

1 Department of Transportation

2

3 Adopted Permanent Rules Relating to Motor Carrier Safety

4

5 Rules as Adopted

6 8850.6900 DEFINITIONS.

7 Subpart 1. **Scope.** Unless otherwise provided, the terms  
8 used in parts 8850.6900 to 8850.9050 and 8855.0300 to 8855.0850  
9 have the meanings given them in this part.

10 Subp. 2. **Board.** "Board" means the Minnesota  
11 Transportation Regulation Board.

12 Subp. 3. **Carrier.** "Carrier" includes motor carriers,  
13 private carriers, exempt carriers engaged in intrastate  
14 commerce, and for-hire and private carriers engaged in  
15 interstate commerce.

16 Subp. 4. **Certificate.** "Certificate" has the meaning given  
17 it in Minnesota Statutes, section 221.011, subdivision 7.

18 Subp. 5. **Certificate of insurance.** "Certificate of  
19 insurance" means the document issued by an insurer that states  
20 that the insurer provides the coverage required by Minnesota  
21 Statutes, section 221.141.

22 Subp. 6. **Charter carrier.** "Charter carrier" has the  
23 meaning given it in Minnesota Statutes, section 221.011,  
24 subdivision 21.

25 Subp. 7. **Commissioner.** "Commissioner" means the  
26 commissioner of the Minnesota Department of Transportation.

27 Subp. 8. **Employ.** "Employ" means to require, to use, or to  
28 permit a person to drive a motor vehicle in furtherance of the  
29 carrier's business, whether or not the carrier owns the vehicle.

30 Subp. 9. **Exempt carrier.** "Exempt carrier" means a carrier  
31 described in Minnesota Statutes, section 221.025.

32 Subp. 10. **Interstate carrier.** "Interstate carrier" has  
33 the meaning given it in Minnesota Statutes, section 221.011,  
34 subdivision 13.

35 Subp. 11. **Lightweight vehicle.** "Lightweight vehicle,"

1 purposes of parts 8850.7025 to 8850.9050, means a vehicle with a  
2 manufacturer's gross vehicle weight rating of 12,000 pounds or  
3 less, but does not include a vehicle transporting passengers for  
4 hire or a vehicle transporting hazardous materials that must be  
5 placarded or marked under Code of Federal Regulations, title 49,  
6 section 177.823.

7 Subp. 12. **Livestock carrier.** "Livestock carrier" has the  
8 meaning given it in Minnesota Statutes, section 221.011,  
9 subdivision 24.

10 Subp. 13. **Motor carrier.** "Motor carrier" means a carrier  
11 operating for hire under authority of Minnesota Statutes,  
12 chapter 221 and, for purposes of this chapter, does not include  
13 interstate carriers.

14 Subp. 14. **Owner.** "Owner" means a person to whom a  
15 certificate of title to equipment has been issued, or who has  
16 lawful possession of equipment.

17 Subp. 15. **Permit.** "Permit" has the meaning given it in  
18 Minnesota Statutes, section 221.011, subdivision 8.

19 Subp. 16. **Person.** "Person" has the meaning given it in  
20 Minnesota Statutes, section 221.011, subdivision 6.

21 Subp. 17. **Petroleum carrier.** "Petroleum carrier" has the  
22 meaning given it in Minnesota Statutes, section 221.011,  
23 subdivision 10.

24 Subp. 18. **Petroleum transport.** "Petroleum transport"  
25 means a vehicle, trailer, or semitrailer with a tank (1) that is  
26 mounted on it or made an integral part of it, other than the  
27 fuel-supply tank for the engine of that vehicle, (2) that is  
28 filled or emptied while on the vehicle, and (3) that is used to  
29 transport petroleum products in bulk.

30 Subp. 19. **Private carrier.** "Private carrier" has the  
31 meaning given it in Minnesota Statutes, section 221.011,  
32 subdivision 26.

33 Subp. 20. **Regular route common carrier.** "Regular route  
34 common carrier" has the meaning given it in Minnesota Statutes,  
35 section 221.011, subdivision 9.

36 Subp. 21. **Responsible official.** "Responsible official"

1 means an officer or the owner of the applicant or carrier or a  
2 person to whom authority to sign applications, renewals, and  
3 other documents filed by the applicant or carrier has been  
4 delegated in writing by the owner or the board of directors.

5 Subp. 22. **Vehicle.** "Vehicle" has the meaning given it in  
6 Minnesota Statutes, section 221.011, subdivision 3.

7 8850.7000 INTERSTATE TRANSPORTATION; SAFETY RULES.

8 Interstate carriers and private carriers providing  
9 interstate transportation service using vehicles licensed and  
10 registered for a gross weight of more than 12,000 pounds must  
11 comply with and are subject to parts 8850.8050, 8850.8300,  
12 8850.8350, 8850.8400, 8850.8500, 8850.8550, and 8850.8950.

13 8850.7025 INTRASTATE TRANSPORTATION; SAFETY RULES; COMPLIANCE  
14 REQUIRED.

15 Intrastate motor carriers, and private carriers and exempt  
16 carriers providing intrastate transportation, must comply with  
17 parts 8850.7040 to 8850.9050 to the extent required by Minnesota  
18 Statutes, chapter 221. Every carrier, its officers, agents,  
19 representatives, and employees responsible for the management,  
20 maintenance, equipping, operation, or driving of motor vehicles,  
21 or the hiring, supervising, training, assigning, or dispatching  
22 of drivers, shall be instructed in and comply with those parts,  
23 and shall require that its agents, representatives, drivers, and  
24 employees comply.

25 8850.7040 INTRASTATE TRANSPORTATION; DRIVER QUALIFICATIONS.

26 A private carrier who is subject to driver qualification  
27 rules, and a motor carrier are responsible for hiring,  
28 supervising, training, assigning, and dispatching drivers.  
29 Private carriers who are subject to driver qualification rules,  
30 motor carriers, and their officers, agents, representatives, or  
31 employees shall not drive, or allow one of their vehicles to be  
32 driven unless the driver has the minimum qualifications required  
33 by parts 8850.7100 and 8850.7200. A carrier who is  
34 self-employed as a driver must comply with both the rules that

1 apply to carriers and the rules that apply to drivers.

2 8850.7100 INTRASTATE DRIVER QUALIFICATIONS; FEDERAL RULES.

