CHAPTER 221

MOTOR CARRIERS

221.012 DEFINITIONS.

MOTOR CARRIERS

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221.01 [Repealed, Ex1957 c 17 s 31]

221.011 Subdivision 1. [Renumbered 221.012, subdivision 1]

Subd. 2. [Renumbered 221.012, subd 13]

Subd. 2a. [Renumbered 221.012, subd 8]

Subd. 2b. [Repealed, 2004 c 225 s 15]

Subd. 3. [Renumbered 221.012, subd 42]

Subd. 4. [Repealed, 1983 c 371 s 44]

Subd. 5. [Renumbered 221.012, subd 36]

Subd. 6. [Renumbered 221.012, subd 31]

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 [Repealed, 1999 c 238 art 2 s 92]

Subd. 8. [Renumbered 221.012, subd 29]

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 [Repealed, 1999 c 238 art 2 s 92]

Subd. 10. [Renumbered 221.012, subd 32]

Subd. 11. [Repealed, 1992 c 600 s 34]

Subd. 12. [Renumbered 221.012, subd 11]

Subd. 13. [Renumbered 221.012, subd 20]

Subd. 14. [Renumbered 221.012, subd 30]

Subd. 15. [Renumbered 221.012, subd 25]

Subd. 16. [Renumbered 221.012, subd 14]

Subd. 17. [Renumbered 221.012, subd 10]

Subd. 18. [Renumbered 221.012, subd 33]

Subd. 19. [Renumbered 221.012, subd 37]

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 [Repealed, 1999 c 238 art 2 s 92]

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 [Repealed, 1999 c 238 art 2 s 92]

Subd. 22. [Repealed, 1983 c 371 s 44]

Subd. 23. [Renumbered 221.012, subd 19]

Subd. 24. [Renumbered 221.012, subd 23]

Subd. 25. [Renumbered 221.012, subd 12]

Subd. 26. [Renumbered 221.012, subd 35]

Subd. 27. [Renumbered 221.012, subd 9]

Subd. 28. [Renumbered 221.012, subd 24]

Subd. 29. [Renumbered 221.012, subd 16]

Subd. 30. [Renumbered 221.012, subd 17]

Subd. 31. [Renumbered 221.012, subd 18]

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 [Repealed, 1999 c 238 art 2 s 92]

Subd. 33. [Renumbered 221.012, subd 15]

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 [Repealed, 1999 c 238 art 2 s 92]

Subd. 35. [Renumbered 221.012, subd 41]

Subd. 36. [Renumbered 221.012, subd 21]

Subd. 37. [Renumbered 221.012, subd 5]

Subd. 38. [Renumbered 221.012, subd 6]

Subd. 39. [Renumbered 221.012, subd 7]

Subd. 40. [Renumbered 221.012, subd 40]

Subd. 41. [Renumbered 221.012, subd 39]

Subd. 42. [Renumbered 221.012, subd 22]

Subd. 43. [Renumbered 221.012, subd 34]

Subd. 44. [Renumbered 221.012, subd 3]

Subd. 45. [Renumbered 221.012, subd 2]

Subd. 46. [Renumbered 221.012, subd 4]

Subd. 47. [Renumbered 221.012, subd 27]

Subd. 48. [Renumbered 221.012, subd 26]

Subd. 49. [Renumbered 221.012, subd 38]

Subd. 50. [Renumbered 221.012, subd 28]

221.012 DEFINITIONS.

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

Subd. 2. [Repealed, 2009 c 64 s 57]

Subd. 3. [Repealed, 2009 c 64 s 57]

Subd. 4. **Bulk commodity.** "Bulk commodity" means a commodity that (1) can be poured, scooped, or shoveled into a vehicle, (2) is carried loose in that vehicle, (3) is confined by the bottom and sides of the vehicle, and (4) is not sacked, boxed, bundled, or otherwise assembled before delivery.

Subd. 5. **Certificated carrier.** "Certificated carrier" means a motor carrier holding a certificate of registration.

Subd. 6. [Repealed, 2009 c 64 s 57]

Subd. 7. [Repealed, 2009 c 64 s 57]

Subd. 8. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subd. 9. **Commuter van.** "Commuter van" means a motor vehicle used in a ride-sharing arrangement and used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority:

(1) when the vehicle is operated by a person who does not drive the vehicle for that person's principal occupation but is driving it only to or from that person's principal place of employment or to or from a transit stop authorized by a local transit authority; or

(2) when the vehicle is operated for personal use at other times by an authorized driver.

Subd. 10. **Contiguous.** "Contiguous" means having any portion of a common boundary with another municipality or with one of a group of contiguous municipalities.

Subd. 11. [Repealed, 2009 c 64 s 57]

Subd. 12. [Repealed, 2009 c 64 s 57]

Subd. 13. **Department.** "Department" means the Department of Transportation.

Subd. 14. **For hire.** "For hire" means for remuneration or compensation of any kind promised, paid, or given to or received by a person for the transportation of persons or property on the highways, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, when the purchase or sale of the property is not a bona fide purchase or sale. The transportation of property by a person who purchases it immediately before transporting it, and sells it immediately after transporting it, is transportation for hire. The lease or rental of a motor vehicle to a person for transportation of the person's property is transportation for hire and not private carriage when the lessor, directly or indirectly, serves as driver or obtains or arranges for a driver under the terms of the motor vehicle lease. For hire does not include motor vehicle operations conducted by a private carrier.

Subd. 15. **Gross vehicle weight.** "Gross vehicle weight" has the meaning given it in section 169.011, subdivision 32.

Subd. 16. **Hazardous material.** "Hazardous material" means a substance or material determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and so designated by the United States secretary of transportation.

Subd. 17. **Hazardous substance.** "Hazardous substance" has the meaning given it in Code of Federal Regulations, title 49, section 171.8.

Subd. 18. **Hazardous waste.** "Hazardous waste" has the meaning given it in Code of Federal Regulations, title 49, section 171.8.

Subd. 19. **Household goods.** "Household goods" means personal effects and property used or to be used by the owner in the owner's dwelling.

Subd. 20. **Interstate carrier.** "Interstate carrier" means any person engaged in transporting property or passengers for hire in interstate commerce in Minnesota, from or into Minnesota, or between any point in the state of Minnesota and the Dominion of Canada.

Subd. 21. [Repealed, 2009 c 64 s 57]

Subd. 22. **Lightweight vehicle.** "Lightweight vehicle" means a vehicle with a gross vehicle weight of 10,000 pounds or less, but does not include a vehicle transporting passengers for hire or a vehicle transporting hazardous materials that must be placarded or marked under Code of Federal Regulations, title 49, section 177.823.

Subd. 23. [Repealed, 2009 c 64 s 57]

Subd. 24. [Repealed, 2009 c 64 s 57]

Subd. 25. **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.

Subd. 26. **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. 27. **Motor carrier of property.** "Motor carrier of property" means a motor carrier engaged in the for-hire transportation of property, other than household goods, in Minnesota who has filed a registration statement with the commissioner.

Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad employees" means a motor carrier engaged in the for-hire transportation of railroad employees of a Class I or II common carrier, as defined in Code of Federal Regulations, title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with a common carrier, as defined in section 218.011, subdivision 10.

Subd. 28. **Out-of-service order.** "Out-of-service order" has the meaning given it in Code of Federal Regulations, title 49, section 383.5.

Subd. 29. **Permit.** "Permit" means the license that may be issued to motor carriers under the provisions of this chapter, authorizing the use of the highways of Minnesota for transportation for hire.

Subd. 30. [Repealed, 2009 c 64 s 57]

Subd. 31. **Person.** "Person" means any individual, firm, copartnership, cooperative, company, association and corporation, or their lessees, trustees, or receivers. "Person" does not include the federal government, the state, or any political subdivision.

Subd. 32. [Repealed, 2009 c 64 s 57]

Subd. 33. **Petroleum products.** "Petroleum products" means crude petroleum and natural gas and any and all derivatives arising out of the refinement thereof, including anhydrous ammonia and liquid fertilizer.

Subd. 34. **Petroleum transport.** "Petroleum transport" means a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk.

Subd. 35. **Private carrier.** "Private carrier" means a person engaged in the transportation of property or passengers by motor vehicle when:

(1) the person transporting the property or passengers is engaged in a business other than transportation; and

(2) the transportation is within the scope of and furthers a primary business, other than transportation, of that person.

"Private carrier" does not include a person while engaged in transportation described in section 221.025.

Subd. 36. **Public highway.** "Public highway" means every public street, alley, road, highway or thoroughfare of any kind, except waterways, open to public travel and use.

Subd. 37. **Service of notice and orders.** "Service of notice and orders" means depositing the notice and orders in the United States mails properly enveloped, addressed, and stamped, provided that service of a notice or order requiring an affirmative or negative action by a person must be by certified United States mail with return receipt.

Subd. 38. **Small vehicle passenger service.** (a) "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.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, "small vehicle passenger service" also includes for-hire transportation of persons who are certified by the Metropolitan Council to use special transportation service provided under section 473.386, in a vehicle designed to transport not more than 15 persons including the driver, that is equipped with a wheelchair lift and at least three wheelchair securement positions.

(c) Small vehicle passenger service does not include a motor carrier of railroad employees.

Subd. 39. [Repealed, 2009 c 64 s 57]

Subd. 40. [Repealed, 2009 c 64 s 57]

Subd. 41. [Repealed, 2009 c 64 s 57]

Subd. 42. **Vehicle.** "Vehicle" means a vehicle or combination of vehicles used upon the highways for the transportation of persons or property.

History: *Ex1957 c 17 s 1; 1959 c 376 s 1; 1965 c 523 s 1; 1969 c 870 s 1; 1971 c 25 s 67; 1971 c 74 s 2; 1971 c 631 s 1; 1973 c 123 art 5 s 7; 1973 c 367 s 1; 1973 c 754 s 2; 1975 c 313 s 4,5; 1976 c 166 s 65-69; 1976 c 233 s 9; 1979 c 50 s 23; 1980 c 428 s 1,2; 1980 c 465 s 1; 1980 c 534 s 55-57; 1981 c 209 s 7,8; 1982 c 617 s 19; 1983 c 371 s 3-18; 1984 c 520 s 1-3; 1985 c 299 s 15,16; 1986 c 444; 1989 c 318 s 7,8; 1992 c 418 s 1; 1992 c 578 s 13-17; 1992 c 600 s 1-11; 1993 c 117 s 7,8,30; 1993 c 213 s 1,2; 1994 c 603 s 19; 1994 c 635 art 1 s 17,41; 1996 c 377 s 1,2; 1999 c 238 art 2 s 35-39; 2001 c 112 s 1; 2004 c 167 s 1; 2004 c 225 s 2; 2008 c 350 art 1 s 70; 2009 c 64 s 21,22; 2010 c 351 s 55,56*

221.02 [Renumbered 221.011 subds 2-22]

MOTOR CARRIERS

221.021 AGGRAVATED VIOLATIONS; SANCTIONS, HEARING.

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 221.012 to 221.291 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 221.012 to 221.291 or an order issued or rule adopted 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: *Ex1957 c 17 s 2; 1963 c 605 s 1; 1971 c 25 s 67; 1976 c 166 s 70; 1980 c 534 s 58; 1983 c 371 s 19; 1984 c 520 s 4; 1985 c 248 s 70; 1986 c 444; 1992 c 578 s 18; 1999 c 238 art 2 s 40; 2003 c 2 art 1 s 22; 2009 c 64 s 23*

221.022 EXCEPTION.

The powers granted to the commissioner under sections 221.012 to 221.293 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: *1984 c 654 art 3 s 75; 1989 c 122 s 1; 1989 c 250 s 4; 1990 c 462 s 3; 1994 c 628 art 3 s 17; 1999 c 238 art 2 s 41; 2009 c 64 s 24; 2014 c 227 art 2 s 11*

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:

(1) 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;

(2) 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 221.012, subdivision 18;

(3) a commuter van as defined in section 221.012, subdivision 9;

(4) authorized emergency vehicles as defined in section 169.011, subdivision 3, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(5) the transportation of grain samples under conditions prescribed by the commissioner;

(6) the delivery of agricultural lime;

(7) 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;

(8) 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;

(9) 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;

(10) 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;

(11) 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;

(12) 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;

(13) the transportation of newspapers, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less; and

(14) 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: *1983 c 371 s 20; 1984 c 520 s 5; 1985 c 299 s 17; 1988 c 544 s 4; 1989 c 122 s 2; 1989 c 250 s 5; 1990 c 462 s 4; 1991 c 284 s 5; 1991 c 333 s 32; 1992 c 578 s 1,19; 1993 c 117 s 9,30; 1994 c 519 s 1; 1994 c 603 s 20; 1994 c 628 art 3 s 18; 1998 c 403 s 20; 1998 c 405 s 9; 1999 c 238 art 2 s 42; 2001 c 213 s 30; 2009 c 64 s 25; 2010 c 320 art 1 s 18; 2016 c 158 art 1 s 80*

221.0251 MOTOR CARRIER OF PROPERTY; REGISTRATION.

Subdivision 1. **Registration statement.** (a) A person who wishes to operate as a motor carrier of property shall file a complete and accurate registration statement with the commissioner.

