

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service and intrastate toll service except such service provided by means of coin operated telephones. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause.

Sec. 2. Minnesota Statutes 1974, Section 297A.01, is amended by adding a subdivision to read:

Subd. 14. "Handicapped" means a permanent and total disability as defined in Minnesota Statutes 1974, Section 273.13, Subdivision 7.

Sec. 3. This act is effective the day following final enactment.

Approved June 4, 1975.

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## CHAPTER 313—S.F.No.741

[Coded in Part]

*An act relating to the department of public service; confidentiality of accident reports submitted by common carriers; railroad crossings; subjecting accommodation transportation to regulation; fees; permitting the department to grant extension of authority ex parte; identification cards; enforcement powers; offenses; registration; warehouses; warehousemen; weights and measures; providing penalties; amending Minnesota Statutes 1974, Sections 218.031, Subdivision 2; 219.39; 219.40; 221.011, Subdivisions 16 and 22; 221.061; 221.071; 221.121; 221.131; 221.141; 221.151, Subdivision 1, and by adding a subdivision; 221.221; 221.291; 221.293; 221.296, Subdivisions 4, 5 and 8; 221.64; 231.01, Subdivision 5; 231.02; 231.16; and 239.38; repealing Minnesota Statutes 1974, Sections 239.39; 239.40; 239.41; 239.42; and 239.43.*

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

Section 1. Minnesota Statutes 1974, Section 218.031, Subdivision 2, is amended to read:

Subd. 2. **DEPARTMENT OF PUBLIC SERVICE; REGULATION.** Every common carrier shall furnish to the department:

(1) All schedules of rates, fares and charges, every part and classification thereof, together with minimum weights and rules with respect thereto, and any and all amendments, modifications or changes therein.

(2) All information duly required in blanks and forms furnished by the department.

(3) A copy of all annual reports and valuation data furnished to  
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the Interstate Commerce Commission not later than June 30th, covering the preceding calendar year, together with any additional information regarding valuation of its properties requested by the department.

(4) A report of ~~all~~ accidents, wrecks and casualties occurring in this state in such manner and form and at such times as prescribed by the department. ~~All reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages growing out of such accident, wreck or casualty.~~ All such reports administered by the department of public safety shall be received and administered in accordance with the provisions of section 169.09, subdivision 13. All other reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages growing out of such accident, wreck or casualty.

(5) All tariff agreements or arrangements with other carriers.

(6) All joint schedules of rates, fares or classifications.

Sec. 2. Minnesota Statutes 1974, Section 219.39, is amended to read:

**219.39 DANGEROUS CROSSINGS; COMPLAINTS; HEARINGS.** Upon written complaint authorized by a majority vote of the members of the council of any city, or by the board of supervisors of any town, or board of county commissioners of any county in this state, or by the commissioner of highways, filed with the department, by the chief executive officer of the city, the chairman of the board of supervisors or the county commissioners, or the commissioner of highways, as the case may be, that any railroad crossing with any street in the city, or town or county road, or state aid road or trunk highway, is dangerous to life and property, and giving the reasons therefor, the department shall proceed to investigate the matters contained in the complaint, ~~giving the complainant and the railroad company an opportunity to be heard and, where necessary, convene a hearing~~, at a time and place to be fixed by the department, after such notice to the complainant and the railroad as the department may deem reasonable; ~~provided, that at least one public hearing shall be held in the town or city, in which the crossing is located.~~

Sec. 3. Minnesota Statutes 1974, Section 219.40, is amended to read:

**219.40 DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.** The department shall decide the matter set forth in the complaint and make a ~~report-proposal for decision~~ in writing thereof, including findings of fact, and make such proposed order as it shall deem proper in the premises and, if the department shall find the crossing to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety device as the department may deem necessary for the proper protection of the cross-

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ing, or it may require the removal of any structure, embankment or other obstruction to the view, or it may require the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state highway department interested, on such terms and conditions as to the department may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway and the railroad tracks are seven feet or more below the natural surface of the ground, the department may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, ~~village~~, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the department. If the complainant or the railroad files exceptions to a proposal for a decision made without a hearing, the department shall convene a hearing and if the department of public service after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by the department, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, it may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the department of public service on the basis of benefit to the users of each; or the department may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of highways. In all other cases the public's share of the costs shall be paid from available funds or from the Minnesota highway safety account, if ordered by the department, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created.

