

MINNESOTA STATUTES

2004

Embracing laws of a general and
permanent nature and certain other laws in force
or to be in force after the 2004 regular session

Compiled, edited, and published by
the Revisor of Statutes,
State of Minnesota



OFFICIAL PUBLICATION
OF THE
STATE OF MINNESOTA

Copyright © 2004
Revisor of Statutes
State of Minnesota

Minnesota Statutes may be purchased from:

Minnesota's Bookstore
Department of Administration
660 Olive Street
Saint Paul, Minnesota 55155
651-297-3000 / 1-800-657-3757
TDD 651-282-5077 / 1-800-657-3706
www.comm.media.state.mn.us

The price indicated in the Notice to Users includes the entire set of Minnesota Statutes 2004 and its supplement to be published in 2005.

Minnesota Statutes 2004 is also available online at www.leg.state.mn.us

Copies of individual volumes
may be purchased separately while
supplies are available.

MINNESOTA STATUTES 2004

iii

TABLE OF CONTENTS

TABLE OF CONTENTS

VOLUME 1

	Page
Revisor's Certificate	iv
Table of Contents	v
Preface	
I The Office of Revisor of Statutes	ix
II History of the Publications of Minnesota Statutory Law	x
III Changes in this Edition	xxv
IV User's Guide	xxvi
V Acknowledgments	xxx
Historical Documents	
Northwest Ordinance of 1787	xxxiii
Organic Act of Minnesota	xxxvii
Act Authorizing a State Government	xlili
Act of Admission into the Union	xlvi
Minnesota Revised Statutes Enactment	xlvi
Constitution of the United States	li
Constitution of the State of Minnesota	lxvii
University Charter	lxxxv
Table of Chapters of Minnesota Statutes	lxxxix
Minnesota Statutes 2004, Chapters 1 to 44	

VOLUME 2

Table of Contents	
Table of Chapters of Minnesota Statutes	
Minnesota Statutes 2004, Chapters 44A to 83	

VOLUME 3

Table of Contents	
Table of Chapters of Minnesota Statutes	
Minnesota Statutes 2004, Chapters 83A to 118A	

VOLUME 4

Table of Contents	
Table of Chapters of Minnesota Statutes	
Minnesota Statutes 2004, Chapters 119 to 159	

VOLUME 5

Table of Contents	
Table of Chapters of Minnesota Statutes	
Minnesota Statutes 2004, Chapters 160 to 217	

VOLUME 6

Table of Contents	
Table of Chapters of Minnesota Statutes	
Minnesota Statutes 2004, Chapters 218 to 269	

MINNESOTA STATUTES 2004

TABLE OF CONTENTS

iv

VOLUME 7

Table of Contents
Table of Chapters of Minnesota Statutes
Minnesota Statutes 2004, Chapters 270 to 323A

VOLUME 8

Table of Contents
Table of Chapters of Minnesota Statutes
Minnesota Statutes 2004, Chapters 324 to 364

VOLUME 9

Table of Contents
Table of Chapters of Minnesota Statutes
Minnesota Statutes 2004, Chapters 365 to 472B

VOLUME 10

Table of Contents
Table of Chapters of Minnesota Statutes
Minnesota Statutes 2004, Chapters 473 to 583

VOLUME 11

Table of Contents
Table of Chapters of Minnesota Statutes
Minnesota Statutes 2004, Chapters 585 to 648
Guide to Finding Tables
Table I—Local Special Acts
Table II—Allocation of Acts
Table III—Organization and Structure of State Government
Table IV—Internal Cross-reference Table
Table V—Statutory Authority for Administrative Rules

VOLUMES 12 AND 13

Table of Contents
User's Guide to the Index
Index

VOLUME 14

Preface
Criminal Procedure
Sentencing Guidelines
Civil Procedure
Evidence
Miscellaneous
Record Access
General Rules of Practice
District Court Special Rules
Juvenile Court
Appellate Procedure
Professional Rules

TABLE OF CHAPTERS

TABLE OF CHAPTERS

VOLUME 1

JURISDICTION, CIVIL DIVISIONS

Chap.

- 1 Sovereignty, jurisdiction, emergency operation, general policies
- 2 Territorial divisions

LEGISLATURE

- 3 Legislature
- 3A Legislators' retirement
- 3C Revisor of Statutes

CONSTITUTIONAL OFFICES

- 4 Governor
- 4A Office of Strategic and Long-Range Planning
- 5 Secretary of State
- 5A International student exchange organizations
- 6 State Auditor
- 8 Attorney General
- 9 Executive Council

GOVERNMENT MISCELLANY

- 10 Multiple branches or offices; observances
- 10A Campaign finance and public disclosure
- 11A Investment of state and pension assets
- 12 Emergency management

DATA PRACTICES

- 13 Government data practices
- 13A Release of information by financial institutions
- 13B Matching programs; computerized comparison of data
- 13C Access to consumer reports

MEETINGS OF PUBLIC BODIES

- 13D Open Meeting Law

STATE AGENCIES

- 14 Administrative procedure
- 15 State agencies in general
- 15A Public officers and employees; compensation and allowances

CAPITOL AREA

- 15B Capitol Area Architectural and Planning Board

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

viii

ADMINISTRATION AND FINANCE

- 16A Department of Finance
- 16B Department of Administration
- 16C State procurement
- 16D State debt collection
- 16E Office of Technology

AGRICULTURE

- 17 Department of Agriculture
- 17A Livestock market licensing
- 17B Grain inspection
- 18 Pest control
- 18B Pesticide control
- 18C Fertilizer, Soil Amendment, and Plant Amendment Law
- 18D Agricultural chemical liability
- 18E Agricultural Chemical Response and Reimbursement Law
- 18F Genetically engineered organisms
- 18G Plant protection and export certification
- 18H Nursery law
- 18J Inspection and enforcement
- 19 Apiaries
- 21 Seeds
- 25 Commercial feed
- 27 Wholesale produce dealers
- 28 Cold storage
- 28A Licensing food handlers
- 29 Poultry, eggs
- 30 Potatoes, wild rice, fruit
- 31 Food
- 31A Meat and poultry inspection
- 31B Packers and stockyards
- 32 Dairy products
- 34 Nonalcoholic beverages
- 35 Animal health
- 37 State Agricultural Society; State Fair
- 38 County agricultural societies, fairs, extension service
- 40A Agricultural land preservation program
- 41 Family farm security program
- 41A Agricultural resource loan and ethanol development programs
- 41B Rural Finance Authority
- 41C Agricultural development
- 41D Minnesota Agriculture Education Leadership Council

STATE EMPLOYMENT

- 43A Department of Employee Relations

CITY MERIT SYSTEMS

- 44 Municipal civil service

VOLUME 2

COMMERCE

- 45 Department of Commerce; general powers

BANKING

- 46 General banking powers
- 47 Financial corporations
- 48 Banks
- 48A Trust companies
- 49 Liquidation, reorganization, consolidation
- 50 Savings banks
- 51A Savings associations
- 52 Credit unions
- 53 Industrial loan and thrift companies
- 53A Currency exchanges
- 53B Minnesota Money Transmitters Act
- 54 Investment and loan companies
- 55 Safe deposit companies
- 56 Regulated loans
- 58 Mortgage originator and service licensing

