

**CHAPTER 64—S.F.No. 1876**

*An act relating to transportation; modifying and updating provisions relating to motor carriers, highways, and the Department of Transportation; making clarifying and technical changes; amending Minnesota Statutes 2008, sections 168.013, subdivision 1e; 168.185; 169.025; 169.801, subdivision 10; 169.823, subdivision 1; 169.824; 169.8261; 169.827; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivisions 1, 2; 169.865, subdivisions 1, 2, 3, 4; 169.866, subdivision 1; 169.87, subdivision 2; 174.64, subdivision 4; 174.66; 221.012, subdivisions 19, 29; 221.021, subdivision 1; 221.022; 221.025; 221.026, subdivisions 2, 5; 221.0269, subdivision 3; 221.031, subdivisions 1, 3, 3c, 6; 221.0314, subdivisions 2, 3a, 9; 221.033, subdivisions 1, 2; 221.121, subdivisions 1, 7; 221.122, subdivision 1; 221.123; 221.132; 221.151, subdivision 1; 221.161, subdivisions 1, 4; 221.171; 221.172, subdivision 3; 221.185, subdivisions 2, 4, 5a, 9; 221.605, subdivision 1; 221.68; 221.81, subdivision 3d; repealing Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions 1b, 5; 169.832, subdivisions 11, 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12, 21, 23, 24, 30, 32, 39, 40, 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, 6f; 221.131, subdivision 2a; 221.141, subdivision 6; 221.151, subdivisions 2, 3; 221.153; 221.172, subdivisions 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.*

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

Section 1. Minnesota Statutes 2008, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent surtax provided for in subdivision 14

	TOTAL GROSS WEIGHT IN POUNDS			TAX
A	0	-	1,500	\$ 15
B	1,501	-	3,000	20
C	3,001	-	4,500	25
D	4,501	-	6,000	35

E	6,001	-	10,000	45
F	10,001	-	12,000	70
G	12,001	-	15,000	105
H	15,001	-	18,000	145
I	18,001	-	21,000	190
J	21,001	-	26,000	270
K	26,001	-	33,000	360
L	33,001	-	39,000	475
M	39,001	-	45,000	595
N	45,001	-	51,000	715
O	51,001	-	57,000	865
P	57,001	-	63,000	1015
Q	63,001	-	69,000	1185
R	69,001	-	73,280	1325
S	73,281	-	78,000	1595
T	78,001	-	80,000	1760

(b) For purposes of the Minnesota base rate schedule, for vehicles with six or more axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

(c) For each vehicle with a gross weight in excess of 80,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 80,000 pounds, subject to subdivision 12.

(d) For purposes of registration identification, for vehicles registered in the "O" category, the owner must declare at the time of registration whether the vehicle will carry a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive weight sticker must be issued and the owner is restricted to a gross vehicle weight of less than 55,000 pounds.

(e) Truck-tractors except those herein defined as farm and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor.

(f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are operated by an interstate carrier registered under section 221.60, or by ~~an authorized~~ a carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

(g) The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor penalty, the registrar shall revoke the registration of the vehicle as a commercial zone vehicle and shall require that the vehicle be registered at 100 percent of the full annual tax

prescribed in the Minnesota base rate schedule, and no part of this tax may be refunded during the balance of the registration year.

(h) On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during each of the first eight years of vehicle life is 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax is 50 percent of the Minnesota base rate schedule.

(i) On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those commercial zone vehicles specifically provided for in this subdivision, the tax for each of the first eight years of vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax is 75 percent of the Minnesota base rate prescribed by this subdivision.

(j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination are semitrailers.

Sec. 2. Minnesota Statutes 2008, section 168.185, is amended to read:

**168.185 USDOT NUMBERS.**

(a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.011, subdivision 32, shall report to the commissioner at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the commissioner. The commissioner shall not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

(b) Assigned USDOT numbers ~~need not~~ must be displayed ~~on the outside of the vehicle, but must be made available upon request of an authorized agent of the commissioner, peace officer, other employees of the State Patrol authorized in chapter 299D, or employees of the Minnesota Department of Transportation as required by section 221.031, subdivision 6.~~ The vehicle owner shall notify the commissioner if there is a change to the owner's USDOT number.

(c) If an owner fails to report or apply for a USDOT number, the commissioner shall suspend the owner's registration.

(d) This section does not apply to (1) a farm truck that is not used in interstate commerce, (2) a vehicle that is not used in intrastate commerce or interstate commerce, or (3) a vehicle that is owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision.

Sec. 3. Minnesota Statutes 2008, section 169.025, is amended to read:

**169.025 APPLICATION OF MOTOR CARRIER RULES.**

Notwithstanding any provision of this chapter other than section 169.67, a vehicle, driver, or carrier that is subject to ~~a the motor carrier safety rule adopted under section 221.031~~ regulations incorporated in section 221.0314 or 221.605 shall comply with the more stringent or additional requirement imposed by ~~that the motor carrier safety rule regulation.~~

Sec. 4. Minnesota Statutes 2008, section 169.801, subdivision 10, is amended to read:

Subd. 10. **Brakes.** Notwithstanding section 169.67:

(a) A self-propelled implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it and any vehicle it is towing.

(b) A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it if:

(1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured and sold after January 1, 1994;

(2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a vehicle other than a self-propelled implement of husbandry; or

(3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a registered passenger automobile other than a pickup truck as defined in section 168.002, subdivision 26.

(c) If a towed implement of husbandry ~~with a gross vehicle weight of more than 6,000 pounds~~ is required under paragraph (b) to have brakes and was manufactured after January 1, 2011, it must also ~~have brakes adequate to stop and hold it if it becomes detached from the towing vehicle~~ be equipped with brakes as required in section 169.67, subdivision 3, paragraph (b).