(b) 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, the former Interstate Commerce Commission, or the 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: *1996 c 377 s 3; 1999 c 238 art 2 s 43; 2003 c 2 art 4 s 7*

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 or an inspector certified by the commissioner of public safety under section 169.781;

(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 made 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) To streamline the audit process and to reduce the regulatory burden on carriers, the commissioner may reduce the number of vehicle inspections and records audited under paragraph (a) if the commissioner has sufficient information from federal and state motor carrier safety data about a carrier's operations to determine a carrier's safety fitness as described in Code of Federal Regulations, title 49, section 385.7. At a minimum, the commissioner must conduct the record audit in paragraph (a) once in four years.

(c) The commissioner and the commissioner of public safety shall, through an interagency 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; 221.161; and 221.171.

History: *1999 c 238 art 2 s 44; 2000 c 479 art 1 s 21; 2002 c 364 s 20; 2014 c 227 art 2 s 12*

221.0255 MOTOR CARRIER OF RAILROAD EMPLOYEES.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "conviction" has the meaning given in section 609.02; and

(2) "on-duty time" means all time from the time a driver begins to work, or is required to be in readiness to work, until the time the driver is relieved from work, including: (i) driving time; (ii) time at a terminal, facility, or other property of a contract carrier; (iii) time on any public or private property waiting to be dispatched; (iv) time spent in working hours by a driver while under employment or agreement with another employer who is not a motor carrier of railroad employees; and (v) time spent inspecting, servicing, conditioning, or attending a vehicle.

Subd. 2. **Application.** (a) A motor carrier of railroad employees must meet the requirements specified in this section, is subject to section 221.291, and is otherwise exempt from the provisions of this chapter.

(b) The requirements of this section for a motor carrier of railroad employees or a vehicle operator for a motor carrier of railroad employees apply in the same manner to any entity that enters into an agreement with the carrier to transport railroad employees.

Subd. 3. **Vehicle operator requirements.** (a) A vehicle operator for a motor carrier of railroad employees who transports passengers must:

(1) have a valid driver's license under chapter 171;

(2) submit to physical examinations that meet the requirements for commercial motor vehicle operators under Code of Federal Regulations, title 49, sections 391.41 to 391.45, or successor requirements; and

(3) perform pretrip and posttrip vehicle inspections.

(b) A vehicle operator may not communicate over or otherwise operate a handheld cellular phone when the vehicle is in motion or a part of traffic.

Subd. 4. **Motor carrier of railroad employees; requirements.** (a) The motor carrier of railroad employees must implement a policy that provides for annual training and certification of the operator in:

(1) safe operation of the vehicle transporting railroad employees;

(2) knowing and understanding relevant laws, rules of the road, and safety policies;

(3) handling emergency situations;

(4) proper use of seat belts;

(5) performance of pretrip and posttrip vehicle inspections, and inspection record keeping; and

(6) proper maintenance of required records.

(b) The motor carrier of railroad employees must:

(1) confirm that the person is not disqualified under subdivision 6, by performing a criminal background check of the operator, which must include:

(i) a criminal history check of the state criminal records repository; and

(ii) if the operator has resided in Minnesota less than five years, a criminal history check from each state of residence for the previous five years;

(2) annually verify the operator's driver's license;

(3) document meeting the requirements in this subdivision, which must include maintaining at the carrier's business location:

(i) a driver qualification file on each operator who transports passengers under this section; and

(ii) records of pretrip and posttrip vehicle inspections as required under subdivision 3, paragraph (a), clause (3);

(4) maintain liability insurance in a minimum amount of $5,000,000 regardless of the seating capacity of the vehicle;

(5) maintain uninsured and underinsured coverage in a minimum amount of $2,000,000; and

(6) ensure inspection of each vehicle operated under this section as provided under section 169.781.

(c) A driver qualification file under paragraph (b), clause (3), must include:

(1) a copy of the operator's most recent medical examiner's certificate;

(2) a copy of the operator's current driver's license;

(3) documentation of annual license verification;

(4) documentation of annual training;

(5) documentation of any known violations of motor vehicle or traffic laws; and

(6) responses from previous employers, if required by the current employer.

(d) The driver qualification file must be retained for one year following the date of separation of employment of the driver from the carrier. A record of inspection under paragraph (b), clause (3), item (ii), must be retained for one year following the date of inspection.

(e) If a party contracts with the motor carrier on behalf of the railroad to transport the railroad employees, then the insurance requirements may be satisfied by either that party or the motor carrier, so long as the motor carrier is a named insured or additional insured under any policy.

Subd. 5. **Vehicle; equipment.** (a) No vehicle operator may transport passengers in a motor vehicle that does not meet the requirements of this subdivision.

(b) A motor vehicle used to transport passengers under this section must be designed to transport ten or fewer persons, including the driver.

(c) A motor carrier of railroad employees shall maintain the following on a motor vehicle used to transport passengers:

(1) tires that meet the same requirements as for a motor vehicle under Code of Federal Regulations, title 49, section 393.75, or successor requirements;

(2) a full-size spare tire that is fully inflated;

(3) properly functioning seat belts for the driver and every passenger being transported;

(4) a properly functioning heater, defroster, and air conditioner;

(5) a windshield, side windows, and a rear window that are clear of any obstructions, including but not limited to electronic devices, and otherwise conform with the requirements of section 169.71;

(6) a working cellular telephone or two-way radio capable of contacting personnel of the railroad that employs the passengers being transported;

(7) a global positioning system device capable of identifying the vehicle's current location;

(8) an emergency road kit, which must at a minimum contain a blanket, flares or reflective triangles, jumper cables, and a secured fire extinguisher;

(9) a safety glass hammer or belt cutter;

(10) a location for personal baggage storage, so that all baggage can be secured in a manner that prevents entry into or flight within the vehicle cabin; and

(11) a vehicle identification marking that:

(i) identifies the legal or a single trade name of the motor carrier and bears an inscription as determined by the commissioner identifying the vehicle as used by a motor carrier of railroad employees;

(ii) is located on both sides of the vehicle;

(iii) is in letters that contrast sharply in color with the background on which the letters are placed; and

(iv) is readily legible during daylight hours from a distance of 50 feet when the vehicle is stationary.

Subd. 6. **Driver disqualification; reporting.** (a) A person who sustains a conviction of violating section 169A.25, 169A.26, 169A.27, or 169A.31, whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law or section 171.177, or who is convicted of or has their driver's license revoked under a similar statute or ordinance of another state, may not operate a vehicle under this subdivision for five years from the date of conviction.

(b) A person who sustains a conviction of a moving violation in violation of chapter 169 within three years of the first of three other moving violations may not operate a vehicle under this subdivision for one year from the date of the last conviction.

(c) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a vehicle under this subdivision.

(d) An operator who sustains a conviction as described in paragraph (a) while employed by the carrier shall report the conviction to the carrier within ten days of the date of the conviction.

Subd. 7. **Testing.** A carrier must implement a mandatory alcohol and controlled substance testing program as provided under sections 181.950 to 181.957 that consists of preemployment testing, postaccident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow-up testing.

Subd. 8. **Hours of service.** (a) A motor carrier of railroad employees shall not allow or require a driver to drive or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours of combined on-duty time and drive time since last obtaining eight consecutive hours of off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive days. After 24 hours off duty, a driver begins a new seven consecutive day period and on-duty time is reset to zero.

(b) An operator who encounters an emergency and cannot, because of that emergency, safely complete a transportation assignment within the ten-hour maximum driving time permitted under paragraph (a), may drive for not more than two additional hours in order to complete that transportation assignment or to reach a place offering safety for the occupants of the vehicle and security for the transport motor vehicle, if the transportation assignment reasonably could have been completed within the ten-hour period absent the emergency.

(c) A carrier shall maintain and retain for a period of six months accurate time records that show the time the driver reports for duty each day, the total number of hours of on-duty time for each driver for each day, the time the driver is released from duty each day, and the total number of hours driven each day.

Subd. 9. **Inspection and investigation authority.** (a) Upon receipt of a complaint form or other information alleging a violation of this section, the commissioner must investigate the relevant matter. Representatives of the Department of Transportation and the State Patrol have the authority to enter, at a reasonable time and place, any vehicle or facility of the carrier for purposes of complaint investigations, random inspections, safety reviews, audits, or accident investigations.

(b) Failure of a railroad or motor carrier of railroad employees to permit a complaint investigation under this subdivision is grounds for issuance of a civil penalty under subdivision 10.

Subd. 10. **Civil penalty.** (a) After completion of an investigation or as provided in subdivision 9, paragraph (b), the commissioner may issue a civil penalty to a railroad or motor carrier of railroad employees that violates this section. A civil penalty issued under this paragraph is in the amount of:

(1) not less than $200 but not more than $500 for a first offense;

(2) not less than $500 but not more than $1,000 for a second offense; and

(3) not less than $1,000 but not more than $5,000 for a third or subsequent offense committed within three years of the first offense.

(b) The civil penalty amounts identified under paragraph (a) are for all violations identified in a single investigation and are not per violation.

(c) The recipient of a civil penalty under this subdivision has 30 days to notify the commissioner in writing of intent to contest the civil penalty. If within 30 days after receiving the civil penalty the recipient fails to notify the commissioner of intent to contest the penalty, the civil penalty is not subject to further review.

(d) Civil penalties assessed under this subdivision are subject to chapter 14 and may be recovered in a civil action.

(e) Civil penalties collected under this section must be deposited in the state rail safety inspection account in the special revenue fund.

History: *2010 c 351 s 57; 2014 c 300 s 2; 2017 c 83 art 3 s 18; 2024 c 127 art 3 s 89-91*

221.026 MOTOR CARRIER OF PROPERTY; EXEMPTIONS.

Subdivision 1. **Registration.** No person may engage in the for-hire transportation of property, other than household goods, in Minnesota unless the person has filed a registration statement with the commissioner on a form the commissioner prescribes.

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

Subd. 3. **Safety regulations.** A motor carrier of property is subject to those federal regulations incorporated by reference in section 221.0314, unless exempted from those regulations by section 221.031.

Subd. 4. **Suspension and cancellation of registration.** The commissioner shall suspend or cancel, following the procedures for suspension or cancellation in section 221.185, the registration of a motor carrier of property who fails to file with the commissioner or maintain the insurance or bond required under section 221.141. A person may not engage in the for-hire transportation of property, other than household goods, in Minnesota while the person's registration is under suspension or cancellation under this subdivision.

Subd. 5. **Local regulation.** Section 221.091 applies to registration statements under this section to the same extent that it applies to certificates and permits issued by the commissioner.

History: *1996 c 377 s 4; 1999 c 238 art 2 s 45; 2009 c 64 s 26,27; 2014 c 227 art 2 s 13*

221.0269 RELIEF FROM SAFETY REGULATION.

Subdivision 1. **Governor may grant relief.** The governor may declare an emergency and grant relief from any of the regulations incorporated in section 221.0314 to carriers and drivers operating motor vehicles in Minnesota to provide emergency relief during the emergency. The relief granted may not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the date of the initial declaration of the emergency, whichever is less.

Subd. 2. **Extension of relief.** On request of a carrier or driver, the commissioner may extend the 30-day relief period in subdivision 1. A request for extension must be in writing and must give a detailed explanation of the reasons for requesting additional relief. The commissioner shall consider the severity of the ongoing emergency and the nature of the relief services to be provided by the motor carrier or driver in determining whether to grant an extension. If the commissioner decides to grant an extension, the extension must include a new time limit and may include any restrictions on the carrier or driver the commissioner considers necessary.

Subd. 3. **Termination of relief efforts.** (a) Upon termination of direct assistance to an emergency relief effort, a carrier or driver is subject to the requirements of section 221.0314, except that a driver may return empty to a carrier's terminal or the driver's normal work reporting location without complying with that section. A driver who informs the carrier that the driver needs immediate rest must be permitted at least eight consecutive hours off duty before the driver is required to return to the terminal or location. Having returned to the terminal or other location, the driver must be relieved of all duty and responsibilities.

(b) When a driver has been relieved of all duty and responsibilities upon termination of direct assistance to an emergency relief effort, a carrier shall neither permit nor require any driver used by it to drive nor shall any such driver drive in commerce until the driver:

(1) has met the requirements of Code of Federal Regulations, title 49, section 395.3, paragraph (a), which is incorporated by reference; and

(2) has had at least 34 consecutive hours off duty if (i) the driver has been on duty for more than 60 hours in any seven consecutive days at the time the driver is relieved of all duty if the employing carrier does not operate every day in the week, or (ii) the driver has been on duty for more than 70 hours in any

eight consecutive days at the time the driver is relieved of all duty if the employing carrier operates every day in the week.