INSURANCE

- 59A Insurance premium finance companies
- 60A General insurance powers
- 60B Insurers rehabilitation and liquidation
- 60C Insurance guaranty association
- 60D Insurance holding company systems
- 60E Risk retention groups
- 60F Joint self-insurance plans
- 60G Administrative supervision
- 60H Managing general agents
- 60J Business transacted with producer controlled insurer
- 60K Insurance producers
- 60L Investments of insurers
- 61A Life insurance
- 61B Life and health guaranty association
- 62A Accident and health insurance
- 62B Credit insurance
- 62C Nonprofit health service plan corporations
- 62D Health maintenance organizations
- 62E Comprehensive health insurance
- 62F Medical practice insurance
- 62H Certain employer health coverage arrangements
- 62I Joint underwriting association
- 62J Health care cost containment
- 62L Small employer insurance reform
- 62M Utilization review of health care
- 62N Minnesota Community Integrated Service Network Act
- 62Q Requirements for health plan companies

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

x

- 62R Health care cooperatives
- 62S Qualified long-term care insurance policies
- 62T Community purchasing arrangements
- 64B Fraternal benefit societies
- 65A Fire and related insurance
- 65B Automobile insurance
- 66A Mutual companies
- 67A Township mutual companies
- 68A Title insurance companies
- 69 Fire and police department aid; relief associations
- 70A Insurance rate regulation
- 71A Reciprocals or interinsurance contract exchange
- 72A Regulation of trade practices
- 72B Insurance adjusters
- 72C Readability of insurance policies
- 79 Workers' compensation insurance
- 79A Workers' compensation self-insurance

SECURITIES, COMMERCIAL REGULATIONS

- 80A Regulation of securities
- 80B Corporate takeovers
- 80C Franchises
- 80D Continuing care facilities
- 80E Motor vehicle sale and distribution
- 80F Motor vehicle fuel franchises
- 81A Uniform Athlete Agents Act
- 82 Real estate brokers and salespersons
- 82A Membership camping practices
- 82B Real estate appraisers
- 83 Subdivided lands

VOLUME 3

NATURAL RESOURCES

- 83A State geographic features
- 84 Department of Natural Resources

CONSERVATION

- 84A Lands dedicated for conservation
- 84B Voyageurs National Park
- 84C Conservation easements
- 84D Invasive species

RECREATION

- 85 Division of Parks and Recreation
- 85A Minnesota Zoo
- 85B Lake Superior Center Authority
- 86A Outdoor recreation system
- 86B Water safety, watercraft, and watercraft titling

MINNESOTA STATUTES 2004

xi

TABLE OF CHAPTERS

FORESTRY

- 88 Division of Forestry
- 89 State forests; tree planting; forest roads
- 89A Sustainable forest resources
- 90 Timber lands

LANDS AND MINERALS

- 92 State lands; sales, investment of proceeds
- 93 Mineral lands
- 94 Lands, state forests

GAME AND FISH

- 97A Game and fish
- 97B Hunting
- 97C Fishing

WATER

- 103A Water policy and information
- 103B Water planning and project implementation
- 103C Soil and water conservation districts
- 103D Watershed districts
- 103E Drainage
- 103F Protection of water resources
- 103G Waters of the state
- 103H Groundwater protection
- 103I Wells, borings, and underground uses
- 110A Rural water user districts

ENVIRONMENTAL PROTECTION

- 114C Environmental regulatory innovations
- 115 Water pollution control; sanitary districts
- 115A Waste management
- 115B Environmental response and liability
- 115C Petroleum tank release cleanup
- 115D Toxic pollution prevention
- 115E Oil and hazardous substance discharge preparedness
- 116 Pollution Control Agency
- 116A Public water and sewer systems
- 116B Environmental rights
- 116C Environmental Quality Board
- 116D Environmental policy
- 116F Recycling of solid waste
- 116G Critical areas
- 116I Pipelines

ECONOMIC DEVELOPMENT AND PLANNING

- 116J Department of Employment and Economic Development
- 116L Workforce development
- 116M Urban Initiative Board
- 116O Minnesota Technology, Inc.

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xii

ENVIRONMENTAL PROTECTION FUNDS

- 116P Environment and natural resources trust fund
- 116Q Great Lakes protection fund

BUSINESS DEVELOPMENT

- 116R Aircraft facilities; state financing
- 116S Minnesota Business Finance, Inc.
- 116T Northern Technology Initiative, Inc.
- 116U Explore Minnesota Tourism

EMINENT DOMAIN; LOCAL DEPOSITORIES AND INVESTMENTS

- 117 Eminent domain
- 118A Deposit and investment of local public funds

VOLUME 4

CHILDREN AND FAMILIES

- 119A Department of Education; programs
- 119B Child care programs

EDUCATION CODE: PREKINDERGARTEN - GRADE 12

- 120A Education Code; compulsory attendance
- 120B Curriculum and assessment
- 121A Student rights, responsibilities, and behavior
- 122A Teachers and other educators
- 123A School districts; forms for organizing
- 123B School district powers and duties
- 124D Education programs
- 125A Special education; early childhood intervention system; academies for the deaf and blind; funding
- 125B Education and technology
- 126C Education funding
- 127A State administration of education
- 128 Cook County school district
- 128B Pine Point School
- 128C High School League
- 128D Special School District No. 1, Minneapolis
- 129 Chippewa forest land exchanges; border agreements

ARTS

- 129C Perpich Center for Arts Education
- 129D Arts assistance

LIBRARIES

- 134 Public libraries; multicounty, multitype libraries
- 134A County law libraries

POSTSECONDARY EDUCATION

- 135A Public postsecondary education
- 136A Higher Education Services Office; facilities authority
- 136D Intermediate school districts
- 136F Minnesota State Colleges and Universities
- 136G Minnesota college savings plan
- 137 University of Minnesota

STATE HISTORY

- 138 Historical societies; sites; archives; archaeology; folklife
- 138A Labor Interpretive Center

PROPRIETARY SCHOOLS

- 141 Private career schools

HEALTH

- 144 Department of Health
- 144A Nursing homes and home care
- 144D Housing with services establishment
- 144E Emergency Medical Services Regulatory Board
- 144F Emergency medical services special taxing districts
- 145 Public health provisions
- 145A Local public health boards
- 145B Living will
- 145C Health care directives
- 146 Healing arts, registration
- 146A Complementary and alternative health care practices
- 147 Board of Medical Practice
- 147A Physician assistants, registration
- 147B Acupuncture practitioners
- 147C Respiratory care practitioners
- 147D Traditional midwives
- 148 Public health occupations
- 148A Action for sexual exploitation; psychotherapists
- 148B Social work, marriage and family therapy, mental health
- 148C Alcohol and drug counselors, licensing
- 149A Mortuary science; disposition of dead bodies
- 150A Dentistry
- 151 Pharmacy
- 152 Drugs, controlled substances
- 153 Podiatry
- 153A Hearing instrument dispensing
- 154 Barbers
- 155A Cosmetology
- 156 Veterinarians
- 157 Food, beverage, and lodging establishments
- 158 University of Minnesota hospitals

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xiv

VOLUME 5

TRANSPORTATION

- 160 Roads, general provisions
- 161 Trunk highways
- 162 State-aid road systems
- 163 County highways
- 164 Town roads
- 165 Bridges
- 167 Trunk highway bonds
- 168 Vehicle registration, taxation, sale
- 168A Vehicle titles
- 168B Abandoned motor vehicles
- 168C Bicycle registration
- 168D Motor carrier fuel tax
- 169 Traffic regulations
- 169A Driving while impaired
- 170 Traffic accident provisions
- 171 Drivers' licenses and training schools
- 173 Signs and billboards along highways
- 174 Department of Transportation

