7805.0200 MOTOR CARRIER ADMINISTRATION

CHAPTER 7805 DEPARTMENT OF TRANSPORTATION MOTOR CARRIER ADMINISTRATION

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#### **TARIFF RULES**

# 7805.0200 REGULAR ROUTE COMMON CARRIER AND PETROLEUM CARRIER TARIFF RULES.

All tariffs and classifications, supplements thereto, and reissues thereof shall be prepared, posted, and filed in accordance with the Rules of Tariff Circular MF No. 3, supplements thereto or reissues thereof, issued by the Interstate Commerce Commission and naming rules governing the construction, filing, and posting of Freight-Rate Publications, except to the extent that such rules may contravene Minnesota Public Utilities Commission orders or specific provisions of the Minnesota Statutes, and except that Freight-Rate Publications shall be filed on ten days' notice, except as otherwise specifically authorized by the commission.

# 7805.0300 PERMIT CARRIER, EXCEPT LOCAL CARTAGE CARRIER, TARIFF RULES.

All tariffs and classifications, supplements thereto, and reissues thereof shall be prepared, posted, and filed in accordance with the Rules of Tariff Circular MF No. 3, supplements thereto or reissues thereof, issued by the Interstate Commerce Commission and naming rules governing the construction, filing, and posting of Freight-Rate Publications, except to the extent that such rules may contravene Minnesota Public Utilities Commission orders or specific provisions of Minnesota Statutes, and except that tariffs and supplements thereto may be prepared with pen and ink or typewriter, in addition to the form of preparations authorized by Tariff Circular MF No. 3. Freight rate publications shall be filed on ten days' notice, except as otherwise specifically authorized by the commission.

The commission shall not accept for filing a tariff of rates from permit carriers which on its face appears to be noncompensatory. If the carrier filing the tariff is of the opinion that the rates are compensatory, he may file a petition for reconsideration which the commission shall hear and make determination by a final order on the premises.

Statutory Authority: MS s. 221.161

#### 7805.0400 ALTERNATION OF RATES.

All tariffs shall provide for complete alternation of all rates and for application of the published rate which results in the lowest aggregate charge.

Statutory Authority: MS s 221.161

#### ACCOUNTING RULES

#### 7805.0500 MOTOR CARRIER ACCOUNTING RULES.

For purposes of accounting regulations the commission has grouped all motor carriers into the following classes:

- A. Class I. Carriers having average annual gross operating revenues of \$200,000 or more from interstate and intrastate motor carrier operations.
- B. Class II. Carriers who report to the Interstate Commerce Commission as class II carriers of property having gross operating revenues of \$200,000 but less than \$1,000,000 may report to this commission also as class II carriers.
- C. Class A. Carriers having average annual gross operating revenues of \$25,000 but less than \$200,000 from interstate and intrastate motor carrier operations.
- D. Class B. Carriers having average annual gross operating revenues of less than \$25,000 from interstate and intrastate motor carrier operations.
- E. Class C. All motor carriers operating under permit authority from this commission but not reporting as class I, class A, or class B carriers.

Statutory Authority: MS s 221.031

# 7805.0600 REGULAR ROUTE COMMON CARRIERS, PETROLEUM CARRIERS CLASSIFIED AS CLASS I, CLASS A, OR CLASS B.

All regular route common carriers of property or passengers, and all petroleum carriers operating under certificates granted by this commission are classified as class I, class A, or class B carriers. Other carriers who report to the Interstate Commerce Commission as class I or class II carriers may report to this commission also on the report forms prescribed for such classes by the Interstate Commerce Commission.

#### 7805.0700 MOTOR CARRIER ADMINISTRATION

# 7805.0700 CLASS DETERMINED BY ANNUAL GROSS OPERATING REVENUES.

The class to which a carrier belongs shall be determined by the average of its annual gross operating revenues for the three preceding years. If, at the end of any calendar year, this average is greater than the maximum or less than the minimum for the class in which the carrier has been grouped, it shall be automatically grouped in the higher or lower class in which it falls. A motor carrier beginning new operations or extending existing operations shall be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

Statutory Authority: MS s 221.031

#### 7805.0800 MOTOR CARRIER'S CHOICE OF CLASS.

A motor carrier may, at its option, place itself in any group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the commission.