(c) For purposes of this section, direct assistance to an emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo not destined for the emergency relief effort, or when the carrier dispatches that driver or vehicle to another location to begin operations in commerce.

Subd. 4. **Intrastate transportation; fuel products.** (a) If a regional emergency has been declared by the President of the United States or by the Federal Motor Carrier Safety Administration pursuant to United States Code, title 49, section 390.23(a), the federal regulations incorporated into section 221.0314, subdivision 9, for hours of service do not apply to drivers engaged in intrastate transportation of fuel products when the driver is:

(1) driving a vehicle designed and exclusively used to transport fuel products; and

(2) carrying only fuel products as defined in section 296A.01.

(b) The relief provided by paragraph (a) only applies when the fuel product being transported is included in the emergency declaration as a covered commodity.

(c) Notwithstanding the relief provided in paragraph (a), a driver may not exceed a total of 14 hours combined on-duty and driving time after coming on duty following at least ten consecutive hours off-duty.

(d) If a driver is operating under the relief provided by paragraph (a), and the declaration is in effect for more than 30 calendar days, the driver must take a 34-hour restart before the driver has been on duty for 30 consecutive days.

History: *1996 c 377 s 5; 2004 c 225 s 3; 2009 c 64 s 28; 2023 c 68 art 4 s 76; 2024 c 104 art 1 s 94*

221.03 [Repealed, Ex1957 c 17 s 31]

221.031 INTRASTATE CARRIER; OPERATING REQUIREMENTS, EXEMPTIONS.

Subdivision 1. **Powers, duties, rules, filings.** (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 (1) require holders of household goods mover permits to file schedules of rates and charges, (2) regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and (3) prescribe other rules as may be necessary to carry out the provisions of this chapter.

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

Subd. 2. **Private carriers; operating requirements, exemptions.** (a) This subdivision applies to private carriers engaged in intrastate commerce.

(b) 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.

(c) 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 7; 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.

(d) 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.

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

Subd. 2a. **Agricultural exemptions.** (a) Notwithstanding the provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the rules for driver qualifications; driving of motor vehicles; and parts and accessories necessary for safe operation, except as provided in paragraphs (b) and (c).

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

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

Subd. 2b. [Repealed, 2009 c 64 s 57]

Subd. 2c. **Exemptions for covered farm vehicles.** (a) For the purposes of this subdivision, "covered farm vehicle" has the meaning given in Code of Federal Regulations, title 49, section 390.5.

(b) A covered farm vehicle that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with Code of Federal Regulations, title 49, section 172.504, including the operator of the vehicle, is exempt from the federal regulations incorporated by reference in:

(1) section 221.0314, subdivision 2, that consist of Code of Federal Regulations, title 49, parts 391.41 to 391.45, for physical qualifications and examinations;

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

(3) section 221.0314, subdivision 10, for inspection, repair, and maintenance.

Subd. 2d. **Hours of service exemptions.** The federal regulations incorporated in section 221.0314, subdivision 9, for hours of service do not apply to drivers engaged in intrastate transportation within a 150-air-mile radius from the source of the commodities, or from the retail or wholesale distribution point of the farm supplies, for:

(1) agricultural commodities; or

(2) farm supplies for agricultural purposes.

Subd. 2e. **Exemptions for pipeline welding trucks.** A pipeline welding truck, as defined in Code of Federal Regulations, title 49, section 390.38, paragraph (b), including an individual operating a pipeline welding truck and the employer of the individual, is exempt from any requirement relating to:

(1) registration as a motor carrier, including the requirement to obtain and display a United States Department of Transportation number under subdivision 6 and section 168.185;

(2) driver qualifications under section 221.0314, subdivision 2;

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

(4) parts, accessories, and inspection, repair, and maintenance of commercial motor vehicles under section 221.0314, subdivisions 7 and 10; and

(5) hours of service of drivers, including maximum driving and on-duty time under section 221.0314, subdivision 9.

Subd. 2f. **Hours of service exemptions; utility construction.** (a) The federal regulations incorporated in section 221.0314, subdivision 9, for hours of service do not apply to drivers engaged in intrastate transportation of utility construction materials within a 50-mile radius from the site of a construction or maintenance project.

(b) For purposes of this subdivision, "utility construction materials" include supplies and materials used in a project to construct or maintain: (1) a street or highway; (2) equipment or facilities to furnish electric transmission service; (3) a telecommunications system or cable communications system; (4) a waterworks system, sanitary sewer, or storm sewer; (5) a gas heating service line; (6) a pipeline; and (7) a facility for other similar utility service.

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

(b) Persons providing transportation described in section 221.025, clause (6), (10), (11), or (12), must comply with the rules for driving of motor vehicles and for parts and accessories necessary for safe operation.

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (6), (10), (11), or (12), must comply with the rules for driving of motor vehicles; parts and accessories necessary for safe operation; and the rules for driver qualifications.

Subd. 3a. **Contractor or recipient of transportation assistance.** (a) Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department or the Metropolitan Council must comply with rules for driver qualifications; driving of motor

vehicles; parts and accessories necessary for safe operation; hours of service of drivers; inspection, repair, and maintenance; and the rules adopted in section 221.0314, subdivision 8, for accident reporting.

(b) This subdivision does not apply to (1) a local transit commission, (2) a transit authority created by the legislature, (3) special transportation service certified by the commissioner under section 174.30, or (4) special transportation service defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle defined in section 169.011, subdivision 52.

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

(b) This subdivision does not apply to:

(1) a local transit commission;

(2) a transit authority created by law; or

(3) persons providing transportation:

(i) in a school bus as defined in section 169.011, subdivision 71;

(ii) in a Head Start bus as defined in section 169.011, subdivision 34;

(iii) in a commuter van;

(iv) in an authorized emergency vehicle as defined in section 169.011, subdivision 3;

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

(vi) that is special transportation service as defined in section 174.29, subdivision 1, when provided by a volunteer driver, as defined in section 65B.472, subdivision 1, paragraph (p), operating a private passenger vehicle as defined in section 169.011, subdivision 52;

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

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

Subd. 3c. **Solid waste transporter not exempt.** Persons providing transportation described in section 221.025, clause (2), must comply with the rules for driver qualifications; hours of service of drivers; driving of motor vehicles; parts and accessories necessary for safe operation; and inspection, repair, and maintenance. A local government unit, as defined in section 115A.03, subdivision 17, shall not enact or enforce laws, ordinances, or regulations for the operation of solid waste transporters that are inconsistent with the rules adopted in section 221.0314.

Subd. 4. [Repealed, 1984 c 520 s 26]

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

Subd. 6. **Vehicle identification rule.** The following carriers shall comply with section 168.185 and with the requirements for marking commercial motor vehicles in Code of Federal Regulations, title 49, section 390.21, which is incorporated by reference:

(1) motor carriers, regardless of the weight of the vehicle, except that this requirement does not apply to a limousine as defined in section 168.002, subdivision 15, 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 (1), (3), and (4).

Vehicles described in section 168.185, paragraph (d), are not required to comply with the vehicle identification rule of the commissioner.

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

Subd. 8. **Driveaway-towaway exemption.** For purposes of regulating commercial motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in Code of Federal Regulations, title 49, section 396.11, paragraph (a), clause (5), applies in Minnesota only to driveaway-towaway operations.

Subd. 9. **Out-of-service criteria adopted by reference.** The North American Standard Out-Of-Service Criteria developed and adopted by the Federal Highway Administration and the Commercial Vehicle Safety Alliance are adopted in Minnesota.

Subd. 9a. **Federal out-of-service order; operation prohibited.** No intrastate carrier, private carrier engaged in intrastate commerce, or person providing intrastate transportation service described in section 221.025 shall operate a commercial motor vehicle in Minnesota while a motor carrier out-of-service order issued by the Federal Motor Carrier Safety Administration under Code of Federal Regulations, title 49, part 385 or 386, is in effect.

Subd. 10. **Controlled substance and alcohol use and testing exemption.** The state of Minnesota, a political subdivision of the state, or any person required to comply with the alcohol and controlled substances testing requirements of Code of Federal Regulations, title 49, part 219, 382, or 655, is exempt from sections 181.950 to 181.957 if the testing also complies with the procedures for transportation workplace drug and alcohol testing programs in Code of Federal Regulations, title 49, part 40.

History: *Ex1957 c 17 s 3; 1965 c 120 s 1; 1969 c 1031 s 4; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 71; 1980 c 465 s 2; 1980 c 534 s 59; 1981 c 209 s 9; 1983 c 371 s 21; 1984 c 520 s 6-9; 1985 c 299 s 18,19; 1987 c 54 s 1; 1988 c 544 s 5-9; 1989 c 118 s 1; 1989 c 122 s 3; 1989 c 318 s 9; 1989 c 356 s 11,23,24; 1990 c 372 s 1; 1990 c 462 s 5; 1990 c 563 s 4-6; 1990 c 588 s 1; 1991 c 333 s 33; 1992 c 568 s 2; 1992 c 578 s 20-27; 1993 c 117 s 10-19; 1994 c 603 s 21; 1994 c 628 art 3 s 19; 1995 c 265 art 2 s 21; 1996 c 377 s 6; 1999 c 238 art 2 s 46-49; 2001 c 213 s 30; 2008 c 287 art 1 s 77; 2008 c 350 art 1 s 71; 2009 c 55 s 1; 2009 c 64 s 29-32,58; 2010 c 320 art 1 s 19; 2014 c 227 art 1 s 17; 2014 c 287 s 20,21; 2015 c 75 art 2 s 35; 1Sp2017 c 3 art 3 s 105; 2018 c 171 s 2; 1Sp2019 c 3 art 3 s 82; 1Sp2021 c 4 art 6 s 18; 2022 c 55 art 1 s 114; 2023 c 25 s 112; 2025 c 20 s 193,194*

221.0313 [Repealed, 2002 c 364 s 41]

221.0314 FEDERAL SAFETY REGULATIONS; ADOPTION.

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

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

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

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

(3) a reference to a federal administrative officer means the commissioner of the Minnesota Department of Transportation.

Subd. 2. **Qualification of driver.** Code of Federal Regulations, title 49, part 391 and appendix A, are incorporated by reference except for sections 391.2; 391.11, paragraph (b)(1); 391.47; 391.49; 391.62; 391.64; 391.67; 391.68; and 391.69. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. For medical examinations conducted on and after May 21, 2014, the term "medical examiner" as used in this section and in the rules adopted under this section means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners.

Subd. 3. **Waiver for limb impairment.** A person who is not physically qualified to drive under subdivision 2, but who meets the other qualifications under subdivision 2, may drive a motor vehicle if the commissioner grants a waiver to that person. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), according to rules adopted under section 221.031.

Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3), (b)(10), or (b)(11). A waiver granted under this subdivision applies to intrastate transportation only.

(b) A person who wishes to obtain a waiver under this subdivision must give the commissioner the following information:

(1) the applicant's name, address, and telephone number;

(2) the name, address, and telephone number of an employer coapplicant, if any;

(3) a description of the applicant's experience in driving the type of vehicle to be operated under the waiver;

(4) a description of the type of driving to be done under the waiver;

(5) a description of any modifications to the vehicle the applicant intends to drive under the waiver that are designed to accommodate the applicant's medical condition or disability;

(6) whether the applicant has been granted another waiver under this subdivision;

(7) a copy of the applicant's current driver's license;

(8) a copy of a medical examiner's report and medical examiner's certificate showing that the applicant is medically unqualified to drive unless a waiver is granted;

(9) a statement from the applicant's treating physician that includes:

(i) the extent to which the physician is familiar with the applicant's medical history;

(ii) a description of the applicant's medical condition for which a waiver is necessary;

(iii) assurance that the applicant has the ability and willingness to follow any course of treatment prescribed by the physician, including the ability to self-monitor or manage the medical condition; and

(iv) the physician's professional opinion that the applicant's condition will not adversely affect the applicant's ability to operate a commercial motor vehicle safely; and

(10) any other information considered necessary by the commissioner including requiring a physical examination or medical report from a physician who specializes in a particular field of medical practice.

(c) In granting a waiver under this subdivision, the commissioner may impose conditions the commissioner considers necessary to ensure that an applicant is able to operate a motor vehicle safely and that the safety of the general public is protected.

(d) A person who is granted a waiver under this subdivision must:

(1) at intervals specified in the waiver, give the commissioner periodic reports from the person's treating physician, or a medical specialist if the commissioner so requires in the waiver, that contain the information described in paragraph (b), clause (9), together with a description of any episode that involved the person's loss of consciousness or loss of ability to operate a motor vehicle safely; and

(2) immediately report the person's involvement in an accident.

(e) The commissioner may deny an application or may immediately revoke a waiver granted under this subdivision. Notice of the commissioner's reasons for denying an application or for revoking a waiver must be in writing and must be mailed to the applicant's or waiver holder's last known address by certified mail, return receipt requested. A person whose application is denied or whose waiver is revoked is entitled to a hearing under chapter 14.

