

CHAPTER 221

MOTOR CARRIERS; PIPELINE CARRIERS

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221.011 DEFINITIONS.

[For text of subds 1 to 41, see M.S.1992]

Subd. 42. **Lightweight vehicle.** "Lightweight vehicle" means a vehicle with a gross vehicle weight of 10,000 pounds or less, but does not include a vehicle transporting passengers for hire or a vehicle transporting hazardous materials that must be placarded or marked under Code of Federal Regulations, title 49, section 177.823.

Subd. 43. **Petroleum transport.** "Petroleum transport" means a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk.

Subd. 44. **Armored carrier service.** "Armored carrier service" means transportation of property in armored vehicles protected by at least one armed person other than the driver.

Subd. 45. **Armored carrier.** "Armored carrier" is a motor carrier engaged in providing armored carrier service.

History: 1993 c 117 s 7,8; 1993 c 213 s 1,2

NOTE: The repeal of subdivision 34 by Laws 1993, chapter 323, section 4, is effective August 1, 1994. See Laws 1993, chapter 323, section 5.

221.025 EXEMPTIONS.

The provisions of this chapter requiring a certificate or permit to operate as a motor carrier 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 solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.011, subdivision 31;

(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 equipped with proper and legal warning devices when picking up and transporting (1) disabled or wrecked motor vehicles or (2) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(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) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the 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) the transportation of 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) the transportation of 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) the transportation of 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) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department or the regional transit board; and

(o) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

History: 1993 c 117 s 9

221.031 RULES FOR OPERATION OF CARRIERS.

Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) A motor carrier having gross revenues from for-hire transportation in a calen-

calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.

(f) The commissioner shall enforce sections 169.781 to 169.783.

(g) The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board.

(h) The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Subd. 2. Exemptions for private carriers. This subdivision applies to private carriers engaged in intrastate commerce.

(a) Private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds shall comply with rules adopted under:

(1) section 221.0314, subdivisions 2 to 5, for driver qualifications;

(2) section 221.0314, subdivision 9, for hours of service of drivers;

(3) section 221.0314, subdivision 6, for driving of motor vehicles;

(4) section 221.0314, subdivision 7, for parts and accessories necessary for safe operation;

(5) section 221.0314, subdivision 10, for inspection, repair, and maintenance; and

(6) this section for leasing of vehicles or vehicles and drivers.

Private carriers not subject to the rules for driver qualifications before August 1, 1992, must comply with those rules on and after August 1, 1994.

(b) The rules for hours of service of 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) 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.

(c) The rules for driver qualifications and hours of service of drivers do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products, 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.

(d) The rules for driver qualifications do not apply to a driver employed by a private carrier while operating a lightweight vehicle.

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 rules for driver qualifications; driving of motor vehicles; and parts and accessories necessary for safe operation, except as provided in paragraphs (b) and (c).

(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.

(c) A private carrier operating a commercial motor vehicle as defined in section 169.781, subdivision 1, must comply with sections 169.781 to 169.783.

Subd. 2b. Other exemptions. From August 1, 1992, to August 1, 1994, the rules for hours of service of drivers do not apply to a person exclusively engaged in the transportation of asphalt cement, cementitious material, fly ash, or sod, construction debris, and solid waste when transported by a transfer driver, when the transportation is provided within a radius of 100 miles from (1) the person's home post office, or (2) a highway construction or maintenance site where the asphalt cement, cementitious material, fly ash, or sod is being used.

Subd. 3. Vehicles over 10,000 pounds not exempt. (a) This subdivision applies to persons engaged in intrastate commerce who operate vehicles providing transportation described in section 221.025 with a gross vehicle weight in excess of 10,000 pounds, except school buses, commuter vans, and authorized emergency vehicles.

(b) Persons providing transportation described in section 221.025, clause (f), (j), (l), or (m), must comply with the rules for driving of motor vehicles and for parts and accessories necessary for safe operation.

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (f), (j), (l), or (m), must comply with the rules for driving of motor vehicles; parts and accessories necessary for safe operation; and, after August 1, 1994, the rules for driver qualifications.