3 Subpart 1. Incorporations by reference. Code of Federal  
 4 Regulations, title 49, subtitle B, chapter III, subchapter B,  
 5 sections 391.5; 391.11, paragraphs (a) and (b)(2) to (b)(12);  
 6 391.15 to 391.45; 391.51, paragraphs (a) to (e) and (h); 391.61;  
 7 391.63; and 391.65; and appendices C and, D, and E as revised  
 8 through October 1, 1986 1987, ~~and amendments to sections 391.11,~~  
 9 ~~paragraph (b), 391.21, paragraph (b), 391.27, and appendices D~~  
 10 ~~and E, found at Federal Register, volume 52, pages 20589 and~~  
 11 ~~20590,~~ are incorporated by reference except for certain  
 12 cross-references in Code of Federal Regulations, title 49,  
 13 sections 391.11 to 391.65 listed in subpart 2.

14 Subp. 2. Exceptions. References to Code of Federal  
 15 Regulations, title 49, section 391.62, 391.67, or 391.71 or to  
 16 part 391, subpart G, found in Code of Federal Regulations, title  
 17 49, sections 391.11, paragraphs (a) and (b); 391.21, paragraph  
 18 (a); 391.23, paragraph (a); 391.25; 391.27, paragraph (a);  
 19 391.31, paragraph (a); 391.35, paragraph (a); 391.41, paragraph  
 20 (a); and 391.45, are not incorporated by reference by this part.

21 Subp. 3. Age requirement. Drivers of vehicles subject to  
 22 Minnesota Statutes, section 221.033, must be at least 21 years  
 23 of age, except as provided in that section. Drivers of vehicles  
 24 engaged in intrastate transportation and subject to driver  
 25 qualification rules under Minnesota Statutes, section 221.031,  
 26 must be at least 18 years of age.

27 Subp. 4. Location of driver qualification files. A  
 28 carrier subject to driver qualification requirements must keep  
 29 each driver's qualification file at the carrier's principal  
 30 place of business for as long as a driver is employed by that  
 31 carrier and for three years after the driver leaves employment.  
 32 Upon written request to and with the written approval of the  
 33 commissioner, a carrier subject to this part may retain driver  
 34 qualification files at a regional or terminal office.

35 8850.7200 INTRASTATE DRIVER QUALIFICATIONS; WAIVER FOR PHYSICAL

## 1 DEFECTS.

2 A person who is not physically qualified to drive under  
 3 Code of Federal Regulations, title 49, section 391.41, paragraph  
 4 (b)(1) or (b)(2), as amended through October 1, ~~1986~~ 1987, and  
 5 who is otherwise qualified to drive a motor vehicle, may drive a  
 6 motor vehicle if the commissioner grants a waiver to that person  
 7 under parts 8850.7200 to 8850.7675. Parts 8850.7200 to  
 8 8850.7700 apply only to drivers providing intrastate  
 9 transportation.

10 8850.7250 INTRASTATE TRANSPORTATION; WAIVER APPLICATION  
 11 SUBMISSION.

12 Subpart 1. **Joint submission.** A letter of application for  
 13 a waiver under part 8850.7200 may be submitted jointly by the  
 14 driver applicant who seeks a waiver of the physical  
 15 disqualification and by the carrier that will employ the driver  
 16 applicant if the application is granted. The application must  
 17 be submitted to the Office of Motor Carrier Safety and  
 18 Compliance, Minnesota Department of Transportation.

19 Subp. 2. **By driver applicant.** A letter of application for  
 20 a waiver may be submitted by a driver applicant alone. The  
 21 driver applicant shall comply with the requirements of part  
 22 8850.7300, except item A, subitem (1). The driver applicant  
 23 shall provide the information in part 8850.7300, item B, if the  
 24 information is known to the driver.

25 8850.7300 WAIVER APPLICATION CONTENTS.

26 A letter of application for a waiver under part 8850.7200  
 27 must contain:

28 A. the name and address of the applicant, including:

29 (1) the name and complete address of the carrier  
 30 coapplicant;

31 (2) the name and complete address of the driver  
 32 applicant; and

33 (3) a description of the driver applicant's limb  
 34 impairment for which a waiver is requested;

35 B. a description of the type of operation the driver

1 will be employed to perform, including:

2 (1) the average period of time the driver will be  
3 driving and on duty, per day;

4 (2) the type of commodities or cargo to be  
5 transported; and

6 (3) whether the driver operation is conducted as  
7 a sleeper team, relay, owner operator, or otherwise;

8 C. the number of years the driver has operated the  
9 type of vehicle for which a waiver is requested and the total  
10 years of experience operating all types of motor vehicles;

11 D. a description of the vehicle that the driver  
12 applicant intends to drive, including:

13 (1) the truck or truck-tractor make, model, and  
14 year;

15 (2) the drive train, including:

16 (a) whether the transmission type is  
17 automatic or manual and, if manual, the number of forward speeds;

18 (b) auxiliary transmission, if any, and  
19 number of forward speeds; and

20 (c) rear axle designation, whether single  
21 speed, 2-speed, or 3-speed;

22 (3) the type of brake system;

23 (4) the steering, whether manual or power  
24 assisted;

25 (5) a description of type of trailers, such as  
26 van, flatbed, cargo tank, drop frame, lowboy, or pole;

27 (6) the number of semitrailers or full trailers  
28 to be towed at one time; and

29 (7) a description of any vehicle modification  
30 made for the driver applicant and a photograph of the  
31 modification;

32 E. a certification that the driver is otherwise  
33 qualified, as follows:

34 (1) certification by the coapplicant carrier that  
35 the driver applicant is otherwise qualified under part 8850.7100;  
36 and

1 (2) in the case of a driver applicant,  
2 certification by the driver applicant that the applicant is  
3 otherwise qualified under part 8850.7100; and

4 F. the signature of the applicant as follows:

5 (1) the driver applicant's signature and date  
6 signed; and

7 (2) if the application has a coapplicant, the  
8 carrier official's signature, the official's title, and the date  
9 signed. The official who signs the application must be a  
10 responsible official of the carrier.

11 8850.7350 DOCUMENTS ACCOMPANYING WAIVER APPLICATION.

12 The letter of application for a waiver under part 8850.7200  
13 must be accompanied by:

14 A. A copy of the results of the medical examination  
15 performed according to Code of Federal Regulations, title 49,  
16 section 391.43, as amended through October 1, ~~1986~~ 1987.

