;

75.29 ~~(5)~~ (4) the trailer is only carrying a watercraft, motorcycle, motorized bicycle,
75.30 off-highway motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, or
75.31 equestrian equipment or supplies, and meets all requirements of law;

75.32 ~~(6)~~ (5) the ~~trailers~~ vehicles in the combination are connected to the full-size pickup
75.33 truck and each other in conformity with section 169.82; and

~~(7)~~ (6) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2006, section 169.823, subdivision 1, is amended to read:

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) where the gross weight on any wheel exceeds 9,000 pounds, except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds unless posted;

(2) where the gross weight on any single axle exceeds 18,000 pounds, except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds unless posted;

(3) where the maximum wheel load:

(i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. ~~This item applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all vehicles regardless of date of manufacture;~~

(4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart;

(5) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 6. Minnesota Statutes 2006, section 169.824, subdivision 2, is amended to read:

Subd. 2. **Gross vehicle weight of all axles.** (a) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles ~~shall~~ must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all ~~state~~ (i) trunk highways as defined in section 160.02, subdivision 29, ~~and for all~~ (ii) routes designated under section 169.832, subdivision 11, and (iii) paved county highways, including paved county state-aid highways;

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (k); and

(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than ~~state trunk highways and routes that are designated under section 169.832, subdivision 11, except that a vehicle needing reasonable access to a terminal or facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may not exceed 80,000 pounds. "Terminal" means any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities; and~~ routes identified in clause (1).

~~(4) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.~~

~~(b) The maximum weights specified in this section for five consecutive axles shall not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this section.~~

(b) Notwithstanding the maximum weight provisions of this section and section 169.85, and in order to promote the reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology, not to exceed 400 pounds. At the request of an authorized representative of the Department of Transportation or Department of Public Safety the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.

78.1 Sec. 7. Minnesota Statutes 2006, section 169.8261, is amended to read:

78.2 **169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

78.3 (a) A vehicle or combination of vehicles hauling raw or unfinished forest products,
78.4 including wood chips, paper, pulp, oriented strand board, laminated strand lumber,
78.5 hardboard, treated lumber, untreated lumber, or barrel staves, by the most direct route to the
78.6 nearest highway that has been designated under section 169.832, subdivision 11, may be
78.7 operated on any highway with gross weights permitted under sections 169.822 to 169.829
78.8 without regard to load restrictions imposed on that highway, except that the vehicles must:

78.9 (1) comply with seasonal load restrictions in effect between the dates set by the
78.10 commissioner under section 169.87, subdivision 2;

78.11 (2) comply with bridge load limits posted under section 169.84;

78.12 (3) be equipped and operated with six axles and brakes on all wheels;

78.13 (4) not exceed 90,000 pounds gross weight, or ~~98,000~~ 99,000 pounds gross weight
78.14 during the time when seasonal increases are authorized under section 169.826;

78.15 (5) not be operated on interstate and defense highways;

78.16 (6) obtain an annual permit from the commissioner of transportation;

78.17 (7) obey all road postings; and

78.18 (8) not exceed 20,000 pounds gross weight on any single axle.

78.19 (b) A vehicle operated under this section may exceed the legal axle weight limits
78.20 listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may
78.21 be exceeded by not more than 22.5 percent during the time when seasonal increases are
78.22 authorized under section 169.826, subdivision 1.

78.23 Sec. 8. Minnesota Statutes 2006, section 169.86, subdivision 5, is amended to read:

78.24 Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect
78.25 to highways under the commissioner's jurisdiction, may charge a fee for each permit
78.26 issued. All such fees for permits issued by the commissioner of transportation shall be
78.27 deposited in the state treasury and credited to the trunk highway fund. Except for those
78.28 annual permits for which the permit fees are specified elsewhere in this chapter, the fees
78.29 shall be:

78.30 (a) \$15 for each single trip permit.

78.31 (b) \$36 for each job permit. A job permit may be issued for like loads carried on
78.32 a specific route for a period not to exceed two months. "Like loads" means loads of the
78.33 same product, weight, and dimension.

78.34 (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive
78.35 months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; ~~and~~

(6) noncommercial transportation of a boat by the owner or user of the boat; and

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

80.1	Weight	Cost Per Mile For Each Group Of:		
80.2	(pounds)			
80.3	exceeding	Two	Three	
80.4	weight	consecutive	consecutive	
80.5	limitations on	axles	axles	Four
80.6	axles	spaced	spaced	consecutive
80.7		within 8	within 9	axles spaced
80.8		feet or	feet or	within 14
80.9		less	less	feet or less
80.10	0-2,000	.12	.05	.04
80.11	2,001-4,000	.14	.06	.05
80.12	4,001-6,000	.18	.07	.06
80.13	6,001-8,000	.21	.09	.07
80.14	8,001-10,000	.26	.10	.08
80.15	10,001-12,000	.30	.12	.09
80.16		Not		
80.17	12,001-14,000	permitted	.14	.11
80.18		Not		
80.19	14,001-16,000	permitted	.17	.12
80.20		Not		
80.21	16,001-18,000	permitted	.19	.15
80.22		Not	Not	
80.23	18,001-20,000	permitted	permitted	.16
80.24		Not	Not	
80.25	20,001-22,000	permitted	permitted	.20

80.26 The amounts added are rounded to the nearest cent for each axle or axle group. The
80.27 additional cost does not apply to paragraph (c), clauses (1) and (3).

80.28 For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile
80.29 fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed
80.30 in addition to the normal permit fee. Miles must be calculated based on the distance
80.31 already traveled in the state plus the distance from the point of detection to a transportation
80.32 loading site or unloading site within the state or to the point of exit from the state.

80.33 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,
80.34 or oversize and overweight, construction equipment, machinery, and supplies. The fees
80.35 for the permit are as follows:

80.36	Gross Weight (pounds) of Vehicle	Annual Permit Fee
80.37	90,000 or less	\$200
80.38	90,001 - 100,000	\$300
80.39	100,001 - 110,000	\$400
80.40	110,001 - 120,000	\$500
80.41	120,001 - 130,000	\$600
80.42	130,001 - 140,000	\$700
80.43	140,001 - 145,000	\$800

81.1 If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined
81.2 under paragraph (e).

81.3 (g) For vehicles which exceed the width limitations set forth in section 169.80 by
81.4 more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a)
81.5 when the permit is issued while seasonal load restrictions pursuant to section 169.87 are
81.6 in effect.

81.7 (h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for
81.8 refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on
81.9 a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828,
81.10 subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000
81.11 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000
81.12 pounds.

81.13 (i) For vehicles exclusively transporting implements of husbandry, an annual permit
81.14 fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved
81.15 at the discretion of the permit holder without prior route approval by the commissioner if:

81.16 (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

81.17 (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is
81.18 not operated at any time after 12:00 noon on Sundays or holidays;

81.19 (3) the vehicle is not operated when visibility is impaired by weather, fog, or other
81.20 conditions that render persons and other vehicles not clearly visible at 500 feet;

81.21 (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing
81.22 amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of
81.23 the vehicle exceeds 126 inches; and

81.24 (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of
81.25 less than 24 feet unless such operation is authorized by the permit.

81.26 A permit under this paragraph authorizes movements of the permitted vehicle on an
81.27 interstate highway, and movements of 75 miles or more on other highways.

81.28 (j) \$300 for a motor vehicle described in section 169.8261. The fee under this
81.29 paragraph must be deposited as follows:

81.30 (1) in fiscal years 2005 through 2010:

81.31 (i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund
81.32 for costs related to administering the permit program and inspecting and posting bridges;

81.33 (ii) all remaining money in each fiscal year must be deposited in a bridge inspection
81.34 and signing account in the special revenue fund. Money in the account is appropriated
81.35 to the commissioner for:

82.1 (A) inspection of local bridges and identification of local bridges to be posted,
82.2 including contracting with a consultant for some or all of these functions; and

82.3 (B) erection of weight-posting signs on local bridges; and

82.4 (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway
82.5 fund.

82.6 (k) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating
82.7 under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

82.8 Sec. 9. Minnesota Statutes 2006, section 169.862, is amended to read:

82.9 **169.862 PERMIT FOR WIDE LOAD OF BALED AGRICULTURAL**
82.10 **PRODUCT.**

82.11 Subdivision 1. **Annual permit authority; restrictions.** ~~(a)~~ The commissioner of
82.12 transportation with respect to highways under the commissioner's jurisdiction, and local
82.13 authorities with respect to highways under their jurisdiction, may issue an annual permit
82.14 to enable a vehicle carrying ~~round~~ bales of hay, straw, or cornstalks, with a total outside
82.15 width of the vehicle or the load not exceeding ~~11-1/2~~ 12 feet, and a total height of the
82.16 loaded vehicle not exceeding 15 feet, to be operated on public streets and highways.

82.17 ~~(b) The commissioner of transportation and local authorities may issue an annual~~
82.18 ~~permit to enable a vehicle, having a maximum width of 102 inches, carrying a first haul~~
82.19 ~~of square bales of straw, each bale having a minimum size of four feet by four feet by~~
82.20 ~~eight feet, with a total outside width of the load not exceeding 12 feet, to be operated on~~
82.21 ~~public streets and highways between August 1 and March 1 within 35 miles of the border~~
82.22 ~~between this state and the state of North Dakota.~~

82.23 ~~(c) The commissioner of transportation and local authorities may issue an annual~~
82.24 ~~permit to enable a vehicle carrying square bales of hay, each with an outside dimension of~~
82.25 ~~not less than three feet by four feet by seven feet, with a total height of the loaded vehicle~~
82.26 ~~not exceeding 15 feet, to be operated on those public streets and highways designated~~
82.27 ~~in the permit.~~

82.28 Subd. 2. **Additional restrictions.** Permits issued under this section are governed by
82.29 the applicable provisions of section 169.86 except as otherwise provided herein and, in
82.30 addition, carry the following restrictions:

82.31 (a) The vehicles may not be operated between sunset and sunrise, when visibility is
82.32 impaired by weather, fog, or other conditions rendering persons and vehicles not clearly
82.33 visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the
82.34 following holidays are observed: New Year's Day, Memorial Day, Independence Day,
82.35 Labor Day, Thanksgiving Day, and Christmas Day.

83.1 (b) The vehicles may not be operated on interstate highways.

83.2 (c) The vehicles may not be operated on a trunk highway with a pavement less
83.3 than 24 feet wide.

83.4 (d) A vehicle operated under the permit must be equipped with a retractable or
83.5 removable mirror on the left side so located that it will reflect to the driver a clear view of
83.6 the highway for a distance of at least 200 feet to the rear of the vehicle.

83.7 (e) A vehicle operated under the permit must display red, orange, or yellow flags, 18
83.8 inches square, as markers at the front and rear and on both sides of the load. The load
83.9 must be securely bound to the transporting vehicle.

83.10 (f) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt
83.11 from the requirement to obtain a permit. All other requirements of this section apply
83.12 to vehicles transporting round baled hay.

83.13 ~~The fee for the permit is \$24.~~

83.14 Sec. 10. Minnesota Statutes 2006, section 169.864, subdivision 1, is amended to read:

83.15 Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a
83.16 permit for a vehicle that meets the following requirements:

83.17 (1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing
83.18 one additional semitrailer, which may be equipped with an auxiliary dolly, and no
83.19 semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2
83.20 feet;

83.21 (2) has a maximum gross vehicle weight of 108,000 pounds;

83.22 (3) complies with the axle weight limits in section 169.824 or with the federal bridge
83.23 formula for axle groups not described in that section;

83.24 (4) complies with the tire weight limits in section 169.823 or the tire manufacturers'
83.25 recommended load, whichever is less;

83.26 (5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids
83.27 and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its
83.28 junction with Trunk Highway marked 53; on Trunk Highway marked 194 between Trunk
83.29 Highway marked 2 and Trunk Highway marked 53; and on Trunk Highway marked 53
83.30 between Virginia and the port of Duluth; and

83.31 (6) the seasonal weight increases authorized under section 169.826, subdivision 1,
83.32 do not apply.

83.33 Sec. 11. Minnesota Statutes 2006, section 169.864, subdivision 2, is amended to read:

Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds or 97,000 pounds if the truck has seven axles;

(3) has a maximum gross vehicle weight of 98,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less; and

(6) is operated only on the highways specified in subdivision 1, clause (5).

Sec. 12. **[169.865] EXTENDED WEIGHT LIMIT PERMITS.**

Subdivision 1. Six-axle vehicles. (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 2. Seven-axle vehicles. (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382.

85.1 (c) The fee for a permit issued under this subdivision is \$500.

85.2 Subd. 3. **Single unit vehicles.** (a) A road authority may issue an annual permit

85.3 authorizing a single unit vehicle with a total of seven axles up to 45 feet in length to haul

85.4 raw or unprocessed agricultural products and be operated with a gross vehicle weight

85.5 of up to:

85.6 (1) 80,000 pounds; and

85.7 (2) 88,000 pounds during the period set by the commissioner under section 169.826,

85.8 subdivisions 1 and 1a.

85.9 (b) The fee for a permit issued under this subdivision is \$300.

85.10 Subd. 4. **Requirements; restrictions.** (a) A vehicle or combination of vehicles

85.11 operating under this section:

85.12 (1) is subject to axle weight limitations under section 169.824, subdivision 1;

85.13 (2) is subject to seasonal load restrictions under section 169.87;

85.14 (3) is subject to bridge load limits posted under section 169.84;

85.15 (4) may only be operated on trunk highways other than interstate highways, and on

85.16 local roads designated under section 169.832, subdivision 11;

85.17 (5) may not be operated with loads that exceed the manufacturer's gross vehicle

85.18 weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating

85.19 complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

85.20 (6) must be issued a permit from each road authority having jurisdiction over a road

85.21 on which the vehicle is operated, if required;

85.22 (7) must comply with the requirements of section 169.851, subdivision 4; and

85.23 (8) must have brakes on all wheels.

85.24 (b) The percentage allowances for exceeding gross weights if transporting unfinished

85.25 forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of

85.26 unprocessed or raw farm products or unfinished forest products under section 168.013,

85.27 subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of

85.28 vehicles operated under this section.

85.29 Subd. 5. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued

85.30 under this section must be deposited:

85.31 (1) in fiscal years 2007 through 2010, in the bridge inspection and signing account

85.32 in the special revenue fund; and

85.33 (2) in fiscal year 2011 and subsequent years, in the trunk highway fund.

85.34 (b) The revenue in the bridge inspection and signing account under this section is

85.35 annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted,
including contracting with a consultant for some or all of these functions; and
(2) erection of weight posting signs on local bridges.

Sec. 13. Minnesota Statutes 2006, section 169.87, subdivision 4, is amended to read:

Subd. 4. **Vehicle transporting milk.** ~~Until June 1, 2007,~~ A weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from the point of production to the point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 14. Laws 2005, First Special Session chapter 1, article 4, section 39, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective ~~the latter of August 1, 2006, or the date on which the commissioner determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids 2007.~~

Sec. 15. CONDITIONAL EFFECTIVE DATE.

