

and punitive damages as provided in section 549.20. A person described in subdivision 4, clause (4), may maintain a cause of action against a person who violates or attempts to violate subdivision 1 or 2 for a civil penalty of up to \$50,000 on behalf of the state. An action under this subdivision may be brought whether or not the plaintiff had prior knowledge of the violation or attempt.

Sec. 9. Minnesota Statutes 1990, section 609.215, is amended by adding a subdivision to read:

Subd. 6. ATTORNEY FEES. Reasonable attorney fees shall be awarded to the prevailing plaintiff in a civil action brought under subdivision 4 or 5.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:22 a.m.

CHAPTER 578—S.F.No. 695

An act relating to transportation; making technical and clarifying changes; permitting a town board by resolution to take certain actions relating to abandoned roads; establishing comprehensive regulation of personal transportation service vehicles; defining terms; providing for maximum weight per inch of tire width; modifying axle weight limitations; allowing commissioner of transportation to adopt rules assessing administrative penalties for violations of special transportation service standards; providing for regulation of motor vehicles having a gross vehicle weight of 10,000 pounds or more and operated by motor carriers; requiring certain carriers to comply with rules on driver qualifications and maximum hours of service after August 1, 1994; applying federal regulations on drug testing to intrastate motor carriers; regulating transportation of hazardous materials, substances, and waste; specifying identification information required on power units; authorizing small fee for motor carrier identification stamps; regulating building movers; authorizing release of criminal history data for purposes of special transportation license endorsements; appropriating money; amending Minnesota Statutes 1990, sections 164.06; 168.011, by adding a subdivision; 169.01, subdivision 55; 169.825, subdivisions 11 and 14; 174.30, subdivision 2; 221.011, subdivisions 20, 21, 25, and by adding subdivisions; 221.021; 221.031, subdivisions 1, 2, 2a, 3, 3a, 6, and by adding subdivisions; 221.033, subdivisions 1, 2, and by adding subdivisions; 221.034, subdivisions 1 and 3; 221.035, subdivisions 1, 2, and by adding a subdivision; 221.121, subdivisions 1 and 7; 221.131, subdivisions 1, 2, and 6; 221.161, subdivision 1; 221.60, subdivision 2; 221.605, subdivision 1; and 221.81, subdivisions 2, 4, and by adding subdivisions; Minnesota Statutes 1991 Supplement, sections 169.781, subdivisions 1 and 5; 169.825, subdivisions 8 and 10; 169.86, subdivision 5; 221.025; 221.091; 221.84, subdivision 2; and 364.09; proposing coding for new law in Minnesota Statutes, chapters 168; and 221.

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

Section 1. Minnesota Statutes 1990, section 164.06, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

164.06 ESTABLISH, ALTER, OR VACATE BY RESOLUTION.

Subdivision 1. AUTHORIZATION. A town board, when authorized by a vote of the electors at the annual meeting, or at a special meeting called for that purpose, may establish or vacate a town road by resolution, and may acquire the right-of-way as may be necessary for the road by gift, purchase or as provided in section 164.07. A town board may alter a town road by resolution.

Subd. 2. ABANDONED ROADS. After providing notice under section 366.01, subdivision 8, the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

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

(2) the interest is not a fee interest;

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

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

(5) no road improvement has been constructed on a right-of-way affected by the interest; and

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

The resolution shall be filed and recorded with the county auditor and recorder.

Sec. 2. Minnesota Statutes 1990, section 168.011, is amended by adding a subdivision to read:

Subd. 36. PERSONAL TRANSPORTATION SERVICE VEHICLE. "Personal transportation service vehicle" is a passenger vehicle that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 12 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision 33.

Sec. 3. [168.1281] PERSONAL TRANSPORTATION SERVICE PLATES.

Subdivision 1. LICENSE PLATES. A person who operates a personal transportation service vehicle shall apply to register the vehicle as provided in this section. The registrar shall issue personal transportation service plates on 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 meeting the requirements of subdivision 2 is in effect for the entire period of registration. The applicant must provide the registrar with proof that the passenger automobile license tax and a \$10 fee have been paid for each vehicle receiv-

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ing personal transportation service license plates. The registrar shall design personal transportation service license plates so that the plates identify the vehicle as a personal transportation service vehicle, and clearly display the letters "LS." Personal transportation service license plates issued to a vehicle may not be transferred to another vehicle, except that they may be transferred to another personal transportation service vehicle owned by the same owner on notification to the registrar and payment of a \$5 transfer fee.

Subd. 2. INSURANCE. An application under subdivision 1 must include a certificate of insurance that (1) verifies that a valid commercial insurance policy is in effect, and (2) gives the name of the insurance company and the number of the policy. The policy must provide stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, of (1) not less than \$100,000 because of bodily injury to one person in any one accident, (2) subject to the limit for one person, not less than \$300,000 because of injury to two or more persons in any one accident, and (3) not less than \$100,000 because of injury to or destruction of property. The insurance company must notify the commissioner if the policy is canceled or if the policy no longer provides the coverage required by this subdivision.

Subd. 3. NOTIFICATION OF CANCELLATION. The commissioner shall immediately notify the commissioner of transportation if the policy of a person required to have a permit under section 221.091 is canceled or no longer provides the coverage required by subdivision 2.

Sec. 4. Minnesota Statutes 1990, section 169.01, subdivision 55, is amended to read:

Subd. 55. **IMPLEMENT OF HUSBANDRY.** (a) "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(b) A vehicle described in paragraph (a) that is not required to be registered is an implement of husbandry without regard to whether the vehicle is towed by an implement of husbandry or by a registered motor vehicle.

Sec. 5. Minnesota Statutes 1991 Supplement, section 169.781, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle" means:

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and

(2) each vehicle in a combination of more than 26,000 pounds.

New language is indicated by underline, deletions by ~~strikeout~~.

