

Sec. 85. Minnesota Statutes 1971, Sections 353.01, Subdivision 25; 353.015; 353.07; 353.13; 353.26; 353.27, Subdivision 5; 353.28, Subdivisions 2, 3, 4, 7, 9, and 10; 353.31, Subdivisions 2, 3, 4, 5, 6, 7, and 10; 353.33, Subdivision 10; 353.36, Subdivisions 5, 6, 7, 8, 9, and 10; 353.37, Subdivisions 2 and 3; 353.39; 353.44; 353.45; 353.46, Subdivision 5; 353.51; 353.52; 353.53; 353.54; 353.55; 353.56; 353.57; 353.58; 353.59; 353.591; 353.60; 353.61; 353.65, Subdivision 5; 353.654; 353.655; 353.66; and 353.68, Subdivisions 2, 3, 5, 6, 7, 8, and 9, are repealed.

Sec. 86. This act is effective July 1, 1973.

Approved May 24, 1973.

---

#### CHAPTER 754—H.F.No.1897

*An act relating to regulated industries; certain industries regulated by the department of public service; authorizing fees to defray costs of the department in giving notice in contested cases; defining terms; prescribing conditions for the granting of permits to certain carriers and prescribing conditions for the transfer thereof; specifying the form of license application for livestock buyers; amending Minnesota Statutes 1971, Sections 216.161; 221.011, Subdivision 12; 221.101; 221.121, Subdivision 1; 221.131; 221.141; 221.151, Subdivision 2; 221.281; 221.291; and 239.18, Subdivision 2.*

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

Section 1. Minnesota Statutes 1971, Section 216.161, is amended to read:

**216.161 PUBLIC SERVICE, DEPARTMENT OF; REGULATION; CONTESTED CASES; NOTICE.** Notwithstanding the provisions of any other law the department in any contested case shall give reasonable notice to representatives of associations or other interested groups or persons who have registered their names with the secretary of the department for that purpose, to all parties and to cities, villages and municipalities which the department deems to be interested in the proceeding. The commission may prescribe an annual fee to be paid into the state treasury which shall be a charge to all registered groups or persons. This charge is to cover the costs involved.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

"Contested case" means a proceeding before the department in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after a hearing.

Sec. 2. Minnesota Statutes 1971, Section 221.011, Subdivision 12, is amended to read:

Subd. 12. "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 for the account of not more than ten customers.

Sec. 3. Minnesota Statutes 1971, Section 221.101, is amended to read:

**221.101 ADDITIONAL AUTHORITY TO PETROLEUM CARRIERS.** In addition to the specific authority granted to petroleum carriers, every petroleum carrier holding a certificate as such may transport petroleum products from an ~~original~~ origin point he is not authorized to serve when the needs of the shippers he serves because of seasonal failure of supplies require service from such ~~original~~ origin point, upon securing permission from the department, provided that this provision shall not include the right to enlarge the carrier's destination area.

Sec. 4. Minnesota Statutes 1971, Section 221.121, Subdivision 1, 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 department 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 department may require. The department, 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 carriers to fully and adequately meet the needs of such area or that applicant's vehicles do not meet the safety standards set up by the department or that applicant is not fit and able to conduct the proposed operations~~ if it finds that applicant is fit and able to conduct the proposed operations, that applicant'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 application, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer

Changes or additions indicated by underline, deletions by ~~strikeout~~.

sufficient transportation services to meet fully and adequately such needs, 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 department 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 department 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 department may grant a temporary permit, ex parte, valid for a period not exceeding six months upon a showing there is an immediate and urgent need for the proposed service, pending prompt action by the permit holder to follow regular procedure in securing the permit, and that such immediate and urgent authority from the department is in the public interest. A copy of the order granting such temporary permit, ex parte, shall be mailed immediately to interested parties.

The department shall have power to refuse to issue a permit to a regular route common carrier or petroleum carrier. The department may issue a permit as a contract carrier to such cooperative associations as are described in section 221.011, subdivision 9, notwithstanding the number of its hauling contracts, and provided that such contract carrier shall be permitted to haul its own property.

