

Section 1. [375.47] **Counties; expense allowances for members of boards and agencies.** [Subdivision 1.] Except in counties containing a city of the first class, the board of county commissioners of each county may, by resolution, set a reasonable allowance for expenses or a per diem allowance in lieu of expenses and a mileage allowance to be paid the members of boards or agencies authorized by statute, performing duties for all or part of the county, when the board or agency does not itself have power to make expense allowances for its members. The allowances shall be paid from the funds under the administration of the boards or agencies.

Sec. 2. [Subd. 2.] No member of a board or agency shall receive an allowance for expenses, or a per diem allowance in lieu of expenses, or a mileage allowance pursuant to section 1, if in another capacity he receives from the county under authority of any other statute or resolution either:

(a) an allowance for or per diem allowance in lieu of the same expenses or mileage; or

(b) a fixed amount, whether as part of his salary or otherwise, for expenses of like kind incurred in the performance of his duties in such other capacity.

Approved March 14, 1967.

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CHAPTER 79—H. F. No. 44

[Coded]

*An act relating to local cartage carriers; defining local cartage carriers; requiring local cartage carriers to obtain permits to act as such.*

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

Section 1. [221.296] **Local cartage carriers.** Subdivision 1. **Definition.** "Local cartage carrier" means a person engaged in transporting property or freight for hire when the movement is entirely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by Minnesota Statutes, Section 221.011, Subdivision 17. "Local cartage carrier" does not mean (1) a person engaged in transporting household goods, rubbish as defined in Minnesota Statutes, Section 443.27, or petroleum products; (2) a person engaged in agricultural pur-

**Changes or additions indicated by italics, deletions by strikeout.**

suits who owns and uses a truck for transporting the products of his farm; (3) a manufacturer, producer, dealer or distributor who in the pursuit of his own business owns and uses trucks for the purpose of transporting his own products; (4) a permit carrier as defined in Minnesota Statutes, Section 221.011; (5) a cartage service performed or to be performed by, for, or on behalf of a common carrier by rail or truck or any motor carrier subsidiary or affiliate of such common carrier by rail or truck; and (6) an exempt carrier as defined in Minnesota Statutes, Section 221.011, Subdivision 22, Clauses (a), (b), (c), (d), (e), (f), and (h).

**Subd. 2. Rules and regulations for safety and service.** The railroad and warehouse commission shall prescribe rules and regulations for the operation of all local cartage carriers, including their facilities, accounts, service, safety of operation and equipment, maximum hours of service of drivers, installation of safety devices and proper automatic speed regulators if, in the opinion of the commission, there is a necessity therefor. It may require the filing of annual and other reports and shall regulate such local cartage carriers in all matters affecting the relationship between them and the shipping public, and prescribe such other rules and regulations as may be necessary to carry out the provisions of this act. The commission shall investigate the operation of all local cartage carriers, their compliance with all rules and regulations of the commission and with the provisions of this act and may institute and prosecute any and all actions and proceedings in the proper district court for enforcement of the same. The provisions of Minnesota Statutes, Sections, 221.161 and 221.171 do not apply to local cartage carriers.

**Subd. 3. Permits required.** No person shall operate a local cartage carrier without a permit in full force and effect with respect to such operation. The commission may revoke or suspend the permit of any local cartage carrier after notice and hearing for violating any provision of this act or any rule or regulation of the commission governing local cartage carriers.

**Subd. 4. Application for permits.** Any person desiring to operate hereunder as a local cartage carrier shall file a petition with the commission specifying the service offered, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the commission may require. The commission, after notice to interested parties, shall issue the permit upon compliance with all laws and regulations relating thereto unless it finds the applicants' vehicles do not meet the safety standards set up by the commission, or that applicant is not fit and able to conduct the proposed operations, provided a person who

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operated as a local cartage carrier at the time this act takes effect shall not be denied a permit upon compliance with the other provisions of this act. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and rules of the commission governing local cartage carriers.

Subd. 5. **Permit fees.** Upon filing of a petition for a permit the applicant shall pay to the state treasury as a fee for the issuance thereof the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 if the local cartage carrier operates less than five motor vehicles, or \$100 if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 if the local cartage carrier operates 15 or more vehicles. Upon issuance of the permit the commission shall assign the carrier a permit number, which shall be painted or prominently displayed on both sides of all vehicles used by the local cartage carrier under authority of said permit.

Subd. 6. **Bonds.** Local cartage carriers shall comply with the requirements of Minnesota Statutes, Section 221.141, and before any such permit shall be issued to a local cartage carrier or renewed, such carrier shall secure and file with the commission and keep the same at all times in full effect, a third party liability bond with corporate surety in the amount of \$5,000 conditional, to pay to the owner all damages to the property being transported by such carrier and all other liabilities to the consignor or consignee arising from the transportation, including conversions of money or property; provided, however, that the aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of such bond.

Subd. 7. **Limitations.** Nothing in this section shall be construed in any manner as taking from or curtailing the right of any city or village to reasonably regulate or control the routing, parking, speed or the safety of operation of any motor vehicle operated by local cartage carriers, nor the general police powers of any city or village of its highways, nor as abrogating any provision of the charter of any city requiring conditions to be complied with before such local cartage carrier can use the highways of such city, and such rights and powers hereby stated are reserved and granted to such city; but no city or village shall prohibit or deny the use of the public highways within its territorial boundaries by any local cartage carrier for the transportation of property received within its boundaries to destinations beyond such boundaries, or for the transportation of property from points beyond such boundaries to destinations within the same, or for transporting property from points beyond such boundaries

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through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a permit issued by the commission.

Sec. 2. **Effective date.** This act is effective January 1, 1968.

Approved March 15, 1967.

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CHAPTER 80—H. F. No. 690

[Not Coded]

*An act authorizing the conveyance of certain state lands in Isanti county to the village of Cambridge.*

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

**Section 1. Conveyance of state lands; village of Cambridge.** The governor, upon recommendation of the commissioner of public welfare, shall transfer and convey by quitclaim deed, in such form as the attorney general approves, in the name of the state of Minnesota, to the village of Cambridge, a municipal corporation, for such consideration as agreed upon, the following described lands in Isanti county:

A strip of land 33 feet wide and approximately  $\frac{1}{4}$  mile long, in the S- $\frac{1}{2}$  of the SE- $\frac{1}{4}$  of Section 32, T36N, R23W, which lies West of Lot 10 and Lot 11 Auditors Subdivision No. 9, Village of Cambridge, and which is described by metes and bounds as follows: Commencing at the SW corner of said Lot 10, being the SW corner of the village limits; thence North along the West line of said Lots 10 and 11, being the West line of the village limits, a distance of approximately 1320 feet to the NW corner of said Lot 11; thence Westerly a distance of approximately 33 feet; thence South along a line that is 33 feet West and parallel to the West line of said Lots 10 and 11 to the South line of said Section 32; thence Easterly to the SW corner of said Lot 10 to point of commencement and there to terminate.

Approved March 15, 1967.

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