

## CHAPTER 221

## MOTOR CARRIERS; PIPELINE CARRIERS

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**221.0314 FEDERAL SAFETY REGULATIONS; ADOPTION.**

Subdivision 1. **Applicability.** (a) Intrastate motor carriers must comply with the federal regulations incorporated in this section. Private carriers and persons providing intrastate transportation described in section 221.025 must comply with the federal regulations 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;

(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 D and E, are incorporated by reference except for sections 391.2; 391.11, paragraph (b)(1); 391.47; 391.49; 391.62; 391.64; 391.67; 391.68; 391.69; 391.71; and 391.73. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference.

*[For text of subs 3 to 5, see M.S.1996]*

Subd. 6. **Driving of motor vehicles.** Code of Federal Regulations, title 49, part 392, is incorporated by reference.

Subd. 7. **Parts and accessories necessary for safe operation.** Code of Federal Regulations, title 49, part 393, is incorporated by reference except for paragraph (d) of section 393.43. 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.

*[For text of subd 8, see M.S.1996]*

Subd. 9. **Hours of service of drivers.** Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (i), (j), (l), (m), (n), and (o) of section 395.1 and section 395.13 of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

*[For text of subd 9a, see M.S.1996]*

Subd. 10. **Inspection, repair, and maintenance.** Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.9; 396.11, paragraph (d); 396.17; 396.19; 396.21; and 396.23 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 hazard-

ous substance in a vehicle 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. 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:** 1997 c 230 s 7-13

### **221.0355 UNIFORM HAZARDOUS MATERIAL AND HAZARDOUS WASTE REGISTRATION AND PERMIT REQUIREMENTS.**

*[For text of subs 1 to 4, see M.S.1996]*

**Subd. 5. Hazardous waste transporters.** (a) A carrier with its principal place of business in Minnesota or who designates Minnesota as its base state shall file a disclosure statement with and obtain a permit from the commissioner that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall file a disclosure statement with and obtain a permit from that state that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(b) A disclosure statement must include the information contained in part III of the uniform application. A person who has direct management responsibility for a carrier's hazardous waste transportation operations shall submit a full set of the person's fingerprints, with the carrier's disclosure statement, for identification purposes and to enable the commissioner to determine whether the person has a criminal record. The commissioner shall send the person's fingerprints to the Federal Bureau of Investigation and shall request the bureau to conduct a check of the person's criminal record. The commissioner shall not issue a notice of registration or permit to a hazardous waste transporter who has not made a full and accurate disclosure of the required information or paid the fees required by this subdivision. Making a materially false or misleading statement in a disclosure statement is prohibited.

(c) The commissioner shall assess a carrier the actual costs incurred by the commissioner for conducting the uniform program's required investigation of the information contained in a disclosure statement.

(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1998, and is subject to the provisions of section 221.035 until it expires.

*[For text of subs 6 to 14, see M.S.1996]*

**Subd. 15. Hazardous waste licenses.** (a) From October 1, 1994, until August 1, 1998, the commissioner shall not register hazardous material transporters under section 221.0335 or license hazardous waste transporters under section 221.035. A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 for the transportation of hazardous waste in Minnesota, until the person's license has expired. A carrier wishing to transport hazardous waste in another participating state shall obtain a permit under the uniform program authorizing the transportation.

(b) The commissioner may refund fees paid under section 221.035, minus a proportionate amount calculated on a monthly basis for each month that a hazardous waste transporter license was valid, to a person who was issued a hazardous waste transporter license after May 5, 1994, who applied for a permit authorizing the transportation of hazardous waste under subdivisions 4 and 5 before October 1, 1994, and who was subsequently issued that permit under the uniform program.

*[For text of subs 16 to 18, see M.S.1996]*

**History:** 1997 c 230 s 14,15

### **221.173 ELECTRONIC SIGNATURES.**

(a) The commissioner may accept in lieu of a required document completed on paper, an electronically transmitted document authenticated by an electronic signature.

(b) The commissioner shall consult with the commissioner of administration, who shall provide advice and assistance in establishing criteria and standards for authentication of electronic signatures and establishing to a reasonable certainty the validity, security, and linkage of a specific, unaltered, electronically transmitted document, its unforger signature, and its authorized signer.

(c) The commissioner may determine the technology or system to be used, which may include a private key/public key system, an encrypted or cryptology-based system, a pen-based, on-screen signature system that captures and verifies an autograph and links it to a specific document, or other system or technology or combination of systems.

(d) To the extent consistent with this section, laws and rules pertaining to paper-based documents also pertain to electronically transmitted documents.

**History:** 1997 c 230 s 16

## 221.221 ENFORCEMENT POWERS.

*[For text of subd 1, see M.S.1996]*

**Subd. 2. Enforcement powers.** Transportation program specialists and hazardous material program specialists of the department, for the purpose of enforcing the provisions of this chapter, sections 169.781 to 169.783 relating to commercial vehicle inspections, and section 296.17, subdivisions 10 and 17, relating to motor carrier licenses and trip permits, and the applicable rules, orders, or directives of the commissioner, the commissioner of revenue, and the board issued under this chapter and chapter 296, but for no other purpose, have the powers conferred by law upon police officers. The powers include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances.

*[For text of subd 3, see M.S.1996]*

**Subd. 4. Inspection of documents.** Records, log books, certificates, licenses, shipping documents, or other papers or documents required to determine compliance with this chapter and rules adopted under this chapter, must be presented for inspection, upon request, to a peace officer or police officer or other person empowered to enforce the provisions of this chapter.

**History:** 1997 c 230 s 17,18

## 221.84 LIMOUSINES.

**Subdivision 1. Definition.** "Limousine service" means a service that:

- (1) is not provided on a regular route;
- (2) is provided in a luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 12 persons, excluding the driver;
- (3) provides only prearranged pickup; and
- (4) charges more than a taxicab fare for a comparable trip.

*[For text of subs 2 to 4, see M.S.1996]*

**History:** 1997 c 159 art 2 s 38

## 221.86 PARTIAL IMMUNITY FOR MOTOR CARRIER EMPLOYERS.

A motor carrier employer that discloses information in good faith about a present or former employee in response to a request pursuant to Code of Federal Regulations, title 49, section 382.413, is immune from civil liability, except in cases of knowing disclosure of false information or negligence, for the disclosure and the consequences proximately caused by the disclosure, provided that:

- (1) the employer has and observes a written testing policy and procedure which complies with federal and state laws;
- (2) the employer uses a certified laboratory and lawful test procedures;

(3) the employer sends the information to the prospective employer who has requested the information, on a request and authorization form signed by the employee; and

(4) the employer sends only information on the employee for whom the information was requested, that:

(i) shows whether or not, during the preceding two years, the employee tested 0.04 or greater alcohol concentration, tested positive on a verified test for the presence of controlled substances, or refused to be tested for alcohol or controlled substances;

(ii) states the dates of any tests listed in item (i); and

(iii) includes any and all information on confirmatory tests requested by the employee.

**History:** 1997 c 230 s 19