LABOR, INDUSTRY

- 175 Department of Labor and Industry
- 175A Workers' Compensation Court of Appeals
- 176 Workers' compensation
- 177 Labor standards and wages
- 178 Apprentice training
- 179 Labor relations
- 179A Public employment labor relations
- 180 Mine inspectors
- 181 Employment
- 181A Child labor
- 182 Occupational safety and health
- 182A Industrial hygiene and safety profession
- 183 Boilers
- 184 Employment agencies
- 184B Regulation of amusement rides
- 185 Labor disputes; injunctions, restraining orders

MILITARY AFFAIRS

- 190 Military forces
- 191 Unorganized militia
- 192 National Guard
- 192A Uniform Code of Military Justice
- 193 Armories

VETERANS

- 196 Department of Veterans Affairs
- 197 Veterans; rewards, privileges
- 198 Veterans homes

MINNESOTA STATUTES 2004

xv

ELECTIONS

- 200 General provisions; definitions
- 201 Registration and eligibility of voters
- 202A Caucuses and conventions
- 203B Absentee voting
- 204B Elections; general provisions
- 204C Election day activities
- 204D Particular elections
- 205 Municipal elections
- 205A School district elections
- 206 Voting systems
- 208 Presidential electors
- 209 Election contests
- 211A Campaign financial reports
- 211B Fair campaign practices
- 211C Recall of elected state officials

EXAMINING AND LICENSING BOARDS

- 214 Examining and licensing boards

UTILITIES

- 216 Public Utilities Commission proceedings
- 216A Public utilities regulators
- 216B Public utilities
- 216C Energy planning and conservation
- 216D Excavation notice system

VOLUME 6

CARRIERS

- 218 Common carriers, rail transportation
- 219 Railroad safety and employment
- 221 Motor carriers
- 222 Railroad commerce and property

FARM PRODUCTS, COMMERCIAL PRACTICES

- 223 Grain buyers
- 227 Crimes involving warehouse receipts
- 228 Crimes involving bills of lading
- 230 Public warehouses, elevators, coal sheds; sites
- 231 Warehouses
- 232 Grain Storage Act
- 233 Public terminal warehouses
- 234 Storage of grain on farms
- 235 Grain, general provisions
- 236 Grain banks

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xvi

TELECOMMUNICATIONS

- 237 Telephone, telegraph, telecommunications
- 238 Cable communications

WEIGHTS AND MEASURES

- 239 Weights, measures

SPORTS

- 240 Pari-mutuel horse racing
- 240A Amateur Sports Commission

CORRECTIONS

- 241 Department of Corrections
- 242 Corrections; youth
- 243 Corrections; adults
- 244 Criminal sentences, conditions, duration, appeals

PUBLIC WELFARE AND RELATED ACTIVITIES

- 245 Department of Human Services
- 245A Human services licensing
- 245B Standards governing services to mentally retarded
- 245C Human services background studies
- 246 Public institutions
- 246B Minnesota sex offender program
- 248 Blind; education, rehabilitation
- 250 Gillette Children's Hospital Board
- 251 Care of tuberculous persons
- 252 Services for person with mental retardation
- 252A Mental retardation protection
- 253 Hospitals for persons with mental illness
- 253B Civil commitment
- 253C Residential treatment programs: reporting requirements
- 254 Commitment of certain drug users
- 254A Treatment for alcohol and drug abuse
- 254B Chemical dependency treatment
- 256 Human services
- 256B Medical assistance for needy persons
- 256C Handicapped persons
- 256D General assistance
- 256E Community social services
- 256F Minnesota Family Preservation Act
- 256G Unitary residence and financial responsibility
- 256I Group residential housing
- 256J Minnesota family investment program
- 256K Work first program pilot projects
- 256L MinnesotaCare
- 256M Community Service Act
- 257 Children; custody, legitimacy
- 257B Standby custodian; designation; guardian

MINNESOTA STATUTES 2004

xvii

- 257C De facto custodian and interested third party
- 259 Change of name, adoption
- 260 Juveniles
- 260A Truancy
- 260B Delinquency
- 260C Child protection
- 261 County relief of poor, general provisions

ECONOMIC SECURITY

- 268 Unemployment insurance
- 268A Vocational rehabilitation

VOLUME 7

TAXATION, SUPERVISION, DATA PRACTICES

- 270 Department of Revenue
- 270A Revenue Recapture Act
- 270B Tax data, classification and disclosure
- 271 Tax court

PROPERTY TAXES

- 272 Taxation, general provisions
- 273 Taxes; listing, assessment
- 274 Assessments; review, correction, equalization
- 275 Taxes; levy, extension
- 276 Collection, accounting, distribution
- 276A Tax relief area revenue distribution
- 277 Delinquent personal property taxes
- 278 Real or personal property tax; objection, defense
- 279 Delinquent real estate taxes
- 280 Real estate tax judgment sales
- 281 Real estate tax sales, redemption
- 282 Tax-forfeited land sales
- 283 Refund to purchasers
- 284 Actions involving tax titles
- 287 Mortgage registry tax; deed tax

VARIOUS STATE TAXES, ADMINISTRATION

- 289A Tax administration and compliance
- 290 Income and franchise taxes
- 290A Property tax refund
- 290B Senior citizens' property tax deferral
- 290C Sustainable forest resource management incentive program
- 291 Estate tax
- 293 Educational institutions; exempt property, income

GROSS EARNINGS TAXES

- 295 Companies subject to gross earnings taxes

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xviii

EXCISE AND SALES TAXES

- 296A Tax on petroleum and other fuels
- 297A General sales and use taxes
- 297B Sales tax on motor vehicles
- 297D Marijuana and controlled substance taxation
- 297E Gambling taxes
- 297F Cigarettes and tobacco taxes
- 297G Liquor taxation
- 297H Solid waste management taxes
- 297I Insurance taxes
- 298 Minerals taxes

PUBLIC SAFETY

- 299A Department of Public Safety
- 299C Bureau of Criminal Apprehension
- 299D State Patrol
- 299E Capitol complex security
- 299F Fire marshal
- 299G Protection of buildings and occupants
- 299J Pipeline safety
- 299K Hazardous chemical emergency; planning and response
- 299L Gambling enforcement
- 299M Fire protection industry licensing

CORPORATIONS

- 300 General provisions
- 301 Development corporations
- 302 Stock transfers
- 302A Business corporations
- 303 Foreign corporations
- 306 Public cemeteries
- 307 Private cemeteries
- 308A Cooperatives
- 308B Cooperative Associations Act
- 309 Social and charitable organizations
- 315 Religious associations
- 316 Corporations; actions respecting
- 317A Nonprofit corporations
- 318 Declaration of trust
- 319B Professional firms

PARTNERSHIPS

- 321 Uniform Limited Partnership Act 2001
- 322 1919 Uniform Limited Partnership Act
- 322A 1976 Uniform Limited Partnership Act
- 322B Limited liability companies
- 323A Uniform Partnership Act of 1994