Sec. 5. Minnesota Statutes 2008, section 169.823, subdivision 1, is amended to read:

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) where the gross weight on any wheel exceeds 9,000 pounds, ~~except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single wheel shall not exceed~~ on an unpaved street or highway or 10,000 pounds on a paved street or highway, unless posted to a lesser weight under section 169.87, subdivision 1;

(2) where the gross weight on any single axle exceeds 18,000 pounds, ~~except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single axle shall not exceed~~ on an unpaved street or highway or 20,000 pounds on a paved street or highway, unless posted to a lesser weight under section 169.87, subdivision 1;

(3) where the maximum wheel load:

(i) 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

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

~~(4) 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;~~

~~(5)~~ (4) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 6. Minnesota Statutes 2008, section 169.824, is amended to read:

**169.824 GROSS WEIGHT SCHEDULE.**

Subdivision 1. **Table of axle weight limits.** (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 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 foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2 consecutive axles of a 2-axle vehicle or <del>of any vehicle</del> or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or <del>of any vehicle</del> or combination of vehicles having a total of 3 or more axles	4 consecutive axles of a 4-axle vehicle or any combination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		
6	34,000		
7	34,000	37,000	
8	34,000	38,500	
8 plus	34,000 (38,000)	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
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)
<u>52</u>	<u>(76,500)</u>
<u>53</u>	<u>(77,500)</u>
<u>54</u>	<u>(78,000)</u>
<u>55</u>	<u>(78,500)</u>
<u>56</u>	<u>(79,500)</u>
<u>57</u>	<u>(80,000)</u>

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 foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of			
	5	6	7	<u>8</u>
	consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	consecutive axles of a <u>6-axle vehicle or any combination of vehicles having a total of 6 or more axles</u>	consecutive axles of a <u>7-axle vehicle or any combination of vehicles having a total of 7 or more axles</u>	<u>consecutive axles of an 8-axle vehicle or any combination of vehicles having a total of 8 or more axles</u>
14	57,000			
15	57,500			
16	58,000			
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	<u>(80,500)</u>	<u>(86,000)</u>
36	70,500	76,000	<u>(81,000)</u>	<u>(86,500)</u>
37	71,500	76,500	<u>(81,500)</u>	<u>(87,000)</u>
38	72,000	77,000	<u>(82,000)</u>	<u>(87,500)</u>
39	72,500	77,500	<u>(82,500)</u>	<u>(88,500)</u>
40	73,000	78,000	<u>(83,500)</u>	<u>(89,000)</u>
41	<del>(74,000)</del> <u>74,000</u>	79,000	<u>(84,000)</u>	<u>(89,500)</u>
42	<del>(74,500)</del> <u>74,500</u>	79,500	<u>(84,500)</u>	<u>(90,000)</u>
43	<del>(75,000)</del> <u>75,000</u>	80,000	<u>(85,000)</u>	<u>(90,500)</u>
44	<del>(75,500)</del> <u>75,500</u>	<u>(80,500)</u>	<u>(85,500)</u>	<u>(91,000)</u>
45	<del>(76,500)</del> <u>76,500</u>	<u>(81,000)</u>	<u>(86,000)</u>	<u>(91,500)</u>
46	<del>(77,000)</del> <u>77,000</u>	<u>(81,500)</u>	<u>(87,000)</u>	<u>(92,500)</u>
47	<del>(77,500)</del> <u>77,500</u>	<u>(82,000)</u>	<u>(87,500)</u>	<u>(93,000)</u>
48	<del>(78,000)</del> <u>78,000</u>	<u>(83,000)</u>	<u>(88,000)</u>	<u>(93,500)</u>
49	<del>(79,000)</del> <u>79,000</u>	<u>(83,500)</u>	<u>(88,500)</u>	<u>(94,000)</u>
50	<del>(79,500)</del> <u>79,500</u>	<u>(84,000)</u>	<u>(89,000)</u>	<u>(94,500)</u>
51	<del>(80,000)</del> <u>80,000</u>	<u>(84,500)</u>	<u>(89,500)</u>	<u>(95,000)</u>
<u>52</u>	<u>(80,500)</u>	<u>(85,000)</u>	<u>(90,500)</u>	<u>(95,500)</u>
<u>53</u>	<u>(81,000)</u>	<u>(86,000)</u>	<u>(91,000)</u>	<u>(96,500)</u>
<u>54</u>	<u>(81,500)</u>	<u>(86,500)</u>	<u>(91,500)</u>	<u>(97,000)</u>
<u>55</u>	<u>(82,500)</u>	<u>(87,000)</u>	<u>(92,000)</u>	<u>(97,500)</u>
<u>56</u>	<u>(83,000)</u>	<u>(87,500)</u>	<u>(92,500)</u>	<u>(98,000)</u>
<u>57</u>	<u>(83,500)</u>	<u>(88,000)</u>	<u>(93,000)</u>	<u>(98,500)</u>
<u>58</u>	<u>(84,000)</u>	<u>(89,000)</u>	<u>(94,000)</u>	<u>(99,000)</u>
<u>59</u>	<u>(85,000)</u>	<u>(89,500)</u>	<u>(94,500)</u>	<u>(99,500)</u>
<u>60</u>	<u>(85,500)</u>	<u>(90,000)</u>	<u>(95,000)</u>	<u>(100,500)</u>
<u>61</u>			<u>(95,500)</u>	<u>(101,000)</u>
<u>62</u>			<u>(96,000)</u>	<u>(101,500)</u>
<u>63</u>			<u>(96,500)</u>	<u>(102,000)</u>
<u>64</u>			<u>(97,000)</u>	<u>(102,500)</u>



