

CHAPTER 7800
DEPARTMENT OF TRANSPORTATION
MOTOR CARRIER OPERATIONS

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7800.0100 DEFINITIONS.

Subpart 1. [Repealed, L 2003 1Sp19 art 2 s 79]

Subp. 2. [Repealed, 13 SR 38]

Subp. 3. [Repealed, L 2003 1Sp19 art 2 s 79]

Subp. 4. **Fit and able.** The term “fit and able” shall mean that the applicant is financially able to conduct the proposed business; that the applicant’s equipment is adequate and properly maintained; that the applicant is competent, qualified, and has the experience necessary to conduct the proposed business; that the applicant is mentally and physically able to comply with rules and statutes of the commissioner of transportation.

Subp. 5. [Repealed, L 2003 1Sp19 art 2 s 79]

Subp. 6. **Household goods.** The term “household goods” means:

A. Personal effects and property used or to be used by the owner in the owner’s dwelling.

B. 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. It does not mean the movement of property of a business concern in the usual course of its business activities.

C. Articles, which because of their unusual nature or value, require the specialized handling and equipment customarily employed in moving household goods.

Subp. 7. **Local cartage carrier.** A “local cartage carrier,” as defined in Minnesota Statutes, section 221.296, is a permit carrier 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 (St. Paul and Minneapolis), and municipalities contiguous thereto and shall be subject to permit carrier rules. All motor carriers of freight engaged in local cartage as herein defined must obtain a local cartage carrier permit covering all vehicles used in such operation.

Subp. 8. **Mobile home.** The term “mobile home” shall mean a transportable structure built on a chassis and designed to be used for residential, commercial, educational, or industrial purposes, with or without a permanent foundation, when connected to the required utilities, and the term “mobile home” shall be deemed to include the following:

A. a double wide mobile home and/or sectional trailer defined as a mobile home, consisting of two or more sections, to be combined horizontally at the site, while still retaining their individual chassis for possible future movement;

B. an expandable mobile home defined as a mobile home with one or more room sections that can be folded, collapsed, or telescoped while being transported and expanded at the site to provide additional cubic capacity; and

C. a modular unit defined as a factory-fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

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Subp. 9. [Repealed, 13 SR 38]

Subp. 10. [Repealed, 13 SR 38]

Subp. 11. **Registered vehicle.** The term “registered vehicle” shall mean the power unit.

Subp. 12. **School activity.** A “school activity” as referred to in Minnesota Statutes, section 221.011, subdivision 21, in a definition of a “charter carrier” shall be construed to mean those activities sponsored and regulated by the school authorities, especially of, or pertaining to, such activities as debating, dramatics, music, and athletics, which form part of the life of the students, but are not part of the regular courses of study. The transportation of participants and student spectators accompanied by a mentor or counselor attending such school activities, when under the supervision or authority of the school, shall be construed to be a school activity, and shall not be that of a charter carrier.

Subp. 13. **Shipper.** The term “shipper” shall mean the supplier of products to be transported.

Subp. 14. **Other terms given practical meaning.** Where terms are used in these rules which are not defined herein they shall have the ordinary practical meaning of such terms, as applicable to the transportation industry.

Statutory Authority: *MS s 221.031; 221.141*

History: *17 SR 1279; L 2001 c 213 s 30; L 2003 1Sp19 art 2 s 79*

7800.0200 SCOPE.

This chapter shall apply to every corporation or person who is operating as a regular route common carrier of freight or passengers, a permit carrier, charter carrier, or a petroleum carrier transporting petroleum products in bulk, either in intrastate commerce or interstate commerce, as defined in Minnesota Statutes, chapter 221. Every motor carrier shall compel compliance with the requirements of this chapter where it is applicable to its employees.

Statutory Authority: *MS s 221.031*

7800.0300 [Repealed, 13 SR 38]

7800.0400 APPLICATIONS FOR CERTIFICATES AND PERMITS.

The commissioner of transportation on request will furnish application forms to any person who desires to apply for a certificate of public convenience and necessity as an RRCC of passengers or freight, a permit or petroleum carrier certificate or petroleum carrier permit. Such forms respectively will indicate the required information.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.0500 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.0600 [Repealed, L 2005 1Sp6 art 3 s 108]

7800.0700 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.0800 APPLICATION FOR TEMPORARY AUTHORITY.

