

CHAPTER 221

MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS;
FOR HIRE, REGULATION

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221.011 DEFINITIONS.

[For text of subs 1 to 15, see M.S.1988]

Subd. 16. "For hire" means for remuneration or compensation of any kind promised, paid, or given to or received by a person for the transportation of persons or property on the highways, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, when the purchase or sale of the property is not a bona fide purchase or sale. The transportation of property by a person who purchases it immediately before transporting it, and sells it immediately after transporting it, is transportation for hire. The lease or rental of a motor vehicle to a person for transportation of the person's property is transportation for hire and not private carriage when the lessor, directly or indirectly, serves as driver or obtains or arranges for a driver under the terms of the motor vehicle lease. "For hire" does not include motor vehicle operations conducted by a private carrier.

[For text of subs 17 to 31, see M.S.1988]

Subd. 32. "Special passenger carrier" means a person who holds out to the public to provide transportation of passengers for hire by motor vehicle over the public highways under the following conditions: (1) the service is provided in vehicles that are not limousines, (2) the vehicle has a seating capacity, excluding the driver, of more than six persons, (3) the service does not begin or end at an airport, and (4) the service is provided to definite, predetermined locations to which tickets are sold on an individual basis.

History: 1989 c 318 s 7,8

221.022 METROPOLITAN TRANSIT COMMISSION; EXCEPTION.

The powers granted to the board under sections 221.011 to 221.296 do not include the power to regulate any service or vehicles operated by the metropolitan transit commission or to regulate passenger transportation service provided under contract to the department. A provider of passenger transportation service under contract to the department may not provide charter service without first having obtained a permit to operate as a charter carrier.

History: 1989 c 122 s 1; 1989 c 250 s 4

221.025 EXEMPTIONS.

Except as provided in sections 221.031 and 221.033, the provisions of this chapter do not apply to the intrastate transportation described below:

- (a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;
- (b) the transportation of rubbish as defined in section 443.27;
- (c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks when picking up and transporting disabled or wrecked motor vehicles and when carrying proper and legal warning devices;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) a person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) a person while engaged exclusively in transporting fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) a person engaged in transporting property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) a person engaged in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office and the carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm;

(n) a person providing limousine service that is not regular route service in a passenger automobile that is not a van, and that has a seating capacity, excluding the driver, of not more than 12 persons;

(o) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department.

History: 1989 c 122 s 2; 1989 c 250 s 5

221.031 RULES FOR OPERATION OF CARRIERS.

[For text of subd 1, see M.S.1988]

Subd. 2. PRIVATE CARRIERS. This subdivision applies to private carriers engaged in intrastate commerce.

(a) Private carriers operating vehicles licensed and registered for a gross weight of more than 12,000 pounds, shall comply with rules adopted under this section applying to maximum hours of service of drivers, safe operation of vehicles, equipment, parts and accessories, leasing of vehicles or vehicles and drivers, and inspection, repair, and maintenance.

(b) In addition to the requirements in paragraph (a), private carriers operating vehicles licensed and registered for a gross weight in excess of 26,000 pounds shall comply with rules adopted under this section relating to driver qualifications.

(c) The requirements as to driver qualifications and maximum hours of service for drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308A; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) who are engaged in the transportation of construction materials, tools and equipment from

shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

(d) The driver qualification rule and the hours of service rules do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products or farm machinery or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

Subd. 2a. Agricultural exemptions. (a) Notwithstanding the provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the commissioner's rules for safety of operations and equipment, except as provided in paragraph (b).

(b) A rear-end dump truck or other rear-unloading truck while being used for hauling agricultural and other farm products from a place of production or on-farm storage site to a place of processing or storage, is not subject to any rule of the commissioner requiring rear-end protection, including a federal regulation adopted by reference.

[For text of subd 3, see M.S.1988]

Subd. 3a. Contractors or recipients of transportation assistance. Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department must comply with rules of the commissioner for driver qualifications, safe operation of vehicles, equipment, parts and accessories, maximum hours of service of drivers, inspection, repair and maintenance, and accident reporting. This subdivision does not apply to a local transit commission, a transit authority created by the legislature, or special transportation service certified by the commissioner under section 174.30.

