

7620.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7620.0100 to 7620.0730 the terms defined in this part have the meanings given them.

Subp. 2. **Agriculture.** "Agriculture" means activities of establishments primarily engaged in food production, processing, and sale classified under the industry code numbers specified below as set forth in "Standard Industrial Classification Manual," 1972 edition, and the transport of goods and commodities for the below defined activities:

A. Major Group 01 - Crops, except for industry code numbers 0132 tobacco, and 0181 ornamental floriculture and nursery products;

B. Major Group 02 - Livestock, except for animal specialties, industry code numbers 0271, 0272, and 0279;

C. Major Group 07 - Agricultural Services, except for industry code numbers 0742 veterinary services for animal specialties, 0752 animal specialty services, 0781 landscape counseling and planning, 0782 lawn and garden services, and 0783 ornamental shrub and tree services;

D. Major Group 09 - Fishing, Hunting, and Trapping;

E. Major Group 20 - Food and Kindred products, except for all industry codes under Group 208 Beverages, and 2065 candy and other confectionery products;

F. Group 514 - Groceries and Related Products (all industry codes found thereunder);

G. Group 515 - Farm Product Raw materials (all industry codes found thereunder); and

H. Major Group 54 - Food Stores.

Subp. 3. **Assistant commissioner.** "Assistant commissioner" means the assistant commissioner of the Minnesota Department of Commerce who heads the Energy Division.

Subp. 4. **Baseline consumption.** "Baseline consumption" means the reasonable estimate of the amount of motor fuel consumed by employees or students in commuting to and from the worksite plus the amount of motor fuel consumed for a school's or an employer's travel, over a period which represents the normal level of operation. For determining baseline consumption any of the following methods shall constitute a representative period for the purpose of these rules: the preceding 12 months; or the most recent three-year average; or a 12-month "rolling base" where the most recent month's data is added and the thirteenth month's data deleted.

Subp. 5. **Btu.** "Btu" means British thermal unit, a unit of energy measurement used for comparative purposes.

Subp. 6. **Cargo, freight, and mail hauling, including newspaper deliveries.** "Cargo, freight, and mail hauling, including newspaper deliveries" means: motor carriers for hire, licensed and operating under Minnesota Statutes, sections 221.012 to 221.293 including independent owner-operators transporting goods under a lease or contract indicating their "for hire" status, where the lease can be produced by the driver-operator; local cartage carriers, licensed and operating under Minnesota Statutes, section 221.296; interstate motor carriers, operating in Minnesota under Minnesota Statutes, sections 221.60 to 221.68; mail hauling by any motor vehicle owned and operated by the United States Postal Service; and newspaper delivery by a motor vehicle identified as a newspaper carrier; trucks that have truck bodies specifically designed for cargo and freight hauling and are commercial vehicles as defined in subpart 9; and rail, barge, and ship transportation of cargo or freight.

Subp. 7. **Carpool.** "Carpool" means a continuing travel arrangement by which three or more persons travel together in a vehicle owned or rented by one or more of such persons.

Subp. 8. **Commercial building.** "Commercial building" means a building all of whose occupants are engaged in commerce, unless residential occupants have separate heating controls.

Subp. 9. **Commercial vehicles.** "Commercial vehicles" means vehicles registered and licensed in the commercial class with the Division of Driver and Vehicle Services of the Department of Public Safety, or vehicles that by their design, size, or company identification or by the presence of specialized equipment, tools, or instruments of the trade or profession or other evidence of commercial use are obviously being used for commercial purposes.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Commerce.

Subp. 11. **Company-owned vehicles.** "Company-owned vehicles" means passenger automobiles, vans, and light trucks owned or leased by the employer.

Subp. 12. **Consumer.** "Consumer" means a person that consumes fuel oil, or motor fuel whether diesel fuel, gasoline, propane, or alcohol.

Subp. 13. **County or municipal fuel coordinator.** "County or municipal fuel coordinator" means a person who has been appointed by the county board or city council to act as local fuel allocation resource person.

Subp. 14. **Demand.** "Demand" means the quantity of products or services for which there are willing and able purchasers.

Subp. 15. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 16. **Division.** "Division" means the Division of Emergency Management of the Department of Public Safety.

Subp. 17. **Division director.** "Division director" means the director of the Division of Emergency Management.

Subp. 18. **Electric utility.** "Electric utility" means an entity engaged in the generation, transmission, or distribution of electric energy for sale.