<u>65</u>	<u>(103,000)</u>
<u>66</u>	<u>(103,500)</u>
<u>67</u>	<u>(104,500)</u>
<u>68</u>	<u>(105,000)</u>
<u>69</u>	<u>(105,500)</u>
<u>70</u>	<u>(106,000)</u>
<u>71</u>	<u>(106,500)</u>
<u>72</u>	<u>(107,000)</u>
<u>73</u>	<u>(107,500)</u>
<u>74</u>	<u>(108,000)</u>

The gross weights shown ~~in~~ without parentheses in this table are ~~permitted only on state trunk highways and routes designated under section 169.832, subdivision 11.~~ allowed on unpaved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. The gross weights shown in this table, whether within or without parentheses, are allowed on paved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. Gross weights in excess of 80,000 pounds require an overweight permit under this chapter, unless otherwise allowed under section 169.826.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in subdivision 2, paragraph (a), 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.

**Subd. 2. Gross vehicle weight of all axles; credit for idle reduction technology.**

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

(1) ~~80,000 pounds for any vehicle or combination of vehicles on all (i) trunk highways as defined in section 160.02, subdivision 29, (ii) routes designated under section 169.832, subdivision 11, and (iii) paved nine-ton routes streets and highways, unless posted at a lower axle weight under section 169.87, subdivision 1; and~~

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (k), ~~and~~

~~(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than routes identified in clause (1).~~

(b) Notwithstanding the maximum weight provisions of this section ~~and section 169.85,~~ and in order to promote the reduction of fuel use and emissions ~~because of engine idling,~~ the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology or emissions-reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology or emissions-reduction technology, not to exceed 400 pounds. At the request of an authorized representative

of the Department of Transportation or the Department of Public Safety, the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.

Sec. 7. Minnesota Statutes 2008, section 169.8261, is amended to read:

**169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

Subdivision 1. Exemption. (a) ~~A vehicle or combination of vehicles hauling~~ For purposes of this section, "raw or unfinished forest products," ~~including~~ include wood chips, paper, pulp, oriented strand board, laminated strand lumber, hardboard, treated lumber, untreated lumber, or barrel staves.

(b) In compliance with this section, a person may operate a vehicle or combination of vehicles to haul raw or unfinished forest products by the most direct route to the nearest paved highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that the vehicles must.

Subd. 2. Conditions. (a) A vehicle or combination of vehicles described in subdivision 1 must:

- (1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;
- (2) comply with bridge load limits posted under section 169.84;
- (3) be equipped and operated with six axles and brakes on all wheels;
- (4) not exceed 90,000 pounds gross vehicle weight, or 99,000 pounds gross vehicle weight during the time when seasonal increases are authorized under section 169.826;
- (5) not be operated on interstate ~~and defense~~ highways;
- (6) obtain an annual permit from the commissioner of transportation;
- (7) obey all road postings; and
- (8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than ~~22.5~~ 23.75 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

Sec. 8. Minnesota Statutes 2008, section 169.827, is amended to read:

**169.827 GROSS WEIGHT REDUCTION ON RESTRICTED ROUTE.**

The maximum weight on any single axle, two consecutive axles spaced within eight feet or less, three consecutive axles spaced within nine feet or less, or four consecutive axles spaced within 14 feet or less shall not exceed 18,000 pounds, 34,000 pounds, 43,000 pounds, or 51,500 pounds respectively multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine. ~~No combination of axle weights shall exceed those weights specified in Minnesota Statutes 1981 Supplement, section 169.825, subdivision 10 for nondesignated routes.~~

Sec. 9. Minnesota Statutes 2008, section 169.85, subdivision 2, is amended to read:

Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or sections 169.822 to 169.829, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (1) on routes subject to the provisions of sections 169.822 to 169.829, the weight on an axle exceeds the lawful gross weight prescribed by sections 169.822 to 169.829, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by sections 169.822 to 169.829, by 4,000 pounds or more; or (2) ~~on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by sections 169.822 to 169.829, or~~ (3) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), and plus, if applicable, the weight allowance permitted under section 169.826, then the driver is not required to unload under paragraph (b).

Sec. 10. Minnesota Statutes 2008, section 169.862, subdivision 2, is amended to read:

Subd. 2. **Additional restrictions.** Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

~~(b) The vehicles may not be operated on interstate highways.~~

~~(c)~~ (b) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

~~(d)~~ (c) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

~~(e)~~ (d) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

~~(f)~~ (e) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting round baled hay.

Sec. 11. Minnesota Statutes 2008, section 169.864, subdivision 1, is amended to read:

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 108,000 pounds;

(3) complies with the axle weight limits in section 169.824 ~~or with the federal bridge formula for axle groups not described in that section;~~

(4) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; on Trunk Highway marked 194 between Trunk Highway marked 2 and Trunk Highway marked 53; and on Trunk Highway marked 53 between Virginia and the port of Duluth; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Sec. 12. Minnesota Statutes 2008, section 169.864, subdivision 2, is amended to read:

Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds or 97,000 pounds if the truck has seven axles;

(3) has a maximum gross vehicle weight of ~~98,000~~ 99,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824 ~~or with the federal bridge formula for axle groups not described in that section;~~

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less; and

(6) is operated only on the highways specified in subdivision 1, clause (5).

Sec. 13. Minnesota Statutes 2008, section 169.865, subdivision 1, is amended to read:

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Sec. 14. Minnesota Statutes 2008, section 169.865, subdivision 2, is amended to read:

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven or more axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382.

(c) The fee for a permit issued under this subdivision is \$500.