[For text of subd 5, see M.S.1988]

Subd. 6. Vehicle identification rule. The following carriers shall display the carrier's name and address on the power unit of each vehicle:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) interstate and intrastate private carriers operating vehicles licensed and registered for a gross weight of 12,000 pounds or more; and
- (3) vehicles providing transportation described in section 221.025 which are licensed and registered for a gross weight of 12,000 pounds or more except those providing transportation described in section 221.025, clauses (a), (c), and (d).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the city or community and state abbreviation in which the carrier maintains its principal office or in which the vehicle is customarily based. If the carrier operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings.

The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

[For text of subd 7, see M.S.1988]

History: 1989 c 118 s 1; 1989 c 122 s 3; 1989 c 318 s 9; 1989 c 356 s 11,23,24

221.035 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subdivision 1. License requirement. (a) A person may not transport hazardous waste that is required to have a manifest under Minnesota Rules, part 7045.0261, or is required to have shipping papers under Minnesota Rules, part 7045.0125, without a license issued under this section.

(b) If the applicant complies with the requirements of this section, the commissioner shall issue the license and shall issue a vehicle identification decal for each single unit vehicle or trailer that the licensee will use to transport hazardous waste. The applicant shall pay a fee of \$500 for a three-year license and an annual fee of \$25 for each vehicle identification decal. The license must be maintained at the licensee's principal place of business. The name and address of the licensee must be displayed on both sides of each unit of the vehicle. The vehicle identification decal must be displayed on the single unit vehicle or trailer to which it is assigned, as prescribed by the commissioner. The decal is effective only when the license is effective. The license must be renewed in the third year following the date of the issuance of the license. The licensee must obtain new decals each year. The license may not be transferred to another person. All decals issued during the year expire each year on the anniversary date of the issuance of the license.

(c) An applicant for a license under this section, who is not otherwise subject to section 221.141, shall file a certificate of insurance with the commissioner as provided in section 221.141. The certificate must state that the insurer has issued to the applicant a policy that by endorsement provides public liability insurance in the amount required by Code of Federal Regulations, title 49, part 387.

[For text of subds 2 to 4, see M.S.1988]

History: 1989 c 318 s 10

221.121 PETITION; HEARING; ISSUANCE; RENEWAL.

[For text of subds 1 to 6, see M.S.1988]

Subd. 6a. Household goods carrier. A person who desires to hold out or to operate as a carrier of household goods shall follow the procedure established in subdivision 1, and shall specifically request an irregular route common carrier permit with authority to transport household goods. The permit granted by the board to a person who meets the criteria established in this subdivision and subdivision 1 shall authorize the person to hold out and to operate as an irregular route common carrier of household goods. A person who provides or offers to provide household goods packing services and who makes any arrangement directly or indirectly by lease, rental, referral, or by other means to provide or to obtain drivers, vehicles, or transportation service for moving household goods, must have an irregular route common carrier permit with authority to transport household goods.

Subd. 6b. Special passenger carriers. A person who has been granted a charter carrier permit by the board may provide special passenger service within the territory or on the routes granted in the order granting the charter carrier permit. A charter carrier that provides special passenger service must file a tariff that shows the rates and charges that apply to the special passenger service.

[For text of subd 7, see M.S.1988]

History: 1989 c 318 s 11,12

221.123 EFFECT OF DEATH OF PERMIT HOLDER.

This section governs the transfer of a permit in the event of the death of the permit

holder. Within one year after the transfer of a permit of a deceased permit holder by the deceased permit holder's personal representative, or within one year after the date of a decree or order issued by the probate court transferring the permit of a deceased permit holder, the distributee, as defined in section 524.1-201, who received the permit shall apply to the board to have the permit transferred under the provisions of section 221.151, subdivision 2.

If an application to transfer the permit is not filed within the time prescribed above, the permit is revoked and the commissioner shall so notify the person who had received the permit.