MINNESOTA STATUTES 2004

xix

VOLUME 8

TRADE REGULATIONS, CONSUMER PROTECTION

- 324 Art; fine prints
- 325A Invention services
- 325B Beer brewers and wholesalers
- 325C Uniform Trade Secrets Act
- 325D Restraint of trade
- 325E Regulation of trade practices
- 325F Consumer protection; products and sales
- 325G Consumer protection; solicitation of sales
- 325H Regulation of tanning facilities
- 325I Disclosure of videotape rental, sale
- 325J Pawnbroker regulation
- 325K Electronic Authentication Act
- 325L Uniform Electronic Transactions Act
- 325M Internet privacy
- 325N Mortgage foreclosures
- 326 Employments licensed by state
- 326A Accountants
- 327 Hotels, motels, resorts, and manufactured homes
- 327A Housing; statutory warranties
- 327B Manufactured home sales
- 327C Manufactured home park lot rentals
- 329 Peddlers, transient merchants
- 330 Auctioneers
- 331A Qualified newspapers
- 332 Collection, credit services, debt prorating
- 333 Assumed names, insignia, and marks
- 334 Money, rates of interest
- 336 Uniform Commercial Code
- 336A Farm product liens and financing statements
- 337 Building and construction contracts
- 338 Employment contracts

POLICE REGULATIONS

- 340A Liquor
- 343 Prevention of cruelty to animals
- 344 Partition fences
- 345 Unclaimed property
- 346 Stray animals; companion animals
- 347 Dogs and cats
- 348 Bounties, rewards

GAMING

- 349 Lawful gambling and gambling devices
- 349A State Lottery

VACANCY IN PUBLIC OFFICE

- 351 Resignations, vacancies, removals

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xx

RETIREMENT

- 352 Minnesota State Retirement System
- 352B State troopers, retirement
- 352C Elective state officers retirement
- 352D State unclassified employees retirement program
- 352F University hospital employee retirement
- 353 Public Employees Retirement Association
- 353A Local relief association consolidation
- 353B Local relief association benefit plans
- 353D Public employees defined contribution plan
- 353E Local government correctional service retirement plan
- 353F Privatized public hospital, PERA pension benefits
- 354 Teachers Retirement Act
- 354A Teachers retirement, certain cities
- 354B Individual retirement account plan
- 354C Higher education supplemental retirement plan
- 354D Retirement plans, Arts Board and Humanities Commission
- 355 Social Security coverage
- 356 Retirement systems, generally
- 356A Public pension fiduciary responsibility
- 356B Public pension administration

PUBLIC SERVICES AND PRIVILEGES

- 357 Fees
- 358 Seals, oaths, acknowledgments
- 359 Notaries public

AERONAUTICS

- 360 Airports and aeronautics

RURAL DEVELOPMENT

- 362A Rural Development Finance Authority

HUMAN RIGHTS

- 363A Minnesota Human Rights Act

CRIMINALS; REHABILITATION

- 364 Criminal offenders, rehabilitation

VOLUME 9

TOWNS

- 365 Town general law
- 365A Subordinate service districts
- 366 Town board; Board of Audit
- 367 Town officers
- 368 Towns; special provisions

MINNESOTA STATUTES 2004

xxi

COUNTIES, COUNTY OFFICERS, REGIONAL AUTHORITIES

- 370 Counties; change of boundaries
- 371 Consolidation of counties
- 372 Changing county seats
- 373 Counties; powers, duties, privileges
- 374 Courthouse and city hall
- 375 County boards
- 375A Optional forms of county government
- 375B County subordinate service districts
- 376 County hospitals and nursing homes
- 379 Organization, formation, and partition of towns
- 381 Surveys, section corners, township landmarks
- 382 County officers
- 383A Ramsey County
- 383B Hennepin County
- 383C St. Louis County
- 383D Dakota County
- 384 County auditor
- 385 County treasurer
- 386 County recorder; abstractor
- 387 Sheriff
- 388 County attorney
- 389 County surveyor
- 390 Coroner; medical examiner
- 393 Local social services agency
- 394 Planning, development, zoning
- 395 Agricultural assistance, development
- 398 Park districts
- 398A Regional railroad authorities
- 400 Solid waste management
- 401 Community corrections
- 402 Human services
- 403 911 emergency and public safety communications

CITIES, ORGANIZATION

- 410 Classification; charters
- 412 Statutory cities
- 413 Change of city name
- 414 Municipal boundary adjustments

CITIES, GENERAL GOVERNMENT

- 415 Various city powers
- 416 Public buildings

MUNICIPAL PERSONNEL, RETIREMENT

- 419 Police civil service commissions
- 420 Firefighters' civil service commissions
- 422A Retirement allowances, Minneapolis
- 423 Retirement; police officer, firefighter
- 423A Police and salaried Firefighters' Relief Association

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xxii

- 423B Minneapolis police pensions
- 423C Minneapolis Firefighters Relief Association
- 424A Volunteer firefighters' retirement
- 424B Volunteer firefighters, dissolutions, and consolidations

MUNICIPAL FINANCE, TAXATION, SPECIAL ASSESSMENTS

- 426 Finance, taxation
- 427 Depositories, city and statutory city funds
- 428A Special service districts; housing improvement areas
- 429 Local improvements, special assessments
- 430 Land for streets and parks; Elwell Law
- 435 Public improvements, other proceedings

MUNICIPAL PUBLIC SAFETY

- 436 Law enforcement
- 437 Police regulations
- 438 Fire prevention

MUNICIPAL PUBLIC WORKS

- 440 Acquisition of property for streets
- 441 Bridges
- 443 Rubbish removal
- 444 Waterworks; storm, sanitary sewer systems.
- 446 Public works, other provisions
- 446A Public facilities authority

MUNICIPAL WELFARE, RECREATION

- 447 Hospitals, welfare activities
- 448 Parks, parkways and playgrounds
- 449 Entertainment tax
- 450 Art or recreational facility

LOCAL PUBLIC UTILITIES, ENTERPRISES

- 451 Utility franchises, permits, rights
- 452 Municipal ownership of utilities
- 453 Municipal electric power
- 453A Municipal gas distribution
- 455 Electric light and power plants
- 456 Water from first class or charter cities
- 457A Port development assistance
- 458 Water transportation facilities
- 458A Local transit commissions
- 458D Western Lake Superior Sanitary District
- 459 Municipal activities

LOCAL GOVERNMENT POLICE POWERS

- 461 Cigarette sales, licensing
- 462 Housing, redevelopment, planning, zoning
- 462A Housing Finance Agency

MINNESOTA STATUTES 2004

xxiii

- 462C Municipal housing programs
- 463 Buildings; easements, regulations, hazards

POLITICAL SUBDIVISIONS, GENERAL PROVISIONS

- 465 Rights, powers and duties; municipalities
- 466 Tort liability, political subdivisions

LOCAL ECONOMIC DEVELOPMENT

- 466A Community resources program
- 469 Economic development

MUNICIPALITIES

- 471 Municipal rights, powers, duties
- 471A Water or wastewater treatment; privatization

VOLUME 10

METROPOLITAN AREA

- 473 Metropolitan government
- 473F Metropolitan revenue distribution
- 473H Metropolitan agricultural preserves
- 473I Baseball park

PUBLIC INDEBTEDNESS, BORROWING

- 474A Bond allocations
- 475 Debt of defined municipalities
- 475A Municipal debt service aid
- 477A Local government aid

JUDICIARY

- 480 Supreme Court
- 480A Court of Appeals
- 480B Judicial merit selection
- 481 Attorneys-at-law
- 484 District courts
- 485 District court administrators
- 486 Court reporters
- 487 County courts
- 488A Municipal courts; Hennepin and Ramsey Counties
- 489 Court commissioners
- 490 Judges retirement, judicial standards
- 491A Conciliation court
- 494 Community dispute resolution program