Sec. 15. Minnesota Statutes 2008, section 169.865, subdivision 3, is amended to read:

Subd. 3. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1, ~~or the federal bridge formula for axle groups not described in that section;~~

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on ~~trunk~~ paved streets and highways other than interstate highways, ~~and on local roads designated under section 169.832, subdivision 11;~~

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

(8) must have brakes on all wheels.

(b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section.

Sec. 16. Minnesota Statutes 2008, section 169.865, subdivision 4, is amended to read:

Subd. 4. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued by the commissioner under this section must be deposited:

(1) in fiscal years 2008 through 2011, in the bridge inspection and signing account in the special revenue fund; and

(2) in fiscal year 2012 and subsequent years, in the trunk highway fund.

(b) The revenue in the bridge inspection and signing account under this section is annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(2) erection of weight-posting signs on local bridges.

Sec. 17. Minnesota Statutes 2008, section 169.866, subdivision 1, is amended to read:

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional trailer or semitrailer, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 105,500 pounds;

(3) complies with the axle weight limits in section 169.824, ~~or with the federal bridge formula for axle groups not described in that section;~~

(4) complies with the tire weight limits in section 169.823, or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on marked Trunk Highway 175 from Hallock to the North Dakota border, on U.S. Highway 75 from Hallock to Donaldson, and on marked Trunk Highway 11 from Donaldson to the North Dakota border; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Sec. 18. Minnesota Statutes 2008, section 169.87, subdivision 2, is amended to read:

Subd. 2. **Seasonal load restriction.** ~~Except for portland cement concrete roads, (a) Unless restricted as provided in subdivision 1,~~ between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed:

~~(1) five tons on a county highway, town road, or city street that has not been restricted as provided in subdivision 1; an unpaved street or highway; or~~

(2) ten tons on a paved street or highway.

(b) The gross weight on consecutive axles on an unpaved street or highway shall not exceed the gross weight allowed in sections 169.822 to 169.829 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.

Sec. 19. Minnesota Statutes 2008, section 174.64, subdivision 4, is amended to read:

Subd. 4. **Petition, notice, and hearing.** (a) With respect to those matters within the commissioner's jurisdiction, the commissioner shall receive, hear, and determine all petitions filed with the commissioner in accordance with the procedures established by law and may hold hearings and make determinations upon the commissioner's own motion to the same extent, and in every instance, in which the commissioner may do so upon petition.

~~(b) Upon receiving a petition filed pursuant to section 221.121, subdivision 1, or 221.151, the commissioner shall give notice of the filing of the petition to representatives of associations or other interested groups or persons who have registered their names with the commissioner for that purpose and to whomever the commissioner deems to be interested in the petition. The commissioner may grant or deny the request of the petition 30 days after notice of the filing has been fully given.~~

~~(c)~~ (b) If the commissioner receives a written objection and notice of intent to appear at a hearing to object to the petition from any person within 20 days of the notice having been fully given, the request of the petition must be granted or denied only after a contested case hearing has been conducted on the petition, unless the objection is withdrawn before the hearing. The commissioner may elect to hold a contested case hearing if no objections to the petition are received. If a timely objection is not received, or if received and withdrawn, and the request of the petition is denied without hearing, the petitioner may request within 30 days of receiving the notice of denial, and must be granted, a contested case hearing on the petition.

Sec. 20. Minnesota Statutes 2008, section 174.66, is amended to read:

**174.66 CONTINUATION OF CARRIER RULES.**

(a) Orders and directives in force, issued, or promulgated under authority of chapters 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the commissioner of transportation. To the extent allowed under federal law or regulation, rules adopted under authority of the following sections are transferred to the commissioner of transportation and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the commissioner:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits ~~or certificates of convenience and necessity~~ under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under sections 221.121 and 221.151.

(b) The commissioner shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives.

Sec. 21. Minnesota Statutes 2008, section 221.012, subdivision 19, is amended to read:

Subd. 19. **Household goods.** "Household goods" means personal effects and property used or to be used by the owner in the owner's dwelling; ~~furniture, fixtures, equipment and property of business places and institutions, public or private, when a part of the stock, equipment, supplies or property of such establishments.~~

Sec. 22. Minnesota Statutes 2008, section 221.012, subdivision 29, is amended to read:

Subd. 29. **Permit.** "Permit" means the license, ~~or franchise, which~~ that may be issued to motor carriers ~~other than regular route common carriers of passengers, class I common carriers, and petroleum carriers,~~ under the provisions of this chapter, authorizing the use of the highways of Minnesota for transportation for hire.

Sec. 23. Minnesota Statutes 2008, section 221.021, subdivision 1, is amended to read:

Subdivision 1. **Registration certificate or permit required.** No person may operate as a motor carrier or advertise or otherwise hold out as a motor carrier without a certificate of registration or permit in effect. A certificate or permit may be suspended or revoked upon conviction of violating a provision of sections 221.012 to ~~221.296~~ 221.291 or an order or rule of the commissioner governing the operation of motor carriers, and upon a finding by the court that the violation was willful. The commissioner may, for good cause after a hearing, suspend or revoke a certificate or permit for a violation of a provision of sections 221.012 to ~~221.296~~ 221.291 or an order issued or rule adopted under this chapter.

Sec. 24. Minnesota Statutes 2008, section 221.022, is amended to read:

**221.022 EXCEPTION.**

The powers granted to the commissioner under sections 221.012 to ~~221.296~~ 221.295 do not include the power to regulate any service or vehicles operated by the Metropolitan Council or to register passenger transportation service provided under contract to the department or the Metropolitan Council. A provider of passenger transportation service under contract to the department or the Metropolitan Council may not also provide service as a motor carrier of passengers without first having registered under section 221.0252.