(f) A waiver granted under this subdivision expires on the date of expiration shown on the medical examiner's certificate described in paragraph (b), clause (8).

Subd. 3b. **Federal waiver, exemption.** Notwithstanding subdivisions 3 and 3a, a Minnesota intrastate waiver is not required in Minnesota intrastate commerce if that person holds a valid interstate waiver or comparable document for physical qualifications described in Code of Federal Regulations, title 49, section 391.41.

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

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

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

Subd. 7. **Parts and accessories necessary for safe operation.** Code of Federal Regulations, title 49, part 393, is incorporated by reference. In addition, despite the first paragraph of Code of Federal Regulations, title 49, section 393.95, a lightweight vehicle must carry a fire extinguisher meeting the requirements in Code of Federal Regulations, title 49, section 393.95.

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

Subd. 9. **Hours of service of driver.** (a) Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (m), and (n) of section 395.1 of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference.

(b) For purposes of Code of Federal Regulations, title 49, part 395.1, paragraph (k), the planting and harvest period for Minnesota is from January 1 through December 31 of each year.

(c) The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

Subd. 9a. [Repealed, 2014 c 287 s 26]

Subd. 10. **Inspection, repair, and maintenance.** Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.9; 396.11, paragraph (a), clause (5); 396.17; 396.19; 396.21; and 396.23 of that part are not incorporated.

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

Subd. 12. **Hazardous materials safety permits.** A person who transports the hazardous materials designated in Code of Federal Regulations, title 49, section 385.403, shall comply with this section and with the provisions of Code of Federal Regulations, title 49, part 385, subpart E, which is incorporated by reference.

History: *1993 c 117 s 21; 1994 c 600 s 8; 1995 c 265 art 2 s 22; 1996 c 387 s 1-3; 1996 c 456 s 22; 1997 c 230 s 7-13; 1998 c 403 s 21; 1999 c 230 s 25; 2002 c 364 s 21; 2004 c 167 s 2; 2004 c 225 s 4, 5; 2008 c 287 art 1 s 78,79; 2009 c 64 s 33-35; 2012 c 287 art 4 s 40; 2013 c 127 s 56-58; 2018 c 171 s 3; 2022 c 55 art 1 s 115; 2023 c 25 s 113; 2025 c 20 s 195*

221.0315 [Repealed, 2002 c 379 art 1 s 114]

221.032 [Repealed, 1983 c 371 s 44]

221.033 REGULATION OF HAZARDOUS MATERIALS.

Subdivision 1. **Requirements.** Except as provided in this section, no person may transport or offer or accept for transportation within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 5101 to 5126 and the provisions of Code of Federal Regulations, title 49, parts 171 to 199, which are incorporated by reference. Those provisions apply to transportation in intrastate commerce to the same extent they apply to transportation in interstate commerce.

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

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

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

(2) transporting agricultural chemicals and agricultural fertilizers.

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

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

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

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

Subd. 2b. **Cargo tank.** (a) The requirements in Code of Federal Regulations, title 49, sections 180.405, paragraphs (b), (c), (g), (h), and (j) and 180.407, paragraphs (c), (d), clause (1), (e), (f), (g), (h), and (i) do not apply to cargo tanks of up to 3,500 gallons capacity that transport gasoline in intrastate commerce if before providing transportation under this subdivision:

(1) the owner or operator of the cargo tank provides the commissioner with evidence that the cargo tank was manufactured according to the cargo tank specification regulations in Code of Federal Regulations, title 49, sections 178.340 to 178.341-7, as amended through November 1, 1985;

(2) a copy of the evidence described in clause (1) is kept in the vehicle to which the cargo tank is attached; and

(3) the manufacturer's metal certification plate is removed from the cargo tank or covered.

(b) A cargo tank operated under this subdivision must:

(1) be visually inspected annually by a person authorized to perform such inspections under Code of Federal Regulations, title 49, section 180.409, and a copy of the annual inspection must be kept in the vehicle; and

(2) be visually inspected monthly by the operator in a manner prescribed by the commissioner, and a copy of each monthly inspection must be kept at the operator's principal place of business for at least one year beyond the date of the inspection.

(c) No person may operate a cargo tank described in this subdivision that (1) violates paragraph (a) or (b), or (2) leaks gasoline from any portion of the tank that regularly contains gasoline.

(d) The commissioner shall keep a record of persons who provide the evidence described in this subdivision.

Subd. 2c. MS 2022 [Repealed, 2024 c 104 art 1 s 110]

Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver of a self-propelled or towed motor vehicle transporting no hazardous material other than materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when engaged in intrastate transportation, must be at least 18 years of age. This subdivision does not apply unless the transportation conforms to the requirements of Code of Federal Regulations, title 49, section 173.6.

Subd. 2e. **Transportation of specific petroleum products; driver requirements.** (a) This subdivision applies to intrastate commerce.

(b) A driver who operates a motorized tank truck vehicle with a capacity of less than 3,500 gallons that is used to transport petroleum products must have a valid commercial driver's license with endorsements for hazardous materials and tank vehicles and be at least 18 years of age.

(c) A driver who operates a vehicle that is used to transport liquefied petroleum gases in nonbulk or bulk packaging as defined in Code of Federal Regulations, title 49, section 171.8, including the transportation of consumer storage tanks in compliance with Code of Federal Regulations, title 49, section 173.315(j), must have a valid commercial driver's license with a hazardous materials endorsement and be at least 18 years of age.

(d) A driver who operates a vehicle under paragraph (c) must also have a tank vehicle endorsement if the aggregate capacity of the bulk packaging being transported is 1,000 gallons or more.

(e) Nonbulk or bulk packaging transported under paragraph (c) must have an aggregate capacity of less than 3,500 gallons.

Subd. 3. [Repealed, 2004 c 225 s 15]

Subd. 4. MS 1992 [Repealed, 1994 c 589 s 8]

Subd. 4. MS 1996 [Repealed, 1998 c 310 s 8]

History: *1983 c 371 s 22; 1985 c 248 s 70; 1985 c 299 s 20; 1986 c 398 art 24 s 1; 1986 c 454 s 27; 1990 c 588 s 2; 1991 c 298 art 4 s 10; 1991 c 333 s 34; 1992 c 578 s 29-32; 1993 c 117 s 22,23; 1994 c 589 s 3,4; 1996 c 387 s 4; 1996 c 456 s 23; 1999 c 230 s 26; 2004 c 225 s 6; 2006 c 234 s 3; 2008 c 287 art 1 s 80; 2009 c 64 s 36,37; 2022 c 55 art 1 s 116; 2024 c 104 art 1 s 95,96*

221.0335 [Repealed, 1998 c 310 s 4]

221.034 [Repealed, 2004 c 225 s 15]

221.0341 REPORT OF HAZARDOUS MATERIAL TRANSPORTATION INCIDENT.

A person who is subject to Code of Federal Regulations, title 49, parts 171 through 185, shall immediately notify by telephone the Minnesota duty officer pursuant to section 115E.09 if any of the following events occur in Minnesota during the course of transportation in commerce:

(1) a hazardous materials incident as listed in Code of Federal Regulations, title 49, section 171.15, paragraph (b);

(2) an unintentional release of hazardous materials from a package as defined in Code of Federal Regulations, title 49, section 171.8; or

(3) a discovery of an undeclared hazardous material as defined by Code of Federal Regulations, title 49, section 171.8.

History: *2004 c 225 s 7; 2022 c 55 art 1 s 117*

221.035 [Repealed, 1998 c 310 s 4]

221.0355 Subdivision 1. [Repealed, 2010 c 215 art 10 s 6]

Subd. 2. [Repealed, 2010 c 215 art 10 s 6]

Subd. 3. [Repealed, 2010 c 215 art 10 s 6]

Subd. 4. [Repealed, 2010 c 215 art 10 s 6]

Subd. 5. [Repealed, 2010 c 215 art 10 s 6]

Subd. 6. [Repealed, 2010 c 215 art 10 s 6]

Subd. 7. [Repealed, 2010 c 215 art 10 s 6]

Subd. 7a. [Repealed, 2010 c 215 art 10 s 6]

Subd. 8. [Repealed, 2010 c 215 art 10 s 6]

Subd. 9. [Repealed, 2010 c 215 art 10 s 6]

Subd. 10. [Repealed, 2010 c 215 art 10 s 6]

Subd. 11. [Repealed, 2010 c 215 art 10 s 6]

Subd. 12. [Repealed, 2010 c 215 art 10 s 6]

Subd. 13. [Repealed, 2010 c 215 art 10 s 6]

Subd. 14. [Repealed, 2010 c 215 art 10 s 6]

Subd. 15. [Repealed, 1998 c 310 s 4]

Subd. 16. [Repealed, 2010 c 215 art 10 s 6]

Subd. 17. [Repealed, 2010 c 215 art 10 s 6]

Subd. 18. [Repealed, 2010 c 215 art 10 s 6]

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 221.171; (4) section 221.141; (5) a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway grade crossings; or (6) rules of the commissioner relating to the transportation of hazardous waste, motor carrier operations, or insurance. An order must be issued as provided in this section.

Subd. 2. **Election of penalties.** The commissioner may not both assess an administrative penalty under this section and seek a criminal sanction under section 221.291, subdivision 3, for violations arising out of the same inspection or audit.

Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order assessing a penalty of up to $5,000 for all violations identified during a single audit or investigation of (1) section 221.021, 221.141, or 221.171, or (2) rules of the commissioner relating to motor carrier operations or insurance.

(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, 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 in accordance with Code of Federal Regulations, title 49, section 383.53, against:

(1) a driver who is convicted of a violation of an out-of-service order;

(2) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order; or

(3) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

Subd. 4. **Contents of order.** An order assessing an administrative penalty under this section must include:

(1) a concise statement of the facts alleged to constitute a violation;

(2) a reference to the section of the statute, rule, order, or material term or condition of a license that has been violated;

(3) a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and

(4) a statement of the person's right to review of the order.

Subd. 5. **Corrective order.** (a) The commissioner may issue an order assessing a penalty and requiring the violations cited in the order to be corrected within 30 calendar days from the date the order was received.

(b) The person to whom the order was issued shall provide information to the commissioner before the 31st day after the order was received demonstrating that the violation has been corrected or that appropriate steps toward correcting the violation have been taken. The commissioner shall determine whether the violation has been corrected and notify the person subject to the order of the commissioner's determination.

Subd. 6. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the person requests review of the order under subdivision 7, 8, or 9 before the penalty is due, the penalty in the order is due and payable:

(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or

(2) on the 20th day after the receipt of a notice by the person subject to the order of the commissioner's determination under subdivision 5, paragraph (b), that information supplied to the commissioner is not sufficient to show that the violation has been corrected or that appropriate steps have been taken toward correcting the violation.

(b) For a repeated or serious violation, the commissioner may issue an order with a penalty that will not be forgiven after the corrective action is taken. The penalty is due within 30 days after the order was received unless review of the order under subdivision 7, 8, or 9 has been sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties on the date that the penalty is due and payable if no request for review is filed under subdivision 7, 8, or 9.

Subd. 7. **Expedited administrative hearing.** (a) Within 30 days after the date on which an order was received, or within 20 days after the receipt of a notice that the commissioner has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may request an expedited hearing. The person to whom the order is directed and the commissioner are the parties to the expedited hearing to review the order and the penalty. The commissioner must notify the person to whom the order is directed of the time and place of the hearing at least 20 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing must be conducted under the conference contested case rules of the Office of Administrative Hearings, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the commissioner, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the order to the commissioner within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty unless the administrative law judge determines that, based on the factors in subdivision 3, the amount of the penalty is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the commissioner by the Office of Administrative Hearings for the hearing.

(e) If a hearing has been held, the commissioner may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person subject to the order may, within those five days, comment to the commissioner on the recommendations and the commissioner shall consider the comments. The final order may be appealed in the manner provided in sections 14.63 to 14.69.

(f) If a hearing has been held and a final order issued by the commissioner, the penalty must be paid by the 15th day after the final order was mailed, together with interest accruing at the rate established in section 549.09 from 31 days after the original order was received.

Subd. 8. **District court hearing.** (a) Within 30 days after the receipt of an order, or within 20 days after the receipt of a notice that the commissioner has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may file a petition in district court for review of the order. The petition must be filed with the court administrator with proof of service on the commissioner. The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state with specificity the grounds upon which the petitioner seeks rescission of the order, including the facts upon which each claim is based.

(b) At trial, the commissioner must establish by a preponderance of the evidence that a violation subject to this section and for which the petitioner is responsible occurred, that the factors listed in subdivision 3 were considered when the penalty amount was determined, and that the penalty amount is justified by those factors. In addition, if the commissioner immediately assesses a penalty as provided for under subdivision 5, paragraph (a), the commissioner must establish by a preponderance of the evidence that the immediate imposition of the penalty was justified.