17 B. A copy of the medical certificate completed  
18 according to Code of Federal Regulations, title 49, section  
19 391.43, paragraph (e), as amended through October 1, ~~1986~~ 1987.

20 C. A medical evaluation summary completed by either a  
21 board-qualified or board-certified physiatrist (doctor of  
22 physical medicine) or orthopedic surgeon. The coapplicant  
23 carrier or the driver applicant shall provide the physiatrist or  
24 orthopedic surgeon with a description of the job tasks the  
25 driver applicant will be required to perform.

26 (1) The medical evaluation summary for a driver  
27 applicant disqualified under Code of Federal Regulations, title  
28 49, section 391.41, paragraph (b)(1), as amended through October  
29 1, ~~1986~~ 1987, must include:

30 (a) an assessment of the driver's functional  
31 capabilities as they relate to the driver's ability to perform  
32 normal tasks associated with operating a motor vehicle; and

33 (b) a statement by the examiner that the  
34 applicant is capable of demonstrating precision prehension, that  
35 is, manipulating knobs and switches, and power grasp prehension,

1 that is, holding and maneuvering the steering wheel, with each  
2 upper limb separately. This requirement does not apply to an  
3 applicant who was granted a waiver, absent a prosthetic device,  
4 before April 14, 1986.

5 (2) The medical evaluation summary for a driver  
6 applicant disqualified under Code of Federal Regulations, title  
7 49, section 391.41, paragraph (b)(2), as amended through October  
8 1, ~~1986~~ 1987, must include:

9 (a) how and why the impairment interferes  
10 with the driver's ability to perform normal tasks associated  
11 with operating a commercial motor vehicle;

12 (b) an assessment and medical opinion of  
13 whether the condition is likely to remain medically stable over  
14 the driver applicant's lifetime; and

15 (c) a statement by the examiner that the  
16 applicant is capable of demonstrating precision prehension, that  
17 is, manipulating knobs and switches, and power grasp prehension,  
18 that is, holding and maneuvering the steering wheel, with each  
19 upper limb separately. This requirement does not apply to an  
20 applicant who was granted a waiver, absent a prosthetic device,  
21 before April 14, 1986.

22 D. A description of the prosthetic or orthotic device  
23 worn by the driver applicant, if any.

24 E. A copy of the driver applicant's road test  
25 administered by the carrier coapplicant and the certificate  
26 issued under Code of Federal Regulations, title 49, section  
27 391.31, paragraphs (b) to (g), as amended through October 1,  
28 ~~1986~~ 1987. A driver applicant is responsible for having a road  
29 test administered by a carrier or a person competent to  
30 administer the test and evaluate its results.

31 F. A copy of the driver applicant's application for  
32 employment completed according to Code of Federal Regulations,  
33 title 49, section 391.21, as revised through October 1, ~~1986~~  
34 ~~amended-at-Federal-Register,-volume-52,-page-20589~~ 1987. A  
35 driver applicant is responsible for submitting a copy of the  
36 employment application for the last commercial driving position



1 held by the applicant. If not previously employed as a  
2 commercial driver, the driver applicant must so state.

3 G. A copy of the driver applicant's state motor  
4 vehicle driving record for the past three years from each state  
5 where the driver had a motor vehicle driver's license or permit.

6 8850.7400 AGREEMENT.

7 A carrier that employs a driver with a waiver under part  
8 8850.7200 agrees to:

9 A. evaluate the driver granted a waiver for those  
10 nondriving, safety-related job tasks associated with the type of  
11 trailer to be used and any other nondriving, safety-related or  
12 job-related tasks unique to the operations of the employing  
13 carrier;

14 B. use the driver to operate the type of motor  
15 vehicle defined in the waiver only when the driver is in  
16 compliance with the conditions of the waiver; and

17 C. file documents and information with the  
18 commissioner within 30 days of the occurrence of the following  
19 events: a violation of a motor vehicle and motor carrier law or  
20 rule; an accident; an arrest; a license suspension, revocation,  
21 or withdrawal; and a conviction that involves the driver  
22 applicant. This item applies whether the driver's waiver is a  
23 unilateral one or has a coapplicant carrier.

24 8850.7450 DRIVER SUPPLIES COPY.

25 The driver shall give each employing carrier a copy of the  
26 waiver.

27 8850.7500 EVALUATION OF DRIVER'S ABILITY.

28 The commissioner may require a driver applying for a waiver  
29 under part 8850.7200 to demonstrate ability to safely operate  
30 the motor vehicle the applicant intends to drive. During the  
31 demonstration, the driver's ability to perform pretrip and  
32 posttrip inspections and driving performance must be evaluated.  
33 Nondriving, safety-related tasks or other nondriving tasks  
34 unique to the type of trailer or other carrier operation must

1 not be evaluated during this demonstration.

2 8850.7550 EXTENT OF WAIVER.

3 The commissioner may deny the application for waiver under  
4 part 8850.7200 or may grant it totally or in part and may issue  
5 the waiver subject to terms, conditions, and limitations deemed  
6 ~~consistent-with-the-public-interest~~ that protect the traveling  
7 public. A waiver is valid for a period not longer than two  
8 years from the date of issue and may be renewed 30 days before  
9 the expiration date.

10 The commissioner shall grant or deny the waiver in writing  
11 within 30 days from the date that the required information has  
12 been submitted.

13 A denial of the waiver must state the reason for the denial.

14 8850.7600 WAIVER RENEWAL APPLICATION; REQUIRED INFORMATION.

15 The application to renew a waiver granted under part  
16 8850.7200 must be submitted to the commissioner. It must  
17 contain:

- 18 A. the name and complete address of the carrier  
19 currently employing the applicant;
- 20 B. the name and complete address of the driver;
- 21 C. the effective date of the current waiver;
- 22 D. the expiration date of the current waiver;
- 23 E. the total miles driven under the current waiver;
- 24 F. the number of accidents incurred by the driver  
25 while driving under the current waiver, including the date of  
26 the accident, the number of fatalities, the number of injuries,  
27 and the estimated dollar amount of property damage;
- 28 G. the driver's signature and date signed;
- 29 H. the carrier coapplicant's signature and date  
30 signed;
- 31 I. notification of a change in the type of vehicle  
32 the driver will operate;
- 33 J. a copy of the driver's current state motor vehicle  
34 driving record for the period of time the current waiver has  
35 been in effect;

1 K. a current medical examination report; and  
2 L. a medical evaluation summary according to part  
3 8850.7350, item C, if an unstable medical condition exists.  
4 Handicapped conditions classified under Code of Federal  
5 Regulations, title 49, section 391.41, paragraph (b)(1), as  
6 amended through October 1, ~~1986~~ 1987, are considered unstable.  
7 A board-certified physiatrist (doctor of physical medicine) or  
8 orthopedic surgeon shall determine whether a condition described  
9 in Code of Federal Regulations, title 49, part 391.41, paragraph  
10 (b)(2), as amended through October 1, ~~1986~~ 1987, is medically  
11 stable.