Sec. 25. Minnesota Statutes 2008, section 221.025, is amended to read:

**221.025 EXEMPTIONS.**

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:

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



parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected and certified under section 169.451;

(2) the transportation of solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.012, subdivision 18;

(3) a commuter van as defined in section 221.012, subdivision 9;

(4) authorized emergency vehicles as defined in section 169.011, subdivision 3, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(5) the transportation of grain samples under conditions prescribed by the commissioner;

(6) the delivery of agricultural lime;

(7) 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;

(8) 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;

(9) 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;

(10) 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 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;

(11) 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~~;

(12) 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;

(13) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a 100-mile radius from the person's home post office and the carrier may transport other commodities within the 100-mile radius if the destination of each haul is a farm;

(14) 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; and

(15) transportation of potatoes from the field of production, or a storage site owned or otherwise controlled by the producer, to the first place of processing.

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

Sec. 26. Minnesota Statutes 2008, section 221.026, subdivision 2, is amended to read:

Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor carrier of property is exempt from sections 221.021; ~~221.072~~; 221.121; 221.122; 221.123; 221.131; 221.132; 221.151; 221.161; 221.172, ~~subdivisions~~ subdivision 3 to 8; and 221.185, except as provided in subdivision 4; ~~and 221.296~~. The exemptions in this subdivision do not apply to a motor carrier of property while transporting household goods.

Sec. 27. Minnesota Statutes 2008, section 221.026, subdivision 5, is amended to read:

Subd. 5. **Local regulation.** Section 221.091 applies to registration statements under this section to the same extent that it applies to certificates and permits issued by the ~~board~~ commissioner.

Sec. 28. Minnesota Statutes 2008, section 221.0269, subdivision 3, is amended to read:

Subd. 3. **Termination of relief efforts.** (a) Upon termination of direct assistance to an emergency relief effort, a carrier or driver is subject to the requirements of section 221.0314, except that a driver may return empty to a carrier's terminal or the driver's normal work reporting location without complying with that section. A driver who informs the carrier that the driver needs immediate rest must be permitted at least eight consecutive hours off duty before the driver is required to return to the terminal or location. Having returned to the terminal or other location, the driver must be relieved of all duty and responsibilities.

(b) When a driver has been relieved of all duty and responsibilities upon termination of direct assistance to an emergency relief effort, ~~no~~ a carrier shall neither permit or nor require any driver used by it to drive nor shall any such driver drive in commerce until the driver:

(1) has met the requirements of Code of Federal Regulations, title 49, section 395.3, paragraph (a), which is incorporated by reference; and

(2) has had at least 34 consecutive hours off duty if (i) the driver has been on duty for more than 60 hours in any seven consecutive days at the time the driver is relieved of all duty if the employing carrier does not operate every day in the week, or (ii) the driver has been on duty for more than 70 hours in any eight consecutive days at the time the driver is relieved of all duty if the employing carrier operates every day in the week.

(c) For purposes of this section, direct assistance to an emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo not destined for the emergency relief effort, or when the carrier dispatches that driver or vehicle to another location to begin operations in commerce.

Sec. 29. Minnesota Statutes 2008, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, rules, filings.** (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; 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 (1) require holders of household goods mover permits to file schedules of rates and charges, ~~or other data by motor carriers,~~ (2) regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and (3) prescribe other rules as may be necessary to carry out the provisions of this chapter.

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

Sec. 30. Minnesota Statutes 2008, section 221.031, subdivision 3, is amended to read:

Subd. 3. **Vehicle over 10,000 pounds not exempt.** (a) This subdivision applies to persons engaged in intrastate commerce who operate vehicles providing transportation described in section 221.025 with a gross vehicle weight in excess of 10,000 pounds, except school buses, commuter vans, and authorized emergency vehicles.

(b) Persons providing transportation described in section 221.025, clause (6), (10), (12), or (13), must comply with the rules for driving of motor vehicles and for parts and accessories necessary for safe operation.

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (6), (10), (12), or (13), must comply with the rules for driving of motor vehicles; parts and accessories necessary for safe operation; and, ~~after August 1, 1994,~~ the rules for driver qualifications.

Sec. 31. Minnesota Statutes 2008, section 221.031, subdivision 3c, is amended to read:

Subd. 3c. **Solid waste transporter not exempt.** Persons providing transportation described in section 221.025, clause (2), must comply with the rules for driver qualifications ~~after August 1, 1994,~~ hours of service of drivers; driving of motor vehicles; parts and accessories necessary for safe operation; 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 adopted in section 221.0314.

Sec. 32. Minnesota Statutes 2008, section 221.031, subdivision 6, is amended to read:

Subd. 6. **Vehicle identification rule.** ~~(a)~~ The following carriers shall ~~display the carrier's name on the power unit of each vehicle~~ comply with section 168.185 and with the requirements for marking commercial motor vehicles in Code of Federal Regulations, title 49, section 390.21, which is incorporated by reference:

(1) motor carriers, regardless of the weight of the vehicle, except that this requirement does not apply to a limousine as defined in section 168.002, subdivision 15, that is equipped with "LM" license plates;

(2) interstate and intrastate private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds; and

(3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds except those providing transportation described in section 221.025, clauses (1), (3), and (4).

~~Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles section 168.185, paragraph (d), 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. 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.~~

~~(c) The name 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 may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.~~

Sec. 33. Minnesota Statutes 2008, section 221.0314, subdivision 2, is amended to read:

Subd. 2. **Qualification of driver.** Code of Federal Regulations, title 49, part 391 and appendixes D and E, are incorporated by reference except for sections 391.2; 391.11, paragraph (b)(1); 391.47; 391.49; 391.62; 391.64; 391.67; 391.68; and 391.69, ~~391.71, and 391.73~~. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference.