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 or the regional transit board must comply with rules for driver qualifications; driving of motor vehicles; parts and accessories necessary for safe operation; hours of service of drivers; inspection, repair, and maintenance; and the rules adopted in section 221.0314, subdivision 8, for accident reporting.

This subdivision does not apply to (1) a local transit commission, (2) a transit authority created by the legislature, (3) special transportation service certified by the commissioner under section 174.30, or (4) special transportation service defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle defined in section 169.01, subdivision 3a.

Subd. 3b. Passenger transportation; exemptions. (a) A person who transports passengers for hire in intrastate commerce, who is not made subject to the rules adopted in section 221.0314 by any other provision of this section, must comply with the rules for hours of service of drivers while transporting employees of an employer who is directly or indirectly paying the cost of the transportation.

(b) This subdivision does not apply to:

- (1) a local transit commission;
- (2) a transit authority created by law; or
- (3) persons providing transportation:

(i) in a school bus as defined in section 169.01, subdivision 6;

(ii) in a commuter van;

(iii) in an authorized emergency vehicle as defined in section 169.01, subdivision 5;

(iv) in special transportation service certified by the commissioner under section 174.30;

(v) that is special transportation service as defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle as defined in section 169.01, subdivision 3a;

(vi) in a limousine the service of which is licensed by the commissioner under section 221.84; or

(vii) in a taxicab, if the fare for the transportation is determined by a meter inside the taxicab that measures the distance traveled and displays the fare accumulated.

Subd. 3c. Solid waste transporters not exempt. Persons providing transportation described in section 221.025, clause (b), must comply with the rules for driver qualifications after August 1, 1994; hours of service of drivers; driving of motor vehicles; parts

and accessories necessary for safe operation; and inspection, repair, and maintenance. A local government unit, as defined in section 115A.03, subdivision 17, shall not enact or enforce laws, ordinances, or regulations for the operation of solid waste transporters that are inconsistent with the rules adopted in section 221.0314.

Subd. 5. Department investigates. The department shall investigate the operation of carriers subject to the rules adopted in section 221.0314, their compliance with rules of the department and board and with the provisions of this chapter, and may institute and prosecute actions and proceedings in the proper district court for enforcement of those rules.

Subd. 6. Vehicle identification rule. (a) 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 with a gross vehicle weight of more than 10,000 pounds; and
- (3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds 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.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the community and abbreviation of the state 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.

(c) 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 subds 7 to 9, see M.S.1992]

History: 1993 c 117 s 10-19

221.0313 CONTROLLED SUBSTANCES TESTING AND PROCEDURES.

Subdivision 1. Purpose; intent; exemption. (a) The purpose of this section is to adopt federal regulations governing testing for controlled substances.

(b) The legislature intends that the adopted federal regulations be applied:

(1) to persons who provide intrastate transportation, who are subject to the rules adopted in section 221.0314, subdivisions 2 to 5, for driver qualifications, and who operate commercial motor vehicles, as defined in Code of Federal Regulations, title 49, section 391.85; and

(2) in the same manner that the federal regulations apply to interstate transportation.

(c) Intrastate carriers who are required to comply with the adopted federal regulations are exempt from the requirements of sections 181.950 to 181.957. This exemption applies only to the testing of drivers.

[For text of subds 2 to 6, see M.S.1992]

History: 1993 c 117 s 20

221.0314 FEDERAL SAFETY REGULATIONS; ADOPTION.

Subdivision 1. Applicability. (a) Intrastate motor carriers, private carriers, and persons providing intrastate transportation described in section 221.025, must comply with the rules incorporated in this section to the extent required by section 221.031. Every carrier and its officers, agents, representatives, and employees responsible for managing, maintaining, equipping, operating, or driving motor vehicles, or hiring, supervising, training, assigning, or dispatching drivers, must be instructed in and comply with the rules incorporated in this section and shall require that its agents, representatives, drivers, and employees comply.