12 8850.7650 ON GRANTING WAIVER.

13 On granting a waiver under part 8850.7200, the commissioner  
14 shall notify the driver applicant, and coapplicant carrier if  
15 applicable, by letter. The terms, conditions, and limitations  
16 of the waiver must be set forth. A carrier shall maintain a  
17 copy of the waiver in its driver qualification file. A copy of  
18 the waiver must be kept in the carrier's file for three years  
19 after the driver's employment is terminated. The driver  
20 applicant shall have the waiver or a legible copy of the waiver  
21 in possession while on duty.

22 8850.7675 RESOLUTION OF CONFLICTS OF MEDICAL EVALUATION.

23 Subpart 1. **Applications.** Applications for determination  
24 of a driver's medical qualifications under standards in this  
25 part must conform to the requirements of this subpart.

26 A. The application must contain the name and address  
27 of the driver, motor carrier, and the physicians involved in the  
28 proceeding.

29 B. The applicant shall submit proof that there is a  
30 disagreement between the physician for the driver and the  
31 physician for the motor carrier concerning the driver's  
32 qualifications.

33 C. The applicant shall submit a copy of an opinion  
34 and report, including the results of tests, of an impartial  
35 medical specialist in the field in which the medical conflict

1 arose. The specialist must be one agreed to by the motor  
2 carrier and the driver.

3 D. If the driver refuses to agree on a specialist and  
4 the applicant is the motor carrier, the applicant shall submit a  
5 statement of agreement to submit the matter to an impartial  
6 medical specialist in the field, proof that the applicant has  
7 asked the driver to submit to the medical specialist, and the  
8 response, if any, of the driver to the request.

9 E. If the motor carrier refuses to agree on a medical  
10 specialist, the driver shall submit an opinion and test results  
11 of an impartial medical specialist, proof that the driver has  
12 asked the motor carrier to agree to submit the matter to the  
13 medical specialist, and the response, if any, of the motor  
14 carrier to the request.

15 F. The applicant shall include a statement explaining  
16 in detail why the decision of the medical specialist identified  
17 in item C is unacceptable.

18 G. The applicant shall submit proof that the medical  
19 specialist mentioned in item C was provided, before the  
20 specialist's determination, the medical history of the driver  
21 and an agreed-upon statement of the work the driver performs.

22 H. The applicant shall submit the medical history and  
23 statement of work provided to the medical specialist under item  
24 G.

25 I. The applicant shall submit the medical records and  
26 statements of the physicians who have given opinions on the  
27 driver's qualifications.

28 J. The applicant shall submit a description and a  
29 copy of the written and documentary evidence upon which the  
30 party making the application relies.

31 K. The application must be accompanied by the  
32 driver's statement of intent to drive in intrastate commerce or  
33 a statement that the carrier has used or intends to use the  
34 driver for such work.

35 L. The applicant shall submit three copies of the  
36 application and records.

1 Subp. 2. Information. The commissioner may request  
2 further information from the applicant if the commissioner  
3 determines that a decision cannot be made on the evidence  
4 submitted.

5 Subp. 3. Parties. For the purposes of this part, a party  
6 includes the motor carrier and the driver, or anyone else  
7 submitting an application.

8 Subp. 4. Action. The commissioner shall make a  
9 determination after a hearing has been held under Minnesota  
10 Statutes, chapter 14. The decision of the commissioner may be  
11 appealed in the manner provided in chapter 14.

12 8850.7700 REVOCATION.

13 The commissioner may revoke a waiver only after the person  
14 to whom it was issued is given notice of the proposed revocation  
15 and has been allowed an opportunity for hearing under Minnesota  
16 Statutes, chapter 14.

17 8850.7750 FALSE INFORMATION.

18 Falsifying information in the letter of application,  
19 information in the renewal application, or information required  
20 by a medical evaluation, by either the applicant or carrier, is  
21 prohibited.

22 8850.7900 INTRASTATE TRANSPORTATION; MOTOR VEHICLE SAFETY;  
23 FEDERAL RULES.

24 Code of Federal Regulations, title 49, sections 392.3 to  
25 392.25; 392.30, paragraph (b); and 392.31 to 392.69, as revised  
26 through October 1, ~~1986; and amendments to section 392.57, found~~  
27 ~~at Federal Register, volume 52, page 27201~~ 1987, are  
28 incorporated by reference.

29 8850.7950 USE OF LIVESTOCK VEHICLE FOR GENERAL CARRIAGE.

30 A carrier shall not transport general commodities in a  
31 motor vehicle used for the transportation of livestock unless  
32 the motor vehicle has been cleaned and washed. A livestock  
33 motor vehicle must not be used for the transportation of  
34 household goods and food for human consumption unless it has

1 been cleaned, washed, and disinfected.

2 8850.8000 NO RECKLESS DRIVING.

3 A petroleum transport must not be driven recklessly, or so  
4 as to endanger life, limb, or property.

5 8850.8050 LOADING AND UNLOADING OF PETROLEUM TRANSPORT.

6 Subpart 1. Loading. During loading of a petroleum  
7 transport, the driver must be within 25 feet of the cargo tank,  
8 but not in the vehicle cab or other enclosure.

9 Subp. 2. Unloading. During unloading of a petroleum  
10 transport, the driver must be within 25 feet of the cargo tank,  
11 but must not be in an enclosure or in the cab of the vehicle.  
12 The fire extinguisher must be out of the vehicle's carrying  
13 device, must be ready for instant use, and must be 15 feet or  
14 more from the cargo tank.

15 8850.8100 VEHICLE IDENTIFICATION CARD APPLICATION.

16 An application for a vehicle identification card must have  
17 a statement signed by the motor carrier applicant that the  
18 vehicle to which the card is issued will be operated in  
19 compliance with the safety rules of the commissioner.