PROPERTY INTERESTS AND LIENS

- 500 Estates in real property
- 501A Statutory rule against perpetuities
- 501B Trusts
- 502 Powers of appointment

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xxiv

- 504B Landlord and tenant
- 505 Plats; coordinates; surveys
- 507 Recording and filing conveyances
- 508 Registration, Torrens
- 508A Registration without court proceedings
- 510 Homestead exemptions
- 513 Frauds
- 514 Liens; labor, material
- 515 Condominiums
- 515A Uniform Condominium Act
- 515B Minnesota Common Interest Ownership Act

DOMESTIC RELATIONS

- 517 Marriage
- 518 Marriage dissolution
- 518B Domestic abuse
- 518C Uniform Interstate Family Support Act
- 518D Uniform Child Custody Jurisdiction and Enforcement Act
- 519 Married persons; rights, privileges

FIDUCIARIES; POWERS OF ATTORNEY

- 520 Uniform Fiduciaries Act
- 523 Powers of attorney

ESTATES OF DECEDENTS; GUARDIANSHIPS

- 524 Uniform Probate Code
- 525 Probate proceedings
- 527 Uniform Transfers to Minors Act
- 529 Uniform Custodial Trust Act

JUDICIAL PROCEDURE, DISTRICT COURT

- 540 Parties to actions
- 541 Limitation of time, commencing actions
- 542 Venue of actions
- 543 Summons, jurisdiction; certain cases
- 544 Pleadings
- 546 Trials
- 548 Judgments
- 549 Costs, disbursements
- 550 Executions, redemption, exemptions
- 551 Attorney's summary executions
- 552 Support judgment debts summary execution

DECLARATORY, CORRECTIVE AND ADMINISTRATIVE REMEDIES

- 553 Abolition of various civil actions
- 554 Free speech; participation in government
- 555 Uniform Declaratory Judgments Act
- 556 Usurpation, prevention; charters, letters patent; vacation
- 557 Actions relating to real property

MINNESOTA STATUTES 2004

xxv

- 558 Partition of real estate.
- 559 Adverse claims to real estate
- 560 Mineral land; suits by part owners to mine
- 561 Nuisance, trespass, waste; damages
- 562 Public agencies, civil actions, surety bonds required
- 563 Proceedings in forma pauperis

REMEDIES FOR POSSESSION OF PROPERTY

- 565 Claim and delivery

COMPENSATORY AND COLLECTION REMEDIES

- 570 Attachment
- 571 Garnishment
- 572 Arbitration and award
- 572A Planning dispute resolution; mediation; arbitration
- 573 Personal representatives, heirs; actions
- 574 Bonds, fines, forfeitures
- 575 Proceedings supplementary to execution
- 576 Receivers, property of absentees
- 577 Assignments for benefit of creditors
- 579 Boats, vessels; actions against
- 580 Mortgages; foreclosure by advertisement
- 581 Mortgages; foreclosure by action
- 582 Mortgages; foreclosure, general provisions
- 583 Mortgage and contract for deed moratoriums

VOLUME 11

REMEDIES CONTROLLING PERSONAL ACTION

- 586 Mandamus
- 588 Contempts
- 589 Habeas corpus
- 590 Postconviction remedy

JURIES

- 593 Juries, jurors

JUDICIAL PROOF

- 595 Witnesses
- 599 Judicial notice, proof; judicial records, decisions
- 600 Documents as evidence
- 601 Lost instruments
- 602 Competent evidence
- 604 Civil liability
- 604A Civil liability limitations
- 604B Immunity for year 2000 activities

CERTIORARI

- 606 Writ of certiorari

MINNESOTA STATUTES 2004

TABLE OF CHAPTERS

xxvi

CRIMES, CRIMINALS

- 609 Criminal Code
- 609A Expungement
- 611 Rights of accused
- 611A Crime victims: rights, programs, agencies
- 617 Abortion; obscenity; houses of ill-fame
- 624 Crimes, other provisions

CRIMINAL PROCEDURE

- 625 Prevention of crime
- 626 Training; investigation, apprehension; reports
- 626A Privacy of communications
- 627 Jurisdiction
- 628 Accusation
- 629 Extradition, detainers, arrest, bail
- 630 Pretrial procedure
- 631 Trial, judgment, sentence
- 632 Appeals, writs of error
- 634 Special rules, evidence; privileges, witnesses

REHABILITATION

- 636 Juvenile offenders
- 638 Board of Pardons

INCARCERATION

- 641 County jails
- 642 Lockups
- 643 Work farms

STATUTES, CONSTRUCTION

- 645 Interpretation of statutes and rules

Carriers

CHAPTER 218

COMMON CARRIERS, RAIL TRANSPORTATION

218.011 Definitions.
 218.021 Common carrier, unlawful acts.
 218.025 Rates for shipping road materials.
 218.031 Common carrier, duties.

218.041 Duties of commissioner.
 218.071 Offenses and penalties.
 218.75 Midwest Interstate Passenger Rail Compact.

218.01 [Repealed, Ex1957 c 10 s 8]

218.011 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter and chapters 219 and 222, the terms defined in this section have the meanings given them.

Subd. 2. [Renumbered subd 10]

Subd. 3. [Renumbered subd 12]

Subd. 4. [Renumbered subd 13]

Subd. 5. [Renumbered subd 11]

Subd. 6. [Renumbered subd 9]

Subd. 7. [Repealed, 1999 c 86 art 1 s 83]

Subd. 8. **Commission.** "Commission" means the Midwest Interstate Passenger Rail Compact Commission.

Subd. 9. **Commissioner.** "Commissioner" means the commissioner of the Department of Transportation.

Subd. 10. **Common carrier.** "Common carrier" shall mean railroad companies, except private railroads; express companies; and persons, natural or artificial, engaged in rail transportation as common carriers for hire.

Subd. 11. **Department.** "Department" means the Department of Transportation.

Subd. 12. **Railroad.** "Railroad" shall include all railways, bridges, car floats, lighters and ferries used by or operated in connection with any railroad; and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement or lease; and also all switches, spurs, tracks, terminals and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, including all freight depots, yards and grounds, used or necessary in the transportation or delivery of any such property.

Subd. 13. **Transportation.** "Transportation" shall include locomotives, steam, diesel or electric powered engines, cars and other vehicles, vessels and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration, or icing, storage and handling of property transported.

History: Ex1957 c 10 s 1; 1976 c 166 s 14; 1980 c 460 s 3; 1980 c 534 s 18; 1998 c 403 s 29; 2000 c 459 s 1

218.02 [Repealed, Ex1957 c 10 s 8]

218.021 COMMON CARRIER, UNLAWFUL ACTS.

Subdivision 1. **Discriminatory practices.** It shall be unlawful for any common carrier:

(1) to charge, demand, collect or receive for any service a greater or a lesser sum than that fixed in its published schedules;

(2) to make or give any undue or unreasonable preference or advantage, or any undue or unreasonable prejudice or disadvantage, to any person, company, firm, corporation, transit point or locality or to any particular description of traffic;

(3) by any special rate, rebate, drawback or other device, directly or indirectly, to charge, demand, collect or receive a greater or less compensation for any service rendered in the transportation of any property within this state than the regular established schedule of rates and charges for like and contemporaneous service for any other person, or for the public generally; or, directly or indirectly, to offer or give any shipper, in connection with or as an inducement or reward for receiving any property for transportation, any gift, gratuity or free pass or any rate less than that offered to the public;