Each application for temporary authority must be accompanied by a supporting statement designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Any shipper’s statement accompanying said application must contain a certification of its accuracy and must be signed by the person or an authorized representative having such immediate and urgent need for motor carrier service. Any such supporting statement must contain at least the following information:

A. description of the specific commodity or commodities to be transported, where the transportation of property is involved;

B. points or areas to, from, or between which such commodities or passengers are to be transported, if service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested;

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C. volume of traffic involved, frequency of movement, and how transported now and in the past;

D. how soon the service must be provided, and the reasons for such time limit;

E. how long the need for such service will likely continue, and whether the persons supporting the temporary application will support a permanent service application;

F. recital of the consequences if service is not made available;

G. the circumstances which created an immediate and urgent need for the requested service;

H. whether efforts have been made to obtain the service from existing carriers, and the dates and results of such efforts;

I. names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal;

J. name and address of motor carrier who will provide service and is filing application for temporary authority; and

K. if the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and motor carrier's number, if known, and state whether such application was granted or denied, and the date of such action, if known.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.0900 CONTINUANCE OF APPLICATION.

No continuance of any application or oral argument thereon set for hearing shall be granted unless the moving party shall file with the commissioner of transportation a request therefor at least five days prior to the day of hearing with a showing of good cause, provided that in cases of emergency arising less than five days prior to the day of hearing a request for a continuance will be entertained by the commissioner where the reasons are adequate and are stated in an affidavit to be filed with the commissioner.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.1000 DENIAL OF APPLICATION AND REAPPLICATION.

When, after hearing, a final order has been entered denying applicant a permit under the provisions of Minnesota Statutes, section 221.121, the commissioner of transportation will not accept another application for a permit for the same kind of transportation until the lapse of one year from the date of the order, except upon a showing of good grounds therefor.

When an application for a permit as a local cartage carrier has been denied, the commissioner will not accept another such application for such permit until the lapse of one year from the date of the order, except upon the showing of good grounds therefor.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.1100 AGE REQUIREMENT.

No permit shall be issued to any person under 18 years of age.

Statutory Authority: *MS s 221.031*

7800.1200 [Repealed, 13 SR 38]

7800.1300 [Repealed, 13 SR 38]

7800.1400 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.1500 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.1600 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.1700 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.1800 [Repealed, L 2001 c 89 s 1]

7800.1900 [Repealed, 13 SR 38]

7800.2000 HOUSEHOLD GOODS CARRIERS.

Subpart 1. **Shipment requires written orders to driver.** Whenever a household goods carrier gives a prospective shipper an estimate of charges, either verbal or written, covering the movement of shipper's household goods, said carrier shall issue a written order to the carrier's driver which shall show the name and pickup address of the shipper, the delivery address of the movement, the time of pickup, the items to be transported, and the estimate of charges for such movement. If, upon arrival at the point where the pickup is to be made, the driver finds that there are additional items to be transported other than those named in the order, or if for other reasons the estimate must be revised, the adjustment of the estimate must be noted on the order and signed by the shipper. A copy of said order or estimate must be given to the shipper.

Subp. 2. **Insurance coverage on shipment.** The household goods carrier, at the time of loading the shipment, shall specifically call the shipper's attention to the released value of the goods as fixed in its tariff and by part 7800.2100 and shall notify the shipper that anything above the released value must be insured by the shipper if the shipper is to recover more than the released value in case of loss or damage. If the shipper shall request insurance coverage for the excess (or entire) value, upon tender by the shipper to the carrier of the cost of such insurance, the carrier shall obtain for the shipper a policy of insurance in the amount required by the shipper and at or before the time of the pickup of such goods shall deliver to the shipper evidence of such insurance coverage. If the carrier fails to notify the shipper in writing of the released value limitation or that insurance coverage is available or any shipper has ordered and paid for insurance and the carrier fails to deliver evidence of such insurance coverage at or before the time of the pick up of the shipment, the carrier shall be responsible for the full value of all items of the household goods shipment lost or damaged while being loaded or transported or unloaded by the carrier.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2100 BILL OF LADING ISSUED FOR SHIPMENT.