Sec. 34. Minnesota Statutes 2008, section 221.0314, subdivision 3a, is amended to read:

Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13). A waiver granted under this subdivision applies to intrastate transportation only.

(b) A person who wishes to obtain a waiver under this subdivision must give the commissioner the following information:

- (1) the applicant's name, address, and telephone number;
- (2) the name, address, and telephone number of an employer coapplicant, if any;
- (3) a description of the applicant's experience in driving the type of vehicle to be operated under the waiver;
- (4) a description of the type of driving to be done under the waiver;
- (5) a description of any modifications to the vehicle the applicant intends to drive under the waiver that are designed to accommodate the applicant's medical condition or disability;
- (6) whether the applicant has been granted another waiver under this subdivision;

- (7) a copy of the applicant's current driver's license;
- (8) a copy of a medical examiner's certificate showing that the applicant is medically unqualified to drive unless a waiver is granted;
- (9) a statement from the applicant's treating physician that includes:
- (i) the extent to which the physician is familiar with the applicant's medical history;
  - (ii) a description of the applicant's medical condition for which a waiver is necessary;
  - (iii) assurance that the applicant has the ability and willingness to follow any course of treatment prescribed by the physician, including the ability to self-monitor or manage the medical condition; and
  - (iv) the physician's professional opinion that the applicant's condition will not adversely affect the applicant's ability to operate a motor vehicle safely; and
- (10) any other information considered necessary by the commissioner including requiring a physical examination or medical report from a physician who specializes in a particular field of medical practice.
- (c) In granting a waiver under this subdivision, the commissioner may impose conditions the commissioner considers necessary to ensure that an applicant is able to operate a motor vehicle safely and that the safety of the general public is protected.
- (d) A person who is granted a waiver under this subdivision must:
- (1) at intervals specified in the waiver, give the commissioner periodic reports from the person's treating physician, or a medical specialist if the commissioner so requires in the waiver, that contain the information described in paragraph (b), clause (9), together with a description of any episode that involved the person's loss of consciousness or loss of ability to operate a motor vehicle safely; and
  - (2) immediately report the person's involvement in an accident for which a report is required under section 169.09, subdivision 7.
- (e) The commissioner shall deny an application if, during the three years preceding the application:
- (1) the applicant's driver's license has been suspended under section 171.18, paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked under section 171.17, 171.172, or 171.174; or
  - (2) the applicant has been convicted of a disqualifying offense, as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b)(2), which is incorporated by reference.
- (f) The commissioner may deny an application or may immediately revoke a waiver granted under this subdivision. Notice of the commissioner's reasons for denying an application or for revoking a waiver must be in writing and must be mailed to the applicant's or waiver holder's last known address by certified mail, return receipt requested. A person whose application is denied or whose waiver is revoked is entitled to a hearing under chapter 14.
- (g) A waiver granted under this subdivision expires on the date of expiration shown on the medical examiner's certificate described in paragraph (b), clause (8).

Sec. 35. Minnesota Statutes 2008, section 221.0314, subdivision 9, is amended to read:

Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), (m), and (n) of section 395.1 ~~and section 395.13~~ of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

Sec. 36. Minnesota Statutes 2008, section 221.033, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** Except as provided in subdivisions 2 to 3, no person may transport or offer or 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 5101 to 5126 and the provisions of Code of Federal Regulations, title 49, parts 171 to 199, which are incorporated by reference. Those provisions apply to transportation in intrastate commerce to the same extent they apply to transportation in interstate commerce.

Sec. 37. Minnesota Statutes 2008, section 221.033, subdivision 2, is amended to read:

Subd. 2. **Exemption for farmer.** (a) This subdivision applies to persons engaged in intrastate commerce.

(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 rules ~~adopted~~ incorporated in section 221.0314, subdivisions 2 to 5, for driver qualifications or with the shipping paper requirements of the Code of Federal Regulations, title 49, ~~sections~~ section 172.200 ~~and~~, 177.817, ~~or with section 397.7(B) or 397.9(A),~~ paragraph (b), 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 10,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

Sec. 38. Minnesota Statutes 2008, section 221.121, subdivision 1, is amended to read:

Subdivision 1. **Petition Application; scope.** (a) A person desiring to operate as a ~~permit household goods carrier, except as provided in subdivision 5 or section 221.296, shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. Letters of shipper support must be filed with the petition shall file an application with the commissioner on a form the commissioner prescribes. No person shall knowingly make a false or misleading statement in a petition an application.~~

(b) The commissioner 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, provided that no person who holds a permit at the time sections 221.012 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections~~

~~221.012 to 221.291~~ to an applicant who has filed an application complying with this subdivision, who has paid the required fee, and who has complied with the financial responsibility requirements in section 221.141. The commissioner shall not issue a permit to an applicant who has an unsatisfactory safety rating.

(c) 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 governing permit carriers.

~~(d) 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 221.012 to 221.291 prevents the commissioner 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. All permits granted to household goods carriers must allow statewide operation. Notwithstanding any geographical restrictions imposed upon a permit at the time it was granted or any state law or rule to the contrary, the holder of a household goods permit may operate statewide.~~

Sec. 39. Minnesota Statutes 2008, section 221.121, subdivision 7, is amended to read:

Subd. 7. **Fee.** The 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~~ applied for under this section.

Sec. 40. Minnesota Statutes 2008, section 221.122, subdivision 1, is amended to read:

Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order issued by the commissioner which grants a certificate or permit must contain a service date.

(b) The person to whom the order granting the certificate or permit is issued shall do the following within 45 days from the service date of the order:

(1) register vehicles which will be used to provide transportation under the permit or certificate with the commissioner and pay the vehicle registration fees required by law;

(2) file and maintain insurance or bond as required by ~~sections~~ section 221.141 ~~and 221.296~~ and rules of the commissioner; and

(3) file rates and tariffs as required by section 221.161 and rules of the commissioner.

