

CHAPTER 221

MOTOR CARRIERS; PIPELINE CARRIERS

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221.011 DEFINITIONS.

[For text of subds 1 to 6, see M.S.1998]

Subd. 7. [Repealed, 1999 c 238 art 2 s 92]

[For text of subd 8, see M.S.1998]

Subd. 9. [Repealed, 1999 c 238 art 2 s 92]

[For text of subds 10 to 14, see M.S.1998]

Subd. 15. **Motor carrier.** "Motor carrier" means a person engaged in the for-hire transportation of property or passengers. "Motor carrier" does not include a person providing transportation described in section 221.025, a building mover subject to section 221.81, or a person providing limousine service as defined in section 221.84.

[For text of subds 16 to 19, see M.S.1998]

Subd. 20. [Repealed, 1999 c 238 art 2 s 92]

Subd. 21. [Repealed, 1999 c 238 art 2 s 92]

[For text of subds 23 to 31, see M.S.1998]

Subd. 32. [Repealed, 1999 c 238 art 2 s 92]

[For text of subd 33, see M.S.1998]

Subd. 34. [Repealed, 1999 c 238 art 2 s 92]

[For text of subds 35 and 36, see M.S.1998]

Subd. 37. **Certificated carrier.** "Certificated carrier" means a motor carrier holding a certificate of registration.

Subd. 38. **Class I carrier.** "Class I carrier" means a person who has been issued a certificate of registration.

[For text of subds 39 to 47, see M.S.1998]

Subd. 48. **Motor carrier of passengers.** "Motor carrier of passengers" means a person engaged in the for-hire transportation of passengers in vehicles designed to transport eight or more persons, including the driver.

Subd. 49. **Small vehicle passenger service.** "Small vehicle passenger service" means a service provided by a person engaged in the for-hire transportation of passengers in a vehicle designed to transport seven or fewer persons, including the driver.

History: 1999 c 238 art 2 s 35-39

221.021 REPEATED OR WILLFUL VIOLATIONS; SANCTIONS.

Subdivision 1. **Registration certificate or permit required.** No person may operate as a motor carrier or advertise or otherwise hold out as a motor carrier without a certificate of registration or permit in effect. A certificate or permit may be suspended or revoked upon conviction of violating a provision of sections 221.011 to 221.296 or an order or rule of the commissioner governing the operation of motor carriers, and upon a finding by the court that the violation was willful. The commissioner may, for good cause after a hearing, suspend or revoke a certificate or permit for a violation of a provision of sections 221.011 to 221.296 or an order issued or rule adopted by the commissioner or board under this chapter.

Subd. 2. **Sanctions.** The commissioner may suspend, revoke, or deny renewal of a certificate of registration for (1) serious or repeated violations of this chapter, or (2) a pattern of repeated violations of local ordinances governing traffic and parking.

Subd. 3. **Hearing.** A motor carrier affected by an action of the commissioner under subdivision 2 may, within 20 days of receipt of a notice of the commissioner's action, request an administrative hearing by following the procedures in section 221.036, subdivision 7.

History: 1999 c 238 art 2 s 40

221.022 EXCEPTION.

The powers granted to the commissioner under sections 221.011 to 221.296 do not include the power to regulate any service or vehicles operated by the metropolitan council or to register passenger transportation service provided under contract to the department or the metropolitan council. A provider of passenger transportation service under contract to the department or the metropolitan council may not also provide service as a motor carrier of passengers without first having registered under section 221.0252.

History: 1999 c 238 art 2 s 41

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 and the transportation of children or parents to or from a Head Start facility or Head Start activity in a Head Start 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 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 100-mile radius from the person's home post office and the carrier may transport other commodities within the 100-mile radius if the destination of each haul is a farm;

(n) 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; and

(o) transportation of potatoes from the field of production, or a storage site owned or otherwise controlled by the producer, to the first place of processing.

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

History: 1999 c 238 art 2 s 42.