(4) except as expressly permitted, to charge a greater rate per ton or per ton mile for a single carload of freight of any kind or class than for a greater number of carloads of the same kind or class, to and from the same points of origin or destination;

(5) to charge or receive any greater compensation for the transportation of a quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer, but this shall not be so construed as to authorize any carrier to charge or receive as great compensation for a shorter as for a longer distance; or to charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line in the same general direction, or from the same original point of departure or to the same point of arrival, but this shall not be construed so as to authorize any carrier to charge as high a rate per ton per mile for a longer as for a shorter distance;

(6) to charge or receive for the transportation of freight of any description for any distance within this state a greater amount than is at the same time charged or received for a like quantity of freight of the same class over a greater distance of the same railway; or to charge or receive at any point upon its road a higher rate for receiving, handling or delivering freight of the same class or quantity than it shall at the same time charge or receive to any other point upon the same line; or to charge or receive for freight of any description over its railway a greater amount than at the same time is charged or received for the transportation of a like quantity of freight of the same class being transported over any portion of the same railway of equal distance; or to charge or receive from any person a greater amount than it shall at the same time charge or receive from any other person for the same class and like quantity of freight at the same point upon its railway; or to charge or receive from any person for the transportation of any freight upon its railway a greater amount than it shall at the same time charge or receive from any other person for the transportation of a like quantity of freight of the same class being transported from the same point over an equal distance of the same railway; or to charge or receive from any person for the use and transportation of any railway car upon its railroad for any distance, a greater amount than is at the same time charged or received from any other person for the use and transportation of any railway car of the same class or number for a like purpose being transported over a greater distance of the same railway; or to charge or receive from any person for the use and transportation of any railway car upon its railroad a greater amount in the aggregate than it shall at the same time charge or receive from any other person for the use and transportation of any railway car of the same class for a like purpose being transported from the same original point of an equal distance of the same railway; provided, however, where two or more railroads serve a common point one having a shorter mileage than the other from a given point, the railroad having the longer mileage may be authorized by the commissioner to meet the rate made by the shortest line;

(7) to charge or receive more for transporting a car of freight than is charged or received per car for several cars of a like class of freight over the same railway for the same distance; or to charge or receive more for transporting a ton of freight than is charged or received per ton for more than a ton but less than a carload of like class over the same railway for the same distance; or to charge or receive more for

transporting one hundred pounds of freight than is charged or received per hundred pounds above one hundred pounds but less than a ton of like class over the same railway for the same distance.

Subd. 2. **Exceptions.** Nothing herein shall prohibit carriage, storage or handling of property free or at reduced rates for the United States, the state, or any governmental subdivision thereof, ministers of religion, persons who have taken a vow of poverty as members of a religious order, missionaries, students of educational institutions or inmates of charitable institutions, or for charitable purposes, or for exhibition at fairs or at expositions, nor prohibit the interchange of freight transportation and message service between railroad, motor bus and telegraph companies.

History: *Ex1957 c 10 s 2; 1959 c 183 s 1; 1971 c 25 s 67; 1976 c 166 s 15; 1977 c 285 s 1; 1980 c 460 s 4; 1980 c 534 s 19; 1982 c 561 s 5; 1987 c 49 s 5; 1998 c 403 s 29*

218.025 RATES FOR SHIPPING ROAD MATERIALS.

The commissioner may make schedules of intrastate rates for railroads for the transportation of sand, gravel, crushed rock, and other materials to be used in the construction or maintenance of public roads and streets by or under the direction of public authorities, which rates may be lower than those charged for transporting the same kind of freight for all other purposes.

History: *1957 c 943 s 27; 1971 c 25 s 67; 1976 c 166 s 16; 1980 c 534 s 20; 1998 c 403 s 29*

218.03 [Repealed, Ex1957 c 10 s 8]

218.031 COMMON CARRIER, DUTIES.

Subdivision 1. **Notice, compliance, freight transfer, facilities, records, accounting.** Except as otherwise directed or authorized, it shall be the duty of every common carrier:

(1) to prescribe in the first instance, and to publish upon not less than 20 days' public notice in the case of new or increased rates or ten days' public notice in the case of reduced rates, in such manner as may be required by the commissioner and law, all schedules of rates and charges and classifications thereof, together with the rules governing the same, and minimum weights for transportation of freight articles between points or stations in the state, and terminal and switching charges. A new or changed contract rate shall become effective in accordance with the provisions of United States Code, title 49, section 10713. The commissioner may, for good cause, reduce the notice period specified in this clause;

(2) to comply with every duly authorized rule or directive of the commissioner except as the same may be stayed, pending appeal therefrom;

(3) to put into effect and observe all schedules of rates and charges and classifications and any amendments or changes therein duly ordered by the commissioner, except as the same may be stayed, pending appeal;

(4) to maintain as may be directed by the commissioner for public inspection at stations and depots all schedules showing all classifications, rates and charges for transportation of freight currently in force applying from such station. Such schedules shall state the places between which property will be carried and show the classification of freight, the distance tariff, a table of distances between stations, any terminal charges and any rules in any way affecting the aggregate of such rates and charges;

(5) upon request of an owner or consignor of freight to the initial company, whenever the initial line does not reach the place of destination, or the distance from the place of origin to destination may be shortened, to transfer such freight to a connecting line without change in cars if in carload lots, except such change be free of charge to the shipper and receiver; and to transfer with or without change in cars of less-than-carload lots at a reasonable joint through rate agreed upon by the connecting carriers or prescribed by the commissioner, not greater than the maximum rates

allowed by law, provided any unloading and reloading which is necessary shall be at cost and the charge for such transfer included in the joint rate;

(6) to provide the same switching, transfer and handling facilities for local as for interstate traffic;

(7) upon written demand of the owner, to construct, maintain, and operate side tracks and reasonable facilities connecting with any grain warehouse, dock, wharf, mill, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant or manufactory as may be required by the commissioner, and on such terms as may be agreed upon, or, on failure of agreement, as may be prescribed by the commissioner;

(8) to issue receipts or bills of lading covering all property received for transportation from any point in the state to any other point in the state, and to respond for any loss, damage or injury to such property caused by it or any carrier to whom such property may be delivered or over whose line it may pass;

(9) to refund all overcharges for freight, baggage or express, and pay for any loss, damage or injury to property while in its possession, within 90 days after the filing of a claim for such overcharge, loss or damage;

(10) to keep its accounts so as to show, as far as practicable, the earnings derived from, and the expenses incurred in, handling intrastate business in such form as the commissioner shall prescribe, including the separation of accounts for each operating division, wholly or partly within the state. Such accounts shall show the total cost of operating through trains and the total cost of operating the local or distributing trains of each operating division, wholly or partly within the state, during the fiscal year to be fixed by the commissioner, the total number of tons of revenue and nonrevenue freight, the number of tons of each carried one mile on the through trains and on the local trains, respectively, the number of tons and ton miles of revenue and nonrevenue freight carried on through or local trains which are exclusively intrastate, and the gross tons and ton miles made by through and local trains on each division. The accounts shall show the total revenue and nonrevenue train and engine miles and the total revenue and nonrevenue car miles (the nonrevenue car miles to be shown loaded and empty separately) produced by such railroad in the state in each operating division, the number of each of the above train, engine and car mileage produced in handling the through trains and in handling the local trains, the total locomotive miles produced in switching on each division and such further information related to the income or cost of intrastate business as the commissioner may require. The commissioner may require such accounts to be kept with reference to the intrastate passenger business of each carrier and the train, car and engine mileage incurred in such business in this state as the commissioner may deem necessary;

(11) during pendency of any litigation, when rates prescribed by the commissioner have not been put into effect, to keep a correct account of every charge made by it for any services to which such rates apply in excess of the rates prescribed, showing in each case the difference between the amount actually charged and the amount allowed to be charged, the date of the transaction, the stations between which the business was carried and the names and addresses of the consignor and consignee, and to report such information in full to the commissioner on the commissioner's request.