20 8850.8200 INTRASTATE TRANSPORTATION; EQUIPMENT; FEDERAL RULES.

21 Subpart 1. Incorporations by reference. Code of Federal  
22 Regulations, title 49, sections 393.9 to 393.106, as revised  
23 through October 1, ~~1986~~~~-and-amendments-to-those-sections-found~~  
24 ~~at-Federal-Register, volume-52, pages-2803-and-2804~~ 1987, are  
25 incorporated by reference.

26 Subp. 2. Exception; fire extinguisher on lightweight  
27 vehicle. Notwithstanding subpart 1 and Code of Federal  
28 Regulations, title 49, section 393.95, first paragraph, every  
29 lightweight vehicle must carry a fire extinguisher that complies  
30 with the requirements of section 393.95.

31 8850.8250 EQUIPMENT NECESSARY FOR LIVESTOCK CARRIER.

32 Subpart 1. Partitioning of vehicle. When vehicles carry  
33 livestock, each kind of livestock must be partitioned. Calves

1 and sheep may be carried in the same compartment; likewise,  
2 calves and cows. Large hogs must be partitioned from pigs.  
3 Bulls, horned cattle, or unruly cattle must be securely tied or  
4 partitioned from other cattle. When less than a full load is  
5 carried, partitions must be used so that the animals are  
6 comfortably carried without jostling and falling.

7 Subp. 2. **Equipment in vehicles.** Spare tires or other  
8 articles not used in the handling of livestock must not be  
9 carried in a compartment that also contains livestock. So far  
10 as practicable, racks and partitions must be free from  
11 projections that might injure the animals carried. Racks and  
12 partitions must not be carried outside of the truck except when  
13 securely fastened on the right side of the truck.

14 Subp. 3. **Upper decks and ramps.** Upper decks used to  
15 transport livestock must at all times be clear of the animals  
16 standing below. Cleated inclines or ramps must be provided for  
17 the loading or unloading of upper decks.

18 Subp. 4. **Floors.** Floors of vehicles carrying livestock  
19 must be cleated, bedded, or sanded sufficiently to prevent  
20 slipping. Bedding may consist of shavings, straw, sand, fine  
21 gravel, sawdust, or other practical material.

22 Subp. 5. **Weather conditions.** During the period from June  
23 15 to September 15 of each year and at other times when  
24 necessary, livestock must be covered to protect them from the  
25 sun. During the period from November 1 to March 31 livestock  
26 carried must be covered and otherwise sheltered to protect them  
27 from inclement weather.

28 Subp. 6. **Number of animals in vehicle.** Livestock must not  
29 be loaded into a motor vehicle in such numbers as to cause  
30 injury or death to an animal.

31 8850.8300 INSPECTION OF MOTOR VEHICLES IN OPERATION.

32 The driver, vehicle, and equipment compliance checklist  
33 must be used to record results of motor vehicle inspections  
34 conducted by motor transportation representatives and hazardous  
35 material specialists of the Minnesota Department of

1 Transportation.

2 8850.8350 DRIVER, VEHICLE, AND EQUIPMENT CHECKLIST.

3 Subpart 1. Inspection information required. Motor  
4 transportation representatives and hazardous material  
5 specialists shall complete a driver, vehicle, and equipment  
6 checklist for each vehicle inspected. The checklist must  
7 contain space for the following information:

8 A. the place of inspection;

9 B. the name of the carrier;

10 C. the street address, municipality, state, and zip  
11 code of the carrier;

12 D. the file number if the carrier is a motor carrier;

13 E. the date and time of inspection;

14 F. the commodity carried on the vehicle;

15 G. a description of the shipping documents carried by  
16 the driver and the date and number on the documents;

17 H. the name and address of the shipper and the  
18 consignee;

19 I. the name, address, birth date, and driver's  
20 license number of the driver;

21 J. the name and address of the vehicle lessor, if any;

22 K. the power unit number, year, license plate number,  
23 and unit number of the vehicle;

24 L. the weight class of the power unit;

25 M. the unit number and the license plate number of  
26 the towed unit, if any;

27 N. vehicle configuration; and

28 O. whether the inspection was a complete or partial  
29 safety inspection or was an inspection to determine compliance  
30 with economic regulation.

31 Subp. 2. Checklist items; defect indication. The  
32 checklist must be used to show whether a warning or a citation  
33 was issued for a defect or violation and whether a defect or  
34 violation resulted in the vehicle being declared out of service.  
35 The checklist must describe the violation of state or federal



1 law or rule for which a warning or citation was issued.

2 Subp. 3. Identification of citation or sticker. The  
3 checklist must show the number of a citation or "out-of-service  
4 vehicle" sticker that was issued.

5 Subp. 4. Checklist, carrier disposition. The motor  
6 transportation representative or hazardous material specialist  
7 shall give a copy of the checklist to the driver of the  
8 vehicle. The driver shall sign the checklist to acknowledge  
9 receipt of a copy of it. The driver shall present the checklist  
10 to the carrier responsible for the operation of the vehicle on  
11 arrival at the carrier's next terminal or facility. If the  
12 driver is not scheduled to arrive at a terminal or facility of  
13 the carrier within 24 hours, the driver shall immediately mail  
14 the checklist to the carrier. The carrier shall examine the  
15 checklist. The carrier must repair or correct the defects or  
16 violations noted on the checklist and a responsible official of  
17 the carrier must date and sign the checklist. The copy of the  
18 checklist given to the driver must be returned by the carrier to  
19 the Minnesota Department of Transportation, Office of Motor  
20 Carrier Safety and Compliance, within 15 days after the date of  
21 issuance. A person shall not sign the certification of repair  
22 unless the vehicle has been repaired as required.

23 Subp. 5. Exception. A carrier (1) to whom a checklist was  
24 issued, (2) who received a citation for a violation described on  
25 the checklist, and (3) who enters or intends to enter a plea of  
26 not guilty on the charge, is not required to repair the defects,  
27 certify the repairs, and return the checklist to the Minnesota  
28 Department of Transportation unless the court proceedings on the  
29 charge have been completed. However, if the vehicle has been  
30 declared and marked out of service, the carrier may operate the  
31 vehicle only under the conditions described in part 8850.8550.