Subd. 9. **Mediation.** In addition to review under subdivision 6 or 7, the commissioner may enter into mediation concerning an order issued under this section if the commissioner and the person to whom the order is issued both agree to mediation.

Subd. 10. **Election of remedies.** A person subject to a corrective order under this section may not seek review of the order under both subdivisions 7 and 8.

Subd. 11. **Enforcement by attorney general.** (a) The attorney general may proceed on behalf of the state to enforce penalties that are due and payable under this section in any manner provided by law for the collection of debts.

(b) The attorney general may petition the district court to file the administrative order as an order of the court. At a court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.

(c) If a person fails to pay the penalty, the attorney general may bring a civil action in district court seeking payment of the penalties, injunctive, or other appropriate relief including monetary damages, attorney fees, costs, and interest.

Subd. 12. **Failure to pay penalty.** If a person fails to pay a penalty owed under this section, the commissioner has grounds to revoke or refuse to reissue or renew a license, permit, or certificate issued by the commissioner.

Subd. 13. **Cumulative remedy.** The authority of the commissioner to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law. Except as provided in subdivision 2, the payment of a penalty does not preclude the use of other enforcement provisions in connection with the violation for which the penalty was assessed.

Subd. 14. **Credited to trunk highway fund.** Penalties collected under this section must be deposited in the state treasury and credited to the trunk highway fund.

History: *1987 c 393 art 1 s 2; 1992 c 600 s 12,13; 1993 c 117 s 25,26; 1994 c 589 s 6,7; 1999 c 86 art 1 s 50,51; 1999 c 93 s 2; 1999 c 238 art 2 s 50,51; 2004 c 225 s 8-10; 2008 c 350 art 1 s 72,73; 2014 c 227 art 2 s 14,15; 2018 c 184 s 2,3*

221.037 HAZARDOUS MATERIALS; INFORMATION, INSPECTION.

Subdivision 1. **Required to provide information.** A person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous materials, hazardous substances, or hazardous waste shall (1) give to transportation representatives and hazardous material specialists of the department information relating to the materials, substances, or waste, or (2) permit them access to and copying of records and safety permits relating to any or all of the materials, substances, or waste.

Subd. 2. **Authority to inspect.** Transportation representatives and hazardous material specialists of the department have the authority to enter, at a reasonable time and place, any vehicle, cargo tank, or other container used to transport hazardous materials, hazardous substances, or hazardous waste and any treatment, storage, or disposal facility or other place where the materials, substances, or waste are or have been generated, stored, treated, disposed of, or transported from. They may inspect the vehicle, cargo tank, or container and obtain from any person samples of the materials, substances, or waste and samples of the containers or labeling of the materials, substances, or waste for enforcing sections 221.033 to 221.036. The authority granted under this subdivision includes the right to break and replace seals.

History: *1992 c 578 s 38; 2004 c 225 s 11; 2008 c 287 art 1 s 81*

221.04 [Repealed, Ex1957 c 17 s 31; 1965 c 49 s 1]

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

221.05 [Repealed, Ex1957 c 17 s 31]

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

221.06 [Repealed, Ex1957 c 17 s 31]

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

221.07 [Repealed, 1947 c 266 s 6]

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

221.072 [Repealed, 2009 c 64 s 57]

221.08 [Repealed, Ex1957 c 17 s 31]

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

221.09 [Repealed, Ex1957 c 17 s 31]

221.091 LOCAL GOVERNMENT AUTHORITY.

Subdivision 1. **Local authority over streets and highways.** Sections 221.012 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 221.012 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. **Small vehicle passenger service.** (a) A statutory or home rule charter 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.

(b) A statutory or home rule charter city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021.

(c) A statutory or home rule charter city that regulates, by ordinance, pedicabs, rickshaws, or other similar vehicles used for passenger service may permit authorized vehicles to be equipped with an electric motor that meets the requirements for an electric-assisted bicycle under section 169.011, subdivision 27, clause (3).

Subd. 3. **Authority of Metropolitan Airports Commission.** Notwithstanding any other law:

(a) The Metropolitan Airports Commission may regulate ground transportation to and from an airport under its jurisdiction, subject to paragraphs (b), (c), (d), and (e). 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.

(b) 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 (1) define taxicabs, (2) provide for driver qualifications, insurance, and vehicle safety, and (3) provide for issuance of permits to taxicabs and other small passenger vehicles. An ordinance under this paragraph may limit the number of permits issued to taxicabs. An ordinance under this paragraph may not provide for making concession agreements relating to small passenger vehicle service, including taxicabs.

(c) If the Metropolitan Airports Commission determines that it is in the public interest to reduce the number of annual taxicab permits issued at the Minneapolis-St. Paul International Airport, the commission shall first reduce the number of permits in the following order:

(1) permits held by permit holders who have not picked up a passenger at the Minneapolis-St. Paul International Airport within three months immediately preceding the decision to reduce permits;

(2) permits issued to permit holders who have not continuously held an annual or semiannual permit prior to and since January 1, 2005; and

(3) permits issued to corporations that have sold or transferred at least a majority of the shares of the corporation since January 1, 2005.

(d) In deciding whether it is in the public interest to reduce the number of taxicab permits, the commission shall consider, at a minimum, the following factors:

(1) the number of taxicab permits issued in relation to the number of taxicab customers at the Minneapolis-St. Paul International Airport;

(2) the wait times for taxicab drivers; and

(3) the impact to current permit holders, including, but not limited to, permit holders who have held a permit during a permitting period prior to January 1, 2005.

(e) If the Metropolitan Airports Commission allows for taxicab permit transfers, the commission shall not prohibit permit transfers between sole proprietors, individual owner taxicab operators, or corporations, unless the commission also prohibits permit transfers from one corporation to another corporation.

History: *Ex1957 c 17 s 9; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 77; 1991 c 284 s 6; 1992 c 578 s 39; 1993 c 323 s 3; 1994 c 635 art 1 s 41; 1999 c 238 art 2 s 52; 2005 c 123 s 1; 2008 c 287 art 1 s 82; 2012 c 287 art 3 s 46; 2016 c 96 s 1*

221.10 [Repealed, Ex1957 c 17 s 31]

221.101 [Repealed, 2009 c 64 s 57]

221.11 [Repealed, Ex1957 c 17 s 31]

221.111 [Repealed, 2009 c 64 s 57]

221.12 [Repealed, Ex1957 c 17 s 31]

221.121 HOUSEHOLD GOODS MOVER PERMIT.

Subdivision 1. **Application; scope.** (a) A person desiring to operate as a household goods carrier shall file an application with the commissioner on a form the commissioner prescribes. No person shall knowingly make a false or misleading statement in an application.

(b) The commissioner shall issue the permit relating to it to an applicant who has filed an application complying with this subdivision, who has paid the required fee, and who has complied with the financial responsibility requirements in section 221.141. The commissioner shall not issue a permit to an applicant who has an unsatisfactory safety rating.

(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner governing permit carriers.

(d) All permits granted to household goods carriers must allow statewide operation. Notwithstanding any geographical restrictions imposed upon a permit at the time it was granted or any state law or rule to the contrary, the holder of a household goods permit may operate statewide.

Subd. 2. [Repealed, 2009 c 64 s 57]

Subd. 3. [Repealed, 2009 c 64 s 57]

Subd. 4. [Repealed, 2008 c 350 art 1 s 97]

Subd. 5. [Repealed, 2009 c 64 s 57]

Subd. 6. [Repealed, 2009 c 64 s 57]

Subd. 6a. [Repealed, 2009 c 64 s 57]

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

Subd. 6c. [Repealed, 2009 c 64 s 57]

Subd. 6d. [Repealed, 2009 c 64 s 57]

Subd. 6e. [Repealed, 2009 c 64 s 57]

Subd. 6f. [Repealed, 2009 c 64 s 57]

Subd. 6g. [Repealed, 2003 c 2 art 1 s 45]

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

Subd. 7. **Fee.** The petitioner shall pay a fee of $150 into the treasury of the state of Minnesota for each permit applied for under this section.

History: *Ex1957 c 17 s 12; 1959 c 376 s 3; 1965 c 51 s 40; 1965 c 523 s 2; 1971 c 25 s 67; 1971 c 645 s 2; 1973 c 754 s 4; 1975 c 313 s 8; 1976 c 166 s 80; 1980 c 428 s 3; 1980 c 534 s 66; 1983 c 371 s 26; 1984 c 520 s 11; 1986 c 444; 1987 c 393 art 2 s 2,3; 1988 c 544 s 13,14; 1989 c 318 s 11,12; 1992 c 578 s 40,41; 1992 c 600 s 20-26; 1993 c 213 s 5; 1994 c 635 art 1 s 18; 1996 c 321 s 1; 2001 c 213 s 30; 2008 c 350 art 1 s 74,75; 2009 c 64 s 38,39,56*

221.122 ORDER GRANTING PERMIT OR CERTIFICATE; COMPLIANCE.

Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order issued by the commissioner which grants a certificate or permit must contain a service date.

(b) 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; and

(2) file and maintain insurance or bond as required by section 221.141 and rules of the commissioner.

Subd. 2. **Time extension.** The commissioner may extend the time for compliance with the requirements of subdivision 1. The person to whom the order was issued shall request the extension in writing and shall state the reasons for requesting the extension. The commissioner may not grant an extension of more than 45 days.

Subd. 3. **Failure to comply.** An order of the commissioner granting a certificate or permit to operate as a motor carrier takes effect on the date of compliance with the requirements of subdivision 1. Failure of the person to whom the order was issued to comply with the requirements of subdivision 1 within 45 days

from the service date of the order, or within the extended time for compliance if an extension was granted by the commissioner, makes the order null and void upon the expiration of the time for compliance.

History: *1984 c 520 s 12; 1999 c 238 art 2 s 53; 2001 c 213 s 30; 2009 c 64 s 40; 2018 c 184 s 4*

221.123 [Repealed, 2014 c 227 art 1 s 23]

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 discussion 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: *1991 c 333 s 35; 1999 c 238 art 2 s 54*

221.13 [Repealed, Ex1957 c 17 s 31]

221.131 CARRIER VEHICLE REGISTRATION; FEES, IDENTIFICATION CARD.

Subdivision 1. **Permit renewal.** Permits issued under section 221.121 are effective for a 12-month period. A permit holder must renew the permit annually by registration of the vehicles operated under authority of that permit as required by subdivision 2. A permit holder has one annual renewal date encompassing all of the permits held by the holder.

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.

Subd. 2a. [Repealed, 2009 c 64 s 57]

Subd. 3. **Certificate carrier; annual vehicle registration.** Certificated passenger carriers shall pay an annual registration fee of $40 for each vehicle, including pickup and delivery vehicles, operated during a calendar year. The commissioner shall issue distinguishing identification cards as provided in subdivision 2.

Subd. 4. **Floater card; fee.** The department may issue to carriers subject to subdivision 2 or 3 special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles that have evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months, or have a current Commercial Vehicle Safety Alliance decal, and that are used under short-term leases by the motor carrier. The motor carrier shall pay a fee of $100 for each floater card issued.

Subd. 5. **Limitation.** The provisions of this section are limited by applicable federal law.

Subd. 6. [Repealed by amendment, 1995 c 265 art 2 s 23]

Subd. 7. [Repealed by amendment, 1995 c 265 art 2 s 23]

History: *Ex1957 c 17 s 13; 1969 c 1031 s 5; 1969 c 1148 s 35; 1971 c 25 s 67; 1971 c 74 s 3; 1973 c 754 s 5; 1973 c 766 s 1; 1975 c 313 s 9; 1976 c 166 s 81; 1980 c 465 s 3; 1980 c 534 s 67; 1983 c 371 s 27; 1984 c 520 s 13; 1985 c 299 s 21; 1986 c 444; 1987 c 393 art 2 s 4,5; 1992 c 578 s 42-44; 1992 c 600 s 27,28; 1993 c 213 s 6; 1995 c 265 art 2 s 23; 1999 c 238 art 2 s 55; 2000 c 479 art 1 s 22*

221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARD.

For special or extraordinary events, the commissioner may issue a prepaid temporary vehicle identification card to a permit or certificate holder subject to section 221.131, subdivision 2 or 3, for a fee of $5 per card. The card must be preprinted by the commissioner with the carrier's name, address, and permit or certificate number. The card may be used by the motor carrier to whom it is issued to identify a vehicle temporarily added to its fleet, if the vehicle has evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), or under Code of Federal Regulations, title 49, section 396.17 or 396.23, paragraph (a), clause (1), which are incorporated by reference, within the previous 12 months, or has a current Commercial Vehicle Safety Alliance decal. The card must be executed by the motor carrier by dating and signing the card and describing the vehicle in which it will be carried. The identification card is valid for a period of ten days from the date the motor carrier places on the card when the card is executed. The card must be used within one year from the date of issuance by the commissioner. The card may not be used if

the permit or certificate is not in full force and effect. The card may not be transferred. The commissioner may not refund the cost of unused prepaid temporary vehicle identification cards.