Sec. 41. Minnesota Statutes 2008, section 221.123, is amended to read:

**221.123 EFFECT OF DEATH OF HOUSEHOLD GOODS CARRIER PERMIT HOLDER.**

This section governs the transfer of a household goods carrier 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 district 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 commissioner 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. 42. Minnesota Statutes 2008, section 221.132, is amended to read:

**221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARD.**

For special or extraordinary events, the commissioner may issue a prepaid temporary vehicle identification card to a permit or certificate holder subject to section 221.131, subdivision 2 or 3, for a fee of \$5 per card. The card must be preprinted by the commissioner with the carrier's name, address, and permit or certificate number. The card may be used by the motor carrier to whom it is issued to identify a vehicle temporarily added to its fleet, if the vehicle has evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), or under Code of Federal Regulations, title 49, section 396.17 or 396.23, paragraph (b)(1), which are incorporated by reference, within the previous 12 months, or has a current Commercial Vehicle Safety Alliance decal. The card must be executed by the motor carrier by dating and signing the card and describing the vehicle in which it will be carried. The identification card is valid for a period of ten days from the date the motor carrier places on the card when the card is executed. The card must be used within one year from the date of issuance by the commissioner. The card may not be used if the permit or certificate is not in full force and effect. The card may not be transferred. The commissioner may not refund the cost of unused prepaid temporary vehicle identification cards.

Sec. 43. Minnesota Statutes 2008, section 221.151, subdivision 1, is amended to read:

Subdivision 1. **Petition.** (a) ~~Permits, except livestock permits,~~ issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment ~~after notice and hearing.~~

(b) ~~The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits,~~ shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner from the contents of the petition and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service, the commissioner may make an order granting the sale or lease. ~~Provided, however, that the commissioner shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit other than local cartage carrier permit from the commissioner under this chapter or to a common carrier by rail.~~

(c) The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.



(d) If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

Sec. 44. Minnesota Statutes 2008, section 221.161, subdivision 1, is amended to read:

Subdivision 1. **Filing; hearing upon board initiative; ~~armored carrier exemption.~~** ~~(a) Except as provided in paragraph (b),~~ A permit household goods carrier, including a livestock carrier but not including a local cartage carrier, shall file and maintain with the commissioner a tariff showing rates and charges for transporting ~~persons or property~~ household goods. 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 that are unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section, after notification and investigation by the department, the ~~board~~ commissioner may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the permit household goods 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 household goods carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. ~~Tariffs for 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.

~~(b) A holder of an armored carrier permit is not required to file a tariff under this subdivision for the service authorized by the armored carrier permit.~~

Sec. 45. Minnesota Statutes 2008, section 221.161, subdivision 4, is amended to read:

Subd. 4. **Hearing on merits of rates and charges.** The commissioner, (1) after a suspension and hearing upon a schedule of rates and charges, or upon complaint, or upon the commissioner's own initiative, either in extension of an existing complaint or without a complaint whatever, (2) after department investigation and petition, (3) upon notice to the permit carrier or tariff agent proposing, maintaining, or charging a schedule of rates and charges on a single group of related commodities, and (4) upon notice to the users of the service and competitive carriers by motor vehicle and rail, may assign for hearing the schedule of rates and charges proposed, maintained, or charged by any or all permit carriers. Upon a finding, after a hearing, that the schedule of rates and charges are

unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the commissioner may prescribe minimum rates and charges and the rates, rules, and practices thereafter to be maintained and applied by the permit carrier or tariff agent. In the hearing the burden of proof is upon the permit carrier or tariff agent whose schedules of rates and charges are under investigation to show that the schedules are not below a minimum reasonable level or are not noncompensatory. ~~Schedules of rates and charges for the transportation of livestock are not subject to rejection, suspension, postponement, or investigation by the commissioner except as provided in subdivisions 2 and 3.~~

Sec. 46. Minnesota Statutes 2008, section 221.171, is amended to read:

**221.171 COMPENSATION OF ~~PERMIT~~ HOUSEHOLD GOODS CARRIER FIXED.**

Subdivision 1. **Compensation fixed by schedule on file.** No ~~permit~~ household goods carrier shall charge or receive a greater, lesser, or different compensation for the transportation of persons or property or for related service, than the rates and charges named in the carrier's schedule on file and in effect with the commissioner including any rate fixed by the commissioner under section 221.161; nor shall a ~~permit~~ household goods carrier refund or remit in any manner or by any device, directly or indirectly, the rates and charges required to be collected by the carrier under the carrier's schedules or under the rates, if any, fixed by the commissioner.

Subd. 2. **Exemptions, ~~household goods.~~** (a) A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government where competitive bids are required by law is exempt from subdivision 1.

(b) A person engaged in the transportation of household goods at the request of a nonprofit charitable organization that qualifies for tax exemption under section 501(c)(3) of the Internal Revenue Code is exempt from subdivision 1 when the transportation is in furtherance of the organization's charitable purpose. A person engaged in the transportation of household goods for a charitable organization may conduct the transportation ~~without restriction to the geographic area the carrier is authorized to serve under section 221.121 statewide.~~

Sec. 47. Minnesota Statutes 2008, section 221.172, subdivision 3, is amended to read:

Subd. 3. **~~Class I, class II, or temperature-controlled commodities carrier; Household goods mover.~~** (a) A ~~class I carrier, class II carrier, household goods mover, and a holder of a temperature-controlled commodities permit~~ shall keep a record of each shipment transported under a ~~certificate or~~ permit. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;