Sec. 5. Minnesota Statutes 1971, Section 221.131, is amended to read:

**221.131 PERMITS; TERMS, FEES, PLATES.** Permits issued pursuant to the provisions of sections 221.011 to 221.291 shall be effective for a 12-month period, commencing on the first day of the month of their issuance and shall continue from year to year thereafter upon payment of the required registration fee and compliance otherwise with law. The permit holder shall pay into the treasury of the state of Minnesota a fee of \$25 for each kind of

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

permit or extension of authority thereof for which a petition is filed, except on annual renewal, pursuant to section 221.121 and a registration fee of \$15 on each vehicle, including pickup and delivery vehicles, operated by him under authority of such permit during said 12-month period or fraction thereof. Trailers used by applicant in combination with truck-tractors shall not be counted as vehicles in the computation of fees under this section, provided applicant pays the fees for such truck-tractors. The department shall furnish a distinguishing plate, card, or decal for each vehicle or truck-tractor for which a fee has been paid, which plate, card, or decal shall at all times be displayed on the vehicle or truck-tractor to which it has been assigned. Plates may be reassigned to another vehicle or truck-tractor without fee by the department upon application of the permit holder. Plates, cards, or decals issued under the provisions of this section shall be good only for the period for which the permit is effective. The name and residence of the permit holder shall be stenciled or otherwise shown in a conspicuous place on each vehicle operated under his permit. In the event a permit has been suspended or revoked, the department may consider a petition for reinstatement thereof, upon the same procedure required for an original application, and may, in its discretion, grant or deny the same. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay into the treasury of the state of Minnesota an annual registration fee of \$15 for each vehicle, including pickup and delivery vehicles, operated during any calendar year. On vehicles registered under this section after March 31 of any calendar year, the registration fee shall be prorated on a quarterly basis as follows:

Vehicles registered after March 31	\$11.25
Vehicles registered after June 30	\$7.50
Vehicles registered after September 30	\$3.75

A fee of \$3 shall be charged for the replacement of an unexpired plate, card, or decal which has been lost or damaged by the owner.

The provisions of this section are limited by the provisions of any applicable federal law.

Sec. 6. Minnesota Statutes 1971, Section 221.141, is amended to read:

**221.141 INSURANCE OR BONDS OF MOTOR CARRIERS.**  
Before any certificate or permit shall be issued to any motor carrier, it shall secure and file with the department and keep the same at all times in full effect public liability and indemnity insurance in such amount and in such form as the department shall have prescribed, covering injuries and damage to persons or proper-

Changes or additions indicated by underline, deletions by ~~strikeout~~.

ty occurring on the highways, other than the employees of such motor carrier or the property being transported by such carrier, provided that the department shall require cargo insurance for certificated carriers, except those carrying passengers exclusively, and may require any permit carrier to file such insurance when it deems necessary to protect the users of the service. Such insurance shall be subject to cancellation for nonpayment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon not less than ~~fifteen (15)~~ 30 days' written notice to the insured and to the department. Such insurance or bond may from time to time be reduced or increased by order of the department. The department may, if desired by the applicant, prescribe in lieu of the bond or insurance such other form of security as may be satisfactory. Failure to maintain any required insurance or security shall void the permit or certificate.

Sec. 7. Minnesota Statutes 1971, Section 221.151, Subdivision 2, is amended to read:

Subd. 2. The department shall allow a bona fide transfer of a permit, except a livestock carrier 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 subdivision immediate family shall consist 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 shall not include any person under legal disability or any member of the family regardless of relationship who holds any other permit or certificate pursuant to chapter 221 either as an individual or in partnership or as owner of an interest in a corporation holding a permit or a certificate pursuant to chapter 221.

Provided further that the transfer pursuant to this subdivision shall include:

- 1) transfer to a corporation the stock of which is wholly owned by the transferor or the members of his immediate family;
- 2) transfer to a partnership or partner consisting solely of the immediate family as defined in this subdivision.

Provided further that said transfer of permit, pursuant to this subdivision, shall comply with the standards set forth in this section based upon the contents of the petition of applicants, all pertinent information available to the department and the department's records and files. ~~To determine the extent of the operating authority to be conducted by the transferee under the provisions of this section, the petition of the applicants shall attach as exhibits to the petition evidence of the operating authority actually exercised~~

Changes or additions indicated by underline, deletions by ~~strikeout~~.

