

**CHAPTER 8860**  
**DEPARTMENT OF TRANSPORTATION**  
**INTERMODAL PROGRAMS DIVISION**  
**TANK MOTOR VEHICLES; VARIANCES**

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**8860.0100 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Cargo tank.** "Cargo tank" means a tank permanently attached to or forming a part of a motor vehicle or a bulk liquid or compressed gas packaging not permanently attached to a motor vehicle that by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 4. **Tank motor vehicle.** "Tank motor vehicle" means a motor vehicle to which a cargo tank is attached.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

**8860.0200 SCOPE.**

Parts 8860.0200 to 8860.0800 apply to a tank motor vehicle that:

- A. transports gasoline;
- B. has a cargo tank with a capacity of 3,000 gallons or less;
- C. has a cargo tank that was manufactured between 1950 and 1975 to transport petroleum;
- D. is used only in intrastate transportation; and

E. fails to comply with cargo tank specifications in Code of Federal Regulations, title 49, sections 178.340 to 178.341-7, as amended through November 1, 1985, which are incorporated by reference. A cargo tank that does not bear the manufacturer's metal certification plate described in section 178.340-10, paragraph (b) or a cargo tank for which a manufacturer's metal certification plate cannot be obtained fails to comply with the cargo tank specifications.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

**8860.0300 GENERAL REQUIREMENT.**

A person who transports gasoline in a tank motor vehicle described in part 8860.0200 must comply with the federal regulations adopted in Minnesota Statutes, section 221.033, subdivision 1, or must obtain a variance under parts 8860.0400 to 8860.0800.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

**8860.0400 PROCEDURAL REQUIREMENTS.**

The commissioner shall grant a variance to the owner of a tank motor vehicle described in part 8860.0200 to allow that tank to be operated in intrastate transportation in Minnesota notwithstanding noncompliance with the specification regulations incorporated by reference in part 8860.0200 when the applicant:

A. submits an application for a variance and registers each tank motor vehicle to be operated under the variance on a form prescribed by the commissioner under part 8860.0600;

B. certifies that the cargo tank on each tank motor vehicle for which a variance is sought has been inspected visually within the preceding two years and marked according to the requirements of Code of Federal Regulations, title 49, section 177.824, paragraphs (b) and (h), as amended through November 1, 1985, which are incorporated by reference, and that each vehicle meets those requirements; and

C. certifies that a cargo tank on a tank motor vehicle described in part 8860.0500 for which a variance is sought has been hydrostatically or pneumatically tested according to and meets the requirements of Code of Federal Regulations, title 49, section 177.824, paragraph (d), as amended through November 1, 1985, which are incorporated by reference.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

#### **8860.0500 HYDROSTATIC OR PNEUMATIC TESTING.**

The following cargo tanks must be hydrostatically or pneumatically tested:

A. a cargo tank that has been out of service transporting dangerous articles for one year or more before the date on which the application is submitted to the commissioner;

B. a cargo tank that has been involved in an accident in which it may have been dented, torn, or damaged so as to affect its product retention integrity; or

C. a cargo tank that has a shell that has been modified since the original manufacture date of the tank.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

#### **8860.0600 APPLICATION FOR VARIANCE.**

An application for a variance must describe:

A. the name of the tank motor vehicle owner;

B. the owner's business name, address, telephone number, and any intrastate permit or certificate number held by the owner;

C. the number of tank motor vehicles for which a variance is sought, and the serial number, date of manufacture, and date of last visual inspection of each cargo tank;

D. the capacity of each cargo tank in gallons;

E. the name of the manufacturer of each cargo tank; and

F. the name and business address of the operator or lessee of a tank motor vehicle described in the application.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

#### **8860.0700 COMMISSIONER'S DUTIES.**

Subpart 1. **Grants or denies.** Within 30 days of receiving a variance application, the commissioner shall either grant or deny the variance. The commissioner shall prepare a written explanation of each denial or grant. The application may be resubmitted.

Subp. 2. **Effective life; revocation.** A variance is effective for the life of the cargo tank, but must be revoked by the commissioner when the cargo tank fails to comply with the visual or hydrostatic test and marking requirements described in part 8860.0400.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*

#### **8860.0800 ADDITIONAL REQUIREMENTS.**

Subpart 1. **Ownership transferred.** A person who sells a cargo tank or tank motor vehicle for which a variance has been granted shall report the name of the buyer to the commissioner in writing within 30 days of the sale.

Subp. 2. **Copy goes with tank.** A copy of the variance must be carried in the tank motor vehicle operated under the variance.

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Subp. 3. **Date of last test or inspection shown.** A tank motor vehicle operated under a variance granted under part 8860.0400 must show the date of the last test or visual inspection according to the requirements of Code of Federal Regulations, title 49, section 177.824, paragraph (h), as amended through November 1, 1985.

**Statutory Authority:** *MS s 221.033 subd 3*

**History:** *11 SR 690*