221.0251 MOTOR CARRIER OF PROPERTY; REGISTRATION.

Subdivision 1. **Registration statement.** A person who wishes to operate as a motor carrier of property shall file a complete and accurate registration statement with the commissioner. A registration statement must be on a form provided by the commissioner and include:

(1) the registrant's name, including an assumed or fictitious name used by the registrant in doing business;

(2) the registrant's mailing address and business telephone number;

(3) the registrant's federal Employer Identification Number and Minnesota Business Identification Number and the identification numbers, if any, assigned to the registrant by the United States Department of Transportation, Interstate Commerce Commission, or Environmental Protection Agency;

(4) the name, title, and telephone number of the individual who is principally responsible for the operation of the registrant's transportation business;

(5) the principal location from which the registrant conducts its transportation business and where the records required by this chapter will be kept;

(6) if different from clause (5), the location in Minnesota where the records required by this chapter will be available for inspection and copying by the commissioner;

(7) whether the registrant transports hazardous materials or hazardous waste;

(8) whether the registrant's business is a corporation, partnership, limited liability partnership, limited liability company, or sole proprietorship; and

(9) if the registrant is a foreign corporation authorized to transact business in Minnesota, the state of incorporation and the name and address of its registered agent.

Subd. 2. **Signature required.** A registration statement may be signed only by a corporate officer, general partner, limited liability company board member, or sole proprietor. A signature must be notarized.

Subd. 3. **Certificate of registration; issuance; location.** (a) The commissioner shall issue a certificate of registration to a registrant who has filed a registration statement that

complies with subdivisions 1 and 2 and paid the required fee, has a satisfactory safety rating and, if applicable, has complied with the financial responsibility requirements in section 221.141. The commissioner may not issue a certificate of registration to a registrant who has an unsatisfactory safety rating.

(b) A certificate of registration must be numbered and bear an effective date.

(c) A certificate of registration must be kept at the registrant's principal place of business.

Subd. 4. **Duration.** A certificate of registration is not assignable or transferable and is valid until it is suspended, revoked, or canceled.

Subd. 5. **Obligation to keep information current.** A registrant shall notify the commissioner in writing of any change in the information described in subdivision 1.

History: 1999 c 238 art 2 s 43

221.0252 PASSENGER CARRIER; REGISTRATION, EXEMPTIONS.

Subdivision 1. **Filing required.** A person who wishes to operate as a motor carrier of passengers must file with the commissioner a complete and accurate federal motor carrier identification report form MCS-150. In addition, a person must file a vehicle registration form prescribed by the commissioner describing the make, model, number of passengers the vehicle is designed to transport as determined by the vehicle's manufacturer, and license plate and vehicle identification number of each vehicle that the registrant will be using in those operations for which registration is required.

Subd. 2. **Signature required.** A form required under this section may be signed only by a corporate officer, general partner, limited liability company board member, or sole proprietor.

Subd. 3. **Audit; inspection.** (a) Within 90 days of issuing a new certificate of registration to a carrier under this section, and before issuing an annual renewal of a certificate of registration, the commissioner shall:

(1) conduct an audit of the carrier's records;

(2) inspect the vehicles the carrier uses in its motor carrier operation to determine if they comply with the federal regulations incorporated in section 221.0314 or accept for filing proof that a complete vehicle inspection was conducted within the previous one year by a commercial vehicle inspector of the department of public safety;

(3) verify that the carrier has a designated office in Minnesota where the books and files necessary to conduct business and the records required by this chapter are kept and shall be available for inspection by the commissioner;

(4) audit the carrier's drivers' criminal background and safety records; and

(5) verify compliance with the insurance requirements of section 221.141.

(b) The commissioner and the commissioner of public safety shall, through an inter-agency agreement, coordinate vehicle inspection activities to avoid duplication of annual vehicle inspections to minimize the burden of compliance on carriers and to maximize the efficient use of state resources.

Subd. 4. **Certificate of registration; requirements, issuance, duration.** (a) The commissioner shall issue a certificate of registration to a carrier who (1) does not have an unsatisfactory safety rating, (2) has complied with subdivisions 1 and 2, (3) has paid the required fee, (4) in the case of an annual renewal, has been audited and inspected under subdivision 3, and (5) has complied with the financial responsibility requirements in section 221.141.

(b) A photocopy of the carrier's certificate of registration must be carried in each vehicle operated under the registration and must be made available to the department and other law enforcement officials upon request.

(c) Registration under this section is not assignable or transferable and is valid until it expires or is suspended, revoked, or canceled, whichever occurs first. A registration is valid for one year from the date issued.