Sec. 4. Minnesota Statutes 1974, Section 221.011, Subdivision 16, is amended to read:

Subd. 16. "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.~~

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Sec. 5. Minnesota Statutes 1974, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from chapter 221, or from any other law or regulation by the public service 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 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 section 168.013, subdivision 1, paragraph 4a. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or 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, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also 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, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home postoffice.

(e) Any person while exclusively engaged in the transportation of ~~unwashed~~ sand or gravel, bituminous asphalt mix and crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home postoffice or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation

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of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any 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 between contiguous cities.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the ~~public service commission~~ department may prescribe.

Sec. 6. Minnesota Statutes 1974, Section 221.061, is amended to read:

**221.061 OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.** Any person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to such certificate, shall file a petition therefor with the department which shall contain such information as the department may, by rule or regulation, prescribe.

Upon the filing of a petition for a certificate, the ~~applicant-petitioner~~ shall pay into the state treasury as a fee for the issuance thereof the sum of \$75 and for any transfer or lease of such certificate the sum of \$37.50.

The petition shall be processed as any other petition and the department shall cause a copy and a notice of hearing thereon to be served upon any competing carrier operating into any city located on the proposed route of the ~~applicant-petitioner~~ and to such other persons or bodies politic which the department deems interested in the ~~application-petition~~. Such competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the department may allow the same when the issues and the territory are not unduly broadened by the amendment.

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Sec. 7. Minnesota Statutes 1974, Section 221.071, is amended to read:

**221.071 ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.** If the department shall find from the evidence that the ~~applicant-petitioner~~ is fit and able to properly perform the services proposed and that public convenience and necessity requires the granting of the ~~application-petition~~ or any part thereof, a certificate therefor shall be issued. In determining whether a certificate should be issued, the department shall give primary consideration to the interests of the public that might be affected thereby, to the transportation service being furnished by any railroad which may be affected by the granting of the certificate and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The department may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted such terms and conditions as in its judgment public convenience and necessity may require.

The department may grant a temporary certificate, ex parte, valid for a period not exceeding six (6) months, upon a showing that no regular route common carrier is then authorized to serve on the route sought where there is no other petition on file with the department covering said route and it appears that there is need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the department on ex parte ~~application~~ without fee-petition and a fee of \$25 so as to grant an additional or alternate route where there is no other means of transportation over such proposed additional route or between the termini thereon, and such proposed additional route does not exceed ten (10) miles in length.

Sec. 8. Minnesota Statutes 1974, Section 221.121, is amended to read:

**221.121 PETITION; 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-petitioner~~, 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, if it finds that ~~applicant~~ petitioner is fit and able to conduct the proposed operations, that ~~applicant's-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 ~~application-petition~~, and that existing

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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 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.~~

Subd. 2. The department may grant extensions of authority ex parte after due notice of a petition has been published. Any party desiring to protest the petition must file its protest by mail or in person within 20 days of the date of notice. If a timely filed protest is received, the matter shall be placed on the calendar for hearing. If a timely protest is not received, the department may issue its order ex parte.

Subd. 3. **LIVESTOCK CARRIERS.** Any person desiring to operate hereunder as a livestock carrier shall file ~~an application-a~~ petition with the department specifying the kind of permit desired, the name and address of the ~~applicant-petitioner~~, and the names and addresses of the

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officers, if a corporation, and such other information as the department may require.

The department shall issue the permit upon compliance with all laws and regulations relating thereto unless it finds that ~~applicant's~~ petitioner's vehicles do not meet the safety standards set up by the department or that ~~applicant-petitioner~~ 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 department.