Sections 5, 6, and 10, are effective July 1, 2007, if an increase in the excise tax on gasoline under Minnesota Statutes, section 296A.07, to 30 cents per gallon is enacted during the 2007 legislative session.

ARTICLE 6
COMMERCIAL MOTOR VEHICLES

Section 1. [160.2721] COMMERCIAL VEHICLE DRIVERS AT REST AREAS.

(a) The commissioner shall allow a commercial motor vehicle operator who is subject to hours of service regulations under Code of Federal Regulations, title 49, part 395, to stop and park continuously, for a period of up to ten hours as necessary to comply with the hours of service regulations, at any Department of Transportation safety rest area or travel information center that has parking stalls designed to accommodate a commercial motor vehicle, as defined in section 169.01, subdivision 75.

(b) Any clause or provision in a lease or other agreement for the operation of a Department of Transportation safety rest area or travel information center that purports to limit the requirements under paragraph (a) is void and without effect.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2006, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent
surtax provided for in subdivision 14

TOTAL GROSS WEIGHT

		IN POUNDS			TAX
A	0	-	1,500	\$	15
B	1,501	-	3,000		20
C	3,001	-	4,500		25
D	4,501	-	6,000		35
E	6,001	-	9,000 10,000		45
F	9,001 10,001	-	12,000		70
G	12,001	-	15,000		105
H	15,001	-	18,000		145
I	18,001	-	21,000		190
J	21,001	-	26,000		270
K	26,001	-	33,000		360
L	33,001	-	39,000		475
M	39,001	-	45,000		595
N	45,001	-	51,000		715
O	51,001	-	57,000		865
P	57,001	-	63,000		1015
Q	63,001	-	69,000		1185
R	69,001	-	73,280		1325
S	73,281	-	78,000		1595
T	78,001	-	81,000 80,000		1760

(b) For purposes of the Minnesota base rate schedule, for vehicles with six or more axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

88.1 (c) For each vehicle with a gross weight in excess of ~~81,000~~ 80,000 pounds an
88.2 additional tax of \$50 is imposed for each ton or fraction thereof in excess of ~~81,000~~
88.3 80,000 pounds, subject to subdivision 12.

88.4 (d) For purposes of registration identification, for vehicles registered in the "O"
88.5 category, the owner must declare at the time of registration whether the vehicle will carry
88.6 a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle
88.7 use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive
88.8 weight sticker must be issued and the owner is restricted to a gross vehicle weight of
88.9 less than 55,000 pounds.

88.10 (e) Truck-tractors except those herein defined as farm and commercial zone vehicles
88.11 shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the
88.12 combined gross weight of the truck-tractor and any semitrailer or semitrailers which the
88.13 applicant proposes to combine with the truck-tractor.

88.14 ~~(e)~~ (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer
88.15 combinations which are:

88.16 ~~(1) used by an authorized local cartage carrier operating under a permit issued~~
88.17 ~~under section 221.296 and whose gross transportation revenue consists of at least 60~~
88.18 ~~percent obtained solely from local cartage carriage, and are operated solely within an area~~
88.19 ~~composed of two contiguous cities of the first class and municipalities contiguous thereto~~
88.20 ~~as defined by section 221.011, subdivision 17; or~~

88.21 ~~(2)~~ operated by an interstate carrier registered under section 221.60, or by an
88.22 authorized ~~local cartage carrier or other~~ carrier receiving operating authority under chapter
88.23 221, and operated solely within a zone exempt from regulation pursuant to United States
88.24 Code, title 49, section 13506.

88.25 ~~(f)~~ (g) The license plates issued for commercial zone vehicles shall be plainly
88.26 marked. A person operating a commercial zone vehicle outside the zone or area in which
88.27 its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor
88.28 penalty therefor, the registrar shall have revoke the registration of the vehicle as a
88.29 commercial zone vehicle ~~revoked by the registrar~~ and shall ~~be required to reregister~~
88.30 require that the vehicle be registered at 100 percent of the full annual tax prescribed in the
88.31 Minnesota base rate schedule, and no part of this tax ~~shall~~ may be refunded during the
88.32 balance of the registration year.

88.33 ~~(g)~~ (h) On commercial zone trucks the tax shall be based on the total gross weight of
88.34 the vehicle and during each of the first eight years of vehicle life ~~shall be~~ is 75 percent of
88.35 the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life
88.36 the tax ~~shall be~~ is 50 percent of the Minnesota base rate schedule.

89.1 ~~(h)~~ (i) On trucks, truck-tractors and semitrailer combinations, except those defined
89.2 as farm trucks and farm combinations, and except for those commercial zone vehicles
89.3 specifically provided for in this subdivision, the tax for each of the first eight years of
89.4 vehicle life ~~shall be~~ is 100 percent of the tax imposed in the Minnesota base rate schedule,
89.5 and during the ninth and succeeding years of vehicle life, the tax ~~shall be~~ is 75 percent
89.6 of the Minnesota base rate prescribed by this subdivision.

89.7 ~~(i)~~ (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer
89.8 combination are semitrailers.

89.9 Sec. 3. Minnesota Statutes 2006, section 169.781, is amended to read:

89.10 **169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS,**
89.11 **FEE, PENALTY.**

89.12 Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

89.13 (a) "Commercial motor vehicle":

89.14 (1) means a motor vehicle or combination of motor vehicles used to transport
89.15 passengers or property if the motor vehicle:

89.16 ~~(1) a commercial motor vehicle as defined in section 169.01, subdivision 75,~~
89.17 ~~paragraph (a), and~~ (i) has a gross vehicle weight of more than 26,000 pounds;

89.18 ~~(2) each~~ (ii) is a vehicle in a combination of more than 26,000 pounds;

89.19 (iii) is a bus; or

89.20 (iv) is of any size and is used in the transportation of hazardous materials that are
89.21 required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and

89.22 ~~"Commercial motor vehicle"~~

89.23 (2) does not include ~~(1)~~ (i) a school bus or Head Start bus displaying a certificate
89.24 under section 169.451, ~~(2)~~ or (ii) a bus operated by the Metropolitan Council or by a local
89.25 transit commission created in chapter 458A, ~~or (3) a motor vehicle that is required to be~~
89.26 ~~placarded under Code of Federal Regulations, title 49, parts 100-185.~~

89.27 (b) "Commissioner" means the commissioner of public safety.

89.28 (c) "Owner" means a person who owns, or has control, under a lease of more than 30
89.29 days' duration, of one or more commercial motor vehicles.

89.30 ~~(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store~~
89.31 ~~property at a location not on a street or highway, (2) does not contain any load when~~
89.32 ~~moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked~~
89.33 ~~on each side of the semitrailer "storage only" in letters at least six inches high.~~

~~(c) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.~~

Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

~~unless the~~ in violation of the requirements of paragraph (b).

(b) A vehicle displays described in paragraph (a):

(1) must display a valid safety inspection decal issued by an inspector certified by the commissioner,~~or the vehicle carries (1);~~ or

(2) must carry (i) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and ~~(2)~~ (ii) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

Subd. 3. **Inspector certification; suspension and revocation; hearing.** (a) An inspection required by this section may be performed only by:

(1) an employee of the Department of Public Safety or Transportation who has been certified by the commissioner after having received training provided by the State Patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the State Patrol or other training approved by the commissioner.

(b) A person who is not an employee of the Department of Public Safety or Transportation may be certified by the commissioner if the person is:

(1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units;

(2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; ~~or~~

(3) engaged in the business of repairing and servicing commercial motor vehicles; or

(4) employed by a governmental agency that owns commercial vehicles.

(c) Certification of persons described in paragraph (b), clauses (1) to ~~(3)~~ (4), is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under paragraph (b) as a condition of renewal of the certificate. The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed. A certified person described in paragraph (b),

91.1 clauses (1) to ~~(3)~~ (4), may charge a reasonable fee for each inspection of a vehicle not
91.2 owned by the person or the person's employer.

91.3 (d) Except as otherwise provided in subdivision 5, the standards adopted by the
91.4 commissioner for commercial motor vehicle inspections under sections 169.781 to
91.5 169.783 ~~shall~~ must be the standards prescribed in Code of Federal Regulations, title 49,
91.6 section 396.17, and in chapter III, subchapter B, appendix G.

91.7 (e) The commissioner may classify types of vehicles for inspection purposes and
91.8 may issue separate classes of inspector certificates for each class. ~~The commissioner shall~~
91.9 ~~issue separate categories of inspector certificates based on the following classifications:~~

91.10 ~~(1) a class of certificate that authorizes the certificate holder to inspect commercial~~
91.11 ~~motor vehicles without regard to ownership or lease; and~~

91.12 ~~(2) a class of certificate that authorizes the certificate holder to inspect only~~
91.13 ~~commercial motor vehicles the certificate holder owns or leases.~~

91.14 ~~The commissioner shall issue a certificate described in clause (1) only to a person~~
91.15 ~~described in paragraph (b), clause (2) or (3).~~

91.16 (f) The commissioner, after notice and an opportunity for a hearing, may suspend a
91.17 certificate issued under paragraph (b) for failure to meet annual certification requirements
91.18 prescribed by the commissioner or failure to inspect commercial motor vehicles in
91.19 accordance with inspection procedures established by the State Patrol. The commissioner
91.20 shall revoke a certificate issued under paragraph (b) if the commissioner determines after
91.21 notice and an opportunity for a hearing that the certified person issued an inspection decal
91.22 for a commercial motor vehicle when the person knew or reasonably should have known
91.23 that the vehicle was in such a state of repair that it would have been declared out of service
91.24 if inspected by an employee of the State Patrol. Suspension and revocation of certificates
91.25 under this subdivision are not subject to sections 14.57 to 14.69.

91.26 Subd. 4. **Inspection report.** (a) A person performing an inspection under this
91.27 section shall issue an inspection report to the owner of the commercial motor vehicle
91.28 inspected. The report must include:

91.29 (1) the full name of the person performing the inspection, and the person's inspector
91.30 certification number;

91.31 (2) the name of the owner of the vehicle and, if applicable, the United States
91.32 Department of Transportation carrier number issued to the owner of the vehicle, or to the
91.33 operator of the vehicle if other than the owner;

91.34 (3) the vehicle identification number and, if applicable, the license plate number
91.35 of the vehicle;

91.36 (4) the date and location of the inspection;

(5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and

(6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section.

(b) The owner must retain a copy of the inspection report for at least 14 months at a location in the state where the vehicle is domiciled or maintained. The inspector must maintain a copy of the inspection report for a period of 14 months following the inspection in a location in the state where the inspector conducts business. During this period the report must be available for inspection by an authorized federal, state, or local official.

(c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the Administrative Procedure Act.

Subd. 5. **Inspection decal.** ~~(a)~~ A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b). Decals are issued to inspectors by serial number and are not transferable unless approved by the commissioner.

~~(b) Minnesota inspection decals may be affixed only to:~~

~~(1) commercial motor vehicles bearing Minnesota-based license plates; or~~

~~(2) special mobile equipment, within the meaning of subdivision 2, clause (2).~~

~~(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.~~

~~(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.~~

Subd. 6. **Record review; random inspection; audit.** Employees of the State Patrol and motor transportation representatives of the Department of Transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

Subd. 7. **Disposition of revenues.** The commissioner shall pay all revenues received under this section to the commissioner of finance for deposit in the trunk highway fund.

Subd. 8. **Violation; misdemeanor.** A violation of this section is a misdemeanor.

Subd. 9. **Proof of federal inspection.** An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, ~~paragraph (a)~~, the commissioner shall issue the certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles that are not housed or maintained in Minnesota.

Subd. 10. **Exemption.** This section does not apply to a vehicle operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, if the vehicle has been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months.

Sec. 4. Minnesota Statutes 2006, section 169.782, subdivision 1, is amended to read:

Subdivision 1. **Driver; daily inspection report.** (a) The driver of a commercial motor vehicle shall report in writing at the completion of each day's work on each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to submit a written report as required ~~in~~ by this section. The report must cover the following parts and accessories: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

(b) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safe operation of the vehicle or result in

its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. The driver must sign the report after completing it. In the case of a commercial motor vehicle operated by two drivers, the signature of one of the drivers satisfies the requirements of this subdivision if both drivers agree concerning the defects or deficiencies. If a driver operates more than one commercial motor vehicle during a day's work, a report must be prepared for each vehicle operated.

(c) Before operating or allowing the operation of a commercial motor vehicle on which a report has been prepared under this subdivision, the owner of the vehicle or the owner's agent must repair defects or deficiencies listed on the report that would be sufficient under inspection procedures established by the State Patrol to require the vehicle to be declared out of service likely affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to be operated again, the owner or the owner's agent must certify, on the report listing the defect or deficiency, that the defect or deficiency has been corrected or that correction is unnecessary. A motor carrier must keep the original vehicle inspection report for at least three months after the date of inspection. The report must be available for inspection by an authorized federal, state, or local official at any time during this period.

(d) A copy of the vehicle inspection report, including a certification of corrections resulting from the report, must be carried in the commercial motor vehicle, or in the power unit of a commercial motor vehicle combination, at all times when the vehicle or power unit is operated until the next inspection report is completed under this subdivision. The copy must be made available on demand to: (1) a peace officer; (2) a person authorized under section 221.221², and (3) a person described in section 299D.06.

Sec. 5. Minnesota Statutes 2006, section 169.783, subdivision 1, is amended to read:

Subdivision 1. **Postcrash inspection.** (a) A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the State Patrol if the accident results in ~~death, personal injury, or property damage to an apparent extent of more than \$4,400;~~

(1) a fatality;

(2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by tow truck or other motor vehicle.

95.1 (b) It is a misdemeanor for a person to drive or cause to be driven a commercial
95.2 motor vehicle after such an accident unless the vehicle:

95.3 (1) has been inspected by a state trooper or other person authorized to conduct
95.4 inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of
95.5 the Department of Public Safety or Transportation, and the person inspecting the vehicle
95.6 has determined that the vehicle may safely be operated; or

95.7 (2) a waiver has been granted under subdivision 2.

95.8 Sec. 6. Minnesota Statutes 2006, section 221.031, subdivision 6, is amended to read:

95.9 Subd. 6. **Vehicle identification rule.** (a) The following carriers shall display the
95.10 carrier's name ~~and address~~ on the power unit of each vehicle:

95.11 (1) motor carriers, regardless of the weight of the vehicle, except that this
95.12 requirement does not apply to a limousine as defined in section 168.011, subdivision 35,
95.13 that is equipped with "LM" license plates;

95.14 (2) interstate and intrastate private carriers operating vehicles with a gross vehicle
95.15 weight of more than 10,000 pounds; and

95.16 (3) vehicles providing transportation described in section 221.025 with a gross
95.17 vehicle weight of more than 10,000 pounds except those providing transportation
95.18 described in section 221.025, clauses (1), (3), and (4).

95.19 Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees
95.20 and have four or fewer axles are not required to comply with the vehicle identification
95.21 rule of the commissioner.