Subd. 2. Information furnished commissioner. Every common carrier shall furnish to the commissioner a report of accidents, wrecks, and casualties occurring in this state in a manner and form and at the times prescribed by the commissioner. All such reports administered by the Department of Public Safety must be received and administered in accordance with section 169.09, subdivision 13. All other reports are open to public inspection but are not admissible in evidence in any suit or action for damages growing out of such accident, wreck, or casualty.

Subd. 3. Liability. Nothing in this chapter shall limit the liability of common carriers at common law with reference to property in their custody, including absolute responsibility for the acts of their agents with reference thereto, nor shall liability be limited by contract or otherwise, except as stated in their published classification schedules.

Subd. 4. **Loss recovery.** A common carrier, issuing any receipt or bill of lading, shall be entitled to recover from the carrier on whose line loss, damage or injury shall have been sustained, such amount as it may be required to pay to the owners of the property as evidenced by any receipt, judgment or transcript thereof.

Subd. 5. **Bridge, toll.** Any railroad company may construct and maintain at its own expense any bridges and the approaches thereto so as to answer for ordinary travel and, unless within one mile from a toll bridge previously built by an incorporated bridge company over the same stream, may charge and collect for its use reasonable toll, subject to the approval of the proper county board. A toll shall be uniform and the rates shall be conspicuously posted on or near the toll house. The company may contract with any person or corporation for the payment of a fixed sum yearly or otherwise in lieu of toll.

Subd. 6. **Court actions, venue, remedies.** An action or proceeding may be instituted, upon verified complaint of the commissioner or any interested person in any district court of any county wherein a common carrier has a principal office or into which its railroad extends, for the enforcement of any provision of this chapter, or any order, rule or directive of the commissioner, and the court may grant provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, including temporary mandatory or restraining orders. Except when there is a constitutional right to trial by jury not expressly waived, all such proceedings shall be tried summarily by the court and such matters shall take precedence over all other matters except criminal cases.

Subd. 7. **Claim.** Every claim against a common carrier for any overcharge or difference in weight or for loss, damage or injury to property while in its possession, shall first be filed with either the agent at point of origin or of destination or with the freight claims department of the carrier. It shall not be filed until after arrival of shipment or some part thereof at destination or until after a lapse of reasonable time for the arrival thereof. It shall consist of: (a) original bill of lading or shipping receipt, (b) paid freight bill, (c) bill of claimant, (d) original invoices or certified copies, when necessary. True copies may be used or, in the absence thereof, an explanation. If a claim is not paid or adjusted within 90 days of its filing, suit may be commenced in any court of competent jurisdiction, in which all persons similarly situated may intervene or be joined and, if claimant prevails, a penalty of ten percent, plus legal interest, reasonable attorneys' fees, costs and disbursements shall be allowed.

Subd. 8. **Order and rule considered fair and reasonable.** In all proceedings under this section, any final and duly promulgated material order, rule or directive of the commissioner and all schedules of rates, fares or charges fixed by the commissioner shall be deemed and taken in all courts as prima facie fair and reasonable.

Subd. 9. **Court costs, fees, and disbursements.** In all proceedings under this section, the court may order payment of costs, counsel fees and disbursements as it deems just and reasonable.

Subd. 10. **Liability for damages and attorneys' fees.** Any common carrier which shall do or cause to be done any unlawful act, or fail to perform any duty prescribed, or violate any duly established order, rule or directive of the commissioner, or which shall aid or abet in the performance of any unlawful act or in the failure to perform any such duty, shall be liable in damages to any person injured thereby, and that person, if that person recovers, shall be allowed, in addition to damages, reasonable attorneys' fees, together with costs and disbursements.

History: *Ex1957 c 10 s 3; 1971 c 25 s 67; 1971 c 160 s 1; 1975 c 313 s 1; 1976 c 166 s 17; 1980 c 534 s 21-24; 1Sp1981 c 4 art 2 s 17; 1982 c 561 s 6; 1983 c 77 s 1; 1985 c 248 s 70; 1986 c 444; 1998 c 403 s 29; 2001 c 213 s 21*

218.04 [Repealed, Ex1957 c 10 s 8]

218.041 DUTIES OF COMMISSIONER.

Subdivision 1. Operation, system of accounts, service, facility. With respect to all common carriers including express companies the commissioner shall investigate the management thereof, the manner in which their businesses are conducted, and the adequacy of the services they are affording the public and shall prescribe uniform systems of keeping and rendering accounts and the time within which such systems shall be adopted. The commissioner shall make all appropriate orders relating to continuation, termination, modification or extension of services and facilities with a view to properly promoting the security and convenience of the public.

Subd. 2. Commissioner's duties under federal law. The commissioner shall, in accordance with the provisions of United States Code, title 49, sections 10101 to 11917:

(1) exercise the jurisdiction over common carriers vested in the commissioner by law;

(2) review and ascertain the reasonableness and equalities of all schedules of rates and charges or any part or classification thereof, including joint through rates, and, if found unreasonable or discriminatory, establish new schedules and prescribe the form and manner of filing, posting and publication thereof;

(3) order the issuance of any franchises, permits or certificates of convenience and necessity;

(4) the commissioner may unite two or more stations or commercial centers into a common rate point and fix the mileage that shall govern between the common rate point and any or all other points in the state. The distance so fixed shall not apply as a measure of the rate for the movement of freight for similar distances between other points;

(5) prescribe a schedule of joint through railway rates for freight over two or more connecting lines of railway and revise the same from time to time. In so doing, the commissioner shall consider, among other things, rates established for shipments within this state for like distances over single lines, rates charged by the railway companies operating such connecting lines for joint interstate shipments, and the increased cost, if any, of a joint through shipment as compared with a shipment over a single line for like distances. In establishing rates for shipments in less than carload lots, in cases where connecting railways are not required to have common stations or stopping place for loading or unloading freight at connecting points, the commissioner shall regulate the transportation of such freight from the usual unloading place of one railway to the usual loading place of the other. The share of any railway company of any joint through rates shall not be construed to fix the charge that it may make for a similar distance over any part of its line for any single rate shipment, or the share of any other joint rate. Where the line of a railway company connects the point of shipment with the point of destination but would require a longer haul than a joint haul for which a joint rate has been established, the commissioner may authorize charging the joint rate for the single haul without affecting the charge upon any other part of its line except that the charge for a like kind of property must not be greater for a shorter than for a longer distance upon that railroad, all of the shorter hauls being included within the longer;

(6) define switching and drayage service to apply to the movement of traffic within and between points and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation. If it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching for its just share of such charge as may be agreed upon among the companies, or, in the event of disagreement, as prescribed by the commissioner.

Subd. 3. [Repealed, 1Sp1981 c 4 art 2 s 24]

Subd. 4. Commissioner's duties upon petition. (a) The commissioner shall, upon petition, direct the repair, reconstruction, or replacement of any inadequate or unsafe trackage, structure or facility.