"Commercial motor vehicle" does not include (1) a school bus displaying a certificate under section 169.451, (2) a bus operated by the metropolitan transit commission created in section 473.404 or by a local transit commission created in chapter 458A, or (3) a motor vehicle with a gross weight of not more than 26,000 pounds, carrying in bulk tanks a total of not more than 200 gallons of petroleum products or liquid fertilizer or pesticide.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.

(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.

Sec. 6. Minnesota Statutes 1991 Supplement, section 169.781, subdivision 5, is amended to read:

Subd. 5. **INSPECTION DECALS.** (a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

(b) Minnesota inspection decals may be affixed only to commercial motor vehicles bearing Minnesota-based license plates.

(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, ~~or~~ (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the federal highway administration and the commercial motor vehicle safety alliance. A decal issued to a vehicle described in clause (1) ~~or~~, (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 7. Minnesota Statutes 1991 Supplement, section 169.825, subdivision 8, is amended to read:

Subd. 8. **PNEUMATIC-TIRED VEHICLES.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load:

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

(2) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

Clause (2) applies to new vehicles manufactured after August 1, 1991; ~~and after.~~ For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996; to all vehicles. After July 31, 1996, clause (2) applies to all vehicles regardless of date of manufacture.

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

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 8. Minnesota Statutes 1991 Supplement, section 169.825, subdivision 10, is amended to read:

Subd. 10. **GROSS WEIGHT SCHEDULE.** (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; unless otherwise

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noted, the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Distances in feet between centers of fore- most and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	4 consecutive axles of a 4-axle vehicle or any com- bination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		
6	34,000		
7	34,000	39,000 <u>37,000</u>	
8	34,000	39,000 <u>38,500</u>	
8 plus	34,000 <u>(38,000)</u>	42,000	
9	35,000 (39,000)	43,000	
10	36,000 (40,000)	43,500	49,000
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000

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25	(55,000)	59,000
26	(55,500)	59,500
27	(56,500)	60,000
28	(57,000)	61,000
29	(58,000)	61,500
30	(58,500)	62,000
31	(59,500)	63,000
32	(60,000)	63,500
33		64,000
34		65,000
35		65,500
36		66,000
37		67,000
38		67,500
39		68,000
40		69,000
41		69,500
42		70,000
43		71,000
44		71,500
45		72,000
46		72,500
47		(73,500)
48		(74,000)
49		(74,500)
50		(75,500)
51		(76,000)

The maximum gross weight on a group of three consecutive axles where the distance between centers of foremost and rearmost axles is listed as seven feet or eight feet applies only to vehicles manufactured before August 1, 1991.

“8 plus” refers to any distance greater than eight feet but less than nine feet.

Distances in feet between centers of fore- most and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	5	6	7
	consecutive axles of a 5-axle vehicle or any com- bination of vehicles having a total of 5 or more axles	consecutive axles of a combination of vehicles having a total of 6 or more axles	consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		
16	58,000		

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17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	(74,000)	79,000	
42	(74,500)	79,500	
43	(75,000)	80,000	
44	(75,500)		
45	(76,500)		
46	(77,000)		
47	(77,500)		
48	(78,000)		
49	(79,000)		
50	(79,500)		
51	(80,000)		

The gross weights shown in parentheses in this clause are permitted only on state trunk highways and routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed:

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(1) 80,000 pounds for any vehicle or combination of vehicles on all state trunk highways as defined in section 160.02, subdivision 2, and for all routes designated under section 169.832, subdivision 11; and

(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11; and

(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.

(d) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a combination of vehicles that includes a three axle semitrailer first registered before August 1, 1981. All other weight limitations in this section are applicable.

(e) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this subdivision.

Sec. 9. Minnesota Statutes 1990, section 169.825, subdivision 11, is amended to read:

Subd. 11. **GROSS WEIGHT SEASONAL INCREASES.** (a) The limitations provided in this section are increased:

(1) by ten percent from January 1 to March 7 each winter, statewide;

(2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along trunk highway No. 61 to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from ~~October~~ + the beginning of harvest to November 30 each year for the movement of sugar beets and potatoes within an area having a 75-mile radius from the field of harvest to the point of the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

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(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

Sec. 10. Minnesota Statutes 1990, section 169.825, subdivision 14, is amended to read:

Subd. 14. **VARIABLE LOAD AXLES.** A vehicle or combination of vehicles equipped with one or more variable load axles shall have the pressure control preset so that the weight carried on the variable load axle may not be varied by the operator during transport of any load. The actuating control for the axle shall function only as an on and off switch. The provisions of this subdivision do not apply to any farm truck registered prior to July 1, 1981, under section 168.013, subdivision 1c, for 57,000 pounds or less ~~or to any rear-loading refuse compactor vehicle.~~ This subdivision does not apply to rear-loading refuse compactor vehicles, except that any refuse compactor vehicle having a tridem rear axle must comply with this subdivision before being issued a special permit under section 169.86, subdivision 5, paragraph (h).

Sec. 11. Minnesota Statutes 1991 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. **FEES.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

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(1) ~~refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;~~

(2) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(3) (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(4) (3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3); and

(5) (4) special pulpwood vehicles described in section 169.863.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, paragraphs (a) to (f);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limi- tations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced with- in 14 feet or less
0- 2,000	.100	.040	.036
2,001- 4,000	.124	.050	.044
4,001- 6,000	.150	.062	.050
6,001- 8,000	Not permitted	.078	.056
8,001-10,000	Not permitted	.094	.070
10,001-12,000	Not permitted	.116	.078

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12,001-14,000	Not permitted	.140	.094
14,001-16,000	Not permitted	.168	.106
16,001-18,000	Not permitted	.200	.128
18,001-20,000	Not permitted	Not permitted	.140
20,001-22,000	Not permitted	Not permitted	.168

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

Sec. 12. Minnesota Statutes 1990, section 174.30, subdivision 2, is amended to read:

Subd. 2. **AUTHORITY TO ADOPT; PURPOSE AND CONTENT; RULEMAKING.** The commissioner of transportation shall adopt by rule standards for the operation of vehicles used to provide special transportation service

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which are reasonably necessary to protect the health and safety of individuals using that service. The commissioner, as far as practicable, consistent with the purpose of the standards, shall avoid adoption of standards that unduly restrict any public or private entity or person from providing special transportation service because of the administrative or other cost of compliance.