Statutory Authority: MS s 221.031

#### 7805.0900 UNIFORM SYSTEM OF ACCOUNTS AND REPORTING FORMS.

Class I motor carriers shall maintain their accounts and file annual reports in accordance with the uniform system of accounts for class I (or class II) motor carriers prescribed by the Interstate Commerce Commission. class A and class B motor carriers shall maintain their accounts and file annual reports in accordance with the uniform system of accounts for class A and class B motor carriers prescribed by this commission. class C permit carriers shall maintain such records as will enable them to complete the annual report form prescribed by the commission. All annual reports shall be filed within the prescribed time shown on report forms furnished by the commission. Applicable schedules of such report forms shall be completed in full. Carrier's permit will be subject to cancellation if report is not submitted.

Statutory Authority: MS s 221.031

### 7805.1000 ACCOUNTS AND ANNUAL REPORTS ON CALENDAR YEAR BASIS.

All regular route common carriers and petroleum carriers shall maintain their accounts and make annual reports to the commission on a calendar year basis.

Statutory Authority: MS s 221.031

#### 7805.1100 OBTAINING COPIES OF UNIFORM SYSTEM OF ACCOUNTS.

Copies of the "Uniform System of Accounts for Class I and Class II Common and Contract Motor Carriers of Property" prescribed by the Interstate Commerce Commission may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. The ICC "Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers" may be obtained from the Superintendent of Documents. The "Uniform System of Accounts for Class A and Class B Motor Carriers of Property or Passengers" may be obtained from the Minnesota Public Utilities Commission.

Statutory Authority: MS s 221.031

#### 7805.1200 LIVESTOCK CARRIERS COMPILING RECORDS OF LIVE-STOCK AND OTHER COMMODITIES REVENUE SEPARATELY.

Livestock permit carriers shall maintain records of all transportation service performed under their livestock carrier permit which records shall separately show by revenue, what carriage covered the livestock and what carriage covered other commodities. This information shall be submitted annually by including it in the annual report.

# 7805.1300 CHANGES IN THE ACCOUNTING SYSTEM NOT SUBJECT TO RULE PROCEEDINGS.

Changes in uniform systems of accounts and in annual report forms shall not be subject to rules proceedings.

Any motor carrier or carriers or any petitioners subject to the regulations of the commission and requesting a rate adjustment may be required to present exhibits including a detailed income statement and balance sheet for the latest calendar year as shown in regularly filed annual reports. Exhibits should also include latest available data, and an income statement for any period other than calendar year must be for a full 12-month period.

All motor carriers subject to reporting requirements of the commission shall file with each annual report a copy of annual stockholders report if such a report is printed. Should a motor carrier furnish quarterly reports to stockholders a copy of each such report shall also be filed with the commission.

All motor carriers who furnish quarterly reports to Interstate Commerce Commission shall regularly file a copy of such reports with the Public Utilities Commission.

Statutory Authority: MS s 221.031

#### **INSURANCE**

# 7805.1400 INSURANCE OF REGULAR ROUTE COMMON CARRIERS OF PASSENGERS AND CHARTER CARRIERS OF PASSENGERS.

Each insurance company insuring motor carriers operating under the authority of the commission in Minnesota shall cover all motor vehicles whether specifically described in the policy or not by filing with the commission a Certificate of Insurance, Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, provided by Code of Federal Regulations, title 49, section 1023, naming each carrier, respectively, insured thereunder; notice of cancellation of motor carrier certificate of insurance shall be on Form K, Uniform Notice of Cancellation of Motor Carrier Insurance Policies, as provided by Code of Federal Regulations, title 49, section 1023. Such forms shall be filed in triplicate.

If a bond is to be filed in lieu of an insurance certificate, it will be on Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond as provided by Code of Federal Regulations, title 49, section 1023; notice of cancellation of Motor Carrier Surety Bonds as provided by Code of Federal Regulations, title 49, section 1023. Such forms shall be filed in triplicate.