~~(4) number of packages, if applicable to the rating of the freight or if the carrier's operating authority includes a package or article restriction, unless the shipment is transported by a household goods mover;~~

~~(5) description of the freight;~~

~~(6) (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the carrier's operating authority includes a weight restriction;~~

~~(7) (6) exact rate or rates assessed;~~

~~(8) (7) total charges due, including the nature and amount of any charges for special service; and~~

~~(9) (8) the name of each carrier participating in the transportation; and~~

~~(10) after January 1, 1994, any terminals through which the shipment moved.~~

Sec. 48. Minnesota Statutes 2008, section 221.185, subdivision 2, is amended to read:

Subd. 2. **Notice of suspension.** (a) Failure to file and maintain insurance, renew permits under section 221.131, or to pay annual vehicle registration fees ~~or renew permits under section 221.131 or 221.296, or to maintain in good standing a protective agent's or private detective's license required under section 221.121, subdivision 6g, or 221.153, subdivision 3,~~ suspends a motor carrier's permit or certificate two days after the commissioner sends notice of the suspension by certified mail, return receipt requested, to the last known address of the motor carrier.

(b) In order to avoid permanent cancellation of the permit or certificate, the motor carrier must do one of the following within 45 days from the date of suspension:

(1) comply with the law by filing insurance or bond, renewing permits, or paying vehicle registration fees; or

(2) request a hearing before the commissioner regarding the failure to comply with the law.

Sec. 49. Minnesota Statutes 2008, section 221.185, subdivision 4, is amended to read:

Subd. 4. **Grounds for cancellation.** Except as provided in subdivision 5a, failure to comply with the requirements of ~~sections~~ section 221.141 and 221.296 relating to bonds and insurance, ~~221.131 relating to permit renewal, or 221.131 or 221.296 relating to annual vehicle registration or permit renewal, 221.121, subdivision 6g, or 221.153, subdivision 3, relating to protective agent or private detective licensure, or failure to request a hearing within 45 days of the date of suspension,~~ is deemed an abandonment of the motor carrier's permit or certificate and the permit or certificate must be canceled by the commissioner.

Sec. 50. Minnesota Statutes 2008, section 221.185, subdivision 5a, is amended to read:

Subd. 5a. **Reinstatement after cancellation.** A motor carrier whose permit or certificate is canceled for failure to comply with ~~sections~~ section 221.141 and 221.296 relating to bonds and insurance may ask the commissioner to review the cancellation. Upon review, the commissioner shall rescind the cancellation if (1) the motor carrier presents evidence showing that before the effective date of the notice of cancellation issued under subdivision 5, the motor carrier had obtained and paid for the insurance required by ~~sections~~ section 221.141 and 221.296, and the rules of the commissioner, and

(2) the commissioner is satisfied that the motor carrier has complied with the requirements of ~~sections~~ section 221.141 and 221.296 and the rules of the commissioner.

Sec. 51. Minnesota Statutes 2008, section 221.185, subdivision 9, is amended to read:

Subd. 9. **New petition.** If the holder of a canceled permit or certificate seeks authority to operate as a motor carrier it shall file a petition with the commissioner for a permit or certificate as provided in section 221.121 ~~or 221.296, whichever is applicable.~~

Sec. 52. Minnesota Statutes 2008, section 221.605, subdivision 1, is amended to read:

Subdivision 1. **Federal regulations and state rules.** (a) Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier regulations in Code of Federal Regulations, title 49, parts 40, 382, 383, 387, and 390 through 398, which are incorporated by reference, 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, 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 and alcohol 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 40.85. Persons subject to this section may test for drugs, in addition to those listed in Code of Federal Regulations, title 49, section 40.85, only in accordance with sections 181.950 to 181.957 and rules adopted under those sections.

Sec. 53. Minnesota Statutes 2008, section 221.68, is amended to read:

**221.68 REGISTRATION VIOLATIONS; PENALTIES.**

Any person who violates or procures, aids, or abets violation of, or fails to comply with, the provisions of ~~Laws 1985, chapter 299, sections 27 to 29~~ section 221.60, 221.65, or 221.67 or any valid order or rule of the commissioner issued hereunder ~~shall be~~ is guilty of a misdemeanor; and, additionally, ~~shall be~~ is subject to a penalty of \$50 for each and every day of such failure to so comply, to be recovered for the state in a civil action. Each distinct violation ~~shall be~~ is a separate offense.

Sec. 54. Minnesota Statutes 2008, section 221.81, subdivision 3d, is amended to read:

Subd. 3d. **Identification.** ~~(a)~~ A building mover is required to comply with section 221.031, subdivision 6. The mover's name and address USDOT number 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. 55. **REVISION OF RULES.**

The commissioner of transportation shall repeal, amend, and adopt revisions to rules relating to motor carriers contained in Minnesota Rules, chapters 7800, 7805, 8850, 8855, and 8920, and may use the expedited process for adopting rules under Minnesota Statutes, section 14.389.

Sec. 56. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the headnote for Minnesota Statutes, section 221.121, to read "HOUSEHOLD GOODS MOVER PERMIT."

Sec. 57. **REPEALER.**

Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions 1b and 5; 169.832, subdivisions 11 and 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12, 21, 23, 24, 30, 32, 39, 40, and 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, and 6f; 221.131, subdivision 2a; 221.141, subdivision 6; 221.151, subdivisions 2 and 3; 221.153; 221.172, subdivisions 4, 5, 6, 7, and 8; and 221.296, subdivisions 3, 4, 5, 6, 7, and 8, are repealed.

Sec. 58. **EFFECTIVE DATE.**

Sections 2, 32, and 54 are effective August 1, 2011.

Presented to the governor May 8, 2009

Signed by the governor May 12, 2009, 10:14 p.m.