Standards adopted under this section must include but are not limited to:

(a) Qualifications of drivers and attendants, including driver training requirements that must be met before a driver provides special transportation;

(b) Safety of vehicles and necessary safety equipment;

(c) General requirements concerning inspection and maintenance of vehicles, replacement vehicles, standard vehicle equipment, and specialized equipment necessary to ensure vehicle usability and safety for disabled persons; ~~and~~

(d) Minimum insurance requirements; and

(e) Assessment of administrative penalties for violations.

The commissioner shall consult with the council on disability before making a decision on a variance from the standards.

Sec. 13. Minnesota Statutes 1990, section 221.011, subdivision 20, is amended to read:

Subd. 20. "Charter" means the agreement whereby the owner of a motor ~~bus~~ vehicle 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.

Sec. 14. Minnesota Statutes 1990, section 221.011, subdivision 21, is amended to read:

Subd. 21. "Charter carrier" means a person who engages in the business of transporting the public by motor ~~buses~~ vehicle under charter. The term "charter carrier" does not include regular route common carriers of passengers ~~and~~ school buses described in section 221.025, clause (a), or persons providing limousine service described in section 221.84.

Sec. 15. Minnesota Statutes 1990, section 221.011, subdivision 25, is amended to read:

Subd. 25. "Courier services carrier" means any person who offers expedited door-to-door transportation of packages and articles less than 100 pounds in weight in ~~vehicles~~ a vehicle with a ~~registered gross vehicle weight~~ gross vehicle weight rating not exceeding of 15,000 pounds or less.

Sec. 16. Minnesota Statutes 1990, section 221.011, is amended by adding a subdivision to read:

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Subd. 33. "Gross vehicle weight" has the meaning given it in section 169.01, subdivision 46.

Sec. 17. Minnesota Statutes 1990, section 221.011, is amended by adding a subdivision to read:

Subd. 34. PERSONAL TRANSPORTATION SERVICE. "Personal transportation service" means service that:

(1) is not provided on a regular route;

(2) is provided in a personal transportation service vehicle as defined in section 168.011, subdivision 36;

(3) is not metered for the purpose of determining fares;

(4) provides prearranged pickup of passengers;

(5) charges more than a taxicab fare for a comparable trip.

Sec. 18. Minnesota Statutes 1990, section 221.021, is amended to read:

221.021 OPERATION CERTIFICATE OR PERMIT REQUIRED.

No person ~~shall~~ may operate as a motor carrier or advertise or otherwise hold out as a motor carrier without a certificate or permit in ~~full force and effect~~. A certificate or permit may be suspended or revoked upon conviction of violating a provision of sections 221.011 to 221.296 or an order or rule of the commissioner or board governing the operation of motor carriers, and upon a finding by the court that the violation was willful. The board may, for good cause after a hearing, suspend or revoke a certificate or permit for a violation of a provision of sections 221.011 to 221.296 or an order issued or rule of adopted by the commissioner or board ~~issued~~ under this chapter.

Sec. 19. Minnesota Statutes 1991 Supplement, section 221.025, is amended to read:

221.025 EXEMPTIONS.

~~Except as provided in sections 221.031 and 221.033,~~ The provisions of this chapter requiring a certificate or permit to operate as a motor carrier do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of ~~rubbish as defined in section 443.27~~ solid waste, as defined in section 116.06, subdivision 10, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.011, subdivision 31;

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- (c) a commuter van as defined in section 221.011, subdivision 27;
- (d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks when picking up and transporting disabled or wrecked motor vehicles and when carrying proper and legal warning devices;
- (e) the transportation of grain samples under conditions prescribed by the board;
- (f) the delivery of agricultural lime;
- (g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;
- (h) a person while ~~exclusively engaged in~~ the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;
- (i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator 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;
- (j) a person while engaged ~~exclusively in transporting~~ the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;
- (k) a person engaged in ~~transporting~~ the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;
- (l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;
- (m) a person engaged in ~~transporting~~ the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office and the carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm;
- (n) passenger transportation service that is not charter service and that is

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under contract to and with operating assistance from the department or the regional transit board; and

(o) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

Sec. 20. Minnesota Statutes 1990, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **POWERS, DUTIES, REPORTS, LIMITATIONS.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; ~~maximum~~ hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) A motor carrier having gross revenues from for-hire transportation in a calendar year of less than \$50,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead of filing the report the motor carrier files an affidavit, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$50,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.

(f) The commissioner shall enforce sections 169.781 to 169.783.

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(g) The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board.

(h) The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Sec. 21. Minnesota Statutes 1990, section 221.031, subdivision 2, is amended to read:

Subd. 2. **PRIVATE CARRIERS.** This subdivision applies to private carriers engaged in intrastate commerce.

(a) Private carriers operating vehicles ~~licensed and registered for with a gross vehicle weight of more than 12,000~~ 10,000 pounds; shall comply with rules adopted under this section ~~applying to maximum for driver qualifications~~; hours of service of drivers; safe operation of vehicles; equipment, parts, and accessories; leasing of vehicles or vehicles and drivers; and inspection, repair, and maintenance. Private carriers not subject to the rules of the commissioner for driver qualifications on August 1, 1992, must comply with those rules on and after August 1, 1994.

(b) ~~In addition to the requirements in paragraph (a), private carriers operating vehicles licensed and registered for a gross weight in excess of 26,000 pounds shall comply with rules adopted under this section relating to driver qualifications.~~

(e) The requirements as to driver qualifications and maximum rules for hours of service ~~for~~ of drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308A; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) ~~who are~~ engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

~~(d)~~ (c) The rules for driver qualification rule qualifications and the hours of service rules of drivers do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products or farm machinery, or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

Sec. 22. Minnesota Statutes 1990, section 221.031, subdivision 2a, is amended to read:

Subd. 2a. **AGRICULTURAL EXEMPTIONS.** (a) Notwithstanding the

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provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the commissioner's rules for driver qualifications ~~and safety of operations;~~ safe operation of vehicles; and equipment, parts, and accessories, except as provided in paragraphs (b) and (c).