Statutory Authority: MS s 221.141

# 7805.1500 MINIMUM INSURANCE COVERAGE AND FILING WITH THE COMMISSION.

Public liability and property damage insurance must be filed with the commission by all regular route common carriers of passengers and charter carriers of passengers operating under authority in the following minimum amounts for passenger equipment with a seating capacity of 12 passengers or less up to 33 passengers or more:

- A. Limit for bodily injury to or death of one person, \$100,000.
- B. Limit for loss or damage in any one accident to property of others (excluding cargo), \$50,000.
- C. Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person), \$300,000.
  - D. Passenger equipment (Seating Capacity):
    - (1) 12 passengers or less, \$300,000;

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- (2) 13 to 20 passengers, inclusive, \$350,000;
- (3) 21 to 32 passengers, inclusive, \$400,000; and
- (4) 33 passengers or more, \$450,000.

The above-named certificate of insurance, Form E, must be filed with the commission before the certificate of authority as a regular route common carrier or authority as a charter carrier shall be issued or within 30 days after receiving the order from the commission authorizing the certificate of public convenience and necessity or charter carrier permit. Failure to do so will be deemed grounds for suspension of the order without notice.

Statutory Authority: MS s 221.141

# 7805.1600 DUPLICATES FURNISHED TO THE COMMISSION UPON REQUEST.

The carrier agrees to furnish to the commission a duplicate original of its liability and property damage policy or policies and all endorsements thereon whenever requested by the commission.

Statutory Authority: MS s 221.141

#### 7805,1700 FORMS PRINTED TO FEDERAL SPECIFICATIONS.

Forms E, K, G, and L shall be printed according to specifications set up by Code of Federal Regulations, title 49, section 1023, and shall contain the following contents respectively (forms are on file with the commission and are open to public inspection):

- A. Form E, Public Liability and Property Damage Certificate of Insurance;
  - B. Form K. Notice of Cancellation of Insurance Certificate:
  - C. Form G, Public Liability and Property Damage Surety Bond; and
  - D. Form L, Cancellation of Motor Carrier Surety Bond.

Statutory Authority: MS s 221.141

#### 7805.1800 CARGO INSURANCE FILED WITH THE COMMISSION.

Cargo insurance must be filed with the commission by all regular route common carriers of passengers, who in addition transport freight, operating under authority in the following minimum amounts:

- A. vehicles with a manufacturer's rated capacity of 1-1/2 tons or less, \$2,000;
- B. vehicles with a manufacturer's rated capacity of more than 1-1/2 tons, \$5,000.

Each insurance company insuring cargo will file a cargo Certificate of Insurance, Form H, Uniform Motor Carrier Cargo Certificate of Insurance as adopted by Code of Federal Regulations, title 49, section 1023, naming each carrier, respectively, insured thereunder; Notice of Cancellation of Motor Carrier Cargo Certificate of Insurance shall be on Form K, Uniform Notice of Cancellation of Motor Carrier Insurance Policies, as adopted by Code of Federal Regulations, title 49, section 1023.

If a cargo bond is to be filed in lieu of an insurance certificate, it is to be filed on Form J, Uniform Motor Carrier Cargo Surety Bond as adopted by Code of Federal Regulations, title 49, section 1023. Notice of cancellation of Motor Carrier Surety Cargo Bond shall be on Form L, Uniform Notice of Cancellation of Motor Carrier Surety Bonds, as adopted by Code of Federal Regulations, title 49, section 1023.

### 7805.1900 USE OF EXEMPT CARRIER BY MOTOR CARRIER AFFECTING LIABILITY.

When a motor carrier is using an exempt carrier for pickup and delivery within such exempt carrier's exempt zone, the motor carrier shall be responsible to the shipper or receiver of the freight for loss or damage to his freight which is being transported, picked up, or delivered by the exempt carrier, and the exempt carrier shall be responsible to the motor carrier for loss or damage to such freight while it is under his possession and control.

When an exempt carrier is operating under a contract with a motor carrier for the pickup and delivery of freight within his exempt zone he shall not be required to file contingent insurance. Where his vehicle is under lease to a motor carrier, he is required to file contingent insurance with the commission.