(b) In the rules incorporated in subdivisions 2 to 11:

(1) the term "motor carrier" means a carrier required to comply with this section by section 221.031;

(2) a reference to a federal agency or office means the Minnesota department of transportation; and

(3) a reference to a federal administrative officer means the commissioner of the Minnesota department of transportation.

Subd. 2. Qualifications of drivers. Code of Federal Regulations, title 49, part 391 and appendixes C, D, and E, are incorporated by reference except for sections 391.1; 391.2; 391.11, paragraph (b)(1); 391.47; 391.49, paragraphs (b) to (1); 391.51, paragraphs (f) and (g); 391.67; 391.69; 391.71; and those sections incorporated in section 221.0313, subdivision 4. In addition, the cross references to Code of Federal Regulations, title 49, section 391.62, 391.67, or 391.71 or to part 391, subpart G, found in Code of Federal Regulations, title 49, sections 391.11, paragraphs (a) and (b); 391.21, paragraph (a); 391.23, paragraph (a); 391.25; 391.27, paragraph (a); 391.31, paragraph (a); 391.35, paragraph (a); 391.41, paragraph (a); and 391.45, are not incorporated by reference.

Subd. 3. Waiver for physical defects. A person who is not physically qualified to drive under subdivision 2, but who meets the other qualifications under subdivision 2, may drive a motor vehicle if the commissioner grants a waiver to that person. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), according to rules adopted under section 221.031. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13) for medical conditions for which waiver programs have been established by the United States Department of Transportation. The commissioner shall require the same information and follow the same procedure as the United States Department of Transportation in granting the waivers.

Subd. 4. Age requirement for drivers. Drivers of vehicles engaged in intrastate transportation and subject to subdivision 2 must be at least 18 years of age. Drivers of vehicles subject to section 221.033 must be at least 21 years of age, except as provided in that section.

Subd. 5. Location of driver qualification files. A carrier subject to subdivision 2 must keep each driver's qualification file at the carrier's principal place of business for as long as a driver is employed by that carrier and for three years after the driver leaves employment. Upon written request to and with the written approval of the commissioner, a carrier may retain driver qualification files at a regional or terminal office.

Subd. 6. Driving of motor vehicles. Code of Federal Regulations, title 49, part 392, is incorporated by reference, except that sections 392.1, 392.2, and 392.30, paragraph (a), of that part, are not incorporated.

Subd. 7. Parts and accessories necessary for safe operation. Code of Federal Regulations, title 49, part 393, is incorporated by reference, except that sections 393.1, 393.3, and 393.5 of that part are not incorporated. In addition, despite the first paragraph of Code of Federal Regulations, title 49, section 393.95, a lightweight vehicle must carry a fire extinguisher meeting the requirements in Code of Federal Regulations, title 49, section 393.95.

Subd. 8. **Accidents by carriers.** The definitions of "accident," "disabling damage," and "fatality" in Code of Federal Regulations, title 49, sections 390.5 and 390.15, are incorporated by reference.

Subd. 9. **Hours of service of drivers.** Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that sections 395.3, paragraphs (d) to (f); 395.8, paragraphs (k)(2) and (l)(2); and 395.13, of that part are not incorporated. In addition, the cross reference to paragraph (e) in Code of Federal Regulations, title 49, section 395.3, paragraph (a), is not incorporated by reference. The requirements of Code of Federal Regulations, title 49, sections 395.3, paragraphs (a) and (b); and 395.8, paragraphs (a) to (k), do not apply to lightweight vehicles.

Subd. 10. **Inspection, repair, and maintenance.** Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.1, 396.9, and 396.17 to 396.25 of that part are not incorporated.

Subd. 11. **Transporting hazardous materials; driving and parking.** A person who transports hazardous materials shall comply with this section and rules adopted under section 221.031 when that person is transporting a hazardous material, hazardous waste, or hazardous substance that must be marked or placarded in accordance with Code of Federal Regulations, title 49, section 172.504, incorporated by reference in section 221.033. Code of Federal Regulations, title 49, part 397, is incorporated by reference, except that sections 397.1 to 397.3 of that part are not incorporated. A petroleum transport driver shall not park on a public street adjacent to a bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble, except when necessary to unload.