(b) A rear-end dump truck or other rear-unloading truck while being used for hauling agricultural and other farm products from a place of production or on-farm storage site to a place of processing or storage, is not subject to any rule of the commissioner requiring rear-end protection, including a federal regulation adopted by reference.

(c) A private carrier operating a commercial motor vehicle as defined in section 169.781, subdivision 1, must comply with sections 169.781 to 169.783.

Sec. 23. Minnesota Statutes 1990, section 221.031, is amended by adding a subdivision to read:

Subd. 2b. OTHER EXEMPTIONS. From August 1, 1992, to August 1, 1994, the rules of the commissioner for hours of service for drivers do not apply to a person exclusively engaged in the transportation of asphalt cement, cementitious material, fly ash, or sod, construction debris, and solid waste when transported by a transfer driver, when the transportation is provided within a radius of 100 miles from (1) the person's home post office, or (2) a highway construction or maintenance site where the asphalt cement, cementitious material, fly ash, or sod is being used.

Sec. 24. Minnesota Statutes 1990, section 221.031, subdivision 3, is amended to read:

Subd. 3. VEHICLES OVER ~~42,000~~ 10,000 POUNDS NOT EXEMPT. (a) This subdivision applies to ~~vehicles~~ persons engaged in intrastate commerce who operate vehicles providing transportation described in section 221.025 ~~which are registered and licensed for~~ with a gross vehicle weight in excess of ~~42,000~~ 10,000 pounds, except school buses, commuter vans, and authorized emergency vehicles.

(b) Persons providing transportation described in section 221.025, clause (f), (j), (l), or (m), must comply with the rules of the commissioner for ~~safety of operations~~ safe operation of vehicles and for equipment, parts, and accessories.

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (f), (j), (l), or (m), must comply with the rules of the commissioner for safe operation of vehicles; equipment, parts, and accessories; and, after August 1, 1994, the rules of the commissioner for driver qualifications.

Sec. 25. Minnesota Statutes 1990, section 221.031, subdivision 3a, is amended to read:

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Subd. 3a. **CONTRACTORS OR RECIPIENTS OF TRANSPORTATION ASSISTANCE.** Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department or the regional transit board must comply with rules of the commissioner for driver qualifications; safe operation of vehicles; equipment, parts, and accessories; ~~maximum~~ hours of service of drivers; inspection, repair, and maintenance; and accident reporting.

This subdivision does not apply to (1) a local transit commission, (2) a transit authority created by the legislature, (3) special transportation service certified by the commissioner under section 174.30, or (4) special transportation service defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle defined in section 169.01, subdivision 3a.

Sec. 26. Minnesota Statutes 1990, section 221.031, is amended by adding a subdivision to read:

Subd. 3c. **SOLID WASTE TRANSPORTERS NOT EXEMPT.** Persons providing transportation described in section 221.025, clause (b), must comply with the rules of the commissioner for driver qualifications after August 1, 1994; hours of service of drivers; safe operation of vehicles; equipment, parts, and accessories; and inspection, repair, and maintenance. A local government unit, as defined in section 115A.03, subdivision 17, shall not enact or enforce laws, ordinances, or regulations for the operation of solid waste transporters that are inconsistent with the rules of the commissioner.

Sec. 27. Minnesota Statutes 1990, section 221.031, subdivision 6, is amended to read:

Subd. 6. **VEHICLE IDENTIFICATION RULE.** (a) The following carriers shall 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~~ with a gross vehicle weight of ~~12,000~~ 10,000 pounds or more; and
- (3) vehicles providing transportation described in section 221.025 ~~which are licensed and registered for~~ with a gross vehicle weight of ~~12,000~~ 10,000 pounds or more except those providing transportation described in section 221.025, clauses (a), (c), and (d).

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.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the ~~city or~~ city or community and ~~state~~ state abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based. If the carrier operates a

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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.

(c) 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. 28. [221.0313] CONTROLLED SUBSTANCES TESTING AND PROCEDURES.

Subdivision 1. PURPOSE; INTENT; EXEMPTION. (a) The purpose of this section is to adopt federal regulations governing testing for controlled substances.

(b) The legislature intends that the adopted federal regulations be applied:

(1) to persons who provide intrastate transportation, who are subject to the rules of the commissioner for driver qualifications, and who operate commercial motor vehicles, as defined in Code of Federal Regulations, title 49, section 391.85; and

(2) in the same manner that the federal regulations apply to interstate transportation.

(c) Intrastate carriers who are required to comply with the adopted federal regulations are exempt from the requirements of sections 181.950 to 181.957. This exemption applies only to the testing of drivers.

Subd. 2. DEFINITIONS. For purposes of this section, the following terms used in the federal regulations adopted in subdivisions 4 and 5 have the meanings given them in this subdivision:

(a) "DOT agency" means the commissioner of transportation.

(b) "DOT agency regulations" means the federal regulations adopted in subdivisions 4 and 5.

(c) "Motor carrier" means:

(1) a motor carrier as defined in section 221.011, subdivision 15; and

(2) a private carrier as defined in section 221.011, subdivision 26, or a person providing transportation described in section 221.025 when the private carrier or person:

(i) is subject to the rules of the commissioner for driver qualifications under section 221.031; and

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(ii) is operating a commercial motor vehicle.

The term "motor carrier" includes a motor carrier's agents; officers; representatives; employees responsible for hiring, supervising, training, assigning, or dispatching drivers; and employees concerned with installing, inspecting, and maintaining motor vehicle equipment or accessories. The definition of motor carrier includes the term "employer."

Subd. 3. APPLICABILITY. The regulations adopted in subdivisions 4 and 5 apply to a motor carrier providing transportation by commercial motor vehicle in intrastate commerce.