Subd. 5. **Suspension for unsatisfactory safety rating.** Following the procedures in section 221.185, the commissioner shall immediately suspend the registration of a carrier

who receives an unsatisfactory safety rating. The commissioner shall conduct one follow-up compliance audit to determine if the carrier's safety rating should be changed or the suspension rescinded within 30 days of receiving a written request from the carrier. Additional compliance reviews may be conducted at the commissioner's discretion.

Subd. 6. **Annual renewal.** A carrier registered under this section must renew its registration each year on a form prescribed by the commissioner. The commissioner shall develop and implement an expedited renewal process to minimize the burden on motor carriers.

Subd. 7. **Exemptions from regulation.** Notwithstanding any other law, motor carriers of passengers are exempt from sections 221.121; 221.122; 221.123; 221.132; 221.151; 221.161; and 221.171.

History: 1999 c 238 art 2 s 44

221.026 MOTOR CARRIER OF PROPERTY; EXEMPTIONS.

[For text of subd. 1, see M.S.1998]

Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor carrier of property is exempt from sections 221.021; 221.072; 221.121; 221.122; 221.123; 221.131; 221.132; 221.151; 221.161; 221.172, subdivisions 3 to 8; 221.185, except as provided in subdivision 4; and 221.296. The exemptions in this subdivision do not apply to a motor carrier of property while transporting household goods.

[For text of subs. 3 to 5, see M.S.1998]

History: 1999 c 238 art 2 s 45

221.031 INTRASTATE CARRIER; OPERATING REQUIREMENTS, EXEMPTIONS.

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 holders of household goods mover permits to file 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 subject to paragraph (d) but having gross revenues from for-hire transportation in a 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.

Subd. 2. **Private carriers; operating requirements, exemptions.** 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 those federal regulations incorporated by reference in:

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

(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.

[For text of subds 2a to 5, see M.S.1998]

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, except that this requirement does not apply to a limousine as defined in section 168.011, subdivision 35, that is equipped with "LM" license plates;

(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.

Subd. 7. Medical examiner's certificate; passenger carrier driver. While in the state, the driver for a motor carrier of passengers engaged in intrastate commerce who has in possession a license with a school bus endorsement under section 171.321 or rules of the commissioner of public safety is not required to have in possession or to present a separate medi-

cal examiner's certificate otherwise required by Code of Federal Regulations, title 49, sections 391.41 to 391.49.

[For text of subds 8 to 10, see M.S.1998]

History: 1999 c 238 art 2 s 46-49

221.0314 FEDERAL SAFETY REGULATIONS; ADOPTION.

[For text of subds 1 to 9, see M.S.1998]

Subd. 9a. **Hours of service exemptions.** The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of:

(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or

(2) sugar beets during the harvesting season for sugar beets from September 1 to May 15 of each year;

if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies.

[For text of subds 10 and 11, see M.S.1998]

History: 1999 c 230 s 25

221.033 REGULATION OF HAZARDOUS MATERIALS.

[For text of subds 1 to 2b, see M.S.1998]

Subd. 2c. **Age of petroleum tank truck driver.** A driver of a motorized tank truck vehicle having a capacity of less than 3,500 gallons, who is engaged in the intrastate transportation of petroleum products, must be at least 18 years of age.

[For text of subd 3, see M.S.1998]

History: 1999 c 230 s 26

221.034 REPORT OF HAZARDOUS MATERIAL INCIDENT.

[For text of subds 1 to 4, see M.S.1998]

Subd. 5. **Discharge exemptions.** Except as provided in subdivision 6, the requirements of subdivision 3 do not apply to incidents involving the unintentional release of hazardous materials being transported under the following proper shipping names:

(1) consumer commodity;

(2) battery, electric storage, wet, filled with acid or alkali;

(3) paint, enamel, lacquer, stain, shellac or varnish aluminum, bronze, gold, wood filler, and liquid or lacquer base liquid when shipped in packagings of five gallons or less; or

(4) materials prepared and transported as a limited quantity according to Code of Federal Regulations, title 49, subtitle B, chapter 1, subchapter C.

[For text of subd 6, see M.S.1998]

History: 1999 c 86 art 1 s 49

221.036 ADMINISTRATIVE ORDERS; ENFORCEMENT, REMEDIES.

Subdivision 1: **Order.** 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 221.033, subdivision 2b; (3) section 221.151; (4) section 221.171; (5) section 221.141; or (6) 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.1998]

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; 221.141; 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 221.033, subdivision 2b, 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.