In the case of any intrastate move, the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to \$1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding

(To be completed by the person signing below)

Notice: The shipper signing this contract must insert in the space above in the shipper's own handwriting, either a declaration of the actual value of the shipment, or the words "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to \$1.25 times the weight of the shipment in pounds.

(Shipper)

(Date)

Provided that: Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportation charges in connection with

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such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill of lading in lieu of the personal signature and handwritten statement relating to released rates.

The shipper may also elect, in lieu of declared value, to purchase trip insurance covering up to full value of the shipment and the carrier shall be permitted to act as an agent in the writing of said insurance.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2200 HOUSEHOLD CARRIER AS STORER.

When a carrier also engages in the storage of household goods and a shipper has stored household goods with such carrier-storer and such carrier-storer has told the shipper that there will be no dock charges when said household goods are reshipped, or if the storage receipt does not show that charges for dockage will be assessed at the time said goods are removed from such warehouse, then such warehouse operator shall make no dockage charge whether the goods are transported by such warehouse operator as carrier or through the services of another carrier.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2300 APPLICATION OF COMMON LAW AND MINNESOTA STATUTES.

Nothing in this chapter shall be construed to hold a carrier liable for loss or damage when such loss or damage is due to a cause for which the carrier is not liable by reason of the common law or the statutes of the state of Minnesota.

Statutory Authority: *MS s 221.031*

7800.2400 ADVERTISING OF HOUSEHOLD GOODS CARRIER.

Subpart 1. Storage service. No carrier of household goods shall advertise or in any way imply or suggest that such carrier will provide storage service unless such carrier holds a warehouse license issued by the commissioner of transportation, or unless the carrier has a currently existing written agreement with a licensed warehouse operator providing for the storage of all property offered for storage by such carrier.

Subp. 2. Agency agreement. No carrier of household goods shall advertise or in any way imply or suggest that such carrier is an agent of any other carrier unless there is a currently existing valid written agency agreement in effect in which the carrier of household goods is made an agent of the other carrier.

Subp. 3. Insurance. No carrier of household goods shall advertise or in any way imply or suggest that such carrier carries insurance which will cover damage or loss to household goods while being loaded or unloaded, or in transit or storage, or otherwise in the care or custody of the carrier, unless such carrier actually carries such insurance.

Subp. 4. Advertisement showing assigned authority number, identification letters. No certificated, permit, household goods, or local cartage carrier shall advertise in any publication, including a telephone directory, unless such advertisement shall contain such carrier's assigned authority number, and the appropriate identification letters.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279; L 2001 c 213 s 30*

7800.2500 LEASED EQUIPMENT.

A motor carrier may lease motor equipment from the owner thereof for use in operations conducted pursuant to the motor carrier's permit or certificate. The lease may include the services of a driver and nothing in this chapter shall be construed to require that such a driver be an employee of the motor carrier lessee.

The purpose of these leasing rules is to ensure that the primary responsibility for the conduct of regulated motor carrier operations remains in the authorized motor carrier, and that the members of the public using motor carrier services are clearly advised of the identity of the responsible carrier, and that the leasing of equipment by an authorized motor carrier from an owner thereof is not a subterfuge for leasing the carrier's permit or certificate to the owner-lessee.

Statutory Authority: *MS s 221.031*

7800.2600 REQUIRED LEASE PROVISIONS.

The lease shall provide for the exclusive possession, control, and use of the equipment, and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said lease, and the lessee shall be considered as the owner of said vehicle during the duration of the lease for all purposes, including public liability insurance, and registration of vehicles with the Department of Public Service. The lease shall state the terms of compensation to be paid to the lessor by the lessee. The lease shall state the date and duration of said lease. The parties to the lease agreement may insert therein any other provisions not contrary to law, and not inconsistent with the rules of the Minnesota commissioner of transportation.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.2700 DUTIES OF THE LESSOR AND LESSEE.

