

# MINNESOTA STATUTES 1973 SUPPLEMENT

## MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS 221.011

### CHAPTER 221. MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS; FOR HIRE, REGULATION

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#### 221.011 Definitions

*[For text of subds. 1 to 11, see M.S.1971]*

Subd. 12. "Contract carrier" means any person engaged in the business of transporting property for hire over the highways under special contracts of carriage with the shippers or receivers of freight who require a specialized service to meet their needs, or a carrier who limits his hauling for the account of not more than ten customers.

*[1973 c 754 s 2]*

*[For text of subds. 13 to 21, see M.S.1971]*

Subd. 22. "Exempt carrier" means any carrier exempt from chapter 221, or from any other law or regulation by the public service commission. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home postoffice. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home postoffice by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1, paragraph 4a. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the plant where they are to be used or shipped.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home postoffice.

(e) Any person while exclusively engaged in the transportation of unwashed sand or gravel to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home postoffice or a 50 mile radius from the site of construction or maintenance of public roads and streets.

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(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or village or between contiguous cities or villages.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the public service commission may prescribe.

[1973 c 367 s 1]

[For text of subds. 22 and 23, see M.S.1971]

### 221.101 Additional authority to petroleum carriers

In addition to the specific authority granted to petroleum carriers, every petroleum carrier holding a certificate as such may transport petroleum products from an origin point he is not authorized to serve when the needs of the shippers he serves because of seasonal failure of supplies require service from such origin point, upon securing permission from the department, provided that this provision shall not include the right to enlarge the carrier's destination area.

[1973 c 754 s 3]

### 221.121 Application; hearing; issuance; renewal

**Subdivision 1. Permit carriers.** Any person desiring to operate hereunder as a permit carrier, except as a livestock carrier, shall file a petition with the department specifying the kind of permit desired, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the department may require. The department, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto, if it finds that applicant is fit and able to conduct the proposed operations, that applicant's vehicles meet the safety standards established by the department, that the area to be served has a need for the transportation services requested in the application, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately such needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect shall be denied a renewal thereof upon compliance with other provisions of sections 221.011 to 221.291. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and the rules of the department governing permit carriers. No permit shall be issued to any common carrier by rail, whereby said common carrier will be permitted to operate trucks for hire within this state, nor shall any common carrier by rail be permitted to own, lease, operate, control or have any interest in any permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 shall prevent the department from issuing a permit to a common carrier by rail, whereby such carrier will be given authority to operate trucks wholly within the limits of any municipality or within adjacent or contiguous municipalities or a common rate point served by said railroad and which service shall only be a service supplementary to the rail service now established by such carriers.

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The department may grant a temporary permit, ex parte, valid for a period not exceeding six months upon a showing there is an immediate and urgent need for the proposed service, pending prompt action by the permit holder to follow regular procedure in securing the permit, and that such immediate and urgent authority from the department is in the public interest. A copy of the order granting such temporary permit, ex parte, shall be mailed immediately to interested parties.

The department shall have power to refuse to issue a permit to a regular route common carrier or petroleum carrier. The department may issue a permit as a contract carrier to such cooperative associations as are described in section 221.011, subdivision 9, notwithstanding the number of its hauling contracts, and provided that such contract carrier shall be permitted to haul its own property.

[1973 c 754 s 4]

[For text of subd. 2, see M.S.1971]

### 221.131 Permits; terms, fees, plates

Permits issued pursuant to the provisions of sections 221.011 to 221.291 shall be effective for a 12-month period, commencing on the first day of the month of their issuance and shall continue from year to year thereafter upon payment of the required registration fee and compliance otherwise with law. The permit holder shall pay into the treasury of the state of Minnesota a fee of \$25 for each kind of permit or extension of authority thereof for which a petition is filed, except on annual renewal, pursuant to section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of such permit during said 12-month period or fraction thereof. Trailers used by applicant in combination with truck-tractors shall not be counted as vehicles in the computation of fees under this section, provided applicant pays the fees for such truck-tractors. The department shall furnish a distinguishing plate, card, or decal for each vehicle or truck-tractor for which a fee has been paid, which plate, card, or decal shall at all times be displayed on the vehicle or truck-tractor to which it has been assigned. Plates may be reassigned to another vehicle or truck-tractor without fee by the department upon application of the permit holder. Plates, cards, or decals issued under the provisions of this section shall be good only for the period for which the permit is effective. The name and residence of the permit holder shall be stenciled or otherwise shown in a conspicuous place on each vehicle operated under his permit. In the event a permit has been suspended or revoked, the department may consider a petition for reinstatement thereof, upon the same procedure required for an original application, and may, in its discretion, grant or deny the same. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay into the treasury of the state of Minnesota an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during any calendar year. On vehicles registered under this section after March 31 of any calendar year, the registration fee shall be prorated on a quarterly basis as follows:

Vehicles registered after March 31	\$15.00
Vehicles registered after June 30	\$10.00
Vehicles registered after September 30	\$ 5.00

A fee of \$3 shall be charged for the replacement of an unexpired plate, card, or decal which has been lost or damaged by the owner.

The provisions of this section are limited by the provisions of any applicable federal law.

[1973 c 754 s 5; 1973 c 766 s 1]

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### 221.141 Insurance or bonds of motor carriers

Before any certificate or permit shall be issued to any motor carrier, it shall secure and file with the department and keep the same at all times in full effect public liability and indemnity insurance in such amount and in such form as the department shall have prescribed, covering injuries and damage to persons or property occurring on the highways, other than the employees of such motor carrier or the property being transported by such carrier, provided that the department shall require cargo insurance for certified carriers, except those carrying passengers exclusively, and may require any permit carrier to file such insurance when it deems necessary to protect the users of the service. Such insurance shall be subject to cancellation for nonpayment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon not less than 30 days' written notice to the insured and to the department. Such insurance or bond may from time to time be reduced or increased by order of the department. The department may, if desired by the applicant, prescribe in lieu of the bond or insurance such other form of security as may be satisfactory. Failure to maintain any required insurance or security shall void the permit or certificate.

[1973 c 754 s 6]

### 221.151 Permits assignable or transferable

Subdivision 1. Permits issued under the provisions of sections 221.011 to 221.291 may be assigned or transferred but only upon the order of the department approving same after notice and hearing.

The proposed seller and buyer or lessor and lessee of a permit shall file a joint petition with the department setting forth the name and address of the parties, the identifying number of the permit and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of all outstanding claims of creditors which are directly attributable to the operation to be conducted under said permit, a copy of the contract of sale or lease and financial statement with balance sheet and income statement, if existent, of the buyer or lessee. If it appears to the department, after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and the department's records and files that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon any other competing carriers, the department may make an order granting same. Provided, however, that the department shall make no order granting the sale or lease of a permit to any person or corporation or association which holds any certificate from the department pursuant to chapter 221 or to any common carrier by rail.

The department shall allow a bona fide transfer of a permit, ex parte without hearing, where the transferee of said permit is a member or members of the transferor's immediate family. Immediate family shall consist only of the spouse, children, and brothers and sisters of the transferor. Transfer of a permit to the immediate family includes transfer to a corporation, the stock of which is wholly owned by the transferor or the members of his immediate family and transfer to a partnership or partner consisting solely of the immediate family.

Provided further that the department shall make no order approving the sale or lease of a permit if the department finds that the price paid for such sale or lease of a permit is disproportionate to the reasonable value of said permit considering all assets and good will involved. The department shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under said permit and that the vehicles he proposes to use in conducting such operations meet the safety standards of the department. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the

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permit, the past operations of the transferor within the five year period immediately preceding the transfer shall be considered and only such operating authority shall be granted to the transferee as was actually exercised by the transferor under his authority within the two year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records or other relevant evidence.

If any authority to operate as a permit carrier is held by a corporation, any sale, assignment, pledge or other transfer of such stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of said corporation, as exercised through its stockholders, shall be reported in the manner prescribed in accordance with the rules and regulations of the department within 90 days after said sale, assignment, pledge or other transfer of stock. The department shall then make a finding whether or not said stock transfer does, in fact, constitute a sale, lease or other transfer of the permit of said corporation to a new party or parties and, if they so find, then the continuance of the permit issued to said corporation shall only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

[1973 c 710 s 1]

Subd. 2. [Repealed, 1973 c 710 s 2]

(NOTE: Section 221.151, Subdivision 2, was also amended by Laws 1973, Chapter 754, Section 7, to read as follows: "Sec. 7. Minnesota Statutes 1971, Section 221.151, Subdivision 2, is amended to read:

Subd. 2. The department shall allow a bona fide transfer of a permit, except a livestock carrier permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this subdivision immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. Provided further that the immediate family as defined in this subdivision shall not include any person under legal disability or any member of the family regardless of relationship who holds any other permit or certificate pursuant to chapter 221 either as an individual or in partnership or as owner of an interest in a corporation holding a permit or a certificate pursuant to chapter 221.