95.22 (b) Vehicles subject to this subdivision must show the name or "doing business as"
95.23 name of the carrier operating the vehicle ~~and the community and abbreviation of the state~~
95.24 ~~in which the carrier maintains its principal office or in which the vehicle is customarily~~
95.25 ~~based~~. If the carrier operates a leased vehicle, it may show its name and the name of the
95.26 lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person
95.27 other than the operating carrier appears on the vehicle, the words "operated by" must
95.28 immediately precede the name of the carrier.

95.29 (c) The name ~~and address~~ must be in letters that contrast sharply in color with the
95.30 background, be readily legible during daylight hours from a distance of 50 feet while
95.31 the vehicle is stationary, and be maintained in a manner that retains the legibility of the
95.32 markings. The name ~~and address~~ may be shown by use of a removable device if that
95.33 device meets the identification and legibility requirements of this subdivision.

95.34 Sec. 7. Minnesota Statutes 2006, section 221.0314, subdivision 9, is amended to read:

96.1 Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part
96.2 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), ~~(t)~~,
96.3 (m), and (n) of section 395.1 and section 395.13 of that part are not incorporated. In
96.4 addition, cross-references to sections or paragraphs not incorporated in this subdivision
96.5 are not incorporated by reference. The requirements of Code of Federal Regulations, title
96.6 49, part 395, do not apply to drivers of lightweight vehicles.

96.7 Sec. 8. Minnesota Statutes 2006, section 221.0314, is amended by adding a subdivision
96.8 to read:

96.9 Subd. 12. **Hazardous materials safety permits.** A person who transports the
96.10 hazardous materials designated in Code of Federal Regulations, title 49, section 385.403,
96.11 shall comply with this section and with the provisions of Code of Federal Regulations,
96.12 title 49, part 385, subpart E, which is incorporated by reference.

96.13 Sec. 9. Minnesota Statutes 2006, section 221.033, subdivision 2d, is amended to read:

96.14 Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver
96.15 of a self-propelled or towed motor vehicle transporting no hazardous material other than
96.16 materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when
96.17 engaged in intrastate transportation, must be at least 18 years of age. This subdivision
96.18 does not apply unless the transportation conforms to the requirements of Code of Federal
96.19 Regulations, title 49, section 173.6.

96.20 Sec. 10. Minnesota Statutes 2006, section 221.037, subdivision 1, is amended to read:

96.21 Subdivision 1. **Required to provide information.** A person who generates, stores,
96.22 treats, transports, disposes of, or otherwise handles or has handled hazardous materials,
96.23 hazardous substances, or hazardous waste shall (1) give to transportation representatives
96.24 and hazardous material specialists of the department information relating to the materials,
96.25 substances, or waste, or (2) permit them access to and copying of records and safety
96.26 permits relating to any or all of the materials, substances, or waste, ~~or both.~~

96.27 Sec. 11. Minnesota Statutes 2006, section 221.141, subdivision 1, is amended to read:

96.28 Subdivision 1. **Financial responsibility of carriers.** (a) No motor carrier and no
96.29 interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum
96.30 amount of financial responsibility required by this section. Policies of insurance, surety
96.31 bonds, other types of security, and endorsements must be continuously in effect and must
96.32 remain in effect until canceled. Before providing transportation, the motor carrier or

97.1 interstate carrier shall secure and cause to be filed with the commissioner and maintain in
97.2 full effect, a certificate of insurance in a form required by the commissioner, evidencing
97.3 public liability insurance in the amount prescribed. The insurance must cover injuries and
97.4 damage to persons or property resulting from the operation or use of motor vehicles,
97.5 regardless of whether each vehicle is specifically described in the policy. This insurance
97.6 does not apply to injuries or death to the employees of the motor carrier or to property
97.7 being transported by the carrier.

97.8 (b) Notwithstanding any other provision of this chapter, the insurance required of
97.9 a motor carrier of passengers must be at least that amount required of interstate carriers
97.10 under Code of Federal Regulations, title 49, section 387.33, as amended.

97.11 (c) This section does not apply to a charitable organization exempt from taxation
97.12 under section 501(c)(3) of the Internal Revenue Code when the transportation furthers
97.13 the charitable organization's charitable mission. The charitable organization must comply
97.14 with the insurance requirements of section 65B.48.

97.15 Sec. 12. Minnesota Statutes 2006, section 221.231, is amended to read:

97.16 **221.231 RECIPROCAL AGREEMENT.**

97.17 The commissioner may enter into reciprocal agreements with the regulatory bodies
97.18 of other states and the provinces of the Dominion of Canada, ~~whereby the payment of the~~
97.19 ~~fees provided in section 221.60 may be waived in whole or in part for~~ regarding motor
97.20 carriers having an established place of business in that state or province; provided that
97.21 reciprocal privileges are extended under the agreement to motor carriers of this state.

97.22 Sec. 13. Minnesota Statutes 2006, section 221.60, subdivision 1, is amended to read:

97.23 Subdivision 1. **Procedure.** A motor carrier may transport persons or property for
97.24 hire in interstate commerce in Minnesota only if it first:

97.25 ~~(1) complies with section 221.141;~~

97.26 ~~(2) either registers with the commissioner the federal operating authority that it~~
97.27 ~~intends to exercise, or registers and describes the transportation it performs under an~~
97.28 ~~exemption contained in United States Code, title 49; and~~

97.29 ~~(3) purchases an interstate identification stamp or an interstate registration trip~~
97.30 ~~permit for each vehicle to be used in interstate transportation in Minnesota~~ the Unified
97.31 Carrier Registration Agreement authorized by United States Code, title 49, section
97.32 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal
97.33 regulations adopted thereunder.

Sec. 14. Minnesota Statutes 2006, section 221.60, is amended by adding a subdivision to read:

Subd. 7. **Commissioner's authority.** The commissioner of transportation shall take all necessary actions to enter into the Unified Carrier Registration Agreement when it becomes effective. The commissioner shall implement and administer United States Code, title 49, section 14504a, and the regulations adopted thereunder.

Sec. 15. **REPEALER.**

Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, and 6; 221.601; and 221.602, are repealed.

ARTICLE 7

HOUSEHOLD GOODS MOVERS

Section 1. Minnesota Statutes 2006, section 221.011, is amended by adding a subdivision to read:

Subd. 50. **Household goods mover.** (a) "Household goods mover" means a motor carrier who engages in for-hire transportation service for moving household goods and offers the services of:

(1) binding and nonbinding estimates;

(2) inventorying;

(3) protective packing and unpacking of individual items at a personal residence; or

(4) loading and unloading at a personal residence.

(b) Household goods mover does not include a carrier transporting property from a factory or store to a personal residence.

Sec. 2. **[221.0253] HOUSEHOLD GOODS MOVERS; REGISTRATION.**

Subdivision 1. **Definition.** For purposes of this section, "registrant" means a person applying for a certificate of registration as a household goods mover under this section.

Subd. 2. **Registration required.** No person may engage in the for-hire transportation of household goods in Minnesota unless the person has been issued a certificate of registration by the commissioner.

Subd. 3. **Registration statement.** A registrant 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;

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

99.2 (3) the registrant's federal employer identification number, Minnesota business
99.3 identification number, and the identification number, if any, assigned to the registrant by
99.4 the United States Department of Transportation;

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

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

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

99.11 (7) whether the registrant's business is a corporation, partnership, limited liability
99.12 partnership, limited liability company, sole proprietorship, or other legal form;

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

99.15 (9) a record of each initial background check as required under subdivision 4.

99.16 Subd. 4. **Background check; denial of registration.** (a) The registrant shall
99.17 conduct, or cause to be conducted, an initial background check of any person employed by
99.18 the registrant, or with whom the registrant contracts, whose duties include operating a
99.19 vehicle used to transport household goods.

99.20 (b) Sections 299C.67; 299C.68, subdivisions 2 to 5; and 299C.71 apply to
99.21 background checks conducted under this subdivision. For purposes of this subdivision,
99.22 when used in sections 299C.67, 299C.68, and 299C.71, the term "owner" refers to the
99.23 registrant and the term "manager" refers to a driver.

99.24 (c) The commissioner may deny registration to any registrant who employs a driver
99.25 that the background check response shows has been convicted of a background check
99.26 crime, as defined in section 299C.67, subdivision 2, paragraph (a) or (b).

99.27 (d) The registrant shall conduct, or cause to be conducted, a subsequent background
99.28 check every three years. The registrant shall keep a record, identified by the employee's
99.29 name, of a background check conducted under this section. A record must be made
99.30 available to the commissioner upon request.

99.31 (e) This subdivision does not apply to a driver who holds a valid driver's license
99.32 with a school bus endorsement.

99.33 Subd. 5. **Signature required.** A corporate officer, general partner, or sole proprietor
99.34 must sign the registration statement and the vehicle and insurance statement.

99.35 Subd. 6. **Fee.** An initial fee of \$200 must be paid at the time of filing the registration
99.36 statement. It must be paid into the state treasury and credited to the trunk highway fund.

100.1 Subd. 7. **Certificate of registration; issuance.** (a) The commissioner shall issue a
100.2 certificate of registration to a registrant who does not have an unsatisfactory safety rating
100.3 and has met the requirements of this section.

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

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

100.7 Subd. 8. **Compliance with other laws.** A household goods mover shall comply
100.8 with sections 169.781 and 221.141.

100.9 Subd. 9. **Duration.** A certificate of registration is valid for for-hire transportation
100.10 of household goods throughout Minnesota, is not assignable or transferable, and is valid
100.11 until it is suspended, revoked, or canceled.

100.12 Subd. 10. **Obligation to keep information current.** A registrant shall notify the
100.13 commissioner in writing of any change in the information described in subdivision 3.

100.14 Subd. 11. **Suspension and cancellation of registration.** The commissioner
100.15 shall suspend or cancel, following the procedures for suspension or cancellation in
100.16 section 221.185, the registration of a household goods mover who fails to file with the
100.17 commissioner or maintain the insurance or bond required under section 221.141. A person
100.18 may not engage in the for-hire transportation of household goods in Minnesota while the
100.19 person's registration is under suspension or cancellation under this subdivision.

100.20 Sec. 3. **[221.027] HOUSEHOLD GOODS MOVERS; CONSUMER**
100.21 **PROTECTION.**

100.22 Subdivision 1. **Arbitration, price estimates, relinquishment of possession to**
100.23 **consumers.** Code of Federal Regulations, title 49, sections 375.209; 375.211; 375.401
100.24 through 375.409; 375.503; 375.505; 376.603; and 375.703 are incorporated by reference
100.25 and apply to household goods movers.

100.26 Subd. 2. **Contact information.** A household goods mover shall include contact
100.27 information for the Department of Transportation on all bills of lading and estimates
100.28 required under subdivision 1.

100.29 Sec. 4. **[221.028] HOUSEHOLD GOODS MOVERS; EXPIRATION AND**
100.30 **CONVERSION OF PERMITS.**

100.31 Subdivision 1. **Expiration of permits.** Any permit issued by the commissioner
100.32 before August 1, 2007, that authorizes for-hire transportation of household goods in
100.33 Minnesota, is only valid through February 29, 2008.

102.1 ~~(e)~~ If the commissioner receives a written objection and notice of intent to appear at
102.2 a hearing to object to the petition from any person within 20 days of the notice having been
102.3 fully given, the request of the petition must be granted or denied only after a contested
102.4 case hearing has been conducted on the petition, unless the objection is withdrawn before
102.5 the hearing. The commissioner may elect to hold a contested case hearing if no objections
102.6 to the petition are received. If a timely objection is not received, or if received and
102.7 withdrawn, and the request of the petition is denied without hearing, the petitioner may
102.8 request within 30 days of receiving the notice of denial, and must be granted, a contested
102.9 case hearing on the petition.

102.10 Sec. 3. Minnesota Statutes 2006, section 174.66, is amended to read:

102.11 **174.66 CONTINUATION OF CARRIER RULES.**

102.12 (a) Orders and directives in force, issued, or promulgated under authority of chapters
102.13 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,
102.14 modified, or superseded by duly authorized orders or directives of the commissioner of
102.15 transportation. To the extent allowed under federal law or regulation, rules adopted under
102.16 authority of the following sections are transferred to the commissioner of transportation
102.17 and continue in force and effect until repealed, modified, or superseded by duly authorized
102.18 rules of the commissioner:

102.19 (1) section 218.041 except rules related to the form and manner of filing railroad
102.20 rates, railroad accounting rules, and safety rules;

102.21 (2) section 219.40; and

102.22 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits
102.23 or certificates of convenience and necessity under section 221.031, subdivision 1~~;~~

102.24 ~~(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest~~
102.25 ~~in a corporation holding authority to operate as a permit carrier as prescribed in section~~
102.26 ~~221.151, subdivision 1;~~

102.27 ~~(5) rules relating to rates, charges, and practices under section 221.161, subdivision~~
102.28 ~~4; and~~

102.29 ~~(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits~~
102.30 ~~under sections 221.121 and 221.151.~~

102.31 (b) The commissioner shall review the transferred rules, orders, and directives and,
102.32 when appropriate, develop and adopt new rules, orders, or directives.

102.33 Sec. 4. Minnesota Statutes 2006, section 221.011, subdivision 8, is amended to read:

103.1 Subd. 8. **Permit.** "Permit" means the license, or franchise, which may be issued to
103.2 motor carriers other than regular route common carriers of passengers, ~~class I common~~
103.3 ~~carriers, and petroleum carriers,~~ and household goods movers under the provisions of this
103.4 chapter, authorizing the use of the highways of Minnesota for transportation for hire.

103.5 Sec. 5. Minnesota Statutes 2006, section 221.025, is amended to read:

103.6 **221.025 EXEMPTIONS.**

103.7 The provisions of this chapter requiring a certificate ~~or permit~~ to operate as a motor
103.8 carrier do not apply to the intrastate transportation described below:

103.9 (1) the transportation of students to or from school or school activities in a school
103.10 bus inspected and certified under section 169.451 and the transportation of children or
103.11 parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected
103.12 and certified under section 169.451;

103.13 (2) the transportation of solid waste, as defined in section 116.06, subdivision 22,
103.14 including recyclable materials and waste tires, except that the term "hazardous waste" has
103.15 the meaning given it in section 221.011, subdivision 31;

103.16 (3) a commuter van as defined in section 221.011, subdivision 27;

103.17 (4) authorized emergency vehicles as defined in section 169.01, subdivision 5,
103.18 including ambulances; and tow trucks equipped with proper and legal warning devices
103.19 when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles
103.20 towed or transported under a towing order issued by a public employee authorized to
103.21 issue a towing order;

103.22 (5) the transportation of grain samples under conditions prescribed by the
103.23 commissioner;

103.24 (6) the delivery of agricultural lime;

103.25 (7) the transportation of dirt and sod within an area having a 50-mile radius from the
103.26 home post office of the person performing the transportation;

103.27 (8) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix,
103.28 concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or
103.29 crushed rock to or from the point of loading or a place of gathering within an area having a
103.30 50-mile radius from that person's home post office or a 50-mile radius from the site of
103.31 construction or maintenance of public roads and streets;

103.32 (9) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator
103.33 evergreens, wood chips, sawdust, shavings, and bark from the place where the products
103.34 are produced to the point where they are to be used or shipped;

104.1 (10) the transportation of fresh vegetables from farms to canneries or viner stations,
104.2 from viner stations to canneries, or from canneries to canneries during the harvesting,
104.3 canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the
104.4 field of production to the first place of delivery or unloading, including a processing
104.5 plant, warehouse, or railroad siding;

104.6 (11) the transportation of property or freight, other than household goods and
104.7 petroleum products in bulk, entirely within the corporate limits of a city or between
104.8 contiguous cities ~~except as provided in section 221.296~~;

104.9 (12) the transportation of unprocessed dairy products in bulk within an area having a
104.10 100-mile radius from the home post office of the person providing the transportation;

104.11 (13) the transportation of agricultural, horticultural, dairy, livestock, or other farm
104.12 products within an area having a 100-mile radius from the person's home post office and
104.13 the carrier may transport other commodities within the 100-mile radius if the destination
104.14 of each haul is a farm;

104.15 (14) the transportation of newspapers, as defined in section 331A.01, subdivision
104.16 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle
104.17 weight of 10,000 pounds or less; and

104.18 (15) transportation of potatoes from the field of production, or a storage site owned
104.19 or otherwise controlled by the producer, to the first place of processing.

104.20 The exemptions provided in this section apply to a person only while the person is
104.21 exclusively engaged in exempt transportation.

104.22 Sec. 6. Minnesota Statutes 2006, section 221.026, is amended to read:

104.23 **221.026 MOTOR CARRIER OF PROPERTY; EXEMPTIONS.**

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

104.27 Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor
104.28 carrier of property is exempt from sections 221.021; 221.072; ~~221.121; 221.122; 221.123;~~
104.29 ~~221.131; 221.132; 221.151; 221.161;~~ 221.172, subdivisions 3 to 8; and 221.185, except as
104.30 provided in subdivision 4, ~~and 221.296~~. The exemptions in this subdivision do not apply
104.31 to a motor carrier of property while transporting household goods.

104.32 Subd. 3. **Safety regulations.** A motor carrier of property is subject to those federal
104.33 regulations incorporated by reference in section 221.0314, unless exempted from those
104.34 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. 7. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

~~(d) The commissioner shall require holders of household goods mover permits to file annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.~~

~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for-hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes~~

106.1 ~~of this subdivision only, do not include gross revenues received from the operation of~~
106.2 ~~school buses as defined in section 169.01, subdivision 6.~~

106.3 ~~(f)~~ The commissioner shall enforce sections 169.781 to 169.783.

106.4 Sec. 8. Minnesota Statutes 2006, section 221.036, subdivision 1, is amended to read:

106.5 Subdivision 1. **Order.** The commissioner may issue an order requiring violations
106.6 to be corrected and administratively assessing monetary penalties for a violation of (1)
106.7 section 221.021; (2) section 221.033, subdivision 2b; (3) ~~section 221.151; (4) section~~
106.8 ~~221.171; (5) section 221.141; or (6) (4)~~ rules of the commissioner relating to the
106.9 transportation of hazardous waste, motor carrier operations, or insurance, ~~or tariffs and~~
106.10 ~~accounting~~. An order must be issued as provided in this section.

106.11 Sec. 9. Minnesota Statutes 2006, section 221.036, subdivision 3, is amended to read:

106.12 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an
106.13 order assessing a penalty of up to \$5,000 for all violations ~~of section 221.021, 221.141,~~
106.14 ~~221.151, or 221.171, or rules of the commissioner relating to motor carrier operations,~~
106.15 ~~insurance, or tariffs and accounting,~~ identified under subdivision 1, except for rules of the
106.16 commissioner relating to the transportation of hazardous waste or as otherwise provided
106.17 under paragraph (b), identified during a single inspection, audit, or investigation.

106.18 (b) The commissioner may issue an order assessing a penalty up to a maximum of
106.19 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single
106.20 inspection or audit.

106.21 (c) In determining the amount of a penalty, the commissioner shall consider:

106.22 (1) the willfulness of the violation;

106.23 (2) the gravity of the violation, including damage to humans, animals, air, water,
106.24 land, or other natural resources of the state;

106.25 (3) the history of past violations, including the similarity of the most recent violation
106.26 and the violation to be penalized, the time elapsed since the last violation, the number of
106.27 previous violations, and the response of the person to the most recent violation identified;

106.28 (4) the economic benefit gained by the person by allowing or committing the
106.29 violation; and

106.30 (5) other factors as justice may require, if the commissioner specifically identifies
106.31 the additional factors in the commissioner's order.

106.32 (d) The commissioner shall assess a penalty of not less than \$1,000 against a driver
106.33 who is convicted of a violation of an out-of-service order. The commissioner shall assess

107.1 a penalty of not more than \$10,000 against an employer who knowingly allows or requires
107.2 an employee to operate a commercial motor vehicle in violation of an out-of-service order.

107.3 Sec. 10. Minnesota Statutes 2006, section 221.131, is amended to read:

107.4 **221.131 ~~CARRIER ANNUAL VEHICLE REGISTRATION; FEES,~~**
107.5 **~~IDENTIFICATION CARD FOR MOTOR CARRIERS OF PASSENGERS.~~**

107.6 Subdivision 1. **Permit Registration renewal.** ~~Permits~~ Certificates of registration
107.7 ~~issued under section 221.121 to a motor carrier of passengers under section 221.0252 are~~
107.8 ~~effective for a 12-month period. A permit certificate of registration holder must renew the~~
107.9 ~~permit certificate annually by registration of the vehicles operated under authority of that~~
107.10 ~~permit as required by subdivision 2 certificate.~~ A permit certificate holder has one annual
107.11 renewal date encompassing all of the permits certificates held by the holder.

107.12 Subd. 2. **Annual vehicle registration; fee.** (a) ~~This subdivision applies only to~~
107.13 ~~holders of household goods mover permits and motor carriers of passengers.~~

107.14 ~~(b)~~ A ~~permit holder or~~ motor carrier of passengers shall pay an annual registration
107.15 fee of \$75 on each vehicle, including pickup and delivery vehicles, operated by the carrier
107.16 under authority of the ~~permit or~~ certificate of registration during the 12-month period or
107.17 fraction of the 12-month period. Trailers and semitrailers used by a permit certificate
107.18 holder in combination with power units may not be counted as vehicles in the computation
107.19 of fees under this section if the permit holder pays the fees for power units.

107.20 ~~(c)~~ (b) The commissioner shall furnish a distinguishing annual identification card for
107.21 each vehicle or power unit for which a fee has been paid. The identification card must
107.22 at all times be carried in the vehicle or power unit to which it has been assigned. An
107.23 identification card may be reassigned to another vehicle or power unit upon application
107.24 of the carrier and payment of a transfer fee of \$10. An identification card issued under
107.25 this section is valid only for the period for which the ~~permit or~~ certificate of registration is
107.26 effective.

107.27 ~~(d)~~ (c) A fee of \$10 is charged for the replacement of an unexpired identification
107.28 card that has been lost.

107.29 ~~(e)~~ (d) The proceeds of the fees collected under this subdivision must be deposited in
107.30 the trunk highway fund.

107.31 Subd. 2a. **Vehicle identification.** ~~The permit holder must be identified on the~~
107.32 ~~power unit of each registered vehicle operated under the permit. Vehicles must show the~~
107.33 ~~name or the "doing business as" name of the permit holder operating the vehicle and~~
107.34 ~~the community and abbreviation of the state in which the permit holder maintains its~~
107.35 ~~principal office or in which the vehicle is customarily based. If the permit holder operates~~

~~a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.~~

~~Subd. 3. **Certificate carrier; annual vehicle registration.** Certificated passenger carriers shall pay an annual registration fee of \$40 for each vehicle, including pickup and delivery vehicles, operated during a calendar year. The commissioner shall issue distinguishing identification cards as provided in subdivision 2.~~

Subd. 4. **Floater card; fee.** The department may issue to carriers subject to subdivision 2 ~~or 3~~ special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles that have evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months, or have a current Commercial Vehicle Safety Alliance decal, and that are used under short-term leases by the motor carrier. The motor carrier shall pay a fee of \$100 for each floater card issued.

Subd. 5. **Limitation.** The provisions of this section are limited by applicable federal law.

Sec. 11. Minnesota Statutes 2006, section 221.132, is amended to read:

221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARD.

For special or extraordinary events, the commissioner may issue a prepaid temporary vehicle identification card to a ~~permit or~~ certificate holder subject to section 221.131, subdivision 2 ~~or 3~~, for a fee of \$5 per card. The card must be preprinted by the commissioner with the carrier's name, address, and ~~permit or~~ certificate number. The card may be used by the motor carrier to whom it is issued to identify a vehicle temporarily added to its fleet, if the vehicle has evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months, or has a current Commercial Vehicle Safety Alliance decal. The card must be executed by the motor carrier by dating and signing the card and describing the vehicle in which it will be carried. The identification card is valid for a period of ten days from the date the motor carrier places on the card when the card is executed. The card must be used within one year from the date of issuance by the commissioner. The card may not be used if the ~~permit or~~ certificate

109.1 is not in full force and effect. The card may not be transferred. The commissioner may not
109.2 refund the cost of unused prepaid temporary vehicle identification cards.

109.3 Sec. 12. Minnesota Statutes 2006, section 221.141, subdivision 4, is amended to read:

109.4 Subd. 4. **Household goods mover.** A household goods mover shall maintain
109.5 in effect cargo insurance or cargo bond in the amount of \$50,000 and shall file with
109.6 the commissioner a cargo certificate of insurance or cargo bond. A cargo certificate of
109.7 insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance,
109.8 described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform
109.9 to Form J, described in Code of Federal Regulations, title 49, part 1023. Both Form H and
109.10 Form J are incorporated by reference. The cargo certificate of insurance or cargo bond
109.11 must be issued in the full and correct name of the person, corporation, or partnership to
109.12 whom the household goods mover ~~permit~~ certificate of registration was issued and whose
109.13 operations are being insured.

109.14 Sec. 13. Minnesota Statutes 2006, section 221.185, is amended to read:

109.15 **221.185 OPERATING AUTHORITY; SUSPENSION, CANCELLATION.**

109.16 Subdivision 1. ~~Grounds~~ Order for suspension. Despite the provisions of section
109.17 221.021, a ~~household goods mover permit or a motor carrier~~ certificate of registration
109.18 issued under ~~section~~ sections 221.0251 ~~or~~ 221.0252, or 221.0253 is suspended without a
109.19 hearing, by order of the commissioner, if the ~~permit~~ certificate holder or carrier fails to:
109.20 (1) maintain and file with the commissioner, the insurance or bond required by
109.21 section 221.141 and rules adopted under that section ~~or the carrier or permit holder fails to;~~
109.22 (2) pay annual vehicle registration fees ~~or renew permits~~ as required by section
109.23 221.131, ~~or the permit holder or carrier fails to;~~ or
109.24 (3) pay an administrative penalty under section 221.036.

109.25 Subd. 2. **Notice of suspension.** (a) Failure to file and maintain insurance, ~~renew~~
109.26 ~~permits under section 221.131,~~ or to pay annual vehicle registration fees ~~or renew~~
109.27 ~~permits under section 221.131 or 221.296, or to maintain in good standing a protective~~
109.28 ~~agent's or private detective's license required under section 221.121, subdivision 6g, or~~
109.29 ~~221.153, subdivision 3,~~ suspends a motor carrier's ~~permit or~~ certificate two days after the
109.30 commissioner sends notice of the suspension by certified mail, return receipt requested, to
109.31 the last known address of the motor carrier.

109.32 (b) In order to avoid permanent cancellation of the ~~permit or~~ certificate, the motor
109.33 carrier must do one of the following within 45 days from the date of suspension:

110.1 (1) comply with the law by filing insurance or bond, ~~renewing permits~~, or paying
110.2 vehicle registration fees; or

110.3 (2) request a hearing before the commissioner regarding the failure to comply
110.4 with the law.

110.5 Subd. 2a. **Notice of suspension; effective date.** The commissioner shall issue a
110.6 notice of suspension if one of the conditions described in subdivision 1 occurs. The notice
110.7 must give the reason for suspension and must be sent to the last known address of the
110.8 carrier by certified mail, return receipt requested. A suspension is effective two days
110.9 after a notice is mailed.

110.10 Subd. 3. **Suspension rescission.** If the motor carrier complies with the requirements
110.11 of this chapter within 45 days after the date of suspension and pays the required fees,
110.12 including a late vehicle registration fee of \$5 for each vehicle registered, the commissioner
110.13 shall rescind the suspension unless the carrier's registration has expired. If a registered
110.14 carrier fails to comply within one year of the effective date of a suspension, the carrier's
110.15 registration is canceled.

110.16 Subd. 3a. **Hearing.** If the motor carrier requests a hearing within 45 days after the
110.17 date of suspension, the commissioner shall review the suspension and:

110.18 (1) determine that the carrier has complied with the law and rescind the suspension;

110.19 (2) for just cause, grant an extension which must not exceed 20 days; or

110.20 (3) schedule a hearing to ascertain whether the carrier has failed to comply with the
110.21 law. If it is determined after the hearing that the carrier has failed to comply with the law,
110.22 the commissioner shall cancel the carrier's suspended ~~permit or~~ certificate.

110.23 Subd. 4. **Grounds for cancellation.** Except as provided in subdivision 5a, failure to
110.24 comply with the requirements of ~~sections~~ section 221.141 and ~~221.296~~ relating to bonds
110.25 and insurance, ~~221.131 relating to permit renewal~~, 221.131 or ~~221.296~~ relating to annual
110.26 vehicle registration or ~~permit renewal~~, 221.121, ~~subdivision 6g~~, or 221.153, ~~subdivision 3,~~
110.27 ~~relating to protective agent or private detective licensure~~, or to request a hearing within 45
110.28 days of the date of suspension, is deemed an abandonment of the motor carrier's ~~permit or~~
110.29 certificate and the ~~permit or~~ certificate must be canceled by the commissioner.

110.30 Subd. 5. **Notice of cancellation.** The commissioner shall notify the motor carrier by
110.31 certified mail, return receipt requested, that the ~~permit or~~ certificate is canceled effective
110.32 on the date of mailing the notice of cancellation.

110.33 Subd. 5a. **Reinstatement after cancellation.** A motor carrier whose permit or
110.34 certificate is canceled for failure to comply with ~~sections~~ section 221.141 and ~~221.296~~
110.35 relating to bonds and insurance may ask the commissioner to review the cancellation.
110.36 Upon review, the commissioner shall rescind the cancellation if (1) the motor carrier

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111.1 presents evidence showing that before the effective date of the notice of cancellation
111.2 issued under subdivision 5, the motor carrier had obtained and paid for the insurance
111.3 required by ~~sections~~ section 221.141 and 221.296, and the rules of the commissioner, and
111.4 (2) the commissioner is satisfied that the motor carrier has complied with the requirements
111.5 of ~~sections~~ section 221.141 and 221.296 and the rules of the commissioner.