History: 1993 c 117 s 21

221.033 REGULATION OF HAZARDOUS MATERIALS.

[For text of subd 1, see M.S.1992]

Subd. 2. **Exemption for farmers.** (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the rules adopted in section 221.0314, subdivisions 2 to 5, for driver qualifications or with the shipping paper requirements of the Code of Federal Regulations, title 49, sections 172.200 and 177.817 or with section 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500-gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than 10,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

Subd. 2a. **Agriculturally related exemption.** (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Fertilizer and agricultural chemical retailers or their employees are exempt from the rule in section 221.0314, subdivision 4, requiring that drivers must be at least 21 years of age when:

(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and

(2) the driver employed by the retailer is at least 18 years of age.

(c) A fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the rule in Code of Federal Regulations, title 49, section 395.3, paragraph (b), relating to hours of service of drivers, and section 395.8, requiring a driver's record of duty status, while exclusively engaged in

the transportation of fertilizer or agricultural chemicals between April 1 and July 1 of each year when:

(1) the transportation is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business;

(2) the fertilizer or agricultural chemicals are for use on the farm to which they are transported; and

(3) the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.

[For text of subds 2b to 4, see M.S.1992]

History: 1993 c 117 s 22,23

221.035 HAZARDOUS WASTE TRANSPORTER LICENSE.

[For text of subds 1 and 1a, see M.S.1992]

Subd. 2. Operation requirements. A vehicle operated under a license issued under this section must be operated in compliance with the rules adopted in section 221.0314: (1) subdivisions 2 to 5 for driver qualifications; (2) subdivision 6 for driving of motor vehicles; (3) subdivision 7 for parts and accessories necessary for safe operation; (4) subdivision 10 for inspection, repair, and maintenance; and (5) subdivision 9 for hours of service of drivers.

[For text of subds 3 and 4, see M.S.1992]

History: 1993 c 117 s 24

221.036 ADMINISTRATIVE ORDERS AND PENALTIES.

Subdivision 1. Orders. The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.041, subdivision 3; (3) section 221.081; (4) section 221.151; (5) section 221.171; (6) section 221.141; (7) section 221.035, a material term or condition of a license issued under that section; or rules of the board or commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

[For text of subd 2, see M.S.1992]

Subd. 3. Amount of penalty; considerations. (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.041, subdivision 3; 221.081; 221.141; 221.151; or 221.171, or rules of the board or commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.035, and rules adopted under that section, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

[For text of subds 4 to 14, see M.S.1992]

History: 1993 c 117 s 25,26

221.051 REGULAR ROUTE PASSENGER CARRIERS.

Subdivision 1. **Abandonment or discontinuance of service.** No regular route common carrier of passengers or class I carrier may abandon or discontinue any service required under its certificate without an order of the board therefor, except in cases of emergency or conditions beyond its control.

Subd. 2. **Incidental charter authority.** Notwithstanding any other law, a regular route common carrier of passengers that was granted incidental charter operating authority by the board before August 1, 1993, may continue to exercise that authority.

History: 1993 c 323 s 2

221.072 CLASS I CARRIERS.

[For text of subd 1, see M.S.1992]

Subd. 2. **Exceptions.** This section does not apply to any carrier listed in section 221.111, clauses (3) to (10).

[For text of subd 3, see M.S.1992]

History: 1993 c 213 s 3

221.091 LIMITATIONS; RELATIONSHIP TO LOCAL REGULATION.

No provision in sections 221.011 to 221.291 and 221.84 shall authorize the use by any carrier of any public highway in any city of the first class in violation of any charter provision or ordinance of such city in effect January 1, 1925, unless and except as such charter provisions or ordinance may be repealed after that date; nor shall sections 221.011 to 221.291 and 221.84 be construed as in any manner taking from or curtailing the right of any city to reasonably regulate or control the routing, parking, speed or the safety of operation of a motor vehicle operated by any carrier under the terms of those sections, or the general police power of any such city over its highways; nor shall sections 221.011 to 221.291 and 221.84 be construed as abrogating any provision of the charter of any such city requiring certain conditions to be complied with before such carrier can use the highways of such city and such rights and powers herein stated are hereby expressly reserved and granted to such city; but no such city shall prohibit or deny the use of the public highways within its territorial boundaries by any such carrier for transportation of passengers or property received within its boundaries to destinations beyond such boundaries, or for transportation of passengers or property from points beyond such boundaries to destinations within the same, or for transportation of passengers or property from points beyond such boundaries through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a certificate of convenience and necessity issued by the commission or to a permit issued by the commissioner under section 221.84.