Subp. 19. **Emergency vehicle.** "Emergency vehicle" means any of the following vehicles: a vehicle of a fire department or fire-fighting unit; a publicly owned law enforcement vehicle or privately owned vehicle used by a law enforcement officer for police work under agreement, express or implied, with the local authority; a vehicle of a licensed emergency ambulance service, whether publicly or privately owned; an emergency vehicle of a municipality, department or public service corporation including emergency services vehicles approved by the chief of police of a municipality, the county sheriff, or the division director; a vehicle of a utility or contractor while performing emergency repairs or maintenance for electric, water, waste treatment, natural gas or telecommunications utilities and end user primary services, and petroleum, petroleum products or natural gas pipelines or facilities; a vehicle of the state, county, municipal, or other subdivision of government used for snow removal, emergency road and traffic signal repair or search and rescue operations, or privately owned vehicles of a contractor under contract to perform these services.

Subp. 20. **Employer-provided parking.** "Employer-provided parking" means a space such as a lot, garage, or other space, or portion thereof, which is used for the parking of commuter vehicles, and which is wholly or partly owned or leased by an employer or otherwise made available to its employees, except that this term shall not include park and ride facilities or customer parking provided by a retail or service establishment.

Subp. 21. **Employment site.** "Employment site" means a building, facility, complex or site at which employees work or study, or any combination of such buildings or sites which are geographically close.

Subp. 22. **Energy production.** "Energy production" means transportation of energy or primary fuels by pipeline, transmission line, rail, barge or a motor carrier included in the definition of cargo, freight and mail hauling or other trucks and the refining, processing, production and distribution of coal, natural gas, petroleum or petroleum products, shale oil, nuclear fuels, and electrical energy.

Subp. 23. **Environmental standards.** "Environmental standards" means the laws, regulations, and rules, federal and state, intended to protect the environment.

Subp. 24. **Essential government services.** "Essential government services" means court and judicial activities, jails and prisons, meetings of duly elected political officials,

operations of the Division of Emergency Management and the emergency operating center, hearings of local energy conservation boards and the Office of Administrative Hearings, minimum services to provide MFIP, SSI, and Social Security checks and other welfare payments including food stamps or food support, and activities which provide life-sustaining services.

Subp. 25. **Extracurricular activities.** "Extracurricular activities" means school-sponsored activities requiring transportation off campus, except for the daily transportation of students to and from school.

Subp. 26. **Flexible work hours.** "Flexible work hours" or "flextime" means a work system in which employees at an employment site have some discretion in their choice of working hours.

Subp. 27. **Forecast.** "Forecast" means a projection of future demand or supply for a specified time period.

Subp. 28. **Fuel oil.** "Fuel oil" means a liquid or liquefiable petroleum product with a flashpoint above 100 degrees Fahrenheit which is used to generate heat or power including middle distillate oil or residual oil.

Subp. 29. **Health and residential care services.** "Health and residential care services" means hospitals, nursing homes, penal institutions, and all types of residential treatment centers including drug/alcoholism treatment centers, residential mental health centers, and residential care centers for persons with developmental or other disabilities.

Subp. 30. **Highways.** "Highways" means interstate, trunk, county state-aid, county, and municipal state-aid highways in Minnesota, as defined in Minnesota Statutes, section 160.02, subdivisions 17, 18, 21, 26, and 29, and United States Code 1980, title 23, section 101.

Subp. 31. **Homeowner.** "Homeowner" means a person who has a vested legal or beneficial interest, jointly or severally, in a dwelling which is occupied by that person.

Subp. 32. **Jitney.** "Jitney" means a spontaneous carpool formed by driving along an existing transit route and picking up riders for a fare or participating in a telephone ride exchange system. Jitneys supplement existing transit service.

Subp. 33. **Licensed motor vehicle dealer.** "Licensed motor vehicle dealer" means a motor vehicle seller or lessor licensed to do business under Minnesota Statutes, section 168.27, subdivisions 2 to 25.

Subp. 34. **Middle distillate.** "Middle distillate" means a derivative of petroleum, including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which has a 50 percent boiling point in the ASTM D86 standard distillation test falling between 370 degrees and 700 degrees Fahrenheit, except that kerosene-base and naphtha-base jet fuel, heavy fuel

oils as defined in ASTM D-396, grades #4, 5, and 6, intermediate fuel oils (which are blends containing #6 oil), and specialty items such as solvents, lubricants, waxes, and process oil are excluded.

Subp. 35. **Military uses.** "Military uses" means the activities of the armed forces of the United States and of the Minnesota Department of Military Affairs, the Office of Adjutant General, military reservations, installations, armories, air bases, and facilities owned or controlled by the state for military purposes, and includes the National Guard, the state guard, and any other organization or components of the organized militia authorized by Minnesota Statutes, chapters 190 to 193, known as the Military Code.

Subp. 36. **Moped.** "Moped" means a pedal bicycle or similar two-wheel vehicle propelled by a motor.