32 Subp. 6. Carrier may take vehicle out of service. A  
33 carrier who receives a checklist that lists defects that must be  
34 repaired may temporarily place the vehicle out of service  
35 instead of repairing the defects. The carrier must notify the  
36 commissioner in writing within 15 days of the issuance of the

1 checklist that it is placing the vehicle out of service. The  
 2 carrier must repair the defects and sign and return the  
 3 checklist to the commissioner before using the vehicle on the  
 4 highway.

5 8850.8400 INSPECTORS; VEHICLES DECLARED OUT OF SERVICE.

6 Subpart 1. Inspector's authority. Every person authorized  
 7 by Minnesota Statutes, chapter 221 or by other law, to enforce  
 8 chapter 221 and rules of the commissioner and board adopted  
 9 under authority of chapter 221, may inspect vehicles subject to  
 10 chapter 221.

11 Subp. 2. Motor vehicles declared out of service. An  
 12 authorized person described in subpart 1 shall place out of  
 13 service a motor vehicle that, because of its mechanical  
 14 condition or loading, is likely to cause an accident or a  
 15 breakdown. An "out-of-service vehicle" sticker must be used to  
 16 mark vehicles that are placed out of service by a motor  
 17 transportation representative or hazardous material specialist.

18 Subp. 3. Other forms used. An authorized person described  
 19 in subpart 1 who is not employed by the Minnesota Department of  
 20 Transportation may use citations, checklists, warning tickets,  
 21 report forms, and "out-of-service vehicle" stickers prescribed  
 22 by the agency or law enforcement organization employing that  
 23 person.

24 8850.8500 "OUT-OF-SERVICE VEHICLE" STICKER.

25 Subpart 1. Statement required. The "out-of-service  
 26 vehicle" sticker used by the Minnesota Department of  
 27 Transportation must contain the following statement:

28 "Out-of-service vehicle. This vehicle has been declared  
 29 out of service by the Minnesota Department of  
 30 Transportation. This vehicle must not be operated until  
 31 repaired. This sticker may be removed only under the  
 32 conditions stated on the out-of-service notice. The person  
 33 responsible for unauthorized removal is liable to penalty  
 34 under Minnesota Statutes, section 221.291. A person shall  
 35 not remove this sticker or operate this vehicle until the  
 36 repairs listed below are completed."

37 Subp. 2. Space for description. The "out-of-service  
 38 vehicle" sticker must contain space for the motor transportation  
 39 representative or hazardous material specialist to describe the

1 mechanical condition requiring the vehicle to be declared out of  
2 service.

3 Subp. 3. Information required. The sticker must contain  
4 the following information:

- 5 A. the make of the power unit;
- 6 B. the model year of the power unit;
- 7 C. the unit number of the power unit;
- 8 D. the power unit license number;
- 9 E. the towed unit license number;
- 10 F. the make of the towed unit, if known;
- 11 G. the unit number of the trailer;
- 12 H. the signature of the driver of the vehicle in the  
13 space provided; and
- 14 I. the signature of the motor transportation  
15 representative or hazardous material specialist in the space  
16 provided.

17 Subp. 4. Serial numbering. The "out-of-service vehicle"  
18 stickers must be serially numbered.

19 8850.8550 CARRIER RESPONSIBILITY.

20 Subpart 1. Repair before use. Except as provided in  
21 subpart 2, a carrier shall not require or permit a person to  
22 operate nor shall a person operate a motor vehicle declared and  
23 marked out of service until the repairs required by the  
24 out-of-service notice have been satisfactorily completed. In  
25 this subpart, "operate" includes towing the vehicle, except that  
26 vehicles marked out of service may be towed away by means of a  
27 vehicle using a crane or hoist. A vehicle combination  
28 consisting of the emergency towing vehicle and the  
29 out-of-service vehicle must not be operated unless the  
30 combination meets the performance requirements of this chapter  
31 except for those conditions noted on the driver, vehicle, and  
32 equipment compliance checklist.

33 Subp. 2. Exception. A vehicle with an out-of-service  
34 defect may be moved under its own power to a place of repair  
35 only in the following circumstances:

1           A. A vehicle transporting hazardous materials  
2 requiring the vehicle to be placarded may be escorted to a  
3 repair facility or safe parking place.

4           B. When the imminently hazardous condition is one  
5 that is automatically removed by the disconnection of the power  
6 unit from the towed unit, the unit that is not out of service  
7 may be operated.

8           C. If it is less hazardous to the public to operate  
9 the vehicle than to permit it to remain on the highway, the  
10 vehicle may be operated only to the nearest place where repairs  
11 can be made safely.

12           Subp. 3. Prohibition. A person shall not remove the  
13 "out-of-service vehicle" sticker from a motor vehicle before  
14 completion of the repairs required by the out-of-service notice.

15 8850.8800 INTRASTATE TRANSPORTATION; NOTIFICATION AND REPORTING  
16 OF ACCIDENTS.

17           Subpart 1. When required. A motor carrier shall report an  
18 accident that results in the death of a human being, bodily  
19 injury to a person who receives medical treatment away from the  
20 scene, or total damage to property totaling \$4,400 or more based  
21 on actual costs or reliable estimates.

22           Subp. 2. Boarding or alighting; unloading. A motor  
23 carrier is not required to report an accident that involves only  
24 boarding and alighting from a stationary motor vehicle or  
25 loading or unloading cargo unless a report is required under  
26 Minnesota Statutes, section 221.034.

27           Subp. 3. Accident report form; incorporations. Accidents  
28 resulting in death, requiring medical attention away from the  
29 scene, or causing property damage totaling \$4,400 or more, must  
30 be reported to the Minnesota Department of Transportation,  
31 Office of Motor Carrier Safety and Compliance. A written report  
32 of the accident must be filed at the Office of Motor Carrier  
33 Safety and Compliance within 30 days after the accident. The  
34 report must be filed on the form required by the United States  
35 Department of Transportation described in Code of Federal

1 Regulations, title 49, section 394.9, paragraph (a), as revised  
2 through October 1, ~~1986~~ 1987, which is incorporated by reference.  
3 The form must be completed as required by Code of Federal  
4 Regulations, title 49, section 394.20, as revised through  
5 October 1, ~~1986~~ 1987, which is incorporated by reference.

6 Subp. 4. Driving record review. A motor carrier shall  
7 review the driving record of a driver involved in an accident.

8 8850.8850 SAFETY MEASURES IN AN ACCIDENT.