Statutory Authority: MS s 221.031

### 7805.2000 INSURANCE OF REGULAR ROUTE COMMON CARRIERS OF FREIGHT AND PERMIT CARRIERS OF FREIGHT.

Each insurance company insuring motor carriers operating under the authority of the commission in Minnesota shall cover all motor vehicles whether specifically described in the policy or not by filing with the commission a Certificate of Insurance, Form E, naming each carrier, respectively, insured thereunder; Notice of Cancellation of Motor Carrier Certificate of Insurance shall be on Form K. If a bond is filed in lieu of insurance, it shall be on Form G; notice of cancellation of motor carrier bond shall be on Form L. Such forms shall be filed in triplicate.

Statutory Authority: MS s 221.141

# 7805.2100 INSURANCE MINIMUM COVERAGE AND FILING WITH THE COMMISSION.

Public liability and property damage insurance must be filed with the commission by all regular route common carriers of freight, permit and local cartage carriers of freight in the following minimum amounts:

- A. Kind of equipment: all motor vehicles used in the transportation of freight only.
  - B. Limit for bodily injuries to or death of one person \$100,000.
- C. Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person) \$300,000.
- D. Limit for loss or damage in any one accident to property of others (excluding cargo) \$50,000.

The above named Certificate of Insurance, Form E, must be filed with the commission before the certificate of authority as a regular route common carrier of freight or authority as a permit carrier of freight shall be issued or within 30 days after receiving the order from the commission authorizing the certificate of public convenience and necessity or permit authority. Failure to do so will be deemed grounds for suspension of the order without notice.

Statutory Authority: MS s 221.141

#### 7805.2200 MINIMUM AMOUNTS OF CARGO INSURANCE.

Cargo insurance must be filed with the commission by all regular route common carriers of freight operating under authority in the following minimum amounts:

- A. vehicles with a manufacturer's rated capacity of 1-1/2 tons or less, \$2,000;
- B. vehicles with a manufacturer's rated capacity of more than 1-1/2 tons, \$5,000.

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### 7805.2300 FILING THIRD PARTY LIABILITY BOND BY LOCAL CARRIERS.

Local cartage carriers operating under authority of the commission must file a third party liability bond with corporate surety in the amount of \$5,000 as provided in Minnesota Statutes, section 221.296, subdivision 6, which bond must be a continuous bond.

Statutory Authority: MS s 221.296 subd 6

#### 7805.2400 FORMS USED FOR CERTIFICATE OF INSURANCE.

Each insurance company insuring cargo will file a cargo Certificate of Insurance, Form H, Uniform Motor Cargo Certificate of Insurance as provided by Code of Federal Regulations, title 49, section 1023, naming each carrier, respectively, insured thereunder; notice of cancellation of motor carrier cargo certificate of insurance shall be on Form K, as provided by Code of Federal Regulations, title 49, section 1023.

If a cargo bond is filed in lieu of insurance, it will be on Form J, as provided by Code of Federal Regulations, title 49, section 1023; such forms must be filed in triplicate.

The above named cargo Certificate of Insurance, Form H, must be filed with the commission before the authority is granted and within 30 days after receiving the order from the commission authorizing the certificate of public convenience and necessity. Failure to do so will be deemed grounds for suspension of the order without notice.

Statutory Authority: MS s 221.141

# 7805.2500 DUPLICATES FURNISHED TO THE COMMISSION UPON REQUEST.

The carrier agrees to furnish to the commission a duplicate original of its public liability and property damage or cargo insurance policy or policies and all endorsements thereon whenever requested by the commission.

Statutory Authority: MS s 221.141

#### 7805.2600 FORMS PRINTED TO FEDERAL SPECIFICATIONS.

Forms E, G, H, J, K, and L shall be printed according to specifications set up by Code of Federal Regulations, title 49, section 1023, and shall contain the following contents respectively (forms are on file with the commission and are open to public inspection):

- A. Form E, Public Liability and Property Damage Certificate of Insurance.
  - B. Form G, Public Liability and Property Damage Surety Bond.
  - C. Form H, Cargo Certificate of Insurance.
  - D. Form J, Cargo Surety Bond.
  - E. Form K, Cancellation of Insurance Certificates.
  - F. Form L, Cancellation of Surety Bonds.