History: *1987 c 393 art 2 s 6; 1995 c 265 art 2 s 24; 2000 c 479 art 1 s 23; 2009 c 64 s 42; 2022 c 55 art 1 s 118*

221.14 [Repealed, Ex1957 c 17 s 31]

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.

(c) This section does not apply to a charitable organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code when the transportation furthers the charitable organization's charitable mission. The charitable organization must comply with the insurance requirements of section 65B.48.

Subd. 1a. **Cancellation.** Insurance, bonds, endorsements, certificates, and other evidence of financial responsibility issued to satisfy the requirements of this section may be canceled on not less than 30 days' written notice to the insured and to the commissioner.

Subd. 1b. **Amount.** Except as provided in subdivision 1d, the amount of insurance, bond, or other security required for motor carriers is the amount prescribed by order of the commissioner. The amount prescribed may from time to time be reduced or increased by order of the commissioner. The commissioner may, if desired by the petitioner, prescribe in lieu of the bond or insurance some other form of security as may be satisfactory. Each policy of insurance, surety bond, or other evidence of financial responsibility issued to a motor carrier or to an interstate carrier must be amended by attachment to the policy of Form MCS-90 prescribed in Code of Federal Regulations, title 49, section 387.15, or must by its terms provide coverage that conforms to the terms and conditions of that endorsement.

Subd. 1c. **Interstate carrier.** An interstate carrier must obtain insurance or bond in the minimum amounts prescribed in Code of Federal Regulations, title 49, section 387.303, paragraphs (a) and (b).

Subd. 1d. **Motor carrier of hazardous cargo.** A motor carrier that transports property described under (2) and (3) of the schedule of limits in Code of Federal Regulations, title 49, section 387.9, must obtain insurance or bond in the amounts prescribed in those regulations.

Subd. 1e. **Insurer must be authorized.** A policy of insurance, bond, or other evidence of financial responsibility does not satisfy the requirements of this section unless:

(1) the insurer or surety furnishing the evidence of financial responsibility is authorized or registered by the Department of Commerce to issue the policies, bonds, or certificates in this state; or

(2) the insurer is a risk retention group registered under chapter 60E and the insured is a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

Subd. 1f. **Financial responsibility defined.** "Financial responsibility" means a policy of insurance, surety bond, or other financial undertaking sufficient to pay liability amounts required by this section.

Subd. 2. [Repealed, 1983 c 371 s 44]

Subd. 3. **Replacement certificate of insurance; effective date.** Certificates of insurance which have been accepted by the commissioner under subdivision 1 may be replaced by other certificates of insurance and the liability of the retiring insurer under the certificate of insurance is considered terminated as of the effective date of the replacement certificate, provided the replacement certificate is acceptable to the commissioner.

Subd. 4. **Household goods mover.** A household goods mover shall maintain in effect cargo insurance or cargo bond in the amount of $50,000 and shall file with the commissioner a cargo certificate of insurance or cargo bond. A cargo certificate of insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance, described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform to Form J, described in Code of Federal Regulations, title 49, part 1023. Both Form H and Form J are incorporated by reference. The cargo certificate of insurance or cargo bond must be issued in the full and correct name of the person, corporation, or partnership to whom the household goods mover permit was issued and whose operations are being insured.

Subd. 5. **Passenger transportation.** For purposes of this section, "motor carrier" includes any person who transports passengers for hire in intrastate commerce. This section does not apply to an entity or person included in section 221.031, subdivision 3b, paragraph (b).

Subd. 6. [Repealed, 2009 c 64 s 57]

Subd. 7. **Electronic filing of form.** The commissioner may permit the electronic filing of insurance, bonds, endorsements, certificates, and other evidence of financial responsibility required in this section or rules adopted under this section. The electronic filing of a document imposes the same obligations on the person filing the document and has the same legal effect as if the document had been filed on a prescribed form.

History: *Ex1957 c 17 s 14; 1965 c 523 s 3; 1969 c 1031 s 6; 1971 c 25 s 67; 1971 c 73 s 1; 1973 c 754 s 6; 1975 c 313 s 10; 1975 c 317 s 1; 1976 c 166 s 82; 1977 c 122 s 1; 1978 c 674 s 60; 1980 c 534 s 68; 1983 c 371 s 28,29; 1988 c 544 s 15; 1989 c 318 s 14,15; 1992 c 568 s 3; 1992 c 600 s 29; 1993 c 213 s 7; 1996 c 387 s 5; 1999 c 238 art 2 s 56; 2007 c 104 s 21; 2008 c 287 art 1 s 83; 2022 c 55 art 1 s 119,120*

221.15 [Repealed, Ex1957 c 17 s 31]

221.151 Subdivision 1. [Repealed, 2014 c 227 art 1 s 23]

Subd. 2. MS 1974 [Repealed, 1973 c 710 s 2; 1974 c 406 s 93]

Subd. 2. [Repealed, 2009 c 64 s 57]

Subd. 3. [Repealed, 2009 c 64 s 57]

221.152 MS 2006 [Obsolete]

221.153 [Repealed, 2009 c 64 s 57]

221.16 [Repealed, Ex1957 c 17 s 31]

221.161 SCHEDULE OF RATES AND CHARGES.

Subdivision 1. **Tariff maintenance and contents.** A household goods mover shall maintain a tariff showing rates and charges for transporting household goods. A household goods mover must prepare a tariff under this section in accordance with Code of Federal Regulations, title 49, part 1310.3, which is incorporated by reference.

Subd. 2. MS 2016 [Repealed, 2018 c 184 s 8]

Subd. 3. MS 2016 [Repealed, 2018 c 184 s 8]

Subd. 4. MS 2016 [Repealed, 2018 c 184 s 8]

Subd. 5. **Tariff availability.** (a) A household goods mover subject to this section must maintain all of its effective tariffs at its principal place of business and at each of its terminal locations, and must make the tariffs available to the public for inspection at all times the household goods mover is open for business. Any publication referred to in a tariff must be maintained with that tariff.

(b) Upon request, a household goods mover must provide copies of tariffs, specific tariff provisions, or tariff subscriptions to the commissioner or any interested person.

History: *Ex1957 c 17 s 16; 1959 c 376 s 4; 1965 c 523 s 5; 1971 c 25 s 67; 1976 c 166 s 84; 1980 c 534 s 70; 1983 c 371 s 31; 1985 c 248 s 70; 1985 c 299 s 22; 1992 c 578 s 45; 1993 c 213 s 9; 2001 c 213 s 30; 2009 c 64 s 44,45; 2018 c 184 s 5,6*

221.165 [Repealed, 1Sp2003 c 19 art 2 s 79]

221.17 [Repealed, Ex1957 c 17 s 31]

221.171 COMPENSATION OF HOUSEHOLD GOODS CARRIER FIXED.

Subdivision 1. **Compensation fixed by schedule on file.** A household goods mover must not charge or receive a greater, lesser, or different compensation for the transportation or service provided than the rates and charges specified in the tariff under section 221.161. A household goods mover must not refund or remit in any manner or by any device, directly or indirectly, the rates and charges required to be collected by the mover under the mover's schedules.

Subd. 2. **Exemptions.** (a) A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government where competitive bids are required by law is exempt from subdivision 1.

(b) A person engaged in the transportation of household goods at the request of a nonprofit charitable organization that qualifies for tax exemption under section 501(c)(3) of the Internal Revenue Code is exempt from subdivision 1 when the transportation is in furtherance of the organization's charitable purpose. A

person engaged in the transportation of household goods for a charitable organization may conduct the transportation statewide.

History: *Ex1957 c 17 s 17; 1965 c 523 s 6; 1971 c 25 s 67; 1976 c 166 s 85; 1980 c 534 s 71; 1983 c 371 s 32; 1986 c 444; 2001 c 213 s 30; 2005 c 12 s 1; 2009 c 64 s 46; 2018 c 184 s 7*

221.172 SHIPPING DOCUMENT.

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

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

Subd. 3. **Household goods mover.** (a) A household goods mover shall keep a record of each shipment transported under a permit. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

(1) names of the consignor and consignee;

(2) date of shipment;

(3) origin and destination points;

(4) description of the freight;

(5) weight, volume, or measurement of the freight, if applicable to the rating of the freight;

(6) exact rate or rates assessed;

(7) total charges due, including the nature and amount of any charges for special service; and

(8) the name of each carrier participating in the transportation.

Subd. 4. [Repealed, 2009 c 64 s 57]

Subd. 5. [Repealed, 2009 c 64 s 57]

Subd. 6. [Repealed, 2009 c 64 s 57]

Subd. 7. [Repealed, 2009 c 64 s 57]

Subd. 8. [Repealed, 2009 c 64 s 57]

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: *1983 c 371 s 33; 1988 c 544 s 17; 1993 c 117 s 27; 1999 c 238 art 2 s 57; 2009 c 64 s 47*

221.173 ELECTRONIC SIGNATURE.

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

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

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

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

History: *1997 c 230 s 16; 1998 c 359 s 19; 2005 c 156 art 5 s 23; 2013 c 134 s 30; 2013 c 142 art 3 s 36; 2021 c 31 art 2 s 16*

221.175 [Repealed, 1947 c 266 s 7]

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*

221.18 [Repealed, Ex1957 c 17 s 31]

221.181 INTERSTATE CARRIER; REGULATION.

The commissioner may register interstate carriers and may regulate their operations to the extent that regulation constitutes a valid exercise of the police powers of the state.

History: *Ex1957 c 17 s 18; 1971 c 25 s 67; 1976 c 166 s 86; 1980 c 534 s 72; 1983 c 371 s 34*

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 under section 221.131 suspends a motor carrier's permit or certificate two days after the commissioner sends notice of the suspension by certified mail, return receipt requested, to the last known address of the motor carrier.

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

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

(2) request a hearing before the commissioner 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.

Subd. 3a. **Hearing.** If the motor carrier requests a hearing within 45 days after the date of suspension, the commissioner shall review the suspension and:

(1) determine that the carrier has complied with the law and rescind the suspension;

(2) for just cause, grant an extension which must not exceed 20 days; or

(3) schedule a hearing to ascertain whether the carrier has failed to comply with the law. If it is determined after the hearing that the carrier has failed to comply with the law, the commissioner shall cancel the carrier's suspended permit or certificate.

Subd. 4. **Grounds for cancellation.** Except as provided in subdivision 5a, failure to comply with the requirements of section 221.141 relating to bonds and insurance or 221.131 relating to annual vehicle

registration or permit renewal, or failure 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.

Subd. 5. **Notice of cancellation.** The commissioner shall notify the motor carrier by certified mail, return receipt requested, that the permit or certificate is canceled effective on the date of mailing the notice of cancellation.

Subd. 5a. **Reinstatement after cancellation.** A motor carrier whose permit or certificate is canceled for failure to comply with section 221.141 relating to bonds and insurance may ask the commissioner to review the cancellation. Upon review, the commissioner shall rescind the cancellation if (1) the motor carrier presents evidence showing that before the effective date of the notice of cancellation issued under subdivision 5, the motor carrier had obtained and paid for the insurance required by section 221.141, and the rules of the commissioner, and (2) the commissioner is satisfied that the motor carrier has complied with the requirements of section 221.141 and the rules of the commissioner.

Subd. 6. [Repealed, 1984 c 520 s 26]

Subd. 7. [Repealed, 1984 c 520 s 26]

Subd. 8. [Repealed, 1984 c 520 s 26]

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.

History: *1983 c 371 s 35; 1984 c 520 s 14-20; 1985 c 299 s 23,24; 1988 c 544 s 18; 1993 c 213 s 10-12; 1999 c 238 art 2 s 59-64; 2001 c 213 s 30; 2002 c 379 art 1 s 58; 2009 c 64 s 48-51*

221.19 [Repealed, Ex1957 c 17 s 31]

221.191 [Repealed, 1978 c 700 s 2]

221.20 [Repealed, Ex1957 c 17 s 31]

221.201 [Repealed, 1978 c 700 s 2]

221.21 [Repealed, Ex1957 c 17 s 31]

221.211 [Repealed, 1978 c 700 s 2]

221.22 [Repealed, Ex1957 c 17 s 31]

221.221 ENFORCEMENT POWERS.

Subdivision 1. **Commissioner enforces.** The commissioner shall enforce the provisions of this chapter and rules, orders, and directives issued or adopted by the commissioner under this chapter.

Subd. 2. **Enforcement powers.** (a) Transportation program specialists and hazardous material program specialists of the department are authorized to enforce (1) this chapter, sections 169.781 to 169.783 relating to commercial vehicle inspections, and sections 168D.05 and 168D.12 relating to motor carrier licenses and trip permits, (2) Code of Federal Regulations, title 49, parts 40 and 382, (3) the applicable rules, orders, or directives of the commissioner of transportation and the commissioner of revenue, issued under this chapter and chapter 168D or 296A, and (4) the North American Standard Out-Of-Service Criteria, including issuing

out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5, and they may conduct inspections at designated highway weigh stations or under other appropriate circumstances.