9 When a carrier vehicle is involved in an accident, the  
10 driver shall, if possible, use every available means to prevent  
11 people from gathering near the scene, to prevent smoking, to  
12 keep flame away, to safeguard against the aggravation of the  
13 hazard present, and to warn other users of the highway.

14 8850.8900 INTRASTATE TRANSPORTATION; HOURS OF DRIVER SERVICE;  
15 FEDERAL RULES.

16 Subpart 1. Incorporations by reference. Code of Federal  
17 Regulations, title 49, sections 395.2; 395.3, paragraphs (a) to  
18 (c); 395.7; 395.8, paragraphs (a) to (k)(1), (k)(3), and (l)(1);  
19 and 395.10 to 395.12, as revised through October 1, ~~1986~~ 1987;  
20 and amendments to sections 395.2, 395.3, and 395.8 found at  
21 Federal Register, volume 52, pages 41721 and 41722, are  
22 incorporated by reference except for the cross-reference to  
23 paragraph (e) in section 395.3, paragraph (a). The  
24 cross-reference to paragraph (e) in section 395.3, paragraph  
25 (a), is not incorporated by reference.

26 Subp. 2. Limited exemption for lightweight vehicles.  
27 Notwithstanding subpart 1 and part 8850.7025, the requirements  
28 of Code of Federal Regulations, title 49, sections 395.3,  
29 paragraphs (a) and (b); and 395.8, paragraphs (a) to (k), do not  
30 apply to lightweight vehicles.

31 8850.8950 DRIVERS DECLARED OUT OF SERVICE.

32 Subpart 1. Authority to declare drivers out of service. A  
33 person authorized by Minnesota Statutes, chapter 221, or by  
34 other law, to enforce chapter 221 and the rules of the

1 commissioner and board adopted under authority of that chapter  
2 is authorized to declare a driver out of service and to notify  
3 the carrier of that declaration, on finding at the time and  
4 place of examination that the driver has violated the  
5 out-of-service criteria in subpart 2.

6 Subp. 2. **Out-of-service criteria.** A driver shall not  
7 drive after being on duty for the maximum periods permitted by  
8 part 8850.8900 or after being declared out of service under Code  
9 of Federal Regulations, title 49, section 392.5, paragraph (c).

10 A driver required to maintain a record of duty status under  
11 part 8850.8900, subpart 1, shall not fail to have a record of  
12 duty status current on the day of examination and for the  
13 previous seven consecutive days; except that a driver failing  
14 only to have possession of a record of duty status current on  
15 the day of examination and the previous day, and who has  
16 completed records of duty status for the previous six days up to  
17 the day before examination, will be given the opportunity to  
18 make the duty-status record current.

19 Subp. 3. **Responsibilities of carriers.** A carrier shall  
20 not require or permit a driver who has been declared out of  
21 service to operate a motor vehicle until that driver may  
22 lawfully do so, nor shall a carrier require a driver who has  
23 been declared out of service for failure to prepare a record of  
24 duty status, to operate a motor vehicle until that driver has  
25 been off duty for eight consecutive hours and is in compliance  
26 with this part. The consecutive eight-hour, off duty period may  
27 include sleeper berth time.

28 Subp. 4. **Form.** A carrier shall complete the "Carrier  
29 Certification of Action Taken" portion of the driver, vehicle,  
30 and equipment checklist form, described in part 8850.8350, and  
31 return the copy of the form to the Minnesota Department of  
32 Transportation, Office of Motor Carrier Safety and Compliance  
33 within 15 days following the date of examination. If the  
34 carrier mails the form, delivery is made on the date it is  
35 postmarked.

36 Subp. 5. **Responsibilities of the driver.** A driver who has

1 been declared out of service shall not operate a motor vehicle  
2 until that driver may lawfully do so.

3 A driver who has been declared out of service for failing  
4 to prepare a record of duty status shall not operate a motor  
5 vehicle until the driver has been off duty for eight consecutive  
6 hours and is in compliance with this part.

7 8850.9000 INTRASTATE TRANSPORTATION; INSPECTION, REPAIR, AND  
8 MAINTENANCE; FEDERAL RULES.

9 Code of Federal Regulations, title 49, sections 396.3 to  
10 396.7, 396.11, 396.13, and 396.15, as revised through October 1,  
11 ~~1986~~ 1987, are incorporated by reference.

12 8850.9050 HAZARDOUS MATERIALS; DRIVING AND PARKING; FEDERAL  
13 RULES.

14 Subpart 1. Transporting hazardous materials. A person who  
15 transports hazardous materials shall comply with this part and  
16 parts 8850.7000 to 8850.9000 when that person is transporting a  
17 hazardous material, hazardous waste, or hazardous substance that  
18 must be marked or placarded in accordance with Code of Federal  
19 Regulations, title 49, section 172.504, incorporated by  
20 reference in Minnesota Statutes, section 221.033.

21 Subp. 2. Incorporation by reference. Code of Federal  
22 Regulations, title 49, sections 397.5 to 397.19, as revised  
23 through October 1, ~~1986~~ 1987, are incorporated by reference.

24 Subp. 3. Parking. A petroleum transport driver shall not  
25 park on a public street adjacent to a bridge, tunnel, dwelling,  
26 building, or place where persons work, congregate, or assemble,  
27 except when necessary to unload.

28 8855.0300 DUPLICATES FURNISHED TO COMMISSIONER.

29 A motor carrier or interstate carrier shall furnish to the  
30 commissioner a duplicate of its public liability and cargo  
31 policies and endorsements when requested by the commissioner.

32 8855.0400 CERTIFICATE OF INSURANCE; BOND; FEDERAL FORMS.

33 An insurance company that provides insurance against public  
34 liability and property damage for a motor carrier operating

1 under a permit or certificate or for an interstate carrier shall  
2 cover all motor vehicles used in the motor carrier's operations  
3 whether specifically described in the policy or not. The  
4 insurance company shall file with the commissioner either a  
5 certificate of insurance naming each motor carrier insured on  
6 form E, "Uniform Motor Carrier Bodily Injury and Property Damage  
7 Liability Certificate of Insurance," as described in Code of  
8 Federal Regulations, title 49, part 1023, as amended through  
9 October 1, ~~1986~~ 1987, which is incorporated by reference, or the  
10 forms prescribed in part 8855.0800.