Sec. 9. Minnesota Statutes 1974, Section 221.131, is amended to read:

**221.131 PERMITS; TERMS, FEES, IDENTIFICATION CARDS.** 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 permit, reinstatement, 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 \$20 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~~ petitioner in combination with ~~truck-tractors-power units~~ shall not be counted as vehicles in the computation of fees under this section, provided ~~applicant-petitioner~~ pays the fees for such ~~truck-tractors-power units~~. The department shall furnish a distinguishing ~~plate, identification card; or decal~~ for each vehicle or ~~truck-tractor-power unit~~ for which a fee has been paid, which ~~plate, identification card; or decal~~ shall at all times be ~~displayed on-carried in~~ the vehicle or ~~truck-tractor-power unit~~ to which it has been assigned. ~~Plates-identification cards~~ may be reassigned to another vehicle or ~~truck-tractor-power unit~~ without fee by the department upon ~~application-petition~~ of the permit holder. ~~Plates-identification 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 both sides of each registered 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-petition~~, 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 \$20 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 fol-~~

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**lower:**

Vehicles registered after March 31	\$15.00
Vehicles registered after June 30	\$10.00
Vehicles registered after September 30	\$ 5.00

A fee of \$3 shall be charged for the replacement of an unexpired ~~plate-identification~~ 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. 10. Minnesota Statutes 1974, 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 property 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 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-petitioner~~, 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. 11. Minnesota Statutes 1974, Section 221.151, Subdivision 1, is amended to read:

**221.151 PERMITS ASSIGNABLE OR TRANSFERABLE.** Subdivision 1. Permits, except livestock permits, issued under the provisions of sections 221.011 to 221.291 may be assigned or transferred but only upon the order of the department approving same 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 department 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 all outstanding

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claims of creditors which are directly attributable to the operation to be conducted under said permit, a copy of the contract of sale or lease and financial statement with balance sheet and income statement, if existent, of the buyer or lessee. If it appears to the department, after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and the department's records and files 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 any other competing carriers, the department may make an order granting same. Provided, however, that the department shall make no order granting the sale or lease of a permit to any person or corporation or association which holds any certificate or permit from the department pursuant to chapter 221 or to any common carrier by rail.

~~The department shall allow a bona fide transfer of a permit, ex parte without hearing, where the transferee of said permit is a member or members of the transferor's immediate family. Immediate family shall consist only of the spouse, children, and brothers and sisters of the transferor. Transfer of a permit to the immediate family includes transfer to a corporation, the stock of which is wholly owned by the transferor or the members of his immediate family and transfer to a partnership or partner consisting solely of the immediate family.~~

Provided further that the department shall make no order approving the sale or lease of a permit if the department finds that the price paid for such sale or lease of a permit is disproportionate to the reasonable value of said permit considering all assets and good will involved. The department 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 said permit and that the vehicles he proposes to use in conducting such operations meet the safety standards of the department. 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 five-two year period immediately preceding the transfer shall be considered and only such operating authority shall be granted to the transferee as was actually exercised by the transferor under his authority within the two year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records or other relevant evidence.

If any authority to operate as a permit 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 in accordance with the rules and regulations of the department within 90 days after said sale, assignment, pledge or other transfer of stock. The department shall then make a finding whether or not said stock transfer does, in fact, constitute a sale, lease or other transfer of the permit of said corporation to a new party or parties and, if

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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.

Sec. 12. Minnesota Statutes 1974, Section 221.151, is amended by adding a subdivision 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 petitioners, all pertinent information available to the department and the department's records and files. 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. 13. Minnesota Statutes 1974, Section 221.221, is amended to read:

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**221.221 ENFORCEMENT POWERS.** Inspectors Transportation representatives of the department for the purpose of enforcing the provisions of sections 221.011 to 221.291 and the rules and regulations of the department issued pursuant hereto, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections designated highway weigh stations, or during stops authorized under section 221.211 or under other appropriate circumstances anywhere within the state for the purpose of viewing log books, chauffeur licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and regulations. Every inspector-transportation representative, before entering upon his duties, shall take and subscribe an oath of office and furnish a bond to the state in the sum of \$2,000, conditioned as provided by section 387.01, to be approved by and filed in the office of the secretary of state.