(b) Transportation program specialists and hazardous material program specialists of the department must not be armed and, except as provided in this section, have none of the other powers and privileges reserved to peace officers, including the power to enforce traffic laws and regulations.

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 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.

Subd. 4. **Document inspection.** Records, log books, certificates, licenses, shipping documents, or other papers or documents required to determine compliance with this chapter, rules adopted under this chapter, and Code of Federal Regulations, title 49, parts 40 and 382, must be presented for inspection, upon request, to a peace officer or police officer or other person empowered to enforce this chapter.

History: *Ex1957 c 17 s 22; 1971 c 25 s 67; 1975 c 313 s 13; 1976 c 166 s 88; 1978 c 700 s 1; 1980 c 465 s 4; 1980 c 534 s 73; 1981 c 209 s 10; 1983 c 293 s 81; 1983 c 371 s 36; 1984 c 520 s 21; 1990 c 563 s 7,8; 1997 c 230 s 17,18; 1998 c 299 s 30; 1999 c 238 art 2 s 65; 2001 c 213 s 30; 2002 c 364 s 24,25; 2002 c 371 art 2 s 21; 2008 c 350 art 1 s 77; 2023 c 25 s 114*

221.23 [Repealed, Ex1957 c 17 s 31]

221.231 RECIPROCAL AGREEMENT.

The commissioner may enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada regarding motor carriers having an established place of business in that state or province; provided that reciprocal privileges are extended under the agreement to motor carriers of this state.

History: *Ex1957 c 17 s 23; 1971 c 25 s 67; 1976 c 166 s 89; 1985 c 299 s 25; 2008 c 287 art 1 s 84*

221.24 [Repealed, Ex1957 c 17 s 31]

221.241 [Repealed, 2014 c 227 art 1 s 23]

221.25 [Repealed, Ex1957 c 17 s 31]

221.251 OVERCHARGE REFUND.

Subdivision 1. **Refund within 90 days.** Charges for freight, baggage, or express collected by a motor carrier over what the carrier is entitled to receive under the lawful tariff or classification must be refunded by the carrier within 90 days after a claim is filed, provided that a claim is filed as provided in this section.

Subd. 2. **Claim adjustment, payment.** (a) Every claim against a motor carrier doing business in this state for an overcharge due to difference in weight or inapplicable rate, or for loss, damage, or injury to property while in its possession, must be adjusted and paid within 90 days after the filing of the claim with the agent of the carrier delivering the freight, baggage, or express, unless the delivering carrier protests the validity of the claim in writing to the claimant within a 90-day period.

(b) Settlement of claims with the claimant is the responsibility of the carrier delivering the freight, baggage, or express to its ultimate destination. No claim may be filed until after the arrival of a shipment, or of some part of it, at the point of destination, or until after the lapse of a reasonable time for its arrival. For this purpose, a claim, when filed, must consist of:

(1) an original bill of lading or shipping receipt;

(2) a paid freight bill;

(3) a bill of claimant; and

(4) an original invoice or certified copy when necessary.

(c) True copies of any of these documents may be used and, in case of absence, an explanation must be attached. The carrier shall acknowledge the filing of a claim, or letters, papers, or documents purporting to be a claim, within ten days after receipt and, if the claim as filed does not comply with the above requirements, the carrier shall inform the claimant and advise the claimant of what may be required to complete the claim.

Subd. 3. **Court action.** If the claim is not paid or adjusted within 90 days of filing, suit may be commenced in a court having jurisdiction. 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 are allowed.

History: *Ex1957 c 17 s 25; 1965 c 523 s 7; 1983 c 371 s 37; 1986 c 444*

221.26 [Repealed, Ex1957 c 17 s 31]

221.261 COMPLAINT, ACTION IN DISTRICT COURT.

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 motor carrier has a principal office or into which its route extends, for the enforcement of any provision of this chapter, or any order, rule or directive of the commissioner herein authorized, 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 proceedings shall be tried summarily by the court and these matters shall take precedent over all other matters except criminal cases.

History: *Ex1957 c 17 s 26; 1971 c 25 s 67; 1976 c 166 s 90; 1980 c 534 s 74; 1981 c 209 s 11; 2001 c 213 s 30*

221.27 [Repealed, Ex1957 c 17 s 31]

221.271 LIABILITY.

Any person which shall do or cause to be done any unlawful act as herein provided, 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 such person, if the person recovers, shall be allowed, in addition to damages, reasonable attorneys' fees, together with costs and disbursements.

History: *Ex1957 c 17 s 27; 1971 c 25 s 67; 1976 c 166 s 91; 1980 c 534 s 75; 1986 c 444; 2001 c 213 s 30*

221.28 [Repealed, Ex1957 c 17 s 31]

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

221.29 [Repealed, Ex1957 c 17 s 31]

221.291 VIOLATIONS, MISDEMEANORS.

Subdivision 1. **Conspiracy, attempt, aid or abet.** Except as provided in subdivisions 4 and 5, and sections 221.036 and 609.671, a person who commits, procures, aids or abets or conspires to commit, or attempts to commit, aid or abet in the violation of a provision of this chapter or a valid order or rule of the commissioner issued hereunder, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation is a separate offense.

Subd. 2. **Directing another to violate.** Except as provided in subdivisions 4 and 5, and sections 221.036 and 609.671, a person employing or otherwise directing the driver of a vehicle to require or knowingly to permit the operation of the vehicle upon a highway in a manner contrary to this chapter is guilty of a misdemeanor.

Subd. 3. **Transportation of hazardous materials.** Except as provided in sections 221.036 and 609.671, a person who ships, transports, or offers for transportation hazardous waste, hazardous material, or hazardous substances in violation of a provision of this chapter or a rule or order of the commissioner adopted or issued under this chapter which specifically applies to the transportation of hazardous material, hazardous waste, or hazardous substances is guilty of a misdemeanor and upon conviction may be fined up to the maximum fine which may be imposed for a misdemeanor for each violation.

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.

Subd. 5. **Variation of compensation rate.** A person who knowingly offers, grants, gives, solicits, accepts, or receives a rebate, concession, or discrimination in violation of a provision of this chapter, or who by any means knowingly assists, requires, or permits a person to obtain or provide transportation of persons or property for a greater or lesser or different compensation than that approved by order of the commissioner, or in the case of permit carriers than that filed with the commissioner, is guilty of a misdemeanor and upon conviction shall be fined not less than $200.

History: *Ex1957 c 17 s 29; 1971 c 25 s 67; 1973 c 754 s 9; 1975 c 313 s 14; 1976 c 166 s 93; 1980 c 534 s 77; 1983 c 371 s 38; 1985 c 299 s 26; 1986 c 468 s 7; 1987 c 393 art 1 s 3; 1988 c 544 s 19-21; 1999 c 238 art 2 s 66; 2001 c 213 s 30*

221.292 [Repealed, 1983 c 371 s 44]

221.293 COMPLAINT, HEARING, AND ORDER.

Where any provisions of this chapter or any order adopted thereunder or any rule of the commissioner has been violated, the commissioner upon complaint being filed or on the commissioner's own motion, may issue and serve upon the person engaged in such violation, a complaint stating the charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least ten days after the service

of the complaint and notice requiring the person so complained of to appear at the time and place fixed in the notice of hearing and show cause why an order should not be entered by the commissioner requiring such person to cease and desist from the violation alleged. If upon such hearing the commissioner shall find that any of the violations alleged in the order to show cause are true, it shall so find and shall issue and cause to be served upon such person an order requiring such person to cease and desist from such violation. The district court, upon petition, may enforce such cease and desist order by injunction or other appropriate writ or proceedings.

History: *1959 c 376 s 6; 1971 c 25 s 67; 1975 c 313 s 15; 1976 c 166 s 94; 1980 c 534 s 78; 2001 c 213 s 30*

221.294 [Repealed, 1983 c 371 s 44]

221.295 [Repealed, 2014 c 227 art 1 s 23]

221.296 Subdivision 1. [Repealed, 1983 c 371 s 44]

Subd. 2. [Repealed, 1985 c 299 s 43]

Subd. 3. [Repealed, 2009 c 64 s 57]

Subd. 4. [Repealed, 2009 c 64 s 57]

Subd. 5. [Repealed, 2009 c 64 s 57]

Subd. 6. [Repealed, 2009 c 64 s 57]

Subd. 7. [Repealed, 2009 c 64 s 57]

Subd. 8. [Repealed, 2009 c 64 s 57]

221.30 [Repealed, Ex1957 c 17 s 31]

221.31 [Repealed, Ex1957 c 17 s 31]

221.32 [Repealed, Ex1957 c 17 s 31]

221.33 [Repealed, Ex1957 c 17 s 31]

221.34 [Repealed, Ex1957 c 17 s 31]

221.35 [Repealed, Ex1957 c 17 s 31]

221.36 [Repealed, Ex1957 c 17 s 31]

221.37 [Repealed, Ex1957 c 17 s 31]

221.38 [Repealed, Ex1957 c 17 s 31]

221.381 [Repealed, Ex1957 c 17 s 31]

221.39 [Repealed, Ex1957 c 17 s 31]

221.40 [Repealed, Ex1957 c 17 s 31]

221.41 [Repealed, Ex1957 c 17 s 31]

221.42 [Repealed, Ex1957 c 17 s 31]

221.43 [Repealed, Ex1957 c 17 s 31]

221.44 [Repealed, Ex1957 c 17 s 31]

221.45 [Repealed, Ex1957 c 17 s 31]

221.46 [Repealed, Ex1957 c 17 s 31]

221.465 [Repealed, Ex1957 c 17 s 31]

221.47 [Repealed, Ex1957 c 17 s 31]

221.48 [Repealed, Ex1957 c 17 s 31]

221.49 [Repealed, Ex1957 c 17 s 31]

221.50 [Repealed, Ex1957 c 17 s 31]

221.51 [Repealed, Ex1957 c 17 s 31]

221.52 [Repealed, Ex1957 c 17 s 31]

221.53 [Repealed, Ex1957 c 17 s 31]

221.54 [Repealed, 1Sp2003 c 19 art 2 s 79]

221.55 [Repealed, 1Sp2003 c 19 art 2 s 79]

INTERSTATE MOTOR CARRIER OPERATIONS

221.60 REGISTRATION OF INTERSTATE CARRIER.

Subdivision 1. **Registration required.** A foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder, as defined in United States Code, title 49, section 13102, may operate in interstate commerce in Minnesota only if it first complies with the Unified Carrier Registration Agreement authorized by United States Code, title 49, section 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the rules, regulations, and directives adopted thereunder, including registering with a base state and paying all required fees.

Subd. 2. [Repealed, 2008 c 287 art 1 s 126]

Subd. 3. [Repealed, 2008 c 287 art 1 s 126]

Subd. 3a. [Repealed, 2008 c 287 art 1 s 126]

Subd. 4. [Repealed, 2008 c 287 art 1 s 126]

Subd. 5. [Repealed, 2008 c 287 art 1 s 126]

Subd. 6. [Repealed, 2008 c 287 art 1 s 126]

Subd. 7. **Commissioner's authority.** The commissioner of transportation is authorized to take all necessary actions to enter into the Unified Carrier Registration Agreement in accordance with United States Code, title 49, section 14504a, and shall implement and administer the agreement and the rules and regulations

adopted thereunder, including directives of the Unified Carrier Registration Plan board of directors as authorized by United States Code, title 49, section 14504a, subsection (d)(2).

History: *1985 c 299 s 27; 1987 c 393 art 2 s 8; 1989 c 318 s 16; 1992 c 578 s 46; 2003 c 2 art 4 s 8; 2008 c 287 art 1 s 85,86*

221.601 [Repealed, 2008 c 287 art 1 s 126]

221.602 [Repealed, 2008 c 287 art 1 s 126]

221.605 COMPLIANCE BY CARRIER.

Subdivision 1. **Federal regulations and state rules.** (a) Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier regulations in Code of Federal Regulations, title 49, parts 40, 382, 383, 387, and 390 through 398, which are incorporated by reference, and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists. For purposes of regulating commercial motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in Code of Federal Regulations, title 49, section 396.11, paragraph (a), clause (5), applies in Minnesota only to driveaway-towaway operations.

(b) An interstate carrier or private carrier engaged in interstate commerce who complies with federal regulations governing testing for controlled substances and alcohol is exempt from the requirements of sections 181.950 to 181.957 unless the carrier's drug testing program provides for testing for controlled substances in addition to those listed in Code of Federal Regulations, title 49, section 40.85. Persons subject to this section may test for drugs, in addition to those listed in Code of Federal Regulations, title 49, section 40.85, only in accordance with sections 181.950 to 181.957 and rules adopted under those sections.

Subd. 2. **Investigation, prosecution, and enforcement.** The commissioner shall investigate the operations of carriers engaged in interstate commerce in Minnesota and their compliance with federal regulations, this chapter, and the rules of the commissioner, and may institute and prosecute proceedings in the proper district court for their enforcement.