The lease shall be executed in at least three copies. One executed copy shall be retained by the lessee, one executed copy shall be retained by the lessor, and one copy shall be kept with the leased equipment at all times during the term of the lease.

The provisions of the above paragraph shall not apply between motor carriers that have authority as defined under Minnesota Statutes, section 221.011, subdivisions 9, 10, 11, 12, 13, 21, and 24, nor shall it apply to local cartage carriers as defined in Minnesota Statutes, section 221.296.

Lessee's name and address shall be displayed on both sides of the leased and registered vehicle in required lettering. During the time that vehicles under lease are operated by the lessee, there shall be carried in such vehicle bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, and which clearly indicate that the transportation of the property carried is under the responsibility of the lessee as an authorized carrier.

It shall be the duty of the lessee-carrier before taking possession of the equipment to have the same inspected by a qualified person to insure that said equipment is in safe operating condition. The person making the inspection shall certify the results thereof to the lessee, and a copy of such certification shall be carried in the motor vehicle.

All charges paid by a shipper or consignee for transportation services performed with use of leased equipment shall be paid to the lessee only, and the lessor shall exercise no control or dominion over such revenues. The driver of a leased vehicle may, when required, physically collect such charges from the shipper or consignee, but shall immediately deliver all said funds to the lessee. All arrangements for transportation service, solicitation therefor, claims settlement, and all other aspects of motor carrier service shall be conducted by, and in the name of, lessee only, and neither lessee nor the lessor shall by any method of service whatsoever represent or imply, or suggest, to any shipper or consignee, that the motor carrier service being offered or rendered is being offered or rendered by the lessor.

Nothing in this chapter shall be construed to relieve the lessee, the lessor, or the driver of any leased equipment from compliance with the laws, rules, and regulations pertaining to the operation of motor vehicles on Minnesota highways.

Statutory Authority: *MS s 221.031*

RECORDS, REPORTS, AND CLAIMS

7800.2800 RECORDS KEPT BY THE COMMISSIONER.

All motor carriers authorized by the commissioner of transportation must keep full and complete records including operating expense, operating revenue, miles operated, and other-

wise as may be required when the vehicle is operated on an hourly basis in accordance with carrier's filed tariff. In addition, all motor carriers must keep a driver's log, subject to the exceptions in part 7800.5900.

For accounting regulations and filing annual reports refer to parts 7805.0500 to 7805.1300, motor carrier accounting rules.

Freight bills, bills of lading, and all other records of motor carriers will be open to inspection and examination to the commissioner of transportation and the agents thereof at all reasonable times and places. The commissioner may on application or upon the commissioner's own motion, after notice, order any motor carrier authorized by the commissioner to produce such records for examination when and where the commissioner by order directs.

Where a dispute arises between a carrier, consignee or consignor, or a passenger, over a claim, any of the interested parties may refer the claim to the commissioner for investigation.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.2900 BILL OF LADING AND FREIGHT BILLS.

Each motor carrier shall issue or cause to be issued a bill of lading and a receipt bill for all merchandise picked up for shipment and shall issue or cause to be issued a freight bill showing the commodity or commodities transported, classification, rates charged, and total amount for transportation, and any other charges to be made under the tariff. The freight receipt and freight bills may be combined.

Petroleum carriers must issue a bill of lading and freight bill; one copy of the bill of lading shall be delivered to the shipper and one retained by the motor carrier; and one copy of the freight bill shall be retained by the carrier and one copy thereof delivered to the consignee or consignor.

Statutory Authority: *MS s 221.031*

7800.3000 CARRIERS RETAIN COPIES.

All carriers shall retain copies of all records including bills of lading and freight bills for at least three years from the date covered by the document.

Statutory Authority: *MS s 221.031*

7800.3100 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.3200 TIMELY PRESENTMENT OF BILLS.

Subpart 1. [Repealed, L 2005 1Sp6 art 3 s 108]

Subp. 2. **Permit carriers.** Permit carriers must present freight bills showing transportation charges at the time of delivery of the freight and shall collect such charges within 30 days from the date of such delivery. If the consignee fails to pay such charges when the same are due, all further deliveries to such consignee shall be on a cash basis as long as consignee owes unpaid delinquent charges.