Sec. 14. Minnesota Statutes 1974, Section 221.291, is amended to read:

**221.291 MISDEMEANORS, OFFENSES.** Subdivision 1. Any person who ~~violates or commits~~, procures, aids or abets ~~or conspires to commit, or attempts to commit, aid or abet~~ in the violation of any provision of ~~sections 221.011 to 221.296~~ chapter 221 or any valid order or rule of the department issued hereunder, whether individually or in connection with one or other more persons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation shall be a separate offense.

Subd. 2. Any person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to chapter 221 is guilty of a misdemeanor.

Sec. 15. Minnesota Statutes 1974, Section 221.293, is amended to read:

**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 department has been violated, the department 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 department requiring such person to cease and desist from the violation

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alleged. If upon such hearing the department 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-petition~~, may enforce such cease and desist order by injunction or other appropriate writ or proceedings.

Sec. 16. Minnesota Statutes 1974, Section 221.296, Subdivision 4, is amended to read:

Subd. 4. **PETITION FOR PERMITS.** Any person desiring to operate hereunder as a local cartage carrier shall file a petition with the department specifying the service offered, the name and address of the ~~applicant-petitioner~~, 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 local cartage carriers to fully and adequately meet the needs of such area or that the ~~applicant's-petitioner's~~ vehicles do not meet the safety standards set up by the department, or that ~~applicant-petitioner~~ is not fit and able to conduct the proposed operations. 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 rules of the department governing local cartage carriers.

Sec. 17. Minnesota Statutes 1974, Section 221.296, Subdivision 5, is amended to read:

Subd. 5. **PERMIT FEES.** Upon filing of a petition for a permit the ~~applicant-petitioner~~ shall pay to the state treasury as a fee for the issuance thereof the sum of \$50, 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 provided that said \$5 per motor vehicle charge shall not apply to taxicabs operated pursuant to a local cartage permit. Upon issuance of the permit the department shall assign the carrier a permit number, which shall be painted or prominently displayed on both sides of all vehicles used by the local cartage carrier under authority of said permit.

Sec. 18. Minnesota Statutes 1974, Section 221.296, Subdivision 8, is amended to read:

Subd. 8. **PERMITS TRANSFERABLE.** Permits, issued under the provisions of section 221.296 may be transferred but only upon the order of the department approving same after notice and hearing.

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The proposed seller and buyer of a permit, shall file a joint verified petition with the department 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. After notice to interested parties and a hearing the department shall not make an order approving and allowing the sale unless the department finds that the buyer is fit and able to conduct the business authorized under said permit, that the vehicles he proposes to use in conducting such business meet the safety standards of the department, that the price paid for the purchase of the permit is not disproportionate to the reasonable value of the permit considering all assets and good will 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 commission 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 department 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 department within 30 days of such agreement.

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 in accordance with the rules and regulations of the department within 30 days after said sale, assignment, pledge or other transfer of stock. The department 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.

The department 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 the members of his immediate family.

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(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this paragraph.

Sec. 19. Minnesota Statutes 1974, Section 221.64, is amended to read:

**221.64 REGISTRATION FEE; EXEMPTIONS.** Such registration as herein provided shall be granted upon application-petition, without hearing, upon payment of an annual-initial filing fee in the amount of \$25; ~~provided, however, that any permit holder who pays the registration fee provided in section 221.131, shall be exempt from the payment of any fees provided in this section.~~ Nothing in sections 221.61 to 221.68 shall be construed to require the payment of such registration fee by any person who is exempt from obtaining a permit as provided in section 221.011, subdivisions 14 and 22. Upon application-petition, and payment of said fee if applicable, the department of public service shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in said registration which stamp shall at all times be carried in the truck tractor-registered vehicle of the registration holder. For each identification stamp issued, the department shall collect a fee of \$5 to be deposited in the state treasury, provided that a lesser fee may be collected pursuant to the terms of reciprocal agreements between the department and the regulatory bodies of other states or provinces of the dominion of Canada. ~~Nothing in sections 221.61 to 221.68 shall be construed to require any registration pursuant to sections 221.61 to 221.68 by any motor vehicle carrier engaged exclusively in intrastate commerce. Motor vehicle carriers subject to chapter 221, shall register their operations in interstate commerce pursuant to sections 221.61 to 221.68 only at the time of and as part of their application for renewal or granting of a permit or certificate by the department of public service.~~

