

(c) This section does not apply to an obligation to make payments to the municipality, if the underlying obligation arose out of a transaction in which the proceeds of the loan were financed by revenues derived from tax increments from a tax increment financing district that includes property owned by the borrower. For the purpose of this section, a "municipality" is any home rule charter city, statutory city, county, or town.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day after final enactment.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:44 p.m.

CHAPTER 318—H.F.No. 166

An act relating to transportation; providing that certain information submitted to department of transportation is public data; defining terms; providing for limousine registration and insurance; exempting certain special transportation service providers holding current certificate of compliance from motor carrier regulations; delineating requirements of carriers to display certain information; providing for permits of special passenger carriers and household goods carriers; providing for operation under motor carrier permit on death of holder; providing for amount of insurance, bond, or other security required of motor carriers; providing for suspension of registration of interstate authority for failure to maintain insurance; amending Minnesota Statutes 1988, sections 13.72, by adding subdivisions; 168.011, subdivision 35; 168.128, subdivision 2; 174.30, subdivision 6; 221.011, subdivision 16, and by adding a subdivision; 221.031, subdivision 6; 221.035, subdivision 1; 221.121, subdivision 6a, and by adding a subdivision; 221.141, subdivision 1b, and by adding a subdivision; and 221.60, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 65B and 221.

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

Section 1. Minnesota Statutes 1988, section 13.72, is amended by adding a subdivision to read:

Subd. 6. COMPLAINT DATA. Names of complainants, complaint letters, and other unsolicited data furnished to the department of transportation by a person other than the data subject or department employee, which provide information that a person who is subject to chapter 221 or rules adopted under that chapter may not be in compliance with those requirements, are classified as confidential data or protected nonpublic data.

Sec. 2. Minnesota Statutes 1988, section 13.72, is amended by adding a subdivision to read:

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Subd. 7. PUBLIC INVESTIGATIVE DATA. The following data created, collected, or maintained about persons subject to chapter 221 and rules adopted under that chapter are public: data contained in inspection and compliance forms and data contained in audit reports that are not prepared under contract to the federal highway administration.

Sec. 3. [65B.135] LIMOUSINE INSURANCE.

An insurer who provides insurance for limousines, defined in section 168.011, subdivision 35, shall provide insurance in a minimum aggregate amount of \$300,000 per accident for each limousine covered.

Sec. 4. Minnesota Statutes 1988, section 168.011, subdivision 35, is amended to read:

Subd. 35. **LIMOUSINE.** "Limousine" means a passenger automobile for hire, other than a taxicab or a ~~van~~ passenger-carrying van-type vehicle, that is regularly engaged in the business of transporting persons does not provide regular route service and that has a rear seating capacity, excluding the driver, of not more than ~~nine~~ 12 passengers.

Sec. 5. Minnesota Statutes 1988, section 168.128, subdivision 2, is amended to read:

Subd. 2. **LICENSE PLATES.** A person who operates a limousine for other than personal use shall apply to register the vehicle as provided in this section. A person who operates a limousine for personal use may apply. The registrar shall issue limousine license plates upon the applicant's compliance with laws relating to registration and licensing of motor vehicles and drivers and certification by the owner that an insurance policy in an aggregate amount of \$300,000 per accident is in effect for the entire period of the registration under section 3. The applicant must provide the registrar with proof that the passenger automobile license tax and a \$10 fee have been paid for each limousine receiving limousine license plates. The limousine license plates must be designed to specifically identify the vehicle as a limousine. Limousine license plates may not be transferred upon sale of the limousine, but may be transferred to another limousine owned by the same person upon notifying the registrar and paying a \$5 transfer fee.

Sec. 6. Minnesota Statutes 1988, section 174.30, subdivision 6, is amended to read:

Subd. 6. **PREEMPTION OF OTHER REQUIREMENTS.** Notwithstanding any other law, ordinance, or resolution to the contrary, an operator of special transportation service that has been issued a current certificate of compliance under subdivision 4a for vehicles used to provide that service is not required to obtain any other state or local permit, license or certificate as a condition of operating the vehicles for that purpose. This subdivision does not exempt any vehicle from the requirements imposed on vehicles generally as a condition of using the public streets and highways.