(b) Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to the commissioner to have an interest in the matter and publish notice of the petition in the State Register. The commissioner may grant the petition 30 days after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption must be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without a hearing, the petitioner may request within 30 days of receiving a notice of denial, and must be granted, a contested case hearing on the application.

Subd. 5. Investigative and enforcement duties generally. The commissioner shall:

(1) investigate and determine whether any common carriers are granting rebates or, in any other particular, failing to comply with laws or with orders, rules, or directives of the commissioner; and

(2) institute and prosecute all actions and proceedings in the appropriate courts for the enforcement of this chapter; the orders, rules, and directives of the commissioner issued under this chapter; and any violations thereof.

Subd. 6. Investigative powers. In the exercise of powers granted in this chapter, the commissioner may:

(1) subpoena books, papers, or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) prepare all forms or blanks for obtaining information that the commissioner may deem necessary or useful for the proper exercise of the authority and duties of the commissioner in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms must be completed and filed;

(3) inspect, at all reasonable times, and copy the books, records, memoranda, correspondence, or other documents and records of any business under the commissioner's jurisdiction; and

(4) examine, under oath, any officer, agent, or employee of a business under the commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction.

Subd. 7. Ratemaking powers. The commissioner may, upon the commissioner's discretion and without hearing:

(1) upon application by a carrier stating that it desires to establish a rate for a temporary period for the protection of the interest of the carriers or its shippers, authorize and establish the temporary rate, and extend the rate as the circumstances of the case may require, and permit the restoration of the rate existing at the time of the application without further proceedings;

(2) approve the establishment, change, or alteration of any rate, charge or classification, minimum rate, or rule governing the same, to which a common carrier is a party, upon application of the common carrier in writing, when the application appears to be noncontroversial;

(3) authorize, on less than ten days' public notice, schedules containing classifications, rates, fares and charges for the transportation of freight and passengers;

(4) retain general ratemaking authority in intrastate transportation of livestock.

Subd. 8. Intrastate rail passenger service rules. The commissioner, as appropriate, may take action to promulgate rules in areas including, but not limited to the following: rates, routes, depots, schedules, quality of service, and safety requirements relating to intrastate rail passenger service.

History: *Ex1957 c 10 s 4; 1971 c 25 s 67; 1976 c 166 s 18; 1977 c 346 s 12; 1980 c 460 s 6; 1980 c 534 s 25; 1980 c 614 s 123; 1Sp1981 c 4 art 2 s 18-20; 1982 c 424 s 130; 1982 c 561 s 7,8; 1983 c 77 s 2; 1985 c 248 s 70; 1986 c 444; 1998 c 403 s 29; 2001 c 213 s 22-24*

218.05 [Repealed, Ex1957 c 10 s 8]

218.051 [Repealed, 1976 c 166 s 119]

218.06 [Repealed, Ex1957 c 10 s 8]

218.061 [Repealed, 1976 c 166 s 119]

218.07 [Repealed, Ex1957 c 10 s 8]

218.071 OFFENSES AND PENALTIES.

Subdivision 1. **Authority; rules, orders, and directives.** The commissioner may promulgate rules, orders and directives necessary to carry out the respective duties conferred on them by this chapter. The rules, orders, and directives may not be contrary to United States Code, title 49, sections 10101 to 11917. Every duly adopted rule, order or directive of the commissioner shall have the full force and effect of law.

Subd. 2. **Violations generally; penalty.** Unless a different penalty or punishment is specifically prescribed, any person, firm or corporation who performs any unlawful act, or fails to perform any duty imposed by this chapter, or to obey any valid and final order, rule or directive of the commissioner, or who assists and aids therein, shall be guilty of a misdemeanor, and, if the violation be a continuing one, shall be guilty of a new offense for each day of such continuance, and for each offense shall be punished by a fine of one hundred dollars (\$100).

Subd. 3. **Discriminatory practices; penalty.** Any common carrier, willfully granting any special rate, rebate, drawback, or directly or indirectly charging, demanding or collecting a greater or less compensation than provided by its regular established schedule of rates and charges, shall be punished by a fine not exceeding \$10,000 for each such offense.

Subd. 4. **Failure to comply; penalty.** Any common carrier failing to comply with any order of the commissioner shall be subject to a penalty of fifty dollars (\$50) for each and every day of such failure to comply, to be recovered for the state in a civil action by the commissioner.

History: *Ex1957 c 10 s 7; 1971 c 25 s 67; 1976 c 166 s 19; 1980 c 534 s 26; 1982 c 561 s 9; 1983 c 77 s 3; 1984 c 628 art 3 s 11; 1986 c 444; 1998 c 403 s 29*

218.08-218.73 [Repealed, Ex1957 c 10 s 8]

218.75 MIDWEST INTERSTATE PASSENGER RAIL COMPACT.

The contracting states solemnly agree:

ARTICLE I STATEMENT OF PURPOSE

The purposes of this compact are, through joint or cooperative action:

A) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;

B) to coordinate interaction among Midwestern state-elected officials and their designees on passenger rail issues;

C) to promote development and implementation of long-range plans for high-speed rail passenger service in the Midwest and among other regions of the United States;

D) to work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and

E) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

ARTICLE II ESTABLISHMENT OF COMMISSION

To further the purposes of the compact, a commission is created to carry out the duties specified in this compact.

ARTICLE III COMMISSION MEMBERSHIP

The manner of appointment of commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the commission.

The commission shall consist of four resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two legislators, one from each legislative chamber, who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each legislative chamber. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the commission bylaws.

ARTICLE IV POWERS AND DUTIES OF THE COMMISSION

The duties of the commission are to:

- 1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- 2) identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail in the region;
- 3) seek development of a long-term, interstate plan for high-speed rail passenger service implementation;
- 4) cooperate with other agencies, regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- 5) adopt bylaws governing the activities and procedures of the commission and addressing, among other subjects: the powers and duties of officers; the voting rights of commission members, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission;
- 6) expend such funds as required to carry out the powers and duties of the commission; and
- 7) report on the activities of the commission to the legislatures and governor of the member states on an annual basis.

In addition to its exercise of these duties, the commission is empowered to:

- 1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission;
- 2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
- 3) educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;

4) work with federal agency officials and members of Congress to ensure the funding and authorization necessary to develop a long-term, interstate plan for high-speed rail passenger service implementation.

5) make recommendations to member states;

6) if requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the commission, implement or provide oversight for specific rail projects;

7) establish an office and hire staff as necessary;

8) contract for or provide services;

9) assess dues, in accordance with the terms of this compact;

10) conduct research; and

11) establish committees.

ARTICLE V OFFICERS

The commission shall annually elect from among its members a chair, a vice-chair who shall not be a resident of the state represented by the chair, and others as approved in the commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the commission bylaws.

ARTICLE VI MEETINGS AND COMMISSION ADMINISTRATION

The commission shall meet at least once in each calendar year, and at such other times as may be determined by the commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.

ARTICLE VII FINANCE

Except as otherwise provided for, the monies necessary to finance the general operations of the commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state.

The commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it. The commission shall not issue any debt instrument. The commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

ARTICLE VIII ENACTMENT, EFFECTIVE DATE AND AMENDMENTS

The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact. Upon approval of the commission, according to its bylaws, other states may also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

ARTICLE IX
WITHDRAWAL, DEFAULT AND TERMINATION

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other commission members. Any such defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

ARTICLE X
CONSTRUCTION AND SEVERABILITY

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected hereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

History: 2000 c 459 s 2