Subd. 3. **Out-of-service criteria adopted by reference.** The North American Standard Out-Of-Service Criteria developed and adopted by the Federal Highway Administration and the Commercial Vehicle Safety Alliance are adopted in Minnesota.

Subd. 4. **Federal out-of-service order; operation prohibited.** No interstate carrier or private carrier engaged in interstate commerce shall operate a commercial motor vehicle in Minnesota while a motor carrier out-of-service order issued by the Federal Motor Carrier Safety Administration under Code of Federal Regulations, title 49, part 385 or 386, is in effect.

History: *1988 c 544 s 25; 1990 c 563 s 9; 1991 c 333 s 36; 1992 c 578 s 47; 1996 c 377 s 7; 2002 c 364 s 26; 2004 c 225 s 13; 2009 c 64 s 52; 2015 c 75 art 2 s 36; 2022 c 55 art 1 s 121,122*

221.61 [Repealed, 1985 c 299 s 43]

221.62 [Repealed, 1985 c 299 s 43]

221.63 [Repealed, 1985 c 299 s 43]

221.64 [Repealed, 1985 c 299 s 43]

221.65 RECIPROCAL AGREEMENT.

Nothing in this chapter shall be construed to impair the authority of the commissioner to enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, as provided in section 221.231.

For the purposes of section 221.231, the commissioner shall be deemed to be the successor of the Department of Public Service. The commissioner may exercise any power, duty or function heretofore conferred by law or agreement upon the Department of Public Service to the extent necessary to preserve any reciprocal agreement heretofore concluded under the provisions of section 221.231. Nothing in this section shall be construed to prevent the negotiation of new or replacement agreements as conditions and circumstances may warrant.

History: *1963 c 399 s 5; 1971 c 25 s 67; 1976 c 166 s 108; 1985 c 299 s 28*

221.66 [Repealed, 1985 c 299 s 43]

221.67 SERVICE OF PROCESS.

The use of any of the public highways of this state for the transportation of persons or property for compensation by a motor carrier in interstate commerce shall be deemed an irrevocable appointment by the carrier of the secretary of state to be the carrier's true and lawful attorney upon whom may be served all legal process in any action or proceeding brought under this chapter against the carrier or the carrier's executor, administrator, personal representative, heirs, successors or assigns. This use is a signification of agreement by the interstate motor carrier that any process in any action against the carrier or the carrier's executor, administrator, personal representative, heirs, successors, or assigns which is so served shall be of the same legal force and validity as if served upon the carrier personally. Service shall be made according to section 5.25 and the plaintiff's affidavit of compliance with the provisions of this section and sections 221.60, 221.65, and 221.68 must be attached to the summons.

History: *1963 c 399 s 7; 1980 c 541 s 3; 3Sp1981 c 2 art 1 s 30; 1985 c 299 s 29; 1986 c 444; 1987 c 404 s 157; 1989 c 335 art 1 s 184; 1995 c 128 art 1 s 5*

221.68 REGISTRATION VIOLATIONS; PENALTIES.

Any person who violates or procures, aids, or abets violation of, or fails to comply with, the provisions of section 221.60, 221.65, or 221.67 or any valid order or rule of the commissioner issued hereunder is guilty of a misdemeanor; and, additionally, is subject to a penalty of $50 for each and every day of such failure to so comply, to be recovered for the state in a civil action. Each distinct violation is a separate offense.

History: *1963 c 399 s 8; 1971 c 25 s 67; 1976 c 166 s 110; 1980 c 534 s 85; 1985 c 299 s 30; 2001 c 213 s 30; 2009 c 64 s 53*

MISCELLANEOUS

221.71 COMMUTER VAN; DRIVER LIABILITY.

Subdivision 1. **Employment relationship.** Notwithstanding any other law to the contrary, the services performed by a driver of a commuter van shall be deemed to be those of an independent contractor and not those of an employee acting within the scope of employment, unless provided in writing to the contrary.

Subd. 2. **Standard of care.** A driver or owner of a commuter van shall not be held to the standard of care applicable to drivers or owners of common carriers, nor shall they be subject to ordinances or rules which relate exclusively to the regulation of drivers or owners of automobiles for hire or other common carriers or public transit carriers.

History: *1976 c 233 s 10; 1985 c 248 s 70; 1986 c 444*

221.81 BUILDING MOVER.

Subdivision 1. **Definitions.** For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.

(a) "Building mover" means a person, corporation, or other entity who raises, supports off the foundation, and moves buildings on and over public streets and highways. Building mover does not include a person who moves manufactured homes or modular homes, farmers moving their own farm buildings, or persons moving buildings which are less than 16 feet wide by 20 feet long.

(b) "Political subdivision" means a city, town, or county.

(c) "Road authority" has the meaning given it in section 160.02, subdivision 25.

Subd. 2. **License.** No person may operate as a building mover in this state unless licensed by the commissioner. The commissioner may inspect a building mover's vehicles or records to determine compliance with this section.

Subd. 3. **License application.** To obtain a license to operate as a building mover an applicant shall file an application with the commissioner specifying the name and address of its officers and other information as the commissioner may reasonably require. The commissioner shall issue the license upon compliance by the applicant with insurance requirements and payment of an initial $150 filing fee. A license once granted continues in full force and effect, subject to a $100 annual renewal fee and compliance with insurance requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each licensed mover to provide one cab card for each power unit used in moving buildings. The fee is $10 for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of $100 for each floater card issued. Cab cards are effective for a 12-month period and continue from year to year thereafter upon payment of the required fee. Cab cards are only good for the period for which the license is effective.

Subd. 3a. **Insurance.** (a) Each building mover shall have in effect the following:

(1) comprehensive general liability insurance including completed operations, underground property damage, and collapse coverage in the amount of at least $500,000 for bodily injury or property damage; and

(2) motor vehicle liability insurance in the amount of at least $500,000 for bodily injury or property damage.

(b) The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days' written notice to the commissioner of the impending cancellation.

(c) On request of the commissioner, the insurer must furnish a duplicate original of the policy and all endorsements to the policy.

Subd. 3b. **Local permit.** A building mover may not move a building on or across a street or highway without first obtaining a permit from the road authority having jurisdiction over the street or highway. A permit for the movement of a building may not be granted to a building mover who does not possess a current license issued by the commissioner.

Subd. 3c. **Local regulation.** No license to move buildings or bond, cash deposit, or insurance coverage may be required by a political subdivision of the state other than the license and insurance coverage required by the commissioner. A road authority may charge a fee for services performed and may require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover shall comply with the State Building Code in jurisdictions which have adopted the State Building Code, and with local ordinances which regulate the moving or removing of buildings. A building mover may not be required to pay a route approval fee to, or obtain a permit for the movement of a building on streets or highways from, a political subdivision which is not also the road authority. This section does not prohibit a political subdivision from charging a permit fee for regulation of activities which do not involve the use of public streets or highways. Neither the state nor a political subdivision may regulate rates charged by building movers.

Subd. 3d. **Identification.** A building mover is required to comply with section 221.031, subdivision 6. The mover's name and USDOT number must be displayed on the power unit of a vehicle used to move buildings and on buildings being moved.

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

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

Subd. 4. **License revocation, suspension, denial.** The commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:

(1) failure of the applicant or license holder to reimburse the road authority for damage to public highways, roads, streets, or utilities that are not paid for by the license holder's insurer;

(2) conduct of the applicant or license holder that endangers the health and safety of users of the public highways, roads, streets, or utilities;

(3) conduct of the applicant or license holder that obstructs traffic in a manner other than as authorized in the permit;

(4) violation of this section;

(5) failure to obtain or comply with required local moving permits, or permits required by section 169.8296 or 169.86;

(6) placing or leaving a building on property without the permission of the owner of the property or in violation of local ordinances; or

(7) abandoning a building after it is first moved under the road permit. For purposes of this subdivision, "abandon" means conduct that shows that a building mover has failed to use reasonable diligence in moving a building to the location described in the road permit.

Subd. 5. **Suspension by commissioner.** (a) The commissioner shall suspend a license without a hearing for the following reasons:

(1) failure to pay the renewal fee; or

(2) failure to comply with insurance requirements.

(b) The suspension continues until the fees are paid and the insurance requirements are satisfied.

Subd. 6. **Misdemeanor.** A person who violates, or aids or abets the violation of, any of the provisions of this section is guilty of a misdemeanor. Every distinct violation is a separate offense.

Subd. 7. [Repealed, 1983 c 293 s 84]

Subd. 8. [Repealed, 1983 c 293 s 84]

Subd. 9. [Repealed, 1983 c 293 s 84]

History: *1979 c 111 s 1; 1981 c 209 s 12; 1981 c 365 s 9; 1982 c 617 s 21; 1983 c 293 s 84; 1984 c 520 s 23; 1985 c 299 s 31; 1988 c 544 s 26; 1992 c 578 s 48-51; 1993 c 117 s 29; 2009 c 64 s 54,58; 2012 c 287 art 3 s 64; 2023 c 25 s 115; 2025 c 20 s 196*

221.82 RECEIPTS CREDITED TO TRUNK HIGHWAY FUND.

Money received by the commissioner under the provisions of this chapter shall be paid into the state treasury and credited to the trunk highway fund.

History: *1983 c 293 s 85*

221.83 COSTS PAID FROM TRUNK HIGHWAY FUND.

The costs of administering the provisions of this chapter shall be paid from the trunk highway fund.

History: *1983 c 293 s 86*

221.84 LIMOUSINE.

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

(1) is not provided on a regular route;

(2) is provided in a luxury passenger automobile that has a seating capacity of not more than 15 persons, including the driver;

(3) provides only prearranged pickup; and

(4) charges more than a taxicab fare for a comparable trip.

Subd. 2. **Permit required; rules.** (a) No person may operate a for-hire limousine service without a permit from the commissioner.

(b) The commissioner shall adopt rules governing the issuance of permits for for-hire operation of limousines that include:

(1) annual inspections of limousines;

(2) driver qualifications, including requiring a criminal history check of drivers;

(3) insurance requirements;

(4) advertising regulation, including requiring a copy of the permit to be carried in the limousine and use of the words "licensed and insured";

(5) provisions for agreements with political subdivisions for sharing enforcement costs;

(6) issuance of temporary permits and temporary permit fees; and

(7) other requirements deemed necessary by the commissioner.

(c) This section does not apply to limousines operated by persons meeting the definition of private carrier in section 221.012, subdivision 35.

Subd. 3. **Administrative penalties.** The commissioner may issue an order requiring violations of statutes, rules, and local ordinances governing operation of limousines to be corrected and assessing monetary penalties up to $1,000. The commissioner may suspend or revoke a permit for violation of applicable statutes and rules and, upon the request of a political subdivision, may immediately suspend a permit for multiple violations of local ordinances. The commissioner shall immediately suspend a permit for failure to maintain required insurance and shall not restore the permit until proof of insurance is provided. A person whose permit is revoked or suspended or who is assessed an administrative penalty may appeal the commissioner's action in a contested case proceeding under chapter 14.

Subd. 4. **Permit; decal; fees.** (a) The commissioner shall design a distinctive decal to be issued to permit holders under this section. Each decal is valid for one year from the date of issuance. No person may operate a limousine that provides limousine service unless the limousine has such a decal conspicuously displayed.

(b) The fee for each decal is $80. The fee for each permit issued under this section is $150. The commissioner shall deposit all fees under this section in the trunk highway fund.

History: *1991 c 284 s 7; 1992 c 578 s 52; 1997 c 159 art 2 s 38; 2009 c 86 art 1 s 34; 2014 c 175 s 5*

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

221.86 PARTIAL IMMUNITY FOR MOTOR CARRIER EMPLOYER.

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

(1) the employer has and observes a written testing policy and procedure which complies with federal and state laws;

(2) the employer uses a certified laboratory and lawful test procedures;

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

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

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

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

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

History: *1997 c 230 s 19*

221.87 INDEMNITY PROVISION IN MOTOR CARRIER TRANSPORTATION CONTRACTS.

Subdivision 1. **Void.** Notwithstanding any provision of law to the contrary, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.

Subd. 2. **Definitions.** For the purposes of this section:

(1) "motor carrier transportation contract" means a contract, agreement, or understanding covering:

(i) the transportation of property for compensation or hire by the motor carrier;

(ii) entrance on property by a motor carrier or a private carrier for the purpose of loading, unloading, or transporting property; or

(iii) a service incidental to activity described in item (i) or (ii), including, but not limited to, storage of property; and

(2) "promisee" means the promisee and any agents, employees, servants, or independent contractors who are directly responsible to the promisee except for motor carriers party to a motor carrier transportation contract with promisee, and such motor carrier's agents, employees, servants, or independent contractors directly responsible to the motor carrier.

Subd. 3. **Exclusion.** "Motor carrier transportation contract," as defined in this section, shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use or possession of intermodal chassis, containers, or other intermodal equipment.

History: *2012 c 165 s 1*