Sec. 20. Minnesota Statutes 1974, Section 231.01, Subdivision 5, is amended to read:

Subd. 5. **WAREHOUSEMAN.** The term "warehouseman," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing in any city in-within this state having a population of 5,000 or more according to the last federal census or within five miles of the boundary of such city in this state; directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold himself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating grain or cold storage warehouses.

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Sec. 21. Minnesota Statutes 1974, Section 231.02, is amended to read:

**231.02 SUPERVISION OVER WAREHOUSEMEN.** The department shall have general supervision of all warehousemen doing business in cities in this state having a population of 5,000 or more according to the last federal census or within five miles of the boundary of such cities; and shall keep itself informed as to the manner and method in which their business is conducted. It shall examine such business and keep itself informed as to its general condition, capitalization, rates and other charges, its rules and regulations, and the manner in which the plants, equipment, and other property owned, leased, controlled, or operated, are constructed, managed, conducted, and operated, not only with reference to the adequacy, security, and accommodation afforded to the public by their service, but also in respect to the compliance with the provisions of this chapter or with the orders of the department.

Sec. 22. Minnesota Statutes 1974, Section 231.16, is amended to read:

**231.16 WAREHOUSEMAN TO OBTAIN LICENSE.** In any city in this state having a population of 5,000 or more according to the last federal census; Every person desiring to engage in the business of warehouseman, before engaging therein, shall be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. Written application under oath in such form as shall be prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouseman, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouseman making the application is qualified to carry on the business of warehousing. Should the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of such decision shall be given the interested parties and, upon the applicants filing with the department the necessary bond, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as in this section provided. ~~In cities with less than 5,000 population according to the last federal census, the department may, in its discretion, issue a license to a warehouseman.~~ A warehouseman to whom a license is issued shall pay for such license a fee based on the storage capacity of the warehouse as follows:

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## Storage capacity:

(1)	20,000 square feet or less	\$150
(2)	Over 20,000 square feet to and including 100,000 square feet	\$200
(3)	Over 100,000 square feet to and including 200,000 square feet	\$250
(4)	Over 200,000 square feet	\$300.

Such license may be renewed from year to year but shall never be valid for a period of more than one year, and always upon payment of the full license fee, as provided for in this section for such renewal; and no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this chapter shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. Such license shall authorize the warehouseman to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouseman already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which his original license was issued during the term thereof, upon his filing an application for such permit in such form as shall be prescribed by the department.

License may be refused for good cause shown and revoked by the department for violation of law or of any rule or regulation by it prescribed, upon notice and after hearing.

~~Any person or corporation operating as a warehouseman in cities in this state having a population of less than 5,000, may elect to come under the provisions of this chapter by making application to the department for a license as herein provided. The department may grant or deny such application in its discretion.~~

Sec. 23. Minnesota Statutes 1974, Section 239.38, is amended to read:

**239.38 SEALING.** ~~Every person engaged in any business requiring the use of weights or measures shall cause those used by him to be tested and sealed by the county sealer.~~ Every person who shall buy, sell, or dispose of any goods or commodities by an unsealed weight, measure, or scale kept by him, or shall knowingly use any such weight, measure, or scale which has been sealed, but is incorrect, shall be guilty of a misdemeanor; but no contract of sale shall thereby be rendered void.

Sec. 24. Minnesota Statutes 1974, Sections 239.39; 239.40; 239.41; 239.42; and 239.43 are repealed.

Approved June 4, 1975.

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