History: 1993 c 323 s 3

NOTE: The amendment to this section by Laws 1993, chapter 323, section 3, is effective August 1, 1994. See Laws 1993, chapter 323, section 5.

221.111 PERMITS TO OTHER MOTOR CARRIERS.

Motor carriers other than certificated carriers and local cartage carriers shall obtain a permit in accordance with section 221.121. The board shall issue only the following kinds of permits:

- (1) class II-T permits;

- (2) class II-L permits;
- (3) livestock carrier permits;
- (4) contract carrier permits;
- (5) charter carrier permits;
- (6) courier service carrier permits;
- (7) local cartage carrier permits;
- (8) household goods mover permits;
- (9) temperature-controlled commodities permits; and
- (10) armored carrier permits.

History: 1993 c 213 s 4

221.121 PERMITS: APPROVAL PROCESS; OPERATING AUTHORITY; FEE.

[For text of subs 1 to 6f, see M.S.1992]

Subd. 6g. **Armored carriers.** A person who desires to hold out or to operate as an armored carrier must follow the procedure established in subdivision 1 and specifically request an armored carrier permit. No permit is required of a private carrier shipping its own items of extraordinary value. The board shall issue the permit if it finds that the petitioner meets the criteria established in subdivision 1 and has provided evidence that:

(a) The carriers' personnel, security, and insurance standards and procedures render it fit and able to protect the property the petitioner will transport under the permit.

(b) The carrier has obtained a protective agent's or private detective's license under sections 326.338 and 326.3381, subdivision 1, and holds the license in good standing.

[For text of subd 7, see M.S.1992]

History: 1993 c 213 s 5

221.131 CARRIER VEHICLE REGISTRATION; FEES; IDENTIFICATION; CAB CARDS.

[For text of subs 1 to 6, see M.S.1992]

Subd. 7. **Armored carriers.** The commissioner shall issue distinct annual identification cards for vehicles that provide armored carrier service under a permit issued by the board. No card may be issued unless the armored carrier submits evidence that it holds in good standing a protective agent's or private detective's license under sections 326.338 and 326.3381, subdivision 1.

History: 1993 c 213 s 6

221.141 INSURANCE OR BONDS.

[For text of subs 1 to 5, see M.S.1992]

Subd. 6. **Armored carriers.** An armored carrier must maintain in effect cargo insurance, cargo bond, or moneys and securities insurance coverage in a minimum amount of \$300,000 per incident and must file, or its insurer must file, with the commissioner a cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage. 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. A certificate of moneys and securities coverage must conform to either Form H or Form J with such variances as the commissioner may allow to accommodate industry practice. Form H and Form J are incorporated by reference. The cargo certifi-

cate of insurance, cargo bond, or certificate of moneys and securities coverage must be issued in the full and correct name of the person, corporation, or partnership to whom the armored carrier permit was issued and whose operations are being insured.

History: 1993 c 213 s 7

221.153 ARMORED CARRIERS; CONVERSION OF OPERATING AUTHORITY.

Subdivision 1. Expiration of operating authority. All operating authority under certificates or permits granted by the board that authorizes armored carrier service expires on March 1, 1994. After February 28, 1994, no person may provide armored carrier service unless the person holds a valid armored carrier permit issued by the board. This subdivision does not require the expiration of any operating authority other than authority for armored carrier service. This subdivision does not limit the right of carriers to transport items of exceptional value in nonarmored vehicles that are not protected by at least one armed person exclusive of the driver.