Statutory Authority: MS s 221.141

#### 7805.2700 INSURANCE OF PETROLEUM CARRIERS.

Each insurance company insuring petroleum carriers operating under the authority of the commission in Minnesota shall cover all motor vehicles whether specifically described in the policy or not by filing with the commission a Certificate of Insurance, Form E, naming each carrier, respectively, insured thereunder. Notice of cancellation of motor carrier certificate of insurance shall be on Form K; such forms shall be filed in triplicate.

If a bond is to be filed in lieu of insurance, it shall be filed on Form G; notice of cancellation of the bond shall be on Form L.

# 7805.2800 MINIMUM INSURANCE COVERAGE AND FILING WITH THE COMMISSION.

Public liability and property damage insurance must be filed with the commission by all petroleum carriers operating under authority in the following minimum amounts:

- A. Kind of equipment: all motor vehicles used in the transportation of petroleum products only.
  - B. Limit for bodily injuries to or death of one person, \$100,000.
- C. Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person), \$300,000.
- D. Limit for loss or damage in any one accident to property of others (excluding cargo), \$50,000.

The above named Certificate of Insurance, Form E, must be filed with the commission before authority as a petroleum carrier shall be issued or within 30 days after receiving the order from the commission authorizing the issuance of such authority. Failure to do so will be deemed grounds for suspension of the order without notice.

Statutory Authority: MS s 221.141

#### 7805.2900 MINIMUM AMOUNTS OF CARGO INSURANCE.

Cargo insurance must be filed with the commission by all petroleum carriers operating under authority in the following amounts:

- A. vehicles or trailers with a load capacity of 1-1/2 tons or less, \$1,000;
- B. vehicles or trailers with a load capacity greater than 1-1/2 tons, \$2,000.

Statutory Authority: MS s 221.141

#### 7805.3000 FORMS USED FOR CERTIFICATE OF INSURANCE.

Each insurance company insuring the cargo of petroleum carriers operating under the authority of the commission in Minnesota must file a Certificate of Insurance, Form H, naming each carrier, respectively, insured thereunder. Notice of cancellation of motor carrier certificate of insurance shall be on Form K. If a bond is filed in lieu of insurance, it shall be Form J; notice of cancellation of such bond shall be on Form L.

The above named cargo Certificate of Insurance, Form H, must be filed with the commission before the authority as a petroleum carrier shall be issued, and within 30 days after receiving the order from the commission authorizing the issuance of such authority. Failure to do so will be deemed ground for suspension of the order without notice.

Statutory Authority: MS s 221.141

# 7805.3100 DUPLICATES FURNISHED TO THE COMMISSION UPON REQUEST.

The carrier agrees to furnish to the commission a duplicate original of its public liability and property damage or cargo insurance policy or policies and all endorsements thereon whenever requested by the commission.

Statutory Authority: MS s 221.141

#### 7805.3200 FORMS PRINTED TO FEDERAL SPECIFICATIONS.

Forms E, G, H, J, K, and L shall be printed according to specifications set up by Code of Federal Regulations, title 49, section 1023 and shall contain the following contents respectively (forms are on file with the commission and are open to public inspection):

A. Form E, Public Liability and Property Damage Certificate of Insurance.

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- B. Form G, Public Liability and Property Damage Surety Bond.
- C. Form H, Cargo Certificate of Insurance.
- D. Form J, Cargo Surety Bond.
- E. Form K, Cancellation of Insurance Certificates.
- F. Form L, Cancellation of Surety Bonds.

Statutory Authority: MS s 221.141

#### 7805.3300 SELF-INSURANCE.

Any motor carrier in for-hire service may file a petition with the commission for authority to be a self-insurer of its public liability and property damage liabilities, pursuant to Minnesota Statutes, chapter 221.