(d) The commissioner shall assess a penalty of not less than \$1,000 against a driver who is convicted of a violation of an out-of-service order. The commissioner shall assess a penalty of not more than \$10,000 against an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order.

[For text of subds 4 to 14, see M.S.1998]

History: 1999 c 86 art 1 s 50,51; 1999 c 93 s 2; 1999 c 238 art 2 s 50,51

NOTE: The amendment to subdivision 3 by Laws 1999, chapter 93, section 2, is effective April 1, 2000. Laws 1999, chapter 93, section 3.

221.041 [Repealed, 1999 c 238 art 2 s 92]

221.051 [Repealed, 1999 c 238 art 2 s 92]

221.061 [Repealed, 1999 c 238 art 2 s 92]

221.071 [Repealed, 1999 c 238 art 2 s 92]

221.081 [Repealed, 1999 c 238 art 2 s 92]

221.091 LOCAL GOVERNMENT AUTHORITY.

Subdivision 1. Local authority over streets and highways. Sections 221.011 to 221.291 do not authorize the use by a carrier of a public highway in a city of the first class in violation of a charter provision or ordinance of the city in effect January 1, 1925, unless the charter provision or ordinance is repealed after that date. In addition, sections 221.011 to 221.291 do not (1) curtail the right of a city to reasonably regulate or control the routing, parking, speed, or safety of operation of a motor vehicle operated by a carrier under the terms of those sections, (2) curtail the general police power of the city over its highways, or (3) abrogate any provision of the city's charter requiring certain conditions to be complied with before a carrier can use the highways of the city; and these rights and powers are expressly reserved and granted to the city. However, no city shall prohibit or deny the use of the public highways within its territorial boundaries by a carrier for transporting passengers or property received within its boundaries to destinations beyond the city's boundaries, or for transporting passengers or property from points beyond the city's boundaries to destinations within the city's boundaries, or for transporting passengers or property from points beyond the

city's boundaries through the city to points beyond the city's boundaries when the carrier is operating pursuant to a certificate of registration issued under this chapter or a permit issued by the commissioner under section 221.84.

Subd. 2. Local licensing of small vehicle passenger service. A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021.

Subd. 3. Authority of metropolitan airports commission. Notwithstanding any other law:

(1) The metropolitan airports commission may regulate ground transportation to and from an airport under its jurisdiction, subject to the provisions of paragraph (2). The authority under this paragraph includes, but is not limited to, regulating the number and types of transportation services, making concession agreements, and establishing vehicle standards.

(2) The metropolitan airports commission may regulate small passenger vehicles, including taxicabs, serving an airport under its jurisdiction only by ordinance. An ordinance adopted under this paragraph must at a minimum define taxicabs and provide for driver qualifications, insurance, and vehicle safety, and may provide for issuance of permits to taxicabs and other small passenger vehicles and limits on the number of permits issued. An ordinance under this paragraph may not provide for making concession agreements relating to small passenger vehicle service, including taxicabs.

History: 1999 c 238 art 2 s 52

221.121 PERMIT: APPROVAL PROCESS; OPERATING AUTHORITY; FEE.

[For text of subs 1 to 6a, see M.S.1998]

Subd. 6b. [Repealed, 1999 c 238 art 2 s 92]

[For text of subs 6c to 6g, see M.S.1998]

Subd. 6h. [Repealed, 1999 c 238 art 2 s 92]

[For text of subd 7, see M.S.1998]

221.122 ORDER GRANTING PERMIT OR CERTIFICATE; COMPLIANCE.

Subdivision 1. Registration, insurance, and filing requirements. An order issued by the board which grants a certificate or permit must contain a service date. The person to whom the order granting the certificate or permit is issued shall do the following within 45 days from the service date of the order:

(1) register vehicles which will be used to provide transportation under the permit or certificate with the commissioner and pay the vehicle registration fees required by law;

(2) file and maintain insurance or bond as required by sections 221.141 and 221.296 and rules of the commissioner and board; and

(3) file rates and tariffs as required by section 221.161 and rules of the commissioner and board.