Subd. 2. Conversion. A motor carrier holding operating authority that expires on March 1, 1994, under subdivision 1 who wishes to continue providing the service authorized by that operating authority must convert that operating authority into an armored carrier permit before that date.

Subd. 3. Issuance of new permits. (a) By November 1, 1993, a motor carrier described in subdivision 2 must submit to the commissioner an application for conversion. The application must be on a form prescribed by the commissioner and must be accompanied by an application fee of \$50. The application must state: (1) the name and address of the applicant; (2) the identifying number of all certificates or permits that grant the operating authority the applicant wishes to convert; (3) evidence of armored carrier service that the motor carrier has actually and lawfully performed under a certificate or permit within the two years prior to May 15, 1993; and (4) evidence of a protective agent's or private detective's license in good standing under section 221.121, subdivision 6g, paragraph (b).

(b) The commissioner shall transmit to the board all applications that meet the requirements of paragraph (a). The board shall develop an expedited process for hearing and ruling on applications submitted under this subdivision. Within 60 days after receiving an application under this subdivision, the board shall issue an order approving or denying the issuance of an armored carrier permit. The board shall issue the permit requested in the application if it finds that the issuance is authorized under this section. An application submitted to the commissioner under this subdivision by November 1, 1993, is deemed approved by the board unless by January 1, 1994, the board has issued an order denying the application.

(c) A motor carrier whose actual and lawful provision of armored carrier service has within the two years immediately prior to May 15, 1993, been limited exclusively to service to and from points within the local cartage zone shall only be issued an armored carrier permit that authorizes service as an armored carrier to and from points within that zone. A motor carrier whose actual and lawful provision of armored carrier service has within the two years immediately prior to May 15, 1993, been limited exclusively to service to and from points outside the local cartage zone shall be issued only an armored carrier permit that authorizes service as an armored carrier to and from points outside that zone. A motor carrier whose actual and lawful provision of armored carrier service has within the two years immediately prior to May 15, 1993, included service to and from points within and outside the local cartage zone shall be issued an armored carrier permit that authorizes armored carrier service to and from points anywhere in the state.

History: 1993 c 213 s 8

221.161 SCHEDULE OF RATES AND CHARGES.

Subdivision 1. Filing; hearing upon board initiative; armored carrier exemption. (a) Except as provided in paragraph (b), a permit carrier, including a livestock carrier but

not including a local cartage carrier, shall file and maintain with the commissioner a tariff showing rates and charges for transporting persons or property. Tariffs must be prepared and filed in accordance with the rules of the commissioner. When tariffs are filed in accordance with the rules and accepted by the commissioner, the filing constitutes notice to the public and interested parties of the contents of the tariffs. The commissioner shall not accept for filing tariffs that are unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section, after notification and investigation by the department, the board may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the permit carrier filing the proposed tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the permit carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. Tariffs for transporting livestock are not subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the commissioner.

(b) A holder of an armored carrier permit is not required to file a tariff under this subdivision for the service authorized by the armored carrier permit.

[For text of subs 2 to 4, see M.S.1992]

History: 1993 c 213 s 9

221.172 SHIPPING DOCUMENTS.

Subdivision 1. Hazardous material bill of lading. A person who transports a hazardous material by motor vehicle shall conform to the requirements of Code of Federal Regulations, title 49, with respect to shipping documents.

Subd. 2. Hazardous waste manifest. A person who transports a hazardous waste by motor vehicle shall carry in the vehicle a hazardous waste manifest which conforms to the requirements of Minnesota Rules, chapter 7045.

Subd. 3. Class I, class II, and temperature-controlled commodities carriers; household goods movers. A class I carrier, class II carrier, household goods mover, and a holder of a temperature-controlled commodities permit shall keep a record of each shipment transported under a certificate or permit. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) number of packages, if applicable to the rating of the freight or if the carrier's operating authority includes a package or article restriction, unless the shipment is transported by a household goods mover;
- (5) description of the freight;
- (6) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the carrier's operating authority includes a weight restriction;
- (7) exact rate or rates assessed;
- (8) total charges due, including the nature and amount of any charges for special service;
- (9) the name of each carrier participating in the transportation; and
- (10) after January 1, 1994, any terminals through which the shipment moved.