~~by the transferor within the two year period immediately preceding the transfer, such exhibits to consist of bills of lading, company records, operation records or other relevant evidence and in addition thereto the transferor may submit corroborating affidavits. No determination of the extent of the operating authority previously exercised shall be required.~~

If it appears to the department that said 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 department shall set the matter down for hearing to determine compliance with this section. Any user of the service, competing carrier or interested party shall have the right to file a protest on such transfer as is provided for in this subdivision by filing a sworn statement with the department within six months from the effective date of said transfer whereupon the department shall set the matter down for hearing and the continuance of the permit shall only be upon the transferee's compliance with the standards and procedures otherwise imposed by this section.

Sec. 8. Minnesota Statutes 1971, Section 221.281, is amended to read:

**221.281 VIOLATIONS, PENALTIES.** Any regular route common carrier or petroleum carrier, or any officer, agent or employee of any such carrier, failing to comply with any final order, decision, rule, regulation or directive, or any part or provision thereof, of the department, or any provision of sections 221.011 to ~~221.291~~ 221.296, shall be subject to a penalty of \$50 for each and every day of such failure, to be recovered for the state in a civil action brought by the department. Any such carrier granting any special rate, rebate, drawback, or directly or indirectly charging, demanding, or collecting a greater or less compensation than provided by its regular established schedule of rates and charges, shall be punished by a fine not exceeding \$5,000 for each such offense.

Sec. 9. Minnesota Statutes 1971, Section 221.291, is amended to read:

**221.291 MISDEMEANORS, OFFENSES.** Any person who violates or procures, aids or abets violation of any provision of sections 221.011 to ~~221.291~~ 221.296 or any valid order or rule of the department issued hereunder shall be guilty of a misdemeanor. Every distinct violation shall be a separate offense.

Sec. 10. Minnesota Statutes 1971, Section 239.18, Subdivision 2, is amended to read:

Subd. 2. **APPLICATION FOR LICENSE.** Each livestock commission merchant, person, firm, corporation, or his or its em-

Changes or additions indicated by underline, deletions by ~~strikeout~~.

ployees, agents, and representatives, before engaging in the business of buying and dealing in livestock, shall, on or before July 1 each year, file an application with the department on a form prescribed by it for a license to transact such business. The application shall state the nature of the business as hereinabove set forth, the names of the persons applying for the license, and if the applicant be a firm, association, partnership, or corporation, the full name of each member of such firm, ~~association~~, or partnership, or the names of the officers of the corporation or association, and the name of the agent or agents of such person, firm, association, partnership, or corporation, the post-office address of the principal place of business of the applicant and such other facts as the department shall prescribe.

Approved May 24, 1973.

---

CHAPTER 755—H.F.No.1906

[Coded in Part]

*An act relating to the Minnesota highway patrolmen's retirement association; amending Minnesota Statutes 1971, Sections 352B.02; 352B.08, Subdivision 2; 352B.10; 352B.11, Subdivision 2; and Chapter 352B, by adding sections.*

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

Section 1. Minnesota Statutes 1971, Section 352B.02, is amended to read:

**352B.02 RETIREMENT; HIGHWAY PATROL. Subdivision 1.** There is hereby established a highway patrolmen's retirement association, the membership of which shall consist of highway patrolmen ~~all persons defined in section 352B.01, subdivision 2.~~ Every highway patrolman who is employed by the state of Minnesota, as such, on July 1, 1943, and every person employed as a patrolman thereafter, shall become a member of this association. Each patrolman member while in the service of the state highway patrol shall pay a sum equal to seven ~~eight~~ percent of his monthly salary. Such amounts shall be deducted monthly by the ~~commissioner of public safety~~ department head, who shall cause the total amount of said monthly deductions to be paid to the state treasurer, and shall cause a detailed report of all monthly deductions to be made each month to the secretary of the association. In addition thereto, there shall be paid out of highway state funds, monthly, by

Changes or additions indicated by underline, deletions by ~~strikeout~~.