Subd. 4. DRIVER QUALIFICATIONS; FEDERAL REGULATIONS ADOPTED. Code of Federal Regulations, title 49, sections 391.41, paragraph (c); 391.43, paragraph (a)(2); 391.81, paragraphs (a) and (b); 391.85; 391.87; 391.89; 391.95 to 391.123; and part 391, appendix D, are incorporated by reference.

Subd. 5. CONTROLLED SUBSTANCES TESTING; FEDERAL REGULATIONS ADOPTED. Code of Federal Regulations, title 49, sections 40.1; 40.3; 40.21, paragraphs (a), (c), and (d); 40.23 to 40.39; and part 40, appendix A, are incorporated by reference.

Subd. 6. APPLICABILITY OF OTHER TESTING PROGRAMS. (a) If a drug testing program established under this section is limited to testing for the controlled substances listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a), sections 181.950 to 181.957 do not apply.

(b) Persons subject to this section may test for drugs, in addition to those listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a), or for alcohol, only in accordance with sections 181.950 to 181.957, and rules adopted under those sections.

Sec. 29. Minnesota Statutes 1990, section 221.033, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** Except as provided in subdivisions 2 and 3 to 4, no person may transport or ~~have transported~~ offer or ~~shipped~~ accept for transportation within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 1801 to 1811 and the provisions of Code of Federal Regulations, title 49, ~~sections~~ parts 171 to 199. Those provisions apply to transportation in intrastate commerce to the same extent they apply to transportation in interstate commerce.

Sec. 30. Minnesota Statutes 1990, section 221.033, subdivision 2, is amended to read:

Subd. 2. **EXCEPTION EXEMPTION FOR FARMERS.** (a) This subdivision applies to persons engaged in intrastate commerce.

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(b) Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the driver qualification rules of the commissioner or with the shipping paper requirements of the Code of Federal Regulations, title 49, sections 172.200 and 177.817 or with section 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500-gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than ~~12,000~~ 10,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

~~(b) Fertilizer and agricultural chemical retailers or their employees are exempt from the rule of the commissioner requiring that drivers must be at least 21 years of age when:~~

~~(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and~~

~~(2) the driver employed by the retailer is at least 18 years of age.~~

~~Fertilizer and agricultural chemical retailers or their employees are also exempt, during the period from April 1, 1991, to June 1, 1991, from the commissioner's rules governing maximum hours of service of drivers, when transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location.~~

Sec. 31. Minnesota Statutes 1990, section 221.033, is amended by adding a subdivision to read:

Subd. 2a. AGRICULTURALLY RELATED EXEMPTION. (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Fertilizer and agricultural chemical retailers or their employees are exempt from the rule of the commissioner requiring that drivers must be at least 21 years of age when:

(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and

(2) the driver employed by the retailer is at least 18 years of age.

(c) A fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the rule of the commissioner adopting Code of Federal Regulations, title 49, section 395.3, paragraph (b), relating to hours of service of drivers, and section 395.8, requiring a

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driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals between April 1 and July 1 of each year when:

(1) the transportation is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business;

(2) the fertilizer or agricultural chemicals are for use on the farm to which they are transported; and

(3) the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.

Sec. 32. Minnesota Statutes 1990, section 221.033, is amended by adding a subdivision to read:

Subd. 2b. CARGO TANKS. The leakage test requirement in Code of Federal Regulations, title 49, section 180.407, paragraph (h), does not apply to cargo tanks of up to 3,000 gallons capacity that transport gasoline in intrastate commerce.

Sec. 33. Minnesota Statutes 1990, section 221.034, subdivision 1, is amended to read:

Subdivision 1. **NOTICE REQUIRED.** At the earliest practicable moment, each person who transports hazardous materials, including hazardous wastes, shall give notice in accordance with subdivision 2 after each incident that occurs during the course of transportation including loading, unloading, and temporary storage, in which as a direct result of hazardous materials:

- (1) a person is killed;
- (2) a person receives injuries requiring hospitalization;
- (3) estimated carrier or other property damage exceeds \$50,000;
- (4) an evacuation of the general public occurs lasting one or more hours;
- (5) one or more major transportation arteries or facilities are closed or shut down for one hour or more;
- (6) the operational flight pattern or routine of an aircraft is altered;
- (7) fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material;
- ~~(8)~~ (8) fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or
- ~~(9)~~ (9) a situation exists of such a nature that, in the judgment of the carrier, it should be reported in accordance with subdivision 2 even though it does not

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meet the criteria of ~~subdivision 1~~, clause (1), (2), or (3), but a continuing danger to life exists at the scene of the incident.

Sec. 34. Minnesota Statutes 1990, section 221.034, subdivision 3, is amended to read:

Subd. 3. **TIME LIMIT.** Each carrier who transports hazardous materials shall report in writing in duplicate on a form prescribed by the commissioner within ~~15~~ 30 days of the date of discovery, each incident that occurs during the course of transportation, including loading, unloading, or temporary storage, in which, ~~as a direct result of the hazardous materials~~, any of the circumstances set forth in subdivision 1 occurs or there has been an unintentional release of hazardous materials from a package, including a tank, or any quantity of hazardous waste has been discharged during transportation.

Sec. 35. Minnesota Statutes 1990, 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, unless the vehicle carries a trip permit under subdivision 1a. 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.

(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.

(d) The commissioner may not issue a license to an applicant or renew a license if the commissioner determines the applicant's record of violations of federal and state motor carrier safety and hazardous material, hazardous waste, and hazardous substance requirements meets the standard for suspension or

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revocation of a license under subdivision 3 or if the applicant has an unsatisfactory or conditional safety rating from the United States Department of Transportation.