Subd. 4. **Truckload record.** In addition to the items listed in subdivision 3, if the transportation is provided under a class II-T permit or is a shipment of truckload freight, a record must include the word "truckload" or must prominently display the letters "II-T" and must show the name of the driver or drivers who transported the shipment, the pickup and delivery times, and the license plate number or unit number of the power unit and trailer used to transport the shipment.

Subd. 5. **Temperature-controlled commodities carrier.** In addition to the items listed in subdivision 3, if the transportation is provided under a temperature-controlled commodities permit, a record must include the words "temperature-controlled commodities" or must prominently display the letters "TCC" and must indicate the reasons for protecting the commodity from heat or cold.

Subd. 6. **Courier services carrier.** (a) A courier services carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) number of packages;
- (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight;
- (6) exact rate or rates assessed; and
- (7) total charges due, including the nature and amount of any charges for special service.

(b) In addition to the items listed in paragraph (a), if the transportation is expedited delivery, a record also must show the:

- (1) license plate number or unit number of the vehicle used to transport the shipment;
- (2) time of the shipper's initial request for service; and
- (3) pickup and delivery times.

(c) In addition to the items listed in paragraph (a), if the transportation is overnight small package delivery, a record also must show the:

- (1) license plate number or unit number of the vehicle used to transport the shipment at the point of delivery; and
- (2) weight of each package or article of a shipment.

Subd. 7. **Contract carrier.** A contract carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) description of freight;
- (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the contract carrier's operating authority includes a weight restriction;
- (6) exact rate or rates assessed; and
- (7) total charges due, including the nature and amount of any charges for special service.

Subd. 8. **Local cartage carrier.** A local cartage carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill

of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) date of shipment;
- (2) origin and destination points; and
- (3) terminal through which the shipment moved, if any.

Subd. 9. **Charter transportation.** A charter carrier and a regular route common carrier with incidental charter operating authority shall keep a record of each charter it provides under a charter carrier permit or a certificate. A charter record may consist of one or more documents. If it consists of more than one document, the documents constituting a charter record must be available for inspection together. A charter record must show the:

- (1) name of the carrier;
- (2) names of the payor and organization, if any, for which the transportation is performed;
- (3) date or dates the transportation was performed;
- (4) origin, destination, and general routing of the trip;
- (5) identification and seating capacity of each vehicle requested or used;
- (6) number of persons transported;
- (7) mileage upon which charges are based, including any deadhead mileage, separately noted;
- (8) applicable rates per mile, hour, day, or other unit;
- (9) itemized charges for the transportation, including special services and fees; and
- (10) total charges assessed and collected.

A charter carrier must use the same method of computing its rates in billing for charter services as that shown in its tariff on file with the commissioner.

Subd. 10. **Retained three years.** A shipping document or record described in subdivisions 2 to 9, or a copy of it, must be retained by the carrier for at least three years from the date on the shipping document or record. A carrier may keep a shipping record described in subdivisions 3 to 9 by any technology that prevents the alteration, modification, or erasure of the underlying data and will enable production of an accurate and unaltered paper copy. A carrier shall keep a shipping record in a manner that will make it readily accessible and shall have a means of identifying and producing a legible paper copy for inspection by the commissioner upon request.

History: 1993 c 117 s 27

221.185 SUSPENSION OR CANCELLATION OF OPERATING AUTHORITY.

Subdivision 1. **Grounds for suspension.** Despite the provisions of section 221.021, authority to operate as a motor carrier under sections 221.011 to 221.296 is suspended without a hearing, by order of the commissioner, for a period not to exceed 45 days upon the occurrence of any of the following and upon notice of suspension as provided in subdivision 2:

- (a) the motor carrier fails to maintain and file with the commissioner, the insurance or bond required by sections 221.141 and 221.296 and rules of the commissioner;
- (b) the motor carrier fails to renew permits as required by section 221.131;
- (c) the motor carrier fails to pay annual vehicle registration fees or renew permits as required by sections 221.071, 221.131, and 221.296; or
- (d) the motor carrier fails to maintain in good standing a protective agent's or private detective's license required under section 221.121, subdivision 6g, paragraph (b), or 221.153, subdivision 3.