[For text of subs 2 and 3, see M.S.1998]

History: 1999 c 238 art 2 s 53

221.124 INITIAL MOTOR CARRIER CONTACT PROGRAM.

Subdivision 1. Initial motor carrier contact. The initial motor carrier contact program consists of an initial contact, for educational purposes, between a motor carrier required to participate and representatives of the department of transportation. The initial contact may be through an educational seminar or, at the discretion of the department, through a personal contact with a representative of the department. The initial contact must consist of a discus-

sion of the statutes, rules, and regulations that apply to motor carriers. Topics discussed must include: insurance requirements; accident reporting; accident countermeasures; identification of vehicles; driver qualifications; maximum hours of service of drivers; the safe operation of vehicles; equipment, parts, and accessories; and inspection, repair, and maintenance. The department shall provide written documentation of proof of compliance with the requirements of subdivision 2 and shall give a copy of the document to the motor carrier.

Subd. 2. Participation required. A motor carrier that first registers with or receives a permit from the commissioner after January 1, 2000, shall participate in the initial motor carrier contact program. A motor carrier required to participate in the program must have in attendance at least one motor carrier official having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the carrier's registration or permit.

Subd. 3. Time for compliance. A motor carrier required by subdivision 2 to participate in the program must do so within 90 days of the service date of the order granting the permit or within 90 days of registering, unless the commissioner extends the time for compliance. Failure to comply with the requirement of subdivision 2 makes the order granting the permit or the carrier's registration void upon expiration of the time for compliance.

History: 1999 c 238 art 2 s 54.

221.131 CARRIER VEHICLE REGISTRATION; FEES, IDENTIFICATION CARD.

[For text of subd 1, see M.S.1998]

Subd. 2. Annual vehicle registration; fee. (a) This subdivision applies only to holders of household goods mover permits and motor carriers of passengers.

(b) A permit holder or motor carrier of passengers shall pay an annual registration fee of \$75 on each vehicle, including pickup and delivery vehicles, operated by the carrier under authority of the permit or certificate of registration during the 12-month period or fraction of the 12-month period. Trailers and semitrailers used by a permit holder in combination with power units may not be counted as vehicles in the computation of fees under this section if the permit holder pays the fees for power units.

(c) The commissioner shall furnish a distinguishing annual identification card for each vehicle or power unit for which a fee has been paid. The identification card must at all times be carried in the vehicle or power unit to which it has been assigned. An identification card may be reassigned to another vehicle or power unit upon application of the carrier and payment of a transfer fee of \$10. An identification card issued under this section is valid only for the period for which the permit or certificate of registration is effective.

(d) A fee of \$10 is charged for the replacement of an unexpired identification card that has been lost.

(e) The proceeds of the fees collected under this subdivision must be deposited in the trunk highway fund.

[For text of subds 2a to 5, see M.S.1998]

History: 1999 c 238 art 2 s 55

221.141 INSURANCE OR BOND.

Subdivision 1. Financial responsibility of carriers. (a) No motor carrier and no interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum amount of financial responsibility required by this section. Policies of insurance, surety bonds, other types of security, and endorsements must be continuously in effect and must remain in effect until canceled. Before providing transportation, the motor carrier or interstate carrier shall secure and cause to be filed with the commissioner and maintain in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability insurance in the amount prescribed. The insurance must cover injuries and damage to persons or property resulting from the operation or use of motor vehicles, regardless of whether each vehicle is

specifically described in the policy. This insurance does not apply to injuries or death to the employees of the motor carrier or to property being transported by the carrier.

(b) Notwithstanding any other provision of this chapter, the insurance required of a motor carrier of passengers must be at least that amount required of interstate carriers under Code of Federal Regulations, title 49, section 387.33, as amended.

[For text of subds 1a to 7, see M.S.1998]

History: 1999 c 238 art 2 s 56

221.172 SHIPPING DOCUMENT.

[For text of subds 1 to 8, see M.S.1998]

Subd. 9. [Repealed, 1999 c 238 art 2 s 92]

Subd. 10. **Retained three years.** A shipping document or record described in subdivision 2 or 3, 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 subdivision 3 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: 1999 c 238 art 2 s 57

221.178 PASSENGER CARRIER; CRIMINAL BACKGROUND CHECK.

Subdivision 1. **Carrier to conduct background check.** A motor carrier of passengers shall conduct, or cause to be conducted, an initial background check of a person the carrier hires or with whom the carrier contracts whose duties include operating a vehicle used to transport passengers. A subsequent background check must be conducted every three years.