Subp. 37. **Motorcycle.** "Motorcycle" means a vehicle with two wheels in tandem, propelled by an internal combustion engine, and sometimes having a sidecar with a third wheel.

Subp. 38. **Motor fuel.** "Motor fuel" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine.

Subp. 39. **Motor vehicle owner.** "Motor vehicle owner" means a person owning or renting a motor vehicle, or having exclusive use thereof, under a lease or otherwise, for a period greater than seven days.

Subp. 40. **Park and ride facility.** "Park and ride facility" means a parking facility the use of which is limited exclusively to the parking of commuter vehicles whose occupants transfer at the facility to transit or paratransit services.

Subp. 41. **Passenger transportation services.** "Passenger transportation services" means conventional public transit service which operates on a fixed route and is available to the public for a fare, intercity bus transportation, vanpools, subscription buses, tour and charter bus transportation, bus transportation of pupils for educational purposes, taxicabs licensed to conduct business in a municipality, air and rail passenger transportation except for air charter services, and special transportation services for the elderly or persons with disabilities.

Subp. 42. **Permit sticker.** "Permit sticker" means a self-adhesive tag issued by the Department of Public Safety to designate the weekday on which a vehicle issued that sticker is prohibited from being operated.

Subp. 43. **Person.** "Person" means an individual, firm, estate, trust, sole proprietorship, partnership, association, company, corporation, governmental unit or subdivision thereof, or a charitable or educational institution.

Subp. 44. **Plant protection.** "Plant protection" means minimum plant maintenance necessary to secure buildings and prevent damage to equipment or plant property from inclement weather or loss of essential processes.

Subp. 45. **Prohibited day.** "Prohibited day" means the day for which a vehicle owner has been issued a permit sticker, designating it a "no driving" day for that vehicle.

Subp. 46. **Residence.** "Residence" means the place where a natural person lives, including hotels and motels and buildings being used as emergency housing facilities.

Subp. 47. **Residual fuel oil.** "Residual fuel oil" means the fuel oil commonly known as: number 4, number 5, and number 6 fuel oils; bunker C; navy special fuel oil; and all other fuel oils that have a 50 percent boiling point over 700 degrees Fahrenheit in the ASTM D-86 standard distillation test.

Subp. 48. **Sanitation services.** "Sanitation services" means: the collection and disposal for the public of solid or liquid wastes and hazardous wastes, whether by public or private entities; the maintenance, operation and repair of liquid purification and waste facilities; and the provision of a water supply by public utilities, whether private or publicly owned and operated.

Subp. 49. **Shortage.** "Shortage" means a situation in which demand exceeds supply and normal market forces will not act to equalize supply and demand within a reasonable period.

Subp. 50. **Staggered work hours.** "Staggered work hours" means employee starting and quitting times stipulated at step intervals by the employer so that work arrival and departure times of employees on a single shift are spread over a period of at least two hours.

Subp. 51. **State set-aside.** "State set-aside" means the amount of an allocated product from the total supply of a supplier made available to the state to meet emergencies and hardship needs under Minnesota Statutes, section 216C.16.

Subp. 52. **Subscription bus.** "Subscription bus" means a transit service in which employers or groups of employees contract with a public or private bus operator to provide daily commuter service for a group of subscribers on a prepaid or daily fare basis, following a fixed route and a schedule tailored to meet the needs of the subscribers.

Subp. 53. **Supplier.** "Supplier" means a firm or a part of a subsidiary of a firm (other than the Department of Defense) which presently supplies, sells, transfers, or otherwise furnishes (as by consignment) a petroleum product to wholesale purchasers or end users, including refiners, natural gas processing plants or fractioning plants, importers, resellers, jobbers, and retailers.

Subp. 54. **Telecommunications.** "Telecommunications" means the repair, operation, and maintenance of voice, data, telegraph, video, and similar communication services for

the public by a communications common carrier, or by a firm providing the same service in direct competition with a communications common carrier.

Subp. 55. **Tenant.** "Tenant" means a person who occupies (but does not own) a dwelling under an oral or written agreement, lease, or contract, for a period of time, which requires the payment of rent.

Subp. 56. **Vanpool.** "Vanpool" means eight or more persons commuting on a daily basis to and from work in a vehicle with a seating arrangement designed to carry eight to 15 adult passengers.

Subp. 57. **Vehicle lessee.** "Vehicle lessee" means a person, firm, or corporation possessing a motor vehicle by lease.

Statutory Authority: *MS s 216C.15*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 71 s 2, c 312 art 1 s 9,10 subd 1; L 2001 lSp4 art 6 s 1; L 2003 lSp14 art 1 s 106; L 2005 c 56 s 2; L 2006 c 212 art 1 s 25*

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