

## CHAPTER 376—H. F. No. 304

[Coded in Part]

*An act relating to regulation by the railroad and warehouse commission of motor vehicle transportation for hire, amending Minnesota Statutes 1957, Sections 221.011, 221.111, 221.121 and 221.161.*

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

Section 1. Minnesota Statutes 1957, Section 221.011 is amended to read:

221.011 **Definitions.** For the purposes of sections 221.011–221.291, unless the context otherwise requires:

1. “Commission” means the Railroad and Warehouse Commission of Minnesota.

2. “Motor Vehicle” means any self-propelled vehicle used upon the highways for the transportation of persons or property for hire.

3. “Commercial Motor Vehicle” means any motor vehicle engaged in commercial activity on the public highways.

4. “Public Highway” means every public street, alley, road, highway or thoroughfare of any kind, except waterways, open to public travel and use.

5. “Person” means any individual, firm, co-partnership, co-operative, company, association and corporation, or their lessees, trustees or receivers.

6. “Certificate” means the certificate of public convenience and necessity which may be issued under the provisions of sections 221.011–221.291.

7. “Permit” means the license, or franchise, which may be issued to motor carriers, other than regular route common carriers and petroleum carriers, under the provisions of this chapter, authorizing the use of the highways of Minnesota for transportation for hire.

8. “Regular Route Common Carrier” means any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle between fixed termini over a regular route upon the public highways passengers or property but shall not include persons while engaged exclusively in the transportation of children to or from school; or persons while engaged exclusively *in farming or in transporting agricultural, horticultural, dairy or farm products from*

farms to primary markets; or persons while engaged in transporting freight within any city or village or between contiguous cities or villages when such transportation is not under a common control, management or arrangement for a continuous carriage or shipment, to or from a point without such city or village; or any person engaged in operating taxicabs or operating hotel buses from a depot or airport to a hotel; or any bona fide cooperative association whose membership is limited to bona fide farmers' cooperative associations and who performs transportation and does business only with and for such associations, which business includes substantially other business than merely transportation.

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

10. "Irregular Route Common Carrier" means any person who holds himself out to the public as willing to undertake to transport property from place to place over highways *for hire* but who does not operate between fixed termini or over a regular route or on regular time schedules.

11. "Contract Carrier" means any person engaged in the business of transporting property for hire over the highways under special contracts of carriage with the shippers or receivers of freight who require a specialized service to meet their needs, or a carrier who limits his hauling to not more than ten customers.

12. "Interstate Carrier" means any person engaged exclusively in transporting property in interstate commerce from or into Minnesota, or between any point in the State of Minnesota and the Dominion of Canada.

13. "Permit Carrier" means every carrier embraced within the provisions of this chapter other than regular route common carriers and petroleum carriers. The term "Permit Carrier" shall not apply to a person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, nor shall the term "Permit Carrier" apply to any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, nor shall this term apply to a manufacturer, producer,

dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, nor to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles and posts from the place where the products are produced to the point where they are to be used or shipped.

The term "Permit Carrier" shall not apply to a person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or village or a group of contiguous cities and villages when such transportation is not part of a continuous movement to or from a point without such city or village or group of contiguous cities or villages.

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

14. "Motor Carriers" includes all carriers operating under the authority of sections 221.011-221.291 and subject to the regulations of the Commission.

15. "For Hire" means for remuneration or compensation of any kind promised, paid or given to or received by a person for the transportation of persons or property on the highways; *but shall not be construed to include any occasional accommodation service.*

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

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

18. "Service of Notice and Orders" means depositing the same in the United States mails properly enveloped, addressed and stamped, provided that service of any notice or order requiring an affirmative or negative action by any person must be by registered United States mail with return receipt.

19. "Charter" means the agreement whereby the owner of a motor bus lets the same to a group of persons as one party for a specified sum and for a specified act of transportation at a specified time.

20. "Charter Carrier" means a person who engages in the business of transporting the public by motor buses under charter. The term "Charter Carrier" shall not be construed to include taxicabs or school bus operators when engaged in transportation involving any school activity or regular route common carriers or passengers.

21. "Exempt carrier" means any carrier exempt from Minnesota Statutes 1957, Chapter 221, or from any other law or regulation by the railroad and warehouse commission. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a twenty-five (25) mile radius from his home postoffice. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home postoffice by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of Minnesota Statutes 1957, Chapter 168.013, Subdivision 1, Paragraph 4a. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

22. "Livestock Carrier" means any person whose business is the transportation of livestock and who, in so doing on his return trip may transport other commodities or property to his headquarters area, and who also may transport supplies and equipment used in farm work from his headquarters area to any point in the state or from any point in the state to his headquarters area.

Sec. 2. Minnesota Statutes 1957, Section 221.111 is amended to read:

221.111 **Permits to other motor carriers.** All motor carriers other than the regular route common carriers and petroleum carriers shall obtain a permit from the Railroad and Warehouse Commission, including irregular route, livestock, contract and charter carriers, and regular route common carriers and petroleum carriers engaged exclusively in interstate transportation.