111.6 Subd. 9. **New petition.** If the holder of a canceled ~~permit or~~ certificate seeks
111.7 authority to operate as a motor carrier it shall file a petition with the commissioner ~~for a~~
111.8 ~~permit or certificate as provided in section 221.121 or 221.296, whichever is applicable.~~

111.9 Sec. 14. Minnesota Statutes 2006, section 221.221, subdivision 3, is amended to read:

111.10 Subd. 3. **Delegated powers.** Representatives of the department to whom authority
111.11 has been delegated by the commissioner for the purpose of enforcing sections 169.781 to
111.12 169.783 ~~and 221.171~~ and the rules, orders, or directives of the commissioner adopted or
111.13 issued under those sections, and for no other purpose, ~~shall~~ have the powers conferred
111.14 by law upon police officers. The representatives of the department have the power to
111.15 inspect records, logs, freight bills, bills of lading, or other documents, which may provide
111.16 evidence to determine compliance with sections 169.781 to 169.783 ~~and 221.171~~.

111.17 Sec. 15. Minnesota Statutes 2006, section 221.291, subdivision 4, is amended to read:

111.18 Subd. 4. **Operating without registration or permit.** A person who operates a
111.19 motor carrier without first registering under ~~section~~ sections 221.0251 or 221.0252, or
111.20 ~~who operates as a household goods mover without having obtained the necessary permit~~
111.21 221.0253, is guilty of a misdemeanor, and upon conviction ~~shall~~ must be fined not less
111.22 than the maximum fine ~~which~~ that may be imposed for a misdemeanor for each violation.

111.23 Sec. 16. **REVISION OF RULES.**

111.24 The commissioner of transportation shall repeal, amend, and adopt revisions to rules
111.25 relating to household goods contained in Minnesota Rules, chapters 7800 and 7805, and
111.26 may use the expedited process for adopting rules under Minnesota Statutes, section 14.389.

111.27 Sec. 17. **INSTRUCTION TO REVISOR.**

111.28 The revisor of statutes shall change the phrase "sections 221.011 to 221.296" to
111.29 read "this chapter" where found in Minnesota Statutes, sections 221.021, subdivision
111.30 1; 221.022; and 221.091, subdivision 1.

111.31 Sec. 18. **REPEALER.**

112.1 Minnesota Statutes 2006, sections 174.65; 221.011, subdivisions 24, 25, 28, 29, 38,
112.2 41, 44, and 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1,
112.3 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, and 7; 221.122; 221.123; 221.131, subdivisions 2a and
112.4 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1 and 2; 221.161;
112.5 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, and 8; and 221.296, subdivisions 3, 4, 5,
112.6 6, 7, and 8, are repealed.

112.7 **ARTICLE 9**
112.8 **RAILROADS**

112.9 Section 1. Minnesota Statutes 2006, section 218.021, subdivision 1, is amended to read:

112.10 Subdivision 1. **Discriminatory practices.** It shall be unlawful for any common
112.11 carrier:

112.12 (1) to charge, demand, collect or receive for any service a greater or a lesser sum
112.13 than that fixed in its published schedules;

112.14 (2) to make or give any undue or unreasonable preference or advantage, or any undue
112.15 or unreasonable prejudice or disadvantage, to any person, company, firm, corporation,
112.16 transit point or locality or to any particular description of traffic;

112.17 (3) by any special rate, rebate, drawback or other device, directly or indirectly, to
112.18 charge, demand, collect or receive a greater or less compensation for any service rendered
112.19 in the transportation of any property within this state than the regular established schedule
112.20 of rates and charges for like and contemporaneous service for any other person, or for the
112.21 public generally; or, directly or indirectly, to offer or give any shipper, in connection with
112.22 or as an inducement or reward for receiving any property for transportation, any gift,
112.23 gratuity or free pass or any rate less than that offered to the public;

112.24 (4) except as expressly permitted, to charge a greater rate per ton or per ton mile for
112.25 a single carload of freight of any kind or class than for a greater number of carloads of the
112.26 same kind or class, to and from the same points of origin or destination;

112.27 (5) to charge or receive any greater compensation for the transportation of a quantity
112.28 of property for a shorter than for a longer distance over the same line, the shorter being
112.29 included within the longer, but this shall not be so construed as to authorize any carrier
112.30 to charge or receive as great compensation for a shorter as for a longer distance; or to
112.31 charge or receive any greater compensation per ton per mile for the contemporaneous
112.32 transportation of the same class of freight for a longer than for a shorter distance over the
112.33 same line in the same general direction, or from the same original point of departure or to
112.34 the same point of arrival, but this shall not be construed so as to authorize any carrier to
112.35 charge as high a rate per ton per mile for a longer as for a shorter distance;

113.1 (6) to charge or receive for the transportation of freight of any description for any
113.2 distance within this state a greater amount than is at the same time charged or received for
113.3 a like quantity of freight of the same class over a greater distance of the same railway;
113.4 or to charge or receive at any point upon its road a higher rate for receiving, handling or
113.5 delivering freight of the same class or quantity than it shall at the same time charge or
113.6 receive to any other point upon the same line; or to charge or receive for freight of any
113.7 description over its railway a greater amount than at the same time is charged or received
113.8 for the transportation of a like quantity of freight of the same class being transported over
113.9 any portion of the same railway of equal distance; or to charge or receive from any person
113.10 a greater amount than it shall at the same time charge or receive from any other person
113.11 for the same class and like quantity of freight at the same point upon its railway; or to
113.12 charge or receive from any person for the transportation of any freight upon its railway a
113.13 greater amount than it shall at the same time charge or receive from any other person for
113.14 the transportation of a like quantity of freight of the same class being transported from
113.15 the same point over an equal distance of the same railway; or to charge or receive from
113.16 any person for the use and transportation of any railway car upon its railroad for any
113.17 distance, a greater amount than is at the same time charged or received from any other
113.18 person for the use and transportation of any railway car of the same class or number for a
113.19 like purpose being transported over a greater distance of the same railway; or to charge or
113.20 receive from any person for the use and transportation of any railway car upon its railroad
113.21 a greater amount in the aggregate than it shall at the same time charge or receive from
113.22 any other person for the use and transportation of any railway car of the same class for a
113.23 like purpose being transported from the same original point of an equal distance of the
113.24 same railway; provided, however, where two or more railroads serve a common point one
113.25 having a shorter mileage than the other from a given point, the railroad having the longer
113.26 mileage may be authorized by the commissioner to meet the rate made by the shortest line;
113.27 (7) to charge or receive more for transporting a car of freight than is charged or
113.28 received per car for several cars of a like class of freight over the same railway for the
113.29 same distance; or to charge or receive more for transporting a ton of freight than is charged
113.30 or received per ton for more than a ton but less than a carload of like class over the same
113.31 railway for the same distance; or to charge or receive more for transporting one hundred
113.32 pounds of freight than is charged or received per hundred pounds above one hundred
113.33 pounds but less than a ton of like class over the same railway for the same distance;
113.34 (8) to fail to provide local first responders with an emergency phone number that is
113.35 accessible at all times through which first responders can receive information regarding
113.36 the location of and materials involved in a hazardous materials accident;

114.1 (9) to fail, upon request, to provide local first responders with an annual listing of
114.2 hazardous materials transported by rail through their respective territories; and
114.3 (10) to fail to have annual training sessions as required under Code of Federal
114.4 Regulations, title 49, parts 172.700 to 172.704, for all employees who may come in
114.5 contact with hazardous materials, concerning the proper identification and response to
114.6 accidents involving hazardous materials.

114.7 Sec. 2. Minnesota Statutes 2006, section 218.041, subdivision 6, is amended to read:

114.8 Subd. 6. **Investigative powers.** In the exercise of powers granted in this chapter,
114.9 the commissioner may:

114.10 (1) subpoena books, papers, or accounts kept by any regulated business within or
114.11 without the state, or compel production of verified copies;

114.12 (2) prepare all forms or blanks for obtaining information that the commissioner
114.13 may deem necessary or useful for the proper exercise of the authority and duties of the
114.14 commissioner in connection with regulated businesses, and prescribe the time and manner
114.15 within which the blanks and forms must be completed and filed;

114.16 (3) inspect, at all reasonable times, and copy the books, records, memoranda,
114.17 correspondence, or other documents and records of any business under the commissioner's
114.18 jurisdiction; ~~and~~

114.19 (4) examine, under oath, any officer, agent, or employee of a business under the
114.20 commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction;
114.21 and

114.22 (5) assess common carriers, administer the state rail safety inspection account, and
114.23 perform other duties on behalf of the state rail safety inspector under section 219.015.

114.24 Sec. 3. **[219.015] STATE RAIL SAFETY INSPECTOR.**

114.25 (a) The commissioner of transportation shall establish a position of state rail safety
114.26 inspector in the Office of Freight and Commercial Vehicle Operations of the Minnesota
114.27 Department of Transportation. The commissioner shall apply to the Federal Railroad
114.28 Administration (FRA) of the United States Department of Transportation to participate
114.29 in the Federal State Rail Safety Partnership Program for training and certification of
114.30 an inspector under authority of United States Code, title 49, sections 20103, 20105,
114.31 20106, and 20113, and Code of Federal Regulations, title 49, part 212. The state rail
114.32 safety inspector shall inspect mainline track, secondary track, and yard and industry track;
114.33 inspect railroad right-of-way, including adjacent or intersecting drainage, culverts, bridges,
114.34 overhead structures, and traffic and other public crossings; inspect yards and physical

115.1 plants; review and enforce safety requirements; review maintenance and repair records;
115.2 and review railroad security measures. To the extent delegated by the commissioner, the
115.3 inspector may issue citations for violations of this chapter, or to ensure railroad employee
115.4 and public safety and welfare.

115.5 (b) The commissioner shall annually assess railroad companies that are (1) defined
115.6 as common carriers under section 218.011, (2) classified by federal law or regulation as
115.7 Class I Railroads or Class I Rail Carriers, and (3) operating in this state, by a division of
115.8 equal proportion between carriers, assessed in equal amounts for 365 days of the calendar
115.9 year. The commissioner shall assess all start-up or re-establishment costs, and all related
115.10 costs of initiating the state rail safety inspector program beginning July 1, 2007. The state
115.11 rail inspector duties must begin and be assessed on January 1, 2008. The assessments must
115.12 be deposited in a special account in the special revenue fund, to be known as the state
115.13 rail safety inspection account. Money in the account is appropriated to the commissioner
115.14 and may be expended to cover the costs incurred for the establishment and ongoing
115.15 responsibilities of the state rail safety inspector.

115.16 (c) The commissioner may exempt a common carrier not federally classified as
115.17 Class I from violations for a period of up to two years if the common carrier applies for
115.18 participation in a work site safety coaching program, such as the "MNSharp" program
115.19 administered by the Minnesota Department of Labor and Industry, and the commissioner
115.20 determines such participation to be preferred enforcement for safety or security violations.

115.21 (d) Any person aggrieved by an assessment levied under this section may appeal
115.22 within 90 days any assessment, violation, or administrative penalty to the Office of
115.23 Administrative Hearings, with further appeal and review by the district court.

115.24 **Sec. 4. [219.371] DEFINITIONS.**

115.25 Subdivision 1. **Scope.** The terms used in sections 219.371 to 219.382 have the
115.26 meanings given them in this section and section 218.011.

115.27 Subd. 2. **Inside edge of a walkway.** "Inside edge of a walkway" means that edge of
115.28 a walkway closest to the nearest rail of the track for which the walkway is constructed.

115.29 Subd. 3. **Major repair.** "Major repair" means a repair that normally requires
115.30 greater than four hours of work to accomplish or involves the use of specialized tools and
115.31 equipment. Major repairs include such activities as coupler replacement, draft gear repair,
115.32 and repairs requiring the use of an air jack, but the term does not include changing wheels
115.33 on intermodal loading ramps either with or without an air jack.

Subd. 4. **Railroad shop or repair track.** "Railroad shop" or "repair track" means a fixed repair facility or track that is regularly and consistently used to perform major repairs, regardless of whether a mobile repair vehicle is used to conduct the repairs.

Subd. 5. **Structure.** "Structure" means any bridge or trestle on which a railroad track is constructed.

Subd. 6. **Walkway.** "Walkway" means a pathway located alongside or in the vicinity of a railroad track for the purpose of providing an area for railroad employees to perform their normal trackside duties.

Subd. 7. **Yard.** "Yard" means a system of tracks other than main tracks and sidings used for making up trains, storing cars, and other purposes including the inspection, repair, and cleaning of cars.

Sec. 5. **[219.372] WALKWAYS ON BRIDGES AND TRESTLES.**

(a) All walkways must be kept free from obstacles that would render them unsafe or difficult to traverse on foot, except those facilities with minimum clearances prescribed by other sections of this chapter.

(b) Walkways must be equipped with a securely attached handrail located on the side of the walkway farthest from the track, except no handrails are required on through-girder structures. Handrails must be located so as to comply with the clearance standards in sections 219.45 to 219.53.

(c) Walkways on bridges and trestles must conform to the standards of width, surface, and vertical placement for walkways alongside track set forth in section 219.373, except that the inside edge of such a walkway may be placed closer than six feet from the nearest rail when necessary.

(d) This section does not apply to culverts.

Sec. 6. **[219.373] WALKWAYS BY TRACK; GENERAL STANDARDS.**

(a) Consistent with section 219.50, every railroad company shall provide a walkway alongside track that has a regular surface that is smooth and safe for use by railroad employees and other persons who have duties in proximity to trains. The walkway must be kept reasonably free of hazards and obstructions, including, but not limited to, debris, litter, fuel, oil, sand, boulders, posts, tie materials, holes, ruts, potholes, grains, grain products or byproducts, fertilizer products, chemical, chemical molten, steel, tin, metallic products, solid raw minerals, palletized products, silica products, materials spilled during revenue shipment, and detached pieces or parts of railroad rolling stock or track structure.

(b) Except as otherwise provided in paragraph (g) or otherwise exempted by other law, a walkway alongside track that is required under sections 219.373 to 219.382 must be constructed and maintained in conformity to the standards in sections 219.373 to 219.383.

(c) A walkway alongside track that is required pursuant to sections 219.373 to 219.382 must:

(1) provide a reasonably regular surface that is smooth and safe for use by railroad employees and other persons who have duties in proximity to trains;

(2) be surfaced with crushed material, asphaltic concrete, planking, or other material that does not compromise track drainage;

(3) unless the grade of the track is greater than one inch in eight inches, have a grade that is less than one inch in eight inches;

(4) if the walkway is alongside track with a curve greater than 18 degrees, be not less than one foot wider than otherwise required; and

(5) be kept reasonably free of hazards and obstructions listed in paragraph (a).

(d) Except as provided otherwise in this section or sections 219.374 to 219.379, walkways located along main-line tracks and tracks where switching is regularly performed more than twice in a seven-day period must be surfaced with crushed material not to exceed American Railway Engineering and Maintenance-of-Way Association (AREMA) standard number 4, 1-1/2 inches in size, or with asphalt, concrete, planking, grating, or similar material.

(e) Walkways located along switching lead tracks, switches in yards, car spotting areas, and railroad shop or repair tracks must be surfaced with crushed material not to exceed AREMA standard number 5, three-fourths to one inch in size, or with asphalt, concrete, planking, grating, or similar material.