(e) Before issuing or renewing a license, the commissioner shall conduct a criminal record check of an applicant. If the applicant is a corporation, the commissioner may conduct a criminal record check of the applicant's owners, officers, or controlling agents. The commissioner may also conduct a criminal record check at any time while a person is licensed under this section. The criminal record check must consist of an examination of the state criminal records repository for violations of federal and state motor carrier safety and hazardous material, hazardous waste, and hazardous substance statutes, regulations, or rules. The bureau of criminal apprehension shall provide the commissioner, upon request, conviction information it has about an applicant. The conviction information must include convictions for violations of section 609.671 and, when available, similar statutes or rules of other states. An applicant's failure to cooperate with the commissioner in conducting a criminal record check is reasonable cause to deny an application or revoke a license. The commissioner may not release the results of a criminal record check to any person except the applicant.

Sec. 36. Minnesota Statutes 1990, section 221.035, is amended by adding a subdivision to read:

Subd. 1a. TRIP PERMIT REQUIREMENTS; FEE. A hazardous waste trip permit valid for ten days from the date of issue may be issued to a person licensed under subdivision 1 who also complies with section 221.141. The fee for a trip permit is \$10.

Sec. 37. Minnesota Statutes 1990, section 221.035, subdivision 2, is amended to read:

Subd. 2. **OPERATION REQUIREMENTS.** A vehicle operated under a license issued under this section must be operated in compliance with the rules of the commissioner adopted under this chapter governing: driver qualifications; safety of safe operation of vehicles; equipment, parts, and accessories; inspection, repair, and maintenance; and ~~maximum~~ hours of service of drivers.

Sec. 38. [221.037] **HAZARDOUS MATERIALS; INFORMATION, INSPECTION.**

Subdivision 1. REQUIRED TO PROVIDE INFORMATION. A person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous materials, hazardous substances, or hazardous waste shall (1) give to transportation representatives and hazardous material specialists of the department information relating to the materials, substances, or waste, or (2) permit them access to and copying of records relating to the materials, substances, or waste, or both.

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Subd. 2. AUTHORITY TO INSPECT. Transportation representatives and hazardous material specialists of the department have the authority to enter, at a reasonable time and place, any vehicle, cargo tank, or other container used to transport hazardous materials, hazardous substances, or hazardous waste and any treatment, storage, or disposal facility or other place where the materials, substances, or waste are or have been generated, stored, treated, disposed of, or transported from. They may inspect the vehicle, cargo tank, or container and obtain from any person samples of the materials, substances, or waste and samples of the containers or labeling of the materials, substances, or waste for enforcing sections 221.033 to 221.036 or rules adopted under those sections. The authority granted under this subdivision includes the right to break and replace seals.

Sec. 39. Minnesota Statutes 1991 Supplement, section 221.091, is amended to read:

221.091 LIMITATIONS.

No provision in sections 221.011 to 221.291 and 221.84 to 221.85 shall authorize the use by any carrier of any public highway in any city of the first class in violation of any charter provision or ordinance of such city in effect January 1, 1925, unless and except as such charter provisions or ordinance may be repealed after that date; nor shall sections 221.011 to 221.291 and 221.84 to 221.85 be construed as in any manner taking from or curtailing the right of any city to reasonably regulate or control the routing, parking, speed or the safety of operation of a motor vehicle operated by any carrier under the terms of those sections ~~221.011 to 221.291 and 221.84~~, or the general police power of any such city over its highways; nor shall sections 221.011 to 221.291 and 221.84 to 221.85 be construed as abrogating any provision of the charter of any such city requiring certain conditions to be complied with before such carrier can use the highways of such city and such rights and powers herein stated are hereby expressly reserved and granted to such city; but no such city shall prohibit or deny the use of the public highways within its territorial boundaries by any such carrier for transportation of passengers or property received within its boundaries to destinations beyond such boundaries, or for transportation of passengers or property from points beyond such boundaries to destinations within the same, or for transportation of passengers or property from points beyond such boundaries through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a certificate of convenience and necessity issued by the commissioner or to a permit issued by the commissioner under section 221.84 or 221.85.

Sec. 40. Minnesota Statutes 1990, section 221.121, subdivision 1, is amended to read:

Subdivision 1. **PERMIT CARRIERS.** A person desiring to operate as a permit carrier, except as a livestock carrier, or a local cartage carrier shall file a petition with the commissioner specifying the kind of permit desired, the name and

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address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the board and commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition. The board, after notice to interested parties and a hearing, shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291. A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner or board governing permit carriers. No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the board from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 41. Minnesota Statutes 1990, section 221.121, subdivision 7, is amended to read:

Subd. 7. **FEES.** The ~~permit holder~~ petitioner shall pay a fee of \$150 into the treasury of the state of Minnesota for each kind of permit or extension of authority for which a petition is filed under this section.

Sec. 42. Minnesota Statutes 1990, section 221.131, subdivision 1, is amended to read:

Subdivision 1. **PERMIT RENEWAL.** Permits issued under section 221.121 are effective for a 12-month period. ~~Each~~ A ~~permit must be renewed~~ holder shall renew the permit annually and each by registration of the vehicles operated under authority of that permit as required by subdivision 2. A permit holder ~~shall have~~ has one annual renewal date encompassing all of the permits held by the holder.

Sec. 43. Minnesota Statutes 1990, section 221.131, subdivision 2, is amended to read:

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Subd. 2. PERMIT CARRIERS; ANNUAL VEHICLE REGISTRATION.

(a) The permit holder shall pay an annual registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by the holder under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers and semitrailers used by a permit holder in combination with power units may not be counted as vehicles in the computation of fees under this section if the permit holder pays the fees for power units.

(b) The commissioner shall furnish a distinguishing annual identification card for each vehicle or power unit for which a fee has been paid. The identification card must at all times be carried in the vehicle or power unit to which it has been assigned. An identification card may be reassigned to another vehicle or power unit upon application of the permit holder and payment of a transfer fee of \$10. An identification card issued under ~~the provisions of~~ this section is valid only for the period for which the permit is effective.