Statutory Authority: MS s 221.141

#### 7805.3400 APPLICATION FOR SELF-INSURANCE.

The application shall contain:

- A. name and address of applicant;
- B. the commission permit or docket number;
- C. financial statement giving details of assets and liabilities;
- D. statement of public liability and property damage losses for the immediately preceding five years;
- E. a statement comprising an agreement of the carrier in the following form:

The carrier, if granted an exemption from the provisions of Minnesota Statutes, chapter 221, which requires a filing with the commission of public liability or indemnity insurance satisfactory to the commission and in such amount as it shall prescribe, covering injuries or damages covering person or property arising out of its operation as such for-hire carrier, does hereby agree to the following:

- a. That it will promptly investigate all claims made against it by any person, other than its own employees, for bodily injury or death of any person or loss of or damage to the property of others (excluding property designated as cargo) arising out of its operation under _____ number _____ and will either settle said claim promptly or notify the claimant promptly that his claim has been disallowed and that, in the event that such claimant shall obtain a final judgment against _____ in a court of law on any such claim _____ will settle and pay said final judgment promptly.
- b. That it will file with the commission a monthly report of all accidents involving all liability and property damage insurable under this agreement, and with an estimate of the extent of its possible financial responsibility.
- c. That it will promptly notify the commission of any change in its financial structure affecting its ability to meet its financial obligations under this agreement.
- d. That it will file an annual financial statement truly disclosing its assets and liabilities as of the date thereof with the commission on or prior to the anniversary date hereof.
- e. That in the event of any unusual contingent liability or upon order of the commission it will set aside a cash reserve in the estimated amount of such probable liability as is found by the commission to meet the demand of any anticipated judgment to be recovered in the matter.
- f. That failure by it to keep any and all of the terms hereof shall be sufficient grounds for the immediate cancellation of any authority which may be granted to it exempting it from the filing with the commission of public liability and property damage insurance.

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F. The application containing the foregoing shall be signed by the carrier and shall be verified.

Statutory Authority: MS s 221.141

#### 7805.3500 COMMISSION ORDER GRANTING SELF-INSURANCE.

Any order of the commission granting to a for-hire motor carrier authority to self-insure under parts 7805.3300 and 7805.3400 shall be in substantially the following form:

#### BEFORE THE PUBLIC UTILITIES COMMISSION

#### OF THE STATE OF MINNESOTA

#### ORDER FOR SELF-INSURANCE

WHEREAS, the undersigned, is the holder of numbers issued by the Minnesota Utilities Service Commission and is operating
as a carrier in the transportation of and as such is
required to file and maintain with the commission insurance and covering its
public liability and property damage liability pursuant to the provisions of
Minnesota Statutes, chapter 221, and
WHEREAS, said carrier has applied to the commission for exemption from the provisions of said section requiring the filing with the commission of such
insurance; and
•
WHEREAS, said carrier has filed with the commission a properly authenti-
cated financial statement, truly disclosing its assets and liabilities as of the date
thereof, from which it appears that said applicant has adequate cash reserves on
hand to pay all liabilities it may incur as such carrier;
NOW, THEREFORE, in consideration of the execution by the carrier of the attached application and the assumption by it of the obligations therein con-
tained:
IT IS ORDERED:
ORDER

That the carrier having filed an application and the commission having given due consideration thereto finds that the carrier be and hereby is granted exemption from the provisions of Minnesota Statutes, chapter 221, requiring the filing of public liability and property damage insurance.

IT IS FURTHER ORDERED: That this order and the exemption therein authorized shall be subject to cancellation for cause; that in the event such cancellation is ordered the carrier must forthwith file satisfactory public liability and property damage liability insurance, failing in which it will be required to cease and desist from further operations until such insurance has been filed with and approved by the commission.

BY ORDER OF THE COMMISSION Secretary

	Secretary
Dated at Saint Paul, Minnesota,	
this day of, 19 Any interstate carrier furnishing a copy of authority to be self-insured may be considered ta.	

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# 7805.3600 INSURANCE AND BONDING COMPANIES MUST BE AUTHORIZED BY DEPARTMENT OF COMMERCE.

Insurance companies or bonding companies who file certificates of insurance or bonds with this commission must be authorized and registered with the Department of Commerce, to do business in the state of Minnesota.

Statutory Authority: MS s 221.141

History: L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92