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The requirements of chapter 221 do not apply to vehicles when they are being operated under a current certificate of compliance issued by the commissioner.

Sec. 7. Minnesota Statutes 1988, 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, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, when the purchase or sale of the property is not a bona fide purchase or sale. The transportation of property by a person who purchases it immediately before transporting it, and sells it immediately after transporting it, is transportation for hire. The lease or rental of a motor vehicle to a person for transportation of the person's property ~~which directly or indirectly includes the lessor's services as a driver~~ is transportation for hire and not private carriage when the lessor, directly or indirectly, serves as driver or obtains or arranges for a driver under the terms of the motor vehicle lease. "For hire" does not include motor vehicle operations conducted ~~merely as an incident to or in furtherance of a business activity other than transportation by a private carrier.~~

Sec. 8. Minnesota Statutes 1988, section 221.011, is amended by adding a subdivision to read:

Subd. 32. "Special passenger carrier" means a person who holds out to the public to provide transportation of passengers for hire by motor vehicle over the public highways under the following conditions: (1) the service is provided in vehicles that are not limousines, (2) the vehicle has a seating capacity, excluding the driver, of more than six persons, (3) the service does not begin or end at an airport, and (4) the service is provided to definite, predetermined locations to which tickets are sold on an individual basis.

Sec. 9. Minnesota Statutes 1988, section 221.031, subdivision 6, is amended to read:

Subd. 6. **VEHICLE IDENTIFICATION RULE.** The following carriers shall ~~comply with the vehicle identification rule of the commissioner~~ display the carrier's name and address on the power unit of each vehicle:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) interstate and intrastate private carriers operating vehicles licensed and registered for a gross weight of 12,000 pounds or more; and
- (3) vehicles providing transportation described in section 221.025 which are licensed and registered for a gross weight of 12,000 pounds or more except those providing transportation described in section 221.025, clauses (a), (c), and (d).

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The vehicle identification rule of the commissioner may not be more stringent than the marking requirements imposed on private carriers by the United States Department of Transportation under Code of Federal Regulations, title 49, section 397.21, clauses (b) and (c).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the city or community and state abbreviation in which the carrier maintains its principal office or in which the vehicle is customarily based. If the carrier 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 carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

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.

Sec. 10. Minnesota Statutes 1988, section 221.035, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIREMENT.** (a) A person may not transport hazardous waste that is required to have a manifest under Minnesota Rules, part 7045.0261, or is required to have shipping papers under Minnesota Rules, part 7045.0125, without a license issued under this section.

(b) If the applicant complies with the requirements of this section, the commissioner shall issue the license and shall issue a vehicle identification decal for each single unit vehicle or trailer that the licensee will use to transport hazardous waste. The applicant shall pay a fee of \$500 for a three-year license and an annual fee of \$25 for each vehicle identification decal. The license must be maintained at the licensee's principal place of business. The name and address of the licensee must be displayed on both sides of each unit of the vehicle. The vehicle identification decal must be displayed on the single unit vehicle or trailer to which it is assigned, as prescribed by the commissioner. The decal is effective only when the license is effective. The license must be renewed in the third year following the date of the issuance of the license. The licensee must obtain new decals each year. The license may not be transferred to another person. All decals issued during the year expire each year on the anniversary date of the issuance of the license.

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(c) An applicant for a license under this section, who is not otherwise subject to section 221.141, shall file a certificate of insurance with the commissioner as provided in section 221.141. The certificate must state that the insurer has issued to the applicant a policy that by endorsement provides public liability insurance in the amount required by Code of Federal Regulations, title 49, part 387.

Sec. 11. Minnesota Statutes 1988, section 221.121, subdivision 6a, is amended to read:

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 an irregular route common carrier permit with authority to transport household goods. The permit granted by the board 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 an irregular route common carrier of household goods. 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 an irregular route common carrier permit with authority to transport household goods.

Sec. 12. Minnesota Statutes 1988, section 221.121, is amended by adding a subdivision to read:

Subd. 6b. **SPECIAL PASSENGER CARRIERS.** A person who has been granted a charter carrier permit by the board may provide special passenger service within the territory or on the routes granted in the order granting the charter carrier permit. A charter carrier that provides special passenger service must file a tariff that shows the rates and charges that apply to the special passenger service.