Statutory Authority: *MS s 221.031*

History: *L 2005 1Sp6 art 3 s 108*

7800.3300 C.O.D. SHIPMENTS.

All money collected on c.o.d. shipments must be remitted in accordance with terms of bill of lading within ten days from the date of delivery of freight.

All money collected on c.o.d. shipments must be remitted in the amount shown on the bill of lading within ten days from the date of delivery of the freight.

Where a c.o.d. shipment is refused or cannot be delivered, the carrier shall forthwith notify the shipper of such fact and request the shipper for instructions regarding the disposition thereof.

A regular route common carrier may, with the appropriate authority from the commissioner of transportation, restrict its tariffs to the effect that such carrier will not handle c.o.d. shipments unless such carrier is to deliver such c.o.d. shipment.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.3400 DETERMINATION OF LIABILITY ON LOSS OR DAMAGE.

Where loss or damage occurs on an interline shipment, the delivering carrier shall promptly investigate and determine the liability of all loss or damage claims on shipments and make payment to the claimant without requiring claimant to wait for payment until the matter of liability has been adjusted between carriers.

Statutory Authority: *MS s 221.031*

7800.3500 [Repealed, 13 SR 38]

7800.3600 FILING OF CLAIMS AGAINST CARRIERS.

No motor common carrier operating under authority of the commissioner of transportation shall provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months after delivery of the property or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier hereunder shall be liable, and such claims will not be paid.

Statutory Authority: *MS s 221.031*

History: *L 2001 c 213 s 30*

7800.3700 [Repealed, 13 SR 38]

7800.3800 [Repealed, 13 SR 38]

7800.3900 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.4000 [Repealed, 13 SR 38]

7800.4100 [Repealed, 13 SR 38]

7800.4200 [Repealed, 13 SR 38]

7800.4300 [Repealed, 13 SR 38]

7800.4400 [Repealed, 13 SR 38]

7800.4500 [Repealed, 13 SR 38]

7800.4600 [Repealed, 13 SR 38]

7800.4700 [Repealed, 13 SR 38]

7800.4800 [Repealed, 13 SR 38]

7800.4810 [Repealed, L 2003 1Sp19 art 2 s 79]

7800.4900 [Repealed, 13 SR 38]

7800.5000 [Repealed, 13 SR 38]

7800.5100 [Repealed, 13 SR 38]

7800.5200 [Repealed, 13 SR 38]

7800.5300 [Repealed, 13 SR 38]

7800.5400 [Repealed, 13 SR 38]

7800.5500 [Repealed, 13 SR 38]

7800.5600 [Repealed, 13 SR 38]

7800.5700 [Repealed, 13 SR 38]

7800.5800 [Repealed, 13 SR 38]

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- 7800.5900 [Repealed, 13 SR 38]
- 7800.6000 [Repealed, 13 SR 38]
- 7800.6100 [Repealed, 13 SR 38]
- 7800.6200 [Repealed, 13 SR 38]
- 7800.6300 [Repealed, 13 SR 38]
- 7800.6400 [Repealed, 13 SR 38]
- 7800.6500 [Repealed, 13 SR 38]
- 7800.6600 [Repealed, 13 SR 38]
- 7800.6700 [Repealed, 13 SR 38]
- 7800.6800 [Repealed, 13 SR 38]
- 7800.6900 [Repealed, 13 SR 38]
- 7800.7000 [Repealed, 13 SR 38]
- 7800.7100 [Repealed, 13 SR 38]
- 7800.7200 [Repealed, 13 SR 38]
- 7800.7300 [Repealed, 13 SR 38]
- 7800.7400 [Repealed, 13 SR 38]
- 7800.7500 [Repealed, 13 SR 38]
- 7800.7600 [Repealed, 13 SR 38]
- 7800.7700 [Repealed, 13 SR 38]
- 7800.7800 [Repealed, 13 SR 38]
- 7800.7900 [Repealed, 13 SR 38]
- 7800.8000 [Repealed, 13 SR 38]
- 7800.8100 [Repealed, 13 SR 38]
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