11 In lieu of an insurance certificate, a bond may be filed on  
12 form G, "Uniform Motor Carrier Bodily Injury and Property Damage  
13 Liability Surety Bond," as described in Code of Federal  
14 Regulations, title 49, part 1023, as amended through October 1,  
15 ~~1986~~ 1987, which is incorporated by reference.

16 8855.0410 FINANCIAL RESPONSIBILITY FOR REGULAR ROUTE COMMON  
17 CARRIERS OF PASSENGERS AND CHARTER CARRIERS.

18 A regular route common carrier of passengers or a charter  
19 carrier must obtain or cause to be obtained the following  
20 minimum amount of coverage against public liability:

21 A. limit for bodily injury to or death of one person,  
22 \$100,000;

23 B. limit for loss or damage to property of others,  
24 \$50,000; and

25 C. limit for injury to or death of all persons  
26 injured or killed in any one accident:

27 (1) seating capacity of 12 passengers or less,  
28 \$300,000;

29 (2) seating capacity of 13 to 20 passengers,  
30 \$350,000;

31 (3) seating capacity of 21 to 32 passengers,  
32 \$400,000; or

33 (4) seating capacity of 33 passengers or more,  
34 \$450,000.

35 8855.0450 FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS OF



## 1 PROPERTY.

2 Subpart 1. Amount required. Motor carriers of property  
3 operating under a certificate or permit issued by the board  
4 shall obtain or cause to be obtained coverage against public  
5 liability in the following amounts:

6 A. limit for bodily injury to or death of one person,  
7 \$100,000;

8 B. limit for bodily injury to or death of all persons  
9 in any one accident, \$300,000; and

10 C. limit for loss or damage to property of others,  
11 other than cargo, \$50,000.

12 Subp. 2. Exception. Motor carriers of property that  
13 transport hazardous waste, hazardous substances, or hazardous  
14 materials in the quantities described in Code of Federal  
15 Regulations, title 49, section 387.7, shall obtain or cause to  
16 be obtained minimum coverage against public liability as  
17 required in that section.

## 18 8855.0500 CARGO SECURITY.

19 Subpart 1. Insurance or bond required. Each petroleum  
20 carrier and each regular route common carrier of freight shall  
21 obtain or cause to be obtained cargo insurance or bond in the  
22 amount of \$5,000 and shall have its insurer file a cargo  
23 certificate of insurance or bond with the commissioner.

24 Subp. 2. Federal forms, incorporations by reference. Each  
25 insurance company insuring cargo shall file a cargo certificate  
26 of insurance, form H, "Uniform Motor Cargo Certificate of  
27 Insurance," described in Code of Federal Regulations, title 49,  
28 part 1023, as amended through October 1, ~~1986~~ 1987, or a cargo  
29 bond on form J, described in Code of Federal Regulations, title  
30 49, part 1023, as amended through October 1, ~~1986~~ 1987, which  
31 are both incorporated by reference.

## 32 8855.0600 NAMES ON INSURANCE CERTIFICATES AND BONDS.

33 Certificates of insurance and bonds must be issued in the  
34 full and correct name of the person, corporation, or partnership  
35 whose operations are being insured.

## 1 8855.0700 CANCELLATION OF INSURANCE; FEDERAL FORMS.

2 A certificate of insurance or bond for public liability and  
3 a certificate of insurance or bond for cargo security may be  
4 canceled.

5 The insurer shall cancel certificates of insurance for  
6 public liability or cargo insurance by filing with the  
7 commissioner a form K, "Uniform Notice of Cancellation of Motor  
8 Carrier Insurance Policies," described in Code of Federal  
9 Regulations, title 49, part 1023, as amended through October 1,  
10 ~~1986~~ 1987, which is incorporated by reference.

11 The insurer shall cancel surety bonds for public liability  
12 or cargo insurance by filing with the commissioner a form L,  
13 "Uniform Notice of Cancellation of Motor Carrier Surety Bonds,"  
14 described in Code of Federal Regulations, title 49, part 1023,  
15 as amended through October 1, ~~1986~~ 1987, which is incorporated  
16 by reference.

17 A cancellation notice takes effect 30 days from the day the  
18 notice is received by the commissioner.

## 19 8855.0800 AGGREGATION OF INSURANCE.

20 When insurance is provided by more than one insurer to  
21 aggregate coverage required under Minnesota Statutes, chapter  
22 221, each insurer shall file form BMC 91X described in Code of  
23 Federal Regulations, title 49, section 1043.7, paragraph (a)(3),  
24 as amended through October 1, ~~1986~~ 1987, which is incorporated  
25 by reference.

26 8855.0850 INSURANCE AND BONDING COMPANIES MUST BE AUTHORIZED BY  
27 DEPARTMENT OF COMMERCE.

28 Insurance companies or bonding companies who file  
29 certificates of insurance or bonds with the commissioner must be  
30 authorized and registered with the Department of Commerce, to do  
31 business in the state of Minnesota.

32

33 REPEALER. Minnesota Rules, parts 7800.0100, subparts 2, 9,  
34 and 10; 7800.0300; 7800.1200; 7800.1300; 7800.1900; 7800.3500;

- 1 7800.3700; 7800.3800; 7800.4000; 7800.4100; 7800.4200; 7800.4300;
- 2 7800.4400; 7800.4500; 7800.4600; 7800.4700; 7800.4800; 7800.4900;
- 3 7800.5000; 7800.5100; 7800.5200; 7800.5300; 7800.5400; 7800.5500;
- 4 7800.5600; 7800.5700; 7800.5800; 7800.5900; 7800.6000; 7800.6100;
- 5 7800.6200; 7800.6300; 7800.6400; 7800.6500; 7800.6600; 7800.6700;
- 6 7800.6800; 7800.6900; 7800.7000; 7800.7100; 7800.7200; 7800.7300;
- 7 7800.7400; 7800.7500; 7800.7600; 7800.7700; 7800.7800; 7800.7900;
- 8 7800.8000; 7800.8100; 7800.8200; 7805.1400; 7805.1500; 7805.1600;
- 9 7805.1700; 7805.1800; 7805.1900; 7805.2000; 7805.2100; 7805.2200;
- 10 7805.2300; 7805.2400; 7805.2500; 7805.2600; 7805.2700; 7805.2800;
- 11 7805.2900; 7805.3000; 7805.3100; 7805.3200; 7805.3300; 7805.3400;
- 12 7805.3500; and 7805.3600 are repealed.