(f) This section is temporarily suspended during periods of heavy rain or snow, derailments, rocks and earth slides, and similar abnormal periods and for a reasonable time thereafter to permit restoration work.

(g) Compliance with sections 219.372 to 219.379 is not a defense to any civil action brought for the violation of a railroad safety law, regulation, rule, or order.

(h) The commissioner, after investigation, upon the commissioner's own motion, or upon the petition of the aggrieved person, may determine that the safety of railroad employees requires implementation of the applicable standards set forth in paragraphs (b) to (e), for any walkway.

Sec. 7. [219.374] WALKWAYS BY MAIN-LINE TRACK.

118.1 Except as otherwise provided in section 219.375, 219.377, or 219.378, walkways
118.2 alongside main-line track, in addition to the requirements of section 219.373, must:

118.3 (1) be present on each side of the track within two miles in either direction of a
118.4 track-side train defect detector, with a total walkway length of not less than 300 feet at
118.5 each inspection location;

118.6 (2) be not less than two feet in width; and

118.7 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
118.8 to the outside edge of the walkway.

118.9 **Sec. 8. [219.375] WALKWAYS BY TRACK AT SIDING LOCATIONS.**

118.10 Walkways alongside main-line and branch-line track at siding locations, in addition
118.11 to the requirements of section 219.373, must:

118.12 (1) be present:

118.13 (i) on the outside of the main-line or branch-line track; and

118.14 (ii) on the outside of the siding track;

118.15 (2) be not less than two feet in width; and

118.16 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
118.17 to the outside edge of the walkway.

118.18 **Sec. 9. [219.3755] WALKWAYS BY TRACKS WHERE TRAIN CREWS SHIFT.**

118.19 Walkways alongside main-line and siding tracks at nonterminal locations that are
118.20 frequently used as train crew relief for boarding and debarking crews, in addition to
118.21 the requirements of section 219.373, must:

118.22 (1) be present:

118.23 (i) on the outside of the main-line or branch-line track; and

118.24 (ii) on the outside of the siding track;

118.25 (2) be not less than two feet in width;

118.26 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
118.27 to the outside edge of the walkway;

118.28 (4) be surfaced according to AREMA standard number 5 or with three-fourths inch
118.29 to one inch crushed material, asphalt, concrete, planking, or other material that does not
118.30 compromise track drainage; and

118.31 (5) run continuous from a road, walkway, or other right-of-way to 100 feet past the
118.32 designated stopping point for the train or locomotive.

Sec. 10. **[219.376] WALKWAYS BY TRACK IN YARDS, INDUSTRY
TURNOUTS, AND SPOTTING AREAS.**

Walkways alongside track in all yards and in advance thereof, wherever an employee's assigned duties regularly require the employee to be present on the ground in proximity to the track and, except as otherwise provided in section 219.377 or 219.378, in industry turnouts and spotting areas, in addition to the requirements of section 219.373, must:

- (1) be present on each side of the track not less than 50 feet in advance of the turnout;
- (2) be not less than two feet in width;
- (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track to the outside edge of the walkway; and
- (4) if the track is in a yard where substantial switching is performed, be:
 - (i) present between tracks;
 - (ii) present alongside tracks bordering the yard or switching area; and
 - (iii) if the tracks are 17 feet apart or less, continuous between the tracks.

Sec. 11. **[219.377] WALKWAYS BY TRACK AT MAIN-LINE TURNOUTS
ENTERING YARDS OR SERVING INDUSTRY TRACKS.**

Except as otherwise provided in section 219.378 or 219.379, walkways alongside track at main-line turnouts entering yards or serving industry tracks, in addition to the requirements of section 219.373, must:

- (1) be present on the switch stand side of the track from not less than 50 feet ahead of each switch stand to not less than 25 feet beyond the 12-1/2 feet clearance point behind the switch stand;
- (2) if 20 feet or more from the switch stand, be not less than six feet in width;
- (3) if less than 20 feet, but more than four feet from the switch stand:
 - (i) be not less than six feet in width;
 - (ii) have a straight outer edge; and
 - (iii) occupy a total area of not less than 120 square feet; and
- (4) if less than four feet from the switch stand, be not less than three feet in width.

Sec. 12. **[219.378] WALKWAYS BY MAIN-LINE TRACK AT TURNOUTS FOR
SWITCHING CARS.**

Walkways alongside main-line track at turnouts used frequently for switching cars, in addition to the requirements of sections 219.373 to 219.377, must:

120.1 (1) be present on the switch stand side of the track from not less than 125 feet
120.2 ahead of the switch stand to not less than 25 feet beyond the 12-1/2 feet clearance point
120.3 behind the switch stand;

120.4 (2) if 20 feet or more from the switch stand, be not less than six feet in width;

120.5 (3) if less than 20 feet, but more than four feet from the switch stand:

120.6 (i) be not less than six feet in width;

120.7 (ii) have a straight outer edge; and

120.8 (iii) occupy a total area of not less than 120 square feet; and

120.9 (4) if less than four feet from the switch stand, be not less than three feet in width.

120.10 **Sec. 13. [219.379] WALKWAYS BY TRACK AT OTHER TURNOUTS.**

120.11 Walkways alongside tracks at short-line and branch-line turnouts and, except as
120.12 otherwise provided in section 219.378, at all power-operated turnouts, in addition to
120.13 the requirements of section 219.373, must:

120.14 (1) be present on the switch stand side of the track from not less than 50 feet ahead
120.15 of the switch stand to not less than the 12-1/2 feet clearance point behind the switch stand;

120.16 (2) if ten feet or more from the switch stand, be not less than five feet in width;

120.17 (3) if less than ten feet, but more than four feet from the switch stand:

120.18 (i) be not less than five feet in width;

120.19 (ii) have a straight outer edge; and

120.20 (iii) occupy a total area of not less than 39 square feet; and

120.21 (4) if four feet or less from the switch stand, be not less than three feet in width.

120.22 **Sec. 14. [219.381] WALKWAY EXEMPTIONS.**

120.23 Subdivision 1. **Existing track.** (a) Section 219.373, paragraphs (b) to (g), and
120.24 sections 219.374 to 219.379 and 219.382 do not apply to track placed in revenue service
120.25 before the effective date of this section until the date and time track and supporting
120.26 structure are repaired, resurfaced, replaced, or as ordered by the commissioner of
120.27 transportation pursuant to paragraph (b).

120.28 (b) The commissioner of transportation shall issue an order requiring the construction
120.29 or maintenance of a walkway alongside track described in paragraph (a) on determining,
120.30 after notice and hearing, that the construction or maintenance of a walkway alongside the
120.31 track is necessary to eliminate an unsafe or hazardous condition.

120.32 Subd. 2. **Small business.** (a) Except as otherwise provided in paragraph (b), a small
120.33 business that owns or operates any track in this state is exempt from sections 219.373 to
120.34 219.382.

121.1 (b) On determining after notice and hearing that exempting a small business that
121.2 owns or operates any track in this state pursuant to paragraph (a) poses an unreasonable
121.3 threat of substantial harm to the public safety, the commissioner of transportation shall
121.4 order that business to eliminate any unsafe walkway condition.

121.5 (c) As used in this section, "small business" has the meaning given it in section
121.6 645.445.

121.7 Sec. 15. **[219.382] LIABILITY.**

121.8 Sections 219.371 to 219.379 do not preclude or preempt civil liability to an injured
121.9 party under state or federal laws for failure to provide a reasonably safe walkway.

121.10 Sec. 16. **SHORT TITLE.**

121.11 Sections 2 to 15 may be cited as the "Railroad Walkways Safety Act."

121.12 Sec. 17. **EFFECTIVE DATE.**

121.13 This article is effective July 1, 2007.

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ARTICLE 1	TRANSPORTATION POLICY	Page.Ln 2.25
ARTICLE 2	TOWING	Page.Ln 38.6
ARTICLE 3	TRANSIT	Page.Ln 43.8
ARTICLE 4	REGISTRATION PLATES	Page.Ln 59.5
ARTICLE 5	VEHICLE SIZE, WEIGHT, AND LOAD RESTRICTIONS	Page.Ln 74.1
ARTICLE 6	COMMERCIAL MOTOR VEHICLES	Page.Ln 86.22
ARTICLE 7	HOUSEHOLD GOODS MOVERS	Page.Ln 98.10
	REPEAL OF OBSOLETE PERMITS AND CONFORMING	
ARTICLE 8	CHANGES	Page.Ln 101.7
ARTICLE 9	RAILROADS	Page.Ln 112.7

168A.05 CERTIFICATE OF TITLE.

Subd. 5a. **Pollution control equipment disclosure.** The certificate of title shall contain a disclosure by the transferor of the condition of the vehicle's pollution control equipment as required by section 325E.0951. The disclosure must be in a format as prescribed by the registrar.

174.65 CARRIER HEARINGS AND APPEALS.

Subdivision 1. **Hearings.** All hearings related to common carriers by rail or motor carriers and required to be conducted by the commissioner of transportation must be conducted pursuant to sections 14.001 to 14.69.

Subd. 2. **Appeals.** An appeal from an order of the commissioner must be in accordance with chapter 14.

221.011 DEFINITIONS.

Subd. 24. **Livestock carrier.** "Livestock carrier" means any person whose primary business is the transportation of livestock.

Subd. 25. **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. 28. **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. 29. **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. 38. **Class I carrier.** "Class I carrier" means a person who has been issued a certificate of registration.

Subd. 41. **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. 44. **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. 45. **Armored carrier.** "Armored carrier" is a motor carrier engaged in providing armored carrier service.

221.0252 PASSENGER CARRIER; REGISTRATION, EXEMPTIONS.

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Subd. 7. **Exemptions from regulation.** Notwithstanding any other law, motor carriers of passengers are exempt from sections 221.121; 221.122; 221.123; 221.151; 221.161; and 221.171.

221.072 CLASS I CARRIER.

Subdivision 1. **Authority.** The board may issue a class I certificate only to a motor carrier who owns, leases, or otherwise controls more than one terminal. Except as provided in subdivision 2, a motor carrier may not own, operate, or otherwise control more than one terminal without having obtained a class I certificate from the board. For purposes of this section, utilization of a local cartage carrier by a class I carrier constitutes ownership, lease, or control of a terminal.

Subd. 2. **Exceptions.** This section does not apply to any carrier listed in section 221.111, clauses (3) to (10).

Subd. 3. **Operation.** A class I certificate authorizes the certificate holder to transport both truckload and less-than-truckload freight to and from points named in the certificate, over routes described in the certificate. A holder of a class I certificate may transfer freight to and from another class I carrier.

221.111 PERMIT TO OTHER MOTOR CARRIER.

Motor carriers other than certificated carriers and local cartage carriers shall obtain a permit in accordance with section 221.121. The board shall issue only the following kinds of permits:

- (1) class II-T permits;
- (2) class II-L permits;
- (3) livestock carrier permits;
- (4) contract carrier permits;
- (5) charter carrier permits;
- (6) courier service carrier permits;
- (7) local cartage carrier permits;
- (8) household goods mover permits;
- (9) temperature-controlled commodities permits; and
- (10) armored carrier permits.

221.121 PERMIT: APPROVAL PROCESS; OPERATING AUTHORITY; FEE.

Subdivision 1. **Petition; notice and hearing; scope.** (a) A person desiring to operate as a permit carrier, except as provided in subdivision 5 or section 221.296, shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition.

(b) The commissioner, after notice to interested parties and a hearing, shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291.

(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner governing permit carriers.

(d) No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the commissioner from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Subd. 2. **Temporary permit.** The commissioner may grant a temporary permit, ex parte, valid for a period not exceeding 180 days, upon a showing that there is an immediate and urgent

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need for the proposed service, pending prompt action by the permit holder to follow regular procedure in securing the permit, and that immediate and urgent authority from the commissioner is in the public interest. A copy of the order granting the temporary permit, ex parte, must be mailed immediately to interested parties.

Subd. 3. **Cooperative association.** The commissioner may issue a permit as a contract carrier to cooperative associations whose memberships are limited to bona fide farmers' cooperative associations, that transport and do business only with and for the associations, and who transport merely as an incident to other business. The commissioner may not limit the number of hauling contracts of a cooperative association.

Subd. 4. **Extensions of authority.** The commissioner may grant extensions of authority ex parte after due notice of a petition has been published. A party desiring to protest the petition shall file its protest by mail or in person within 20 days of the date of notice, except that no protest may be filed against an application submitted under subdivision 6f. If a timely filed protest is received, the matter must be placed on the calendar for hearing. If a timely protest is not received, the commissioner may issue its order ex parte.

Subd. 5. **Livestock carrier.** A person desiring to operate as a livestock carrier shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require.

The commissioner shall issue the permit upon compliance with laws and rules relating to the permit unless it finds that petitioner's vehicles do not meet the safety standards prescribed by the commissioner or that petitioner is not fit and able to conduct the proposed operations. A permit issued under Laws 1983, chapter 371, must be renewed upon compliance with the provisions of Laws 1959, chapter 376, and the rules of the commissioner. A livestock carrier, on the return trip after hauling livestock and delivering the livestock, may transport other commodities or property to the carrier's headquarters area. The livestock carrier may transport supplies and equipment used in farm work from the carrier's headquarters area to any point in the state or from any point in the state to the headquarters area.

Subd. 6. **Courier services carrier.** A person desiring to operate as a courier services carrier shall follow the procedure established in subdivision 1 and shall be granted a permit as a courier services carrier if the person meets the criteria established in subdivision 1. The commissioner shall not deny a permit for a courier services carrier on the grounds that operations performed by the applicant resemble operations of other types of carriers defined in section 221.011.

Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate as a carrier of household goods shall follow the procedure established in subdivision 1, and shall specifically request a household goods mover permit. The permit granted by the commissioner to a person who meets the criteria established in this subdivision and subdivision 1 shall authorize the person to hold out and to operate as a household goods mover. A person who provides or offers to provide household goods packing services and who makes any arrangement directly or indirectly by lease, rental, referral, or by other means to provide or to obtain drivers, vehicles, or transportation service for moving household goods, must have a household goods mover permit.

Subd. 6c. **Class II carrier.** (a) A person desiring to operate as a permit carrier, other than as a carrier listed in section 221.111, clauses (3) to (9), shall follow the procedure established in subdivision 1 and shall specify in the petition whether the person is seeking a class II-T or class II-L permit. If the person meets the criteria established in subdivision 1, the board shall grant the class II-T or class II-L permit or both. A class II permit holder may not own, lease, or otherwise control more than one terminal. The board may not issue a class II permit to a motor carrier who owns, leases, or otherwise controls more than one terminal.

(b) For purposes of this section: (1) utilization of a local cartage carrier by a class II carrier constitutes ownership, lease, or control of a terminal; and (2) "terminal" does not include (i) a terminal used exclusively for handling bulk commodities, and (ii) a terminal used by a permit holder who also holds a class I certificate, household goods permit, or temperature-controlled commodities permit for the unloading, docking, handling, and storage of freight transported under the certificate, household goods permit, or temperature-controlled commodities permit.