Provided further that the transfer pursuant to this subdivision shall include:

1) transfer to a corporation the stock of which is wholly owned by the transferor or the members of his immediate family;

2) transfer to a partnership or partner consisting solely of the immediate family as defined in this subdivision.

Provided further that said transfer of permit, pursuant to this subdivision, shall comply with the standards set forth in this section based upon the contents of the petition of applicants, all pertinent information available to the department and the department's records and files. No determination of the extent of the operating authority previously exercised shall be required.

If it appears to the department that said petition and exhibits do not reasonably comply with the standards set forth in this section, then after notice to interested parties and the petitioners, the department shall set the matter down for hearing to determine compliance with this section. Any user of the service, competing carrier or interested party shall have the right to file a protest on such transfer as is provided for in this subdivision by filing a sworn statement with the department within six months from the effective date of said transfer whereupon the department shall set the matter down for hearing and the continuance of the permit shall only be upon the transferee's compliance with the standards and procedures otherwise imposed by this section."

### 221.191 Unlawful operations, exceptions

It is unlawful, without specific permission, for any person to operate a commercial truck, tractor, truck-tractor, trailer or semi-trailer on the highways of this state within thirty-five (35) miles, measured by the most direct highway route, from any city of the first class between the hours of 9:00 a. m. and 12:00 midnight on Sundays and legal holidays, from Memorial Day, to the second Sunday in September, both inclusive of each year, provided that there shall be excepted from the provisions of this section the following:

1. Farm trucks as defined in section 168.011, subdivision 17.
2. Commercial motor vehicles of a manufacturer's rated capacity of one ton or less.
3. Motor vehicles when used for the transportation of livestock on Sundays and holidays, whether operating with or without loads.

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4. Motor vehicles when used for the transportation of newspapers, non-intoxicating beverages, ice cream and ice cream flavors and cones and all dairy products, poultry and poultry products and which shall include containers therefor, ice and fresh bakery goods, and other perishable products, whether operating with or without loads; emergency vehicles of public utilities used incidental to making repairs to its plant or equipment; vehicles used exclusively in highway construction; and vehicles used exclusively as service or repair cars going to or from any place, rendering aid and assistance to the disabled motor vehicles.

5. Motor vehicles operating wholly within the corporate limits of cities or villages or between incorporated cities or villages whose boundaries are coincidental.

[1973 c 35 s 45]

## 221.281 Violations, penalties

Any regular route common carrier or petroleum carrier, or any officer, agent or employee of any such carrier, failing to comply with any final order, decision, rule, regulation or directive, or any part or provision thereof, of the department, or any provision of sections 221.011 to 221.296, shall be subject to a penalty of \$50 for each and every day of such failure, to be recovered for the state in a civil action brought by the department. Any such carrier granting any special rate, rebate, drawback, or directly or indirectly charging, demanding, or collecting a greater or less compensation than provided by its regular established schedule of rates and charges, shall be punished by a fine not exceeding \$5,000 for each such offense.

[1973 c 754 s 8]

## 221.291 Misdemeanors, offenses

Any person who violates or procures, aids or abets violation of any provision of sections 221.011 to 221.296 or any valid order or rule of the department issued hereunder shall be guilty of a misdemeanor. Every distinct violation shall be a separate offense.

[1973 c 754 s 9]

## 221.296 Local cartage carriers

[For text of subds. 1 to 3, see M.S.1971]

**Subd. 4. Application for permits.** Any person desiring to operate hereunder as a local cartage carrier shall file a petition with the department specifying the service offered, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the department may require. The department, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto unless it finds that the area to be served has a sufficient number of local cartage carriers to fully and adequately meet the needs of such area or that the applicants' vehicles do not meet the safety standards set up by the department, or that applicant is not fit and able to conduct the proposed operations. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and rules of the department governing local cartage carriers.

[1973 c 231 s 1]

**Subd. 5. Permit fees.** Upon filing of a petition for a permit the applicant shall pay to the state treasury as a fee for the issuance thereof the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that said \$5 per

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motor vehicle charge shall not apply to taxicabs operated pursuant to a local cartage permit. Upon issuance of the permit the department shall assign the carrier a permit number, which shall be painted or prominently displayed on both sides of all vehicles used by the local cartage carrier under authority of said permit.

