

1 Department of Transportation

2

3 Adopted Permanent Rules Relating to Variances for Tank Motor
4 Vehicles

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6 Rules as Adopted

7 8860.0100 DEFINITIONS.

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

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

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

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

20 8860.0200 SCOPE.

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

23 A. transports gasoline;

24 B. has a cargo tank with a capacity of 3,000 gallons
25 or less;

26 C. has a cargo tank that was manufactured between
27 1950 and 1975 to transport petroleum;

28 D. is used only in intrastate transportation; and

29 E. fails to comply with cargo tank specifications in

30 Code of Federal Regulations, title 49, sections 178.340 to

31 178.341-7, as amended through November 1, 1985, which are

32 incorporated by reference. A cargo tank that does not bear the

33 manufacturer's metal certification plate described in section

34 178.340-10, paragraph (b) or a cargo tank for which a

35 manufacturer's metal certification plate cannot be obtained

1 fails to comply with the cargo tank specifications.

2 8860.0300 GENERAL REQUIREMENT.

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

8 8860.0400 PROCEDURAL REQUIREMENTS.

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

14 A. submits an application for a variance and
15 registers each tank motor vehicle to be operated under the
16 variance on a form prescribed by the commissioner under part
17 8860.0600;

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

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

32 8860.0500 HYDROSTATIC OR PNEUMATIC TESTING.

33 The following cargo tanks must be hydrostatically or
34 pneumatically tested:

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

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

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

9 8860.0600 APPLICATION FOR VARIANCE.

10 An application for a variance must describe:

11 A. the name of the tank motor vehicle owner;

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

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

18 D. the capacity of each cargo tank in gallons;

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

20 and

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

23 8860.0700 COMMISSIONER'S DUTIES.

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

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

34 8860.0800 ADDITIONAL REQUIREMENTS.

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

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

7 Subp. 3. Date of last test or inspection shown. A tank
8 motor vehicle operated under a variance granted under part
9 8860.0400 must show the date of the last test or visual
10 inspection according to the requirements of Code of Federal
11 Regulations, title 49, section 177.824, paragraph (h), as
12 amended through November 1, 1985.