Subd. 6d. **Temperature-controlled commodities carrier.** A person who desires to hold out or to operate as a carrier of temperature-controlled commodities shall follow the procedure established in subdivision 1 and shall specifically request a temperature-controlled commodities permit. The permit granted by the board to a person who meets the criteria established in subdivision 1 shall authorize the person to hold out and to operate as a carrier of temperature-controlled commodities.

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Subd. 6e. **Class II-T permit.** A holder of a class II-T permit may transport truckload freight to and from any point named in the permit without restriction as to routes, schedules, or frequency of service.

Subd. 6f. **Class II-L permit.** (a) A motor carrier with a class II-L permit may transport less-than-truckload freight as provided in this subdivision.

(b) A motor carrier with a class II-L permit may transport less-than-truckload freight to and from any point named in the permit, without restriction as to routes, schedules, or frequency of service.

(c) A motor carrier with a class II-L permit may transport less-than-truckload freight to and from points within the geographic area the carrier was authorized to serve on December 31, 1992, that were not listed in the carrier's permit. Service by a carrier under this paragraph may be provided no more often than on 24 days in a 12-month period.

(d) A motor carrier described in paragraph (c) may amend the carrier's permit to add points within the geographic area the carrier was authorized to serve on December 31, 1992. The carrier must submit to the commissioner an application on a form provided by the commissioner; the application must name the points proposed to be served and include evidence of need for the proposed service. Evidence of need may consist of a letter from a consignor attesting to need for the proposed service and intent to use the proposed service. The commissioner shall transmit the application to the board. The board shall publish notice of an approved application in the board's weekly calendar. Failure by the board to deny the application within ten days after receipt of the application from the commissioner constitutes approval of the application.

Subd. 7. **Fee.** The petitioner shall pay a fee of \$150 into the treasury of the state of Minnesota for each kind of permit or extension of authority for which a petition is filed under this section.

221.122 ORDER GRANTING PERMIT OR CERTIFICATE; COMPLIANCE.

Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order issued by the commissioner which grants a certificate or permit must contain a service date.

(b) The person to whom the order granting the certificate or permit is issued shall do the following within 45 days from the service date of the order:

(1) register vehicles which will be used to provide transportation under the permit or certificate with the commissioner and pay the vehicle registration fees required by law;

(2) file and maintain insurance or bond as required by sections 221.141 and 221.296 and rules of the commissioner; and

(3) file rates and tariffs as required by section 221.161 and rules of the commissioner.

Subd. 2. **Time extension.** The commissioner may extend the time for compliance with the requirements of subdivision 1. The person to whom the order was issued shall request the extension in writing and shall state the reasons for requesting the extension. The commissioner may not grant an extension of more than 45 days.

Subd. 3. **Failure to comply.** An order of the commissioner granting a certificate or permit to operate as a motor carrier takes effect on the date of compliance with the requirements of subdivision 1. Failure of the person to whom the order was issued to comply with the requirements of subdivision 1 within 45 days from the service date of the order, or within the extended time for compliance if an extension was granted by the commissioner, makes the order null and void upon the expiration of the time for compliance.

221.123 EFFECT OF DEATH OF PERMIT HOLDER.

This section governs the transfer of a permit in the event of the death of the permit holder. Within one year after the transfer of a permit of a deceased permit holder by the deceased permit holder's personal representative, or within one year after the date of a decree or order issued by the district court transferring the permit of a deceased permit holder, the distributee, as defined in section 524.1-201, who received the permit shall apply to the commissioner to have the permit transferred under the provisions of section 221.151, subdivision 2.

If an application to transfer the permit is not filed within the time prescribed above, the permit is revoked and the commissioner shall so notify the person who had received the permit.

221.131 CARRIER VEHICLE REGISTRATION; FEES, IDENTIFICATION CARD.

Subd. 2a. **Vehicle identification.** The permit holder must be identified on the power unit of each registered vehicle operated under the permit. Vehicles must show the name or the "doing business as" name of the permit holder operating the vehicle and the community and abbreviation

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of the state in which the permit holder maintains its principal office or in which the vehicle is customarily based. If the permit holder operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Subd. 3. **Certificate carrier; annual vehicle registration.** Certificated passenger carriers shall pay an annual registration fee of \$40 for each vehicle, including pickup and delivery vehicles, operated during a calendar year. The commissioner shall issue distinguishing identification cards as provided in subdivision 2.

221.141 INSURANCE OR BOND.

Subd. 6. **Armored carrier.** An armored carrier must maintain in effect cargo insurance, cargo bond, or moneys and securities insurance coverage in a minimum amount of \$300,000 per incident and must file, or its insurer must file, with the commissioner a cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage. A cargo certificate of insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance, described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform to Form J described in Code of Federal Regulations, title 49, part 1023. A certificate of moneys and securities coverage must conform to either Form H or Form J with such variances as the commissioner may allow to accommodate industry practice. Form H and Form J are incorporated by reference. The cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage must be issued in the full and correct name of the person, corporation, or partnership to whom the armored carrier permit was issued and whose operations are being insured.

221.151 PERMIT ASSIGNABLE OR TRANSFERABLE.

Subdivision 1. **Petition.** Permits, except livestock permits, issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment after notice and hearing.

The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner, after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon other competing carriers, the commissioner may make an order granting the sale or lease. Provided, however, that the commissioner shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit other than local cartage carrier permit from the commissioner under this chapter or to a common carrier by rail.

Provided further that the commissioner shall make no order approving the sale or lease of a permit if the commissioner finds that the price paid for the sale or lease of a permit is disproportionate to the reasonable value of the permit considering the assets and goodwill involved. The commissioner shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under the permit and that the vehicles the transferee proposes to use in conducting the operations meet the safety standards of the commissioner. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two-year period immediately preceding the transfer must be considered. Only such operating authority may be granted to the transferee as was actually exercised by the transferor under the transferor's authority within the two-year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence. For purposes of determining the two-year period, the date of divesting of interest or control is the date of the

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sale. The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.

If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

Subd. 2. **Ex parte transfer.** (a) The commissioner shall allow a bona fide transfer of a permit, except a livestock carrier permit, ex parte without hearing if the transferee of the permit is in fact a member or members of the transferor's immediate family. For the purpose of this subdivision immediate family consists only of the lawful spouse, adult child or children, brother, or sister of the transferor. Provided further that the immediate family as defined in this subdivision does not include a person under legal disability or a member of the family regardless of relationship who holds any other permit or certificate under this chapter either as an individual or in partnership or as owner of an interest in a corporation holding a permit or a certificate under this chapter.

(b) Provided further that the transfer under this subdivision must include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or immediate family members;

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this subdivision.

(c) Provided further that the transfer of a permit under this subdivision must comply with the standards set forth in this section based upon the contents of the petition of petitioners, pertinent information available to the commissioner, and their records and files. No determination of the extent of the operating authority previously exercised is required.

(d) If it appears to the commissioner that the petition and exhibits do not reasonably comply with the standards set forth in this section, then after notice to interested parties and the petitioners, the commissioner shall assign the matter for hearing to determine compliance with this section. A user of the service, competing carrier, or interested party shall have the right to file a protest on the transfer as provided in this subdivision by filing a sworn statement with the commissioner within six months from the date of the transfer, whereupon the commissioner shall assign the matter for hearing and the continuance of the permit may only be upon the transferee's compliance with the standards and procedures otherwise imposed by this section.

Subd. 3. **Transfer of certain authority.** Operating authority described in section 221.121, subdivision 6f, paragraph (c), that has not been added to the motor carrier's permit under section 221.121, subdivision 6f, paragraph (d), may not be transferred to any person except a member of the transferor's immediate family as defined in subdivision 2.

221.152 CONVERSION OF PERMIT.

Subdivision 1. **Expiration of operating authority.** Except as provided in subdivision 3, paragraph (c), the following certificates and permits in effect on January 1, 1993, and all operating authority granted by those certificates and permits, expire on January 1, 1993:

(1) all certificates authorizing operation as a regular route common carrier of property, other than petroleum carrier certificates; and

(2) all permits authorizing operation as an irregular route common carrier, except those carriers listed in section 221.111, clauses (3) to (9).

Subd. 2. **Conversion.** All holders of certificates and permits that expire on January 1, 1993, under subdivision 1, who wish to continue providing the service authorized by those certificates and permits, must convert the certificates and permits into class I or class II certificates or permits by that date.

Subd. 3. **Issuance of new certificate or permit.** (a) By September 1, 1992, a motor carrier described in subdivision 2 must submit to the commissioner an application for conversion. The application must be on a form prescribed by the commissioner and must be accompanied by an application fee of \$50. The application must state: (1) the name and address of the applicant; (2) the identifying number of the expiring certificates or permits the applicant wishes to convert; and (3) other information the commissioner deems necessary. An applicant for a class

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II-L permit must also submit a statement of the extent of operating authority that the applicant holds under the applicant's existing permit or permits and wishes to include in the new permit or permits, and evidence of the operating authority actually exercised as described in section 221.151, subdivision 1.

(b) The commissioner shall transmit to the board all applications that meet the requirements of paragraph (a). The board shall develop an expedited process for hearing and ruling on applications submitted under this subdivision. Within 60 days after receiving an application under this subdivision, the board shall issue an order approving or denying the issuance of a new certificate or permit. The board shall issue the certificate or permit requested in the application if it finds that the issuance is authorized under this section. An application submitted to the commissioner under this subdivision by September 1, 1992, is deemed approved by the board unless by November 1, 1992, or a later date determined under paragraph (c), the board has issued an order denying the application.

(c) If the board determines that a conversion of a certificate or permit under this subdivision requires a longer period of deliberation than that provided in paragraph (b), the board may prescribe a date: (1) on which a class I certificate or class II permit becomes effective; (2) on which the application for conversion becomes effective unless denied by the board; and (3) on which the certificate or permit being converted expires. The board may not prescribe a date under clauses (1) to (3) that is later than June 30, 1993.

Subd. 4. **Authority converted.** (a) The board shall not issue any certificate or permit under this subdivision that authorizes the carrier to serve any geographic area or transport any commodities that the carrier was not authorized to serve or transport under the expiring certificate or permit.

(b) Notwithstanding paragraph (a), the board shall not grant a class II-L permit to an applicant under this subdivision that names points that the permit holder did not serve at any time in the two years before April 30, 1992.

(c) When a person who had been issued before January 1, 1993, an irregular route common carrier permit with authority to transport household goods applies for conversion of that permit to a class II permit under subdivision 3, the board shall issue the applicant, along with a class II permit, a household goods mover permit with the same operating authority to transport household goods as was granted under the person's irregular route common carrier permit.

(d) When a person who, before January 1, 1993, held an irregular route common carrier permit under which the person transported temperature-controlled commodities applies for conversion of that permit to a class II permit under subdivision 3, the board shall issue the applicant a temperature-controlled commodities permit with authority to operate in the same geographic area authorized under the person's irregular route common carrier permit and a class II permit.

(e) A permit holder that received its permit less than 24 months prior to the effective date of Laws 1992, chapter 600, shall be authorized by the board to operate for a period of up to 24 months or December 31, 1993, whichever occurs first. Prior to January 1, 1994, the permit holder shall follow the procedures for conversion of permits contained in this section. The board shall extend the permit up to June 30, 1994, as required to convert the permit.

221.153 ARMORED CARRIER; CONVERSION OF OPERATING AUTHORITY.

Subdivision 1. **Expiration of operating authority.** All operating authority under certificates or permits granted by the board that authorizes armored carrier service expires on March 1, 1994. After February 28, 1994, no person may provide armored carrier service unless the person holds a valid armored carrier permit issued by the board. This subdivision does not require the expiration of any operating authority other than authority for armored carrier service. This subdivision does not limit the right of carriers to transport items of exceptional value in nonarmored vehicles that are not protected by at least one armed person exclusive of the driver.

Subd. 2. **Conversion.** A motor carrier holding operating authority that expires on March 1, 1994, under subdivision 1 who wishes to continue providing the service authorized by that operating authority must convert that operating authority into an armored carrier permit before that date.

221.161 SCHEDULE OF RATES AND CHARGES.

Subdivision 1. **Filing; hearing upon board initiative; armored carrier exemption.**

(a) Except as provided in paragraph (b), a permit carrier, including a livestock carrier but not including a local cartage carrier, shall file and maintain with the commissioner a tariff showing

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rates and charges for transporting persons or property. Tariffs must be prepared and filed in accordance with the rules of the commissioner. When tariffs are filed in accordance with the rules and accepted by the commissioner, the filing constitutes notice to the public and interested parties of the contents of the tariffs. The commissioner shall not accept for filing tariffs that are unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section, after notification and investigation by the department, the board may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the permit carrier filing the proposed tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the permit carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. Tariffs for transporting livestock are not subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the commissioner.

(b) A holder of an armored carrier permit is not required to file a tariff under this subdivision for the service authorized by the armored carrier permit.

Subd. 2. **Hearing upon complaint.** Tariffs, supplements, and reissues must be prepared and filed in accordance with rules of the commissioner. Rates or charges, including pickup charges named therein, are subject to complaint to the commissioner by an interested party. The commissioner, after investigation by the department, by order on not less than ten days' notice, may assign the complaint for hearing, and if at the hearing, the complainant submits facts and evidence sufficient to establish proof that the rates or charges complained of are excessive or noncompensatory, the commissioner may order the rates or charges canceled, and require the filing of alternative and reasonable rates and charges, the reasonable level of which at that time must be indicated by the commissioner in the order.

Subd. 3. **Hearing upon petition by another carrier.** Upon the filing of a tariff or subsequent supplement or reissue, any other carrier has the right to petition the commissioner to suspend it from taking effect until opportunity is had for a hearing on the reasonableness of the rates or charges, and the commissioner may suspend the rates or charges if in its judgment the rates or charges complained of are so unreasonably low as to create destructive competitive practices among or jeopardize the economic position of competing carriers. In determining whether the rates or charges are excessive or noncompensatory, the commissioner shall include in consideration, among other things, the reasonable cost of the services rendered for the transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.

Subd. 4. **Hearing on merits of rates and charges.** The commissioner, (1) after a suspension and hearing upon a schedule of rates and charges, or upon complaint, or upon the commissioner's own initiative, either in extension of an existing complaint or without a complaint whatever, (2) after department investigation and petition, (3) upon notice to the permit carrier or tariff agent proposing, maintaining, or charging a schedule of rates and charges on a single group of related commodities, and (4) upon notice to the users of the service and competitive carriers by motor vehicle and rail, may assign for hearing the schedule of rates and charges proposed, maintained, or charged by any or all permit carriers. Upon a finding, after a hearing, that the schedule of rates and charges are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the commissioner may prescribe minimum rates and charges and the rates, rules, and practices thereafter to be maintained and applied by the permit carrier or tariff agent. In the hearing the burden of proof is upon the permit carrier or tariff agent whose schedules of rates and charges are under investigation to show that the schedules are not below a minimum reasonable level or are not noncompensatory. Schedules of rates and charges for the transportation of livestock are not subject to rejection, suspension, postponement, or investigation by the commissioner except as provided in subdivisions 2 and 3.