(c) ~~The name and residence of the permit holder must be stenciled or otherwise shown identified on the outside of both doors power unit of each registered vehicle operated under the permit. Vehicles must show the name or the "doing business as" name of the permit holder operating the vehicle and the community and abbreviation of the state in which the permit holder maintains its principal office or in which the vehicle is customarily based. If the permit holder operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.~~

(d) A fee of \$10 is charged for the replacement of an unexpired identification card that has been lost ~~or damaged~~.

Sec. 44. Minnesota Statutes 1990, section 221.131, subdivision 6, is amended to read:

Subd. 6. COURIER SERVICE CARRIERS; IDENTIFICATION CARDS. The commissioner shall issue distinct annual identification cab cards for vehicles that provide courier service under a permit issued by the board. A courier service identification cab card may not be issued for a vehicle that has a ~~registered gross vehicle weight or gross vehicle weight rating~~ in excess of 15,000 pounds.

Sec. 45. Minnesota Statutes 1990, section 221.161, subdivision 1, is amended to read:

Subdivision 1. FILING; HEARING UPON BOARD INITIATIVE. ~~Every~~ A permit carrier, including a livestock carrier but not including a local cartage

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carrier, shall file and maintain with the commissioner a tariff showing rates and charges for ~~the transportation of transporting~~ persons or property. ~~The filing with and acceptance by the commissioner of these tariffs, in accordance with the rules relating to the tariffs, constitutes notice to the public and interested parties of the contents of the tariffs.~~ Tariffs must be prepared and filed in accordance with the rules of the commissioner. When tariffs are filed in accordance with the rules and accepted by the commissioner, the filing constitutes notice to the public and interested parties of the contents of the tariffs. The commissioner shall not accept for filing tariffs ~~which that~~ are unjust ~~and~~, unreasonable ~~or~~, unjustly discriminatory ~~or~~, unduly preferential or prejudicial, or otherwise in violation of ~~the provisions of this section or rules adopted under this section.~~ If the tariffs appear to be unjust ~~or~~, unreasonable ~~or~~, unjustly discriminatory ~~or~~, unduly preferential or prejudicial, or otherwise in violation of this section, ~~the board or rules adopted under this section,~~ after notification and investigation by the department, the board may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the permit carrier filing the proposed tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the permit carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. Tariffs for ~~the transportation of transporting~~ livestock are not subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the commissioner.

Sec. 46. Minnesota Statutes 1990, section 221.60, subdivision 2, is amended to read:

Subd. 2. **FORM AND FEES.** A motor carrier engaged in interstate commerce shall register its interstate transportation authority or exemption before February 1 of each year on a form prescribed by the commissioner. The fee for the initial registration is \$25. The fee for each identification stamp is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. In addition to the fees required by this subdivision, a motor carrier shall pay a service charge of 45 cents for each stamp or card issued.

Sec. 47. Minnesota Statutes 1990, section 221.605, subdivision 1, is amended to read:

Subdivision 1. **FEDERAL REGULATIONS.** (a) Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier safety regulations, Code of Federal Regulations, title 49, parts 390 to 398; with Code of Federal Regulations, title 49, part 40; and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists. For purposes of regulating commercial motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in Code of Federal Regulations, title 49,

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section 396.11, paragraph (d), applies in Minnesota only to driveaway-towaway operations.

(b) An interstate carrier or private carrier engaged in interstate commerce who complies with federal regulations governing testing for controlled substances is exempt from the requirements of sections 181.950 to 181.957 unless the carrier's drug testing program provides for testing for controlled substances in addition to those listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a), or for alcohol. Persons subject to this section may test for drugs, in addition to those listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a), or for alcohol, only in accordance with sections 181.950 to 181.957 and rules adopted under those sections.

Sec. 48. Minnesota Statutes 1990, section 221.81, subdivision 2, is amended to read:

Subd. 2. **LICENSE.** No person may operate as a building mover in this state unless licensed by the commissioner. The commissioner may inspect a building mover's vehicles or records to determine compliance with this section.

Sec. 49. Minnesota Statutes 1990, section 221.81, is amended by adding a subdivision to read:

Subd. 3d. IDENTIFICATION. (a) A building mover's name and address must be displayed on the power unit of a vehicle used to move buildings and on buildings being moved.

(b) Vehicles and buildings must show the name or "doing business as" name of the license holder operating the vehicle and the community and abbreviation of the state in which the license holder maintains its principal office or in which the vehicle is customarily based. If the building mover 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 building mover appears on the vehicle, the words "operated by" must immediately precede the name of the building mover.

(c) 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 or building 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. 50. Minnesota Statutes 1990, section 221.81, is amended by adding a subdivision to read:

Subd. 3e. SAFETY RULES. (a) A building mover must comply with the rules of the commissioner for safe operation of vehicles, equipment, parts, and accessories, except as provided in paragraph (b); inspection, repair, and mainte-

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nance; accident reporting; and, on and after August 1, 1994, driver qualifications.

(b) A towed vehicle, other than a full trailer, pole trailer, or semitrailer, as those terms are defined in Code of Federal Regulations, title 49, section 390.5, used by a building mover to move a building on a highway is not required to comply with rules of the commissioner for equipment, parts, and accessories.

Sec. 51. Minnesota Statutes 1990, section 221.81, subdivision 4, is amended to read:

Subd. 4. **LICENSE REVOCATION, SUSPENSION, DENIAL.** The commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:

(a) failure of the applicant or license holder to reimburse the road authority for damage to public highways, roads, streets, or utilities ~~which~~ that are not paid for by the license holders holder's insurer;

(b) conduct of the applicant or license holders holder that endangers the health and safety of users of the public highways, roads, streets, or utilities;

(c) conduct of the applicant or license holder that obstructs traffic in a manner other than as authorized in the permit;

(d) violation of ~~the provisions of~~ this section; ~~or~~

(e) failure to obtain or comply with required local moving permits or permits required by section 169.86;

(f) placing or leaving a building on property without the permission of the owner of the property or in violation of local ordinances; or

(g) abandoning a building after it is first moved under the road permit. For purposes of this subdivision, "abandon" means conduct that shows that a building mover has failed to use reasonable diligence in moving a building to the location described in the road permit.