Subd. 2. **Notice of suspension.** (a) Failure to file and maintain insurance, renew permits under section 221.131, or to pay annual vehicle registration fees or renew permits under section 221.071, 221.131, or 221.296, or to maintain in good standing a pro-

detective agent's or private detective's license required under section 221.121, subdivision 6g, or 221.153, subdivision 3, suspends a motor carrier's permit or certificate two days after the commissioner sends notice of the suspension by certified mail, return receipt requested, to the last known address of the motor carrier.

(b) In order to avoid permanent cancellation of the permit or certificate, the motor carrier must do one of the following within 45 days from the date of suspension:

(1) comply with the law by filing insurance or bond, renewing permits, or paying vehicle registration fees; or

(2) request a hearing before the board regarding the failure to comply with the law.

[For text of subds 3 and 3a, see M.S.1992]

Subd. 4. Failure to comply, cancellation. Except as provided in subdivision 5a, failure to comply with the requirements of sections 221.141 and 221.296 relating to bonds and insurance, 221.131 relating to permit renewal, 221.071, 221.131, or 221.296 relating to annual vehicle registration or permit renewal, 221.121, subdivision 6g, or 221.153, subdivision 3, relating to protective agent or private detective licensure, or to request a hearing within 45 days of the date of suspension, is deemed an abandonment of the motor carrier's permit or certificate and the permit or certificate must be canceled by the commissioner.

[For text of subds 5 to 9, see M.S.1992]

History: 1993 c 213 s 10-12

221.602 INTERSTATE CARRIER REGISTRATION.

Subdivision 1. Procedure; nonexempt carriers. A motor carrier subject to the jurisdiction of the Interstate Commerce Commission under United States Code, title 49, chapter 105, subchapter II, with its principal place of business in Minnesota or that designates Minnesota as its base state, may transport persons or property for hire in Minnesota only if it first complies with the insurance and registration regulations adopted by the Interstate Commerce Commission under United States Code, title 49, section 11506. The registration fee is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. A motor carrier shall pay a service charge of 45 cents for each registration receipt issued in addition to the fee required by this subdivision.

Subd. 2. Procedure; exempt carriers. (a) A motor carrier that is exempt from the jurisdiction of the Interstate Commerce Commission under the Interstate Commerce Act, United States Code, title 49, may transport persons or property for hire in interstate commerce in Minnesota only if it first:

(1) complies with section 221.141;

(2) registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and

(3) pays the fee required in subdivision 1.

(b) A motor carrier that complies with subdivision 1 is not also required to comply with this subdivision.

Subd. 3. Registration period. The registration period is that provided by the Interstate Commerce Commission in rules adopted under United States Code, title 49, section 11506.

Subd. 4. Receipt. On compliance with subdivision 1 or 2, the commissioner shall issue a receipt showing that the motor carrier has complied with the regulations applicable to it. Proof of registration must be kept in each of the carrier's vehicles.

History: 1993 c 117 s 28

221.81 BUILDING MOVERS.

[For text of subds 1 to 3d, see M.S.1992]

Subd. 3e. **Safety rules.** (a) A building mover must comply with the rules adopted in section 221.0314: (1) subdivision 6 for driving of motor vehicles; (2) subdivision 7 for parts and accessories necessary for the safe operation, except as provided in paragraph (b); (3) subdivision 10 for inspection, repair, and maintenance; (4) subdivision 8 for accident reporting; and, (5) on and after August 1, 1994, subdivisions 2 to 5 for driver qualifications.

(b) A towed vehicle, other than a full trailer, pole trailer, or semitrailer, as those terms are defined in Code of Federal Regulations, title 49, section 390.5, used by a building mover to move a building on a highway is not required to comply with rules for parts and accessories necessary for safe operation.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 117 s 29