[1973 c 766 s 2]

*[For text of subds. 6 and 7, see M.S.1971]*

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**Subd. 8. Permits transferable.** Permits, issued under the provisions of section 221.296 may be transferred but only upon the order of the department approving same after notice and hearing.

The proposed seller and buyer of a permit, shall file a joint verified petition with the department setting forth the legal name and address of the parties, the permit number and the description of the authority which the parties seek to sell, a verified statement of the reasons for the proposed sale, a verified statement of all outstanding claims of creditors which are attributable to the business conducted under said permit, a copy of the contract of sale and financial statement with balance sheet and income statement, if existent, of the buyer and the seller. After notice to interested parties and a hearing the department shall not make an order approving and allowing the sale unless the department finds that the buyer is fit and able to conduct the business authorized under said permit, that the vehicles he proposes to use in conducting such business meet the safety standards of the department, that the price paid for the purchase of the permit is not disproportionate to the reasonable value of the permit considering all assets and good will sold, that the proposed sale is in the best interest of the shipping public, and that the seller has legally engaged in the transportation of property or freight for hire on a meaningful basis as determined by the commission within the two year period immediately preceding the sale as proven by accurate and complete bills of lading. For purposes of determining said two year period, any divesting of interest or control shall be deemed the date of the sale and the department shall look to the substance of the transaction rather than the form. Any agreement for the transfer or sale of a permit shall be reported and filed with the department within 30 days of such agreement.

If any authority to operate as a local cartage carrier, is held by a corporation, any sale, assignment, pledge or other transfer of such stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of said corporation, as exercised through its stockholders, shall be reported in the manner prescribed in accordance with the rules and regulations of the department within 30 days after said sale, assignment, pledge or other transfer of stock. The department shall then make a finding whether or not said stock transfer does, in fact, constitute a sale, or other transfer of the permit of said corporation to a new party or parties and, if they so find, then the continuance of the permit issued to said corporation shall only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

The department shall allow a bona fide transfer of a permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this paragraph immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. A transfer pursuant to this paragraph shall include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or the members of his immediate family.

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this paragraph.

[1973 c 231 s 2]

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### INTERSTATE OPERATIONS

#### 221.64 Registration fee; exemptions

Such registration as herein provided shall be granted upon application, without hearing, upon payment of an annual filing fee in the amount of \$25; provided, however, that any permit holder who pays the registration fee provided in section 221.131, shall be exempt from the payment of any fees provided in this section. Nothing in sections 221.61 to 221.68 shall be construed to require the payment of such registration fee by any person who is exempt from obtaining a permit as provided in section 221.011, subdivisions 14 and 22. Upon application, and payment of said fee if applicable, the department of public service shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in said registration which stamp shall at all times be carried in the truck tractor of the registration holder. For each identification stamp issued, the department shall collect a fee of \$5 to be deposited in the state treasury, provided that a lesser fee may be collected pursuant to the terms of reciprocal agreements between the department and the regulatory bodies of other states or provinces of the dominion of Canada. Nothing in sections 221.61 to 221.68 shall be construed to require any registration pursuant to sections 221.61 to 221.68 by any motor vehicle carrier engaged exclusively in intrastate commerce. Motor vehicle carriers subject to chapter 221, shall register their operations in interstate commerce pursuant to sections 221.61 to 221.68 only at the time of and as part of their application for renewal or granting of a permit or certificate by the department of public service.

[1973 c 706 s 3]

## CHAPTER 222. RAILWAYS, UTILITIES; GENERAL PROVISIONS

Sec.	Sec.
222.14 Repealed.	222.37 Public roads; use restriction.
222.141 Mortgages and deeds of trust [New].	

222.14 [Repealed, 1973 c 652 s 2]

#### 222.141 Mortgages and deeds of trust

In any case where any domestic or foreign telegraph or telephone company has mortgaged or executed deeds of trust of the whole or any part of its property or franchises and has issued its corporate bonds secured by such mortgages or deeds in compliance with section 300.10, such mortgages, deeds of trust and bonds are hereby legalized and made valid and effectual for all intents and purposes without regard to the rate of interest borne by such bonds.

[1973 c 652 s 1]

#### 222.37 Public roads; use, restriction

Subdivision 1. Any water power, telegraph, telephone, pneumatic tube, community antenna television, or electric light, heat, or power company may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, or conduit, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town, village, borough or city in which such public road may be. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, light, heat, or power system within the corporate limits of any