Subd. 2. **Scope and procedures of check.** Sections 299C.67, 299C.68, 299C.70, and 299C.71 apply to background checks conducted under subdivision 1. For purposes of this section, when used in sections 299C.67, 299C.68, 299C.70, and 299C.71, the term "owner" refers to a motor carrier of passengers and the term "manager" refers to a driver. A motor carrier of passengers may not use a driver to operate a vehicle providing passenger transportation if the background check response shows that the driver has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a) or (b).

Subd. 3. **Records.** A carrier shall keep a record, identified by the employee's name, of a background check conducted under this section. A record must be made available to the commissioner upon request.

Subd. 4. **Exception.** This section does not apply to a driver who holds a valid driver's license with a school bus endorsement.

History: 1999 c 238 art 2 s 58

221.185 OPERATING AUTHORITY; SUSPENSION, CANCELLATION.

Subdivision 1. **Grounds for suspension.** Despite the provisions of section 221.021, a household goods mover permit or a motor carrier registration issued under section 221.0251 or 221.0252 is suspended without a hearing, by order of the commissioner, if the permit holder or carrier fails to maintain and file with the commissioner, the insurance or bond required by section 221.141 and rules adopted under that section or the carrier or permit holder fails to pay annual vehicle registration fees or renew permits as required by section 221.131, or the permit holder or carrier fails to pay an administrative penalty under section 221.036.

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 221.131 or 221.296, or to maintain in good standing a protective agent's or private detective's license required under section 221.121, subdivision 6g, or 221.153, subdivision 3, sus-

pendes 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.

Subd. 2a. Notice of suspension; effective date. The commissioner shall issue a notice of suspension if one of the conditions described in subdivision 1 occurs. The notice must give the reason for suspension and must be sent to the last known address of the carrier by certified mail, return receipt requested. A suspension is effective two days after a notice is mailed.

Subd. 3. Suspension rescission. If the motor carrier complies with the requirements of this chapter within 45 days after the date of suspension and pays the required fees, including a late vehicle registration fee of \$5 for each vehicle registered, the commissioner shall rescind the suspension unless the carrier's registration has expired. If a registered carrier fails to comply within one year of the effective date of a suspension, the carrier's registration is canceled.

[For text of subd 3a, see M.S.1998]

Subd. 4. Grounds for 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, 221.131 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 and 5a, see M.S.1998]

Subd. 9. New petition. If the holder of a canceled permit or certificate seeks authority to operate as a motor carrier it shall file a petition with the commissioner for a permit or certificate as provided in section 221.121 or 221.296, whichever is applicable.

History: 1999 c 238 art 2 s 59-64

221.221 ENFORCEMENT POWERS.

[For text of subds 1 and 2, see M.S.1998]

Subd. 3. Delegated powers. Representatives of the department to whom authority has been delegated by the commissioner for the purpose of enforcing sections 169.781 to 169.783 and 221.171 and the rules, orders, or directives of the commissioner or board adopted or issued under those sections, and for no other purpose, shall have the powers conferred by law upon police officers. The representatives of the department have the power to inspect records, logs, freight bills, bills of lading, or other documents which may provide evidence to determine compliance with sections 169.781 to 169.783 and 221.171.

[For text of subd 4, see M.S.1998]

History: 1999 c 238 art 2 s 65

221.281 [Repealed, 1999 c 238 art 2 s 92]

221.291 VIOLATIONS, MISDEMEANORS.

[For text of subds 1 to 3, see M.S.1998]

Subd. 4. Operating without registration or permit. A person who operates a motor carrier without first registering under section 221.0251 or 221.0252, or who operates as a

household goods mover without having obtained the necessary permit, is guilty of a misdemeanor, and upon conviction shall be fined not less than the maximum fine which may be imposed for a misdemeanor for each violation.

[For text of subd. 5, see M.S.1998]

History: 1999 c 238 art 2 s 66

221.55 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

No person or corporation shall engage in the transportation described in section 221.54 without a certificate of public convenience and necessity from the board authorizing such operation. Such certificate shall be issued by the board pursuant to application, notice, and hearing, and the issuance of certificates and the transportation covered thereby shall be governed by the provisions of section 221.031, applying to certificated common carriers for hire, insofar as such provisions are not inconsistent with section 221.54 and this section.

History: 1999 c 238 art 2 s 67

221.85 [Repealed, 1999 c 238 art 2 s 92]