Sec. 52. Minnesota Statutes 1991 Supplement, section 221.84, subdivision 2, is amended to read:

Subd. 2. **PERMIT REQUIRED; RULES.** No person may operate a for-hire limousine service without a permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits for for-hire operation of limousines that include:

(1) annual inspections of limousines;

(2) driver qualifications, including requiring a criminal history check of drivers;

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- (3) insurance requirements ~~in accordance with section 168.128;~~
- (4) advertising regulation, including requiring a copy of the permit to be carried in the limousine and use of the words "licensed and insured";
- (5) provisions for agreements with political subdivisions for sharing enforcement costs;
- (6) issuance of temporary permits and temporary permit fees; and
- (7) other requirements deemed necessary by the commissioner.

This section does not apply to limousines operated by persons meeting the definition of private carrier in section 221.011, subdivision 26.

Sec. 53. [221.85] PERSONAL TRANSPORTATION SERVICE.

Subdivision 1. PERMIT REQUIRED; RULES. No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

- (1) annual inspections of vehicles;
- (2) driver qualifications including requiring a criminal history check of drivers;
- (3) insurance requirements;
- (4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";
- (5) agreements with political subdivisions for sharing enforcement costs with the state;
- (6) issuance of temporary permits and fees therefor; and
- (7) other requirements the commissioner deems necessary to carry out the purposes of this section.

Subd. 2. PENALTIES. The commissioner may issue an order requiring violations of law, rules, and local ordinances that govern the operation of personal transportation service vehicles to be corrected and assessing monetary penalties of up to \$1,000. The commissioner may suspend or revoke a permit for violation of applicable law and rules and, on request of a political subdivision, may immediately suspend a permit for multiple violations of local ordinances. The commissioner shall immediately suspend a permit for failure to maintain required insurance and shall not restore the permit until proof of insurance is provided. A person whose permit is revoked or suspended or who is assessed an administrative penalty may appeal the commissioner's action in a contested case proceeding under chapter 14.

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Subd. 3. PERMITS; DECALS. (a) The commissioner shall design a distinctive decal to be issued to permit holders under this section. A decal is valid for one year from the date of issuance. No person may provide personal transportation service in a personal transportation service vehicle that does not conspicuously display a decal issued under this subdivision.

(b) From August 1, 1992, to June 30, 1993, the fee for each decal issued under this section is \$150. On and after July 1, 1993, the fee for each decal issued under this section is \$80. The fee for each permit issued under this section is \$150. The commissioner shall deposit all fees under this subdivision in the trunk highway fund.

Sec. 54. Minnesota Statutes 1991 Supplement, section 364.09, is amended to read:

364.09 EXCEPTIONS.

(a) This chapter ~~shall~~ does not apply to the practice of law enforcement; to fire protection agencies; to eligibility for a private detective or protective agent license; to eligibility for a family day care license, a family foster care license, or a home care provider license; to eligibility for a license issued or renewed by the board of teaching or state board of education; to eligibility for school bus driver endorsements; to eligibility for special transportation service endorsements; or to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district.

(c) Nothing in this section ~~shall be construed to preclude~~ precludes the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 55. APPROPRIATION.

\$24,000 is appropriated to the commissioner of transportation from the trunk highway fund for fiscal year 1993. This appropriation is for the cost of rules authorized by this act.

Sec. 56. TRANSITION.

A person providing personal transportation service as defined in section 17, in a personal transportation service vehicle as defined in section 2, on August 1, 1992, may continue to provide personal transportation service in the vehicle without a permit under section 53, subdivision 1, until the effective date of the final rules adopted by the commissioner under that subdivision.

Sec. 57. EFFECTIVE DATE.

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Sections 5 and 6 are effective the day following final enactment. Sections 10 and 11 are effective July 1, 1992. Section 28 is effective August 1, 1993.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:11 p.m.

CHAPTER 579—S.F.No. 2144

An act relating to metropolitan government; authorizing the acquisition and betterment of transit facilities and equipment and providing financing for their cost; stating the intent of the legislature; requiring a report; amending Minnesota Statutes 1990, section 473.39.

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

Section 1. Minnesota Statutes 1990, section 473.39, is amended to read:

473.39 BORROWING MONEY.

Subdivision 1. **GENERAL AUTHORITY.** The council, if requested by vote of at least two-thirds of all of the members of the transit board, may issue general obligation bonds subject to the ~~volume limitation~~ limitations in ~~subdivision 1a~~ this section to provide funds to the board for expenditure to implement the board's approved implementation plan and may issue general obligation bonds not subject to the ~~volume limitation set forth in subdivision 1a~~ limitations for the refunding of outstanding bonds or certificates of indebtedness of the council, the board or the commission, and judgments against the board or the commission. The council may not unreasonably withhold the issuance of obligations for an implementation plan that has been approved by the council. The council may not issue obligations pursuant to this subdivision, other than refunding bonds, in excess of the amount specifically authorized by law. Except as otherwise provided in sections 473.371 to 473.449, the council shall provide for the issuance, sale, and security of the bonds in the manner provided in chapter 475, and has the same powers and duties as a municipality issuing bonds under that law, except that no election is required and the net debt limitations in chapter 475 do not apply to the bonds. The obligations are not a debt of the state or any municipality or political subdivision within the meaning of any debt limitation or requirement pertaining to those entities. Neither the state, nor any municipality or political subdivision except the council and board, nor any member or officer or employee of the board or council, is liable on the obligations. The obligations may be secured by taxes levied without limitation of rate or amount upon all taxable property in the transit taxing district and transit area as provided in section 473.446, subdivision 1, clause (c). The council shall certify to the transit board before October 1 of each year the amounts necessary to provide full and timely payment of the obligations. As part of its levy made under section 473.446, subdivision 1, clause (c), the board shall levy the amounts certified by

New language is indicated by underline, deletions by ~~strikeout~~.