History: 1989 c 318 s 13

221.141 INSURANCE OR BONDS OF MOTOR CARRIERS.

[For text of subds 1 and 1a, see M.S.1988]

Subd. 1b. **Amount.** Except as provided in subdivision 1d, the amount of insurance, bond, or other security required for motor carriers is the amount prescribed by order of the commissioner. The amount prescribed may from time to time be reduced or increased by order of the commissioner. The commissioner may, if desired by the petitioner, prescribe in lieu of the bond or insurance some other form of security as may be satisfactory. Each policy of insurance, surety bond, or other evidence of financial responsibility issued to a motor carrier or to an interstate carrier must be amended by attachment to the policy of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement (Form F) prescribed in Code of Federal Regulations, title 49, part 1023, or must by its terms provide coverage that conforms to the terms and conditions of that endorsement.

[For text of subds 1c to 3, see M.S.1988]

Subd. 4. **Irregular route carriers of household goods.** An irregular route common carrier of household goods shall maintain in effect cargo insurance or cargo bond in the amount of \$50,000 and shall file with the commissioner a cargo certificate of insurance or cargo bond. A cargo certificate of insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance, described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform to Form J, described in Code of Federal Regulations, title 49, part 1023. Both Form H and Form J are incorporated by reference. The cargo certificate of insurance or cargo bond must be issued in the full and correct name of the person, corporation, or partnership to whom the irregular route common carrier of household goods permit was issued and whose operations are being insured. A carrier that was issued a permit as an irregular route common carrier of household goods before August 1, 1989, shall obtain and file a cargo certificate of insurance or bond within 90 days of August 1, 1989.

History: 1989 c 318 s 14, 15

221.60 REGISTRATION OF INTERSTATE CARRIERS.

[For text of subds 1 to 3, see M.S.1988]

Subd. 3a. **Failure to maintain insurance.** If a carrier fails to maintain and file with the commissioner the insurance or bond required by section 221.141 and the rules of the commissioner, the commissioner shall suspend and cancel the carrier's interstate registration according to the procedure in section 221.185, subdivisions 2, paragraphs (a) and (b), clause (1); and 3. If the carrier fails to comply with section 221.141 within 45 days of the date of suspension, the commissioner shall cancel the carrier's interstate registration until the carrier files and maintains insurance as required by section 221.141 and rules of the commissioner. The commissioner shall notify the carrier of the cancellation.

[For text of subds 4 to 6, see M.S.1988]

History: 1989 c 318 s 16

221.601 AGREEMENTS WITH OTHER STATES.

Subdivision 1. **Authority.** The commissioner may enter agreements with representatives of other states to allow the cooperative registration of motor carriers transporting property or passengers for hire in interstate commerce. The agreement may authorize representatives of other states to issue interstate registration stamps and trip permits, accept the filing of insurance certificates and interstate commerce commission orders, and collect and disburse fees prescribed by this chapter. The agreement may allow the exchange of information for audit, reporting, and enforcement purposes, and the collection and disbursement of fees provided under this chapter and the laws of other states that participate in the agreement. The agreement must be in writing. The agreement may provide for the gradual adoption of a base state registration system. It may provide that a motor carrier based in another state participating in the agreement, that has filed evidence of financial responsibility in that state that meets the requirements of this chapter and of the agreement, need not file evidence of financial responsibility with the commissioner for its interstate operations in this state.

Subd. 2. **Definition.** For purposes of this section, "state" means a state, the District of Columbia, or a state or province of a foreign country.

History: 1989 c 318 s 17

221.67 SERVICE OF PROCESS.

The use of any of the public highways of this state for the transportation of persons or property for compensation by a motor carrier in interstate commerce shall be deemed an irrevocable appointment by the carrier of the secretary of state to be the carrier's true and lawful attorney upon whom may be served all legal process in any action or proceeding brought under this chapter against the carrier or the carrier's executor, administrator, personal representative, heirs, successors or assigns. This use is a signification of agreement by the interstate motor carrier that any process in any action against the carrier or the carrier's executor, administrator, personal representative, heirs, successors, or assigns which is so served shall be of the same legal force and validity as if served upon the carrier personally. Service shall be made by serving a copy thereof upon the secretary of state or by filing a copy in the office of the secretary of state, together with payment of a fee of \$35, and the service shall be sufficient service upon the absent motor carrier if notice of the service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at the defendant's last known address and the plaintiff's affidavit of compliance with the provisions of this section and sections 221.60, 221.65, and 221.68 is attached to the summons.

History: 1989 c 335 art 1 s 184