221.171 COMPENSATION OF PERMIT CARRIER FIXED.

Subdivision 1. **Compensation fixed by schedule on file.** No permit carrier shall charge or receive a greater, lesser, or different compensation for the transportation of persons or property or for related service, than the rates and charges named in the carrier's schedule on file and in effect with the commissioner including any rate fixed by the commissioner under section 221.161; nor shall a permit carrier refund or remit in any manner or by any device, directly or indirectly, the

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rates and charges required to be collected by the carrier under the carrier's schedules or under the rates, if any, fixed by the commissioner.

Subd. 2. **Exemptions; household goods.** (a) A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government where competitive bids are required by law is exempt from subdivision 1.

(b) A person engaged in the transportation of household goods at the request of a nonprofit charitable organization that qualifies for tax exemption under section 501(c)(3) of the Internal Revenue Code is exempt from subdivision 1 when the transportation is in furtherance of the organization's charitable purpose. A person engaged in the transportation of household goods for a charitable organization may conduct the transportation without restriction to the geographic area the carrier is authorized to serve under section 221.121.

221.172 SHIPPING DOCUMENT.

Subd. 3. **Class I, class II, or temperature-controlled commodities carrier; household goods mover.** (a) A class I carrier, class II carrier, household goods mover, and a holder of a temperature-controlled commodities permit shall keep a record of each shipment transported under a certificate or permit. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) number of packages, if applicable to the rating of the freight or if the carrier's operating authority includes a package or article restriction, unless the shipment is transported by a household goods mover;
- (5) description of the freight;
- (6) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the carrier's operating authority includes a weight restriction;
- (7) exact rate or rates assessed;
- (8) total charges due, including the nature and amount of any charges for special service;
- (9) the name of each carrier participating in the transportation; and
- (10) after January 1, 1994, any terminals through which the shipment moved.

Subd. 4. **Truckload record.** In addition to the items listed in subdivision 3, if the transportation is provided under a class II-T permit or is a shipment of truckload freight, a record must include the word "truckload" or must prominently display the letters "II-T" and must show the name of the driver or drivers who transported the shipment, the pickup and delivery times, and the license plate number or unit number of the power unit and trailer used to transport the shipment.

Subd. 5. **Temperature-controlled commodities carrier.** In addition to the items listed in subdivision 3, if the transportation is provided under a temperature-controlled commodities permit, a record must include the words "temperature-controlled commodities" or must prominently display the letters "TCC" and must indicate the reasons for protecting the commodity from heat or cold.

Subd. 6. **Courier services carrier.** (a) A courier services carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

- (1) names of the consignor and consignee;
 - (2) date of shipment;
 - (3) origin and destination points;
 - (4) number of packages;
 - (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight;
 - (6) exact rate or rates assessed; and
 - (7) total charges due, including the nature and amount of any charges for special service.
- (c) In addition to the items listed in paragraph (b), if the transportation is expedited delivery, a record also must show the:
- (1) license plate number or unit number of the vehicle used to transport the shipment;
 - (2) time of the shipper's initial request for service; and

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(3) pickup and delivery times.

(d) In addition to the items listed in paragraph (a), if the transportation is overnight small package delivery, a record also must show the:

(1) license plate number or unit number of the vehicle used to transport the shipment at the point of delivery; and

(2) weight of each package or article of a shipment.

Subd. 7. **Contract carrier.** (a) A contract carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

(1) names of the consignor and consignee;

(2) date of shipment;

(3) origin and destination points;

(4) description of freight;

(5) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the contract carrier's operating authority includes a weight restriction;

(6) exact rate or rates assessed; and

(7) total charges due, including the nature and amount of any charges for special service.

Subd. 8. **Local cartage carrier.** (a) A local cartage carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

(1) date of shipment;

(2) origin and destination points; and

(3) terminal through which the shipment moved, if any.

221.296 LOCAL CARTAGE CARRIER.

Subd. 3. **Permit required.** No person shall operate a local cartage carrier without a permit in full force and effect with respect to the operation. The commissioner may revoke or suspend the permit of a local cartage carrier after notice and hearing for violating a provision of this section or a rule of the commissioner governing local cartage carriers. The commissioner may by order suspend or cancel the permit under section 221.185.

Subd. 4. **Petition for permit.** A person desiring to operate as a local cartage carrier shall file a petition with the commissioner specifying the service offered, the name and address of the petitioner, the names and addresses of the officers, if a corporation, and other information as the commissioner may require. The commissioner, after notice to interested parties and a hearing, shall issue the permit upon compliance with laws and rules relating to it unless it finds that the area to be served has a sufficient number of local cartage carriers to fully and adequately meet the needs of the area, that the petitioners' vehicles do not meet the safety standards adopted by rule by the commissioner, or that petitioner is not fit and able to conduct the proposed operations. A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and rules of the commissioner governing local cartage carriers.

Subd. 5. **Permit fees.** Upon filing a petition for a permit the petitioner shall pay to the commissioner as a fee for the issuance of the permit, the sum of \$150, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which must be painted or prominently displayed on both sides of vehicles used by the local cartage carrier under authority of the permit.

The commissioner shall issue a distinguishing annual identification card for each vehicle or power unit for which a permit has been issued. The identification card must be carried in the vehicle or power unit to which it has been assigned. An identification card may be reassigned to another vehicle or power unit upon application of the permit holder and payment of a transfer fee of \$10. An identification card issued under this section is effective only for the period for which the permit is effective.

Subd. 6. **Bond.** Local cartage carriers shall comply with the requirements of section 221.141.

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Subd. 7. **Limitations.** Nothing in this section shall be construed in any manner as taking from or curtailing the right of any city to reasonably regulate or control the routing, parking, speed or the safety of operation of any motor vehicle operated by local cartage carriers, nor the general police powers of any city of its highways, nor as abrogating any provision of the charter of any city requiring conditions to be complied with before such local cartage carrier can use the highways of such city, and such rights and powers hereby stated are reserved and granted to such city; but no city shall prohibit or deny the use of the public highways within its territorial boundaries by any local cartage carrier for the transportation of property received within its boundaries to destinations beyond such boundaries, or for the transportation of property from points beyond such boundaries to destinations within the same, or for transporting property from points beyond such boundaries through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a permit issued by the department pursuant to an order of the commission.

Subd. 8. **Permit transferable.** (a) Permits, issued under the provisions of this section may be transferred but only upon the order of the commissioner approving same after notice and hearing.

(b) The proposed seller and buyer of a permit, shall file a joint verified petition with the commissioner setting forth the legal name and address of the parties, the permit number and the description of the authority which the parties seek to sell, a verified statement of the reasons for the proposed sale, a verified statement of all outstanding claims of creditors which are attributable to the business conducted under said permit, a copy of the contract of sale and financial statement with balance sheet and income statement, if existent, of the buyer and the seller.

(c) After notice to interested parties and a hearing the commissioner shall not make an order approving and allowing the sale unless the commissioner finds that the buyer is fit and able to conduct the business authorized under said permit, that the vehicles the buyer proposes to use in conducting such business meet the safety standards of the commissioner, that the price paid for the purchase of the permit is not disproportionate to the reasonable value of the permit considering all assets and goodwill sold, that the proposed sale is in the best interest of the shipping public, and that the seller has legally engaged in the transportation of property or freight for hire on a meaningful basis as determined by the commissioner within the two-year period immediately preceding the sale as proven by accurate and complete bills of lading, company records, operation records, or other relevant evidence. For purposes of determining said two-year period, any divesting of interest or control shall be deemed the date of the sale and the commissioner shall look to the substance of the transaction rather than the form. Any agreement for the transfer or sale of a permit shall be reported and filed with the commissioner within 30 days of such agreement.

(d) If any authority to operate as a local cartage carrier, is held by a corporation, any sale, assignment, pledge or other transfer of such stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of said corporation, as exercised through its stockholders, shall be reported in the manner prescribed by the rules of the commissioner within 30 days after said sale, assignment, pledge or other transfer of stock. The commissioner shall then make a finding whether or not said stock transfer does, in fact, constitute a sale, or other transfer of the permit of said corporation to a new party or parties and, if they so find, then the continuance of the permit issued to said corporation shall only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

(e) The commissioner shall allow a bona fide transfer of a permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this paragraph immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. A transfer pursuant to this paragraph shall include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or immediate family members;

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this paragraph.

221.60 REGISTRATION OF INTERSTATE CARRIER.

Subd. 2. **Form and fees.** A motor carrier engaged in interstate commerce shall register its interstate transportation authority or exemption before February 1 of each year on a form prescribed by the commissioner. The fee for the initial registration is \$25. The fee for each identification stamp is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. In addition to the fees required by this subdivision, a motor carrier shall pay a service charge of 45 cents for each stamp or card issued.

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Subd. 3. **Failure to register.** Failure to register for three consecutive years cancels the carrier's registration. The commissioner must give 30-days' notice of the cancellation to the carrier at the carrier's last known address.

Subd. 3a. **Failure to maintain insurance.** If a carrier fails to maintain and file with the commissioner the insurance or bond required by section 221.141 and the rules of the commissioner, the commissioner shall suspend and cancel the carrier's interstate registration according to the procedure in section 221.185, subdivisions 2, paragraphs (a) and (b), clause (1); and 3. If the carrier fails to comply with section 221.141 within 45 days of the date of suspension, the commissioner shall cancel the carrier's interstate registration until the carrier files and maintains insurance as required by section 221.141 and rules of the commissioner. The commissioner shall notify the carrier of the cancellation.

Subd. 4. **Cab card.** A carrier required to register under this section shall obtain the National Association of Regulatory Utility Commissioners cab card described in Code of Federal Regulations, title 49, section 1023.36, and affix the stamp to the cab card. A cab card bearing a current Minnesota interstate identification stamp must be carried in the cab of a vehicle operated for hire in interstate commerce in Minnesota.

Subd. 5. **Temporary interstate registration.** An interstate registration trip permit valid for ten days from the date of issue may be issued to a motor carrier engaged in interstate commerce that:

- (1) complies with section 221.141;
- (2) either registers its interstate operating authority or registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and
- (3) pays a state fee of \$5 for each permit.

Subd. 6. **Transfer of authorization document.** A motor carrier engaged in interstate commerce may not transfer or sell or allow another carrier to use its interstate identification stamp, its interstate registration trip permit, or its cab card. However, a cab card and identification stamp may be transferred to a leased vehicle operated under the authority of the motor carrier to whom the cab card and identification stamp were issued.

221.601 AGREEMENT WITH ANOTHER STATE.

Subdivision 1. **Authority.** The commissioner may enter into agreements with representatives of other states to allow the cooperative registration of motor carriers transporting property or passengers for hire in interstate commerce. The agreement may authorize representatives of other states to issue interstate registration stamps and trip permits; accept the filing of insurance certificates, insurance cancellation notices, and orders of the former Interstate Commerce Commission or a successor agency; issue suspension and reinstatement orders or notices; and collect and disburse fees prescribed by this chapter. The agreement may allow the exchange of information for audit, reporting, and enforcement purposes, and the collection and disbursement of fees provided under this chapter and the laws of other states that participate in the agreement. The agreement and all amendments must be in writing. The agreement may provide for the gradual adoption of a base state registration system. It may provide that a motor carrier based in another state participating in the agreement, that has filed evidence of financial responsibility in that state that meets the requirements of this chapter and of the agreement, need not file evidence of financial responsibility with the commissioner for its interstate operations in this state.

Subd. 2. **Definition.** For purposes of this section, "state" means a state, the District of Columbia, or a state or province of a foreign country.

221.602 INTERSTATE CARRIER REGISTRATION.

Subdivision 1. **Procedure; nonexempt carrier.** A motor carrier subject to the jurisdiction of the U.S. Department of Transportation or Surface Transportation Board under United States Code, title 49, chapter 135, subchapter I, with its principal place of business in Minnesota or that designates Minnesota as its base state, may transport persons or property for hire in Minnesota only if it first complies with the insurance regulations described in Code of Federal Regulations, title 49, part 387, and registration regulations described in Code of Federal Regulations, title 49, parts 356 and 365, adopted by the Interstate Commerce Commission or a successor agency under United States Code, title 49, section 14504 or former section 11506. The registration fee is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section

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221.65. A motor carrier shall pay a service charge of 45 cents for each registration receipt issued in addition to the fee required by this subdivision.

Subd. 2. **Procedure; exempt carrier.** (a) A motor carrier that is exempt from federal jurisdiction under United States Code, title 49, may transport persons or property for hire in interstate commerce in Minnesota only if it first:

(1) complies with section 221.141;

(2) registers and describes the transportation it performs under an exemption contained in United States Code, title 49; and

(3) pays the fee required in subdivision 1.

(b) A motor carrier that complies with subdivision 1 is not also required to comply with this subdivision.

Subd. 3. **Registration period.** The registration period is that provided in regulations adopted under United States Code, title 49, section 14504 or former section 11506.

Subd. 4. **Receipt.** On compliance with subdivision 1 or 2, the commissioner shall issue a receipt showing that the motor carrier has complied with the regulations applicable to it. Proof of registration must be kept in each of the carrier's vehicles.

325E.0951 MOTOR VEHICLE AIR POLLUTION CONTROL SYSTEMS.

Subd. 3a. **Disclosure.** No person may transfer a motor vehicle that was required to be manufactured with an air pollution control system without certifying in writing to the transferee that to the best of the person's knowledge, the air pollution control systems, including the restricted gasoline fill pipe, have not been removed, altered, or rendered inoperative. The registrar of motor vehicles shall prescribe the manner and form in which this written disclosure must be made. No transferor may knowingly give a false statement to a transferee in making a disclosure required by this subdivision.

473.1465 TRANSPORTATION POLICY.

Subdivision 1. **Definition.** For the purposes of this section and section 473.1466 "commuting area" means the metropolitan area and counties outside the metropolitan area in which five percent or more of the residents commute to employment in the metropolitan area.

Subd. 2. **Revised transportation policy plan.** The Metropolitan Council shall adopt, after appropriate public comment, a revised transportation policy plan that:

(1) is consistent with state law and council policy;

(2) identifies and summarizes issues concerning commuting into and out of the seven-county area from the commuting area;

(3) integrates and maximizes the efficiencies and effectiveness of all modes of transportation in the region; and

(4) reflects and does not exceed current available resources.

The council shall adopt the revised transportation policy plan by December 31, 1996.

Subd. 3. **Project evaluation.** As part of developing the revised transportation policy plan, the council shall evaluate all proposed and pending transportation projects that are subject to council review and report to the legislature the results of council's evaluation.

473.247 METROPOLITAN AGENCIES; PUBLIC INFORMATION.

The council shall publish a consolidated metropolitan bulletin or register containing official notices, meeting and hearing schedules, notices of adopted ordinances, rules, policies, and similar matters for the council and all metropolitan agencies. Metropolitan agencies shall cooperate with the council in providing timely information for publication.

473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.

Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section, the dispute shall be submitted to the Metropolitan Council for final resolution by any party to the dispute. The Metropolitan Council shall establish by July 1, 1993, a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.