Sec. 13. **[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 probate 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 board 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.

Sec. 14. Minnesota Statutes 1988, section 221.141, subdivision 1b, is amended to read:

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Subd. 1b. **AMOUNT.** Except as provided in subdivision 1d, the amount of insurance, bond, or other security required for motor carriers is the amount prescribed by order of the commissioner. The amount prescribed may from time to time be reduced or increased by order of the commissioner. The commissioner may, if desired by the petitioner, prescribe in lieu of the bond or insurance some other form of security as may be satisfactory. Each policy of insurance, surety bond, or other evidence of financial responsibility issued to a motor carrier or to an interstate carrier must be amended by attachment to the policy of the ~~endorsement for motor carrier policies of insurance prescribed by the United States Department of Transportation Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement (Form F) prescribed in Code of Federal Regulations, title 49, part 1023,~~ or must by its terms provide coverage that conforms to the terms and conditions of that endorsement.

Sec. 15. Minnesota Statutes 1988, section 221.141, is amended by adding a subdivision to read:

Subd. 4. IRREGULAR ROUTE CARRIERS OF HOUSEHOLD GOODS. An irregular route common carrier of household goods shall maintain in effect cargo insurance or cargo bond in the amount of \$50,000 and shall file with the commissioner a cargo certificate of insurance or cargo bond. 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. Both Form H and Form J are incorporated by reference. The cargo certificate of insurance or cargo bond must be issued in the full and correct name of the person, corporation, or partnership to whom the irregular route common carrier of household goods permit was issued and whose operations are being insured. A carrier that was issued a permit as an irregular route common carrier of household goods before the effective date of this section shall obtain and file a cargo certificate of insurance or bond within 90 days of the effective date of this section.

Sec. 16. Minnesota Statutes 1988, section 221.60, is amended by adding a subdivision to read:

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.

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Sec. 17. [221.601] AGREEMENTS WITH OTHER STATES.

Subdivision 1. AUTHORITY. The commissioner may enter 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 and interstate commerce commission orders, 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 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.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 5:55 p.m.

CHAPTER 319—S.F.No. 783

An act relating to retirement; making a variety of changes in the laws governing benefits, contributions, and administrators of various statewide and local public pension plans; use of state aid and payment of postretirement adjustments to Minneapolis police and firefighters; amending Minnesota Statutes 1988, sections 3A.01, subdivision 7, and by adding a subdivision; 3A.02, subdivisions 1, 1b, and 4; 11A.01; 11A.04; 11A.07, subdivision 4; 11A.09; 11A.13, subdivision 1; 11A.18, subdivisions 9 and 10; 11A.19, by adding a subdivision; 43A.316, subdivision 9; 43A.44, subdivision 2; 69.031, subdivision 5; 69.77, subdivisions 2b and 2g; 69.775; 136.80, subdivision 1; 136.81, subdivision 1; 136.82, subdivision 1 and 2; 136.84; 352.01, subdivisions 11, 19, and by adding a subdivision; 352.021, subdivision 5; 352.03, subdivisions 7 and 11; 352.04, subdivisions 2 and 3; 352.113, subdivisions 1 and 12; 352.115, subdivisions 1, 2, and 3; 352.116; 352.12, subdivisions 1, 2, and 6; 352.22, subdivisions 1, 2, 2a, and 3; 352.72, subdivisions 1, 2, and 5; 352.85, subdivision 1; 352.92, by adding a subdivision; 352.93, subdivisions 1, 2, 3, and by adding a subdivision; 352.95, subdivisions 1, 2, and 5; 352.96, subdivision 3; 352B.01, subdivision 11; 352B.03, subdivision 1; 352B.08, subdivision 1, 2, 3, and by adding a subdivision; 352B.10, subdivisions 1, 2, and 5; 352B.11, subdivisions 1 and 2; 352B.30, subdivision 1; 352C.091, subdivision 1; 352D.04, subdivision 1; 352D.06, subdivision 1; 352D.075, subdivision 2; 352D.09, subdivision 1;

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