Sec. 3. Minnesota Statutes 1957, Section 221.121 is amended to read:

**221.121 Application; hearing; issuance; renewal. Subdivision 1. Permit carriers.** *Any person desiring to operate hereunder as a permit carrier, except as a livestock carrier, shall file a petition with the commission specifying the kind of permit desired, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the commission may require. The commission, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto, unless it finds that the area to be served has a sufficient number of permit carriers of the kind applied for to fully and adequately meet the needs of such area for the kind of transportation service applicant proposes to offer or that applicant's vehicles do not meet the safety standards set up by the commission or that applicant is not fit and able to conduct the proposed operations, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect shall be denied a renewal thereof upon compliance with other provisions of Sections 221.011 to 221.291. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and the rules of the commission governing permit carriers. No permit shall be issued to any common carrier by rail, whereby said common carrier will be permitted to operate trucks for hire within this state, nor shall any common carrier by rail be permitted to own, lease, operate, control or have any interest in any permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 shall prevent the commission from issuing a permit to a common carrier by rail, whereby such carrier will be given authority to operate trucks wholly within the limits of any municipality or within adjacent or contiguous municipalities or a common rate point served by said railroad and which service shall only be a service supplementary to the rail service now established by such carriers.*

*The commission shall have power to refuse to issue a permit to a regular route common carrier or petroleum carrier. The commission may issue a permit as a contract carrier to such cooperative associations as are described in subdivision 8 of section 221.011, notwithstanding the number of its hauling contracts, and provided that such contract carrier shall be permitted to haul its own property.*

*Subd. 2. Livestock carriers. Any person desiring to operate hereunder as a livestock carrier shall file an application with the Commission specifying the kind of permit desired, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the Commission may require.*

*The Commission shall issue the permit upon compliance with all laws and regulations relating thereto unless it finds that applicant's vehicles do not meet the safety standards set up by the Commission or that applicant is not fit and able to conduct the proposed operations. All permits issued hereunder shall be renewed upon compliance with the provisions of this act and the rules of the commission.*

*Sec. 4. Minnesota Statutes 1957, Section 221.161 is amended to read:*

*221.161 Schedule of rates and charges. Every permit carrier including a livestock carrier shall file and maintain with the commission a schedule of rates and charges for the transportation of property. All schedules shall be prepared and filed in accordance with the rules and regulations of the commission. Such tariffs and subsequent supplements thereto or re-issues thereof shall state the effective date thereof, which shall be not less than ten days subsequent to the date of filing, unless such period of time be reduced by special permission of the commission. Such tariffs, supplements and re-issues shall be prepared and filed in accordance with rules and regulations to be promulgated by the commission, and any rates or charges including pickup charges named therein shall be subject to complaint to the commission by any interested party, whereupon the commission by order on not less than ten days' notice may set such complaint for hearing; and if at such hearing the complainant submits facts and evidence sufficient to establish proof that such rates or charges complained of are excessive or non-compensatory, the commission may order such rates or charges canceled, and require the filing of alternative and reasonable rates and charges, the reasonable level of which at such time shall be indicated by the commission in such order. Upon the filing of any tariff or subsequent supplement thereto or re-issue thereof, any other carrier shall have the right to petition the commission to suspend the taking effect of the same until opportunity has been had for a hearing on the reasonableness of the rates or charges named therein, as herein provided, and the commission may so suspend 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 com-*

*peting carriers. In determining whether the rates or charges are excessive or noncompensatory the commission shall include in its consideration, among other things, the reasonable cost of the service rendered for such transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.*

**Sec. 5. [221.292] Renewal of permits.** *No person holding a permit issued pursuant to any of the provisions of Minnesota Statutes 1957, Chapter 221, at the time this Act takes effect shall be denied a renewal thereof if he otherwise complies with the provisions of such Chapter 221 as amended by this Act.*

**Sec. 6. [221.293] Violations; complaint, hearing, cease and desist orders.** *Where any provisions of this Chapter or any order adopted thereunder or any rule of the commission has been violated, the commission upon complaint being filed with it or on its own motion, may issue and serve upon the person engaged in such violation, a complaint stating the charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least ten days after the service of the complaint and notice requiring the person so complained of to appear at the time and place fixed in the notice of hearing and show cause why an order should not be entered by the commission requiring such person to cease and desist from the violation alleged. If upon such hearing the commission shall find that any of the violations alleged in the order to show cause are true, it shall so find and shall issue and cause to be served upon such person an order requiring such person to cease and desist from such violation. The district court, upon application, may enforce such cease and desist order by injunction or other appropriate writ or proceedings.*

Approved April 24, 1959.

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CHAPTER 377—H. F. No. 1561

[Not Coded]

*An act relating to Otter Tail County, providing for salaries of county officers; amending Laws of 1957, Chapter 377.*

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

Section 1. Laws of 1957, Chapter 377, is amended to read: