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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1816**

March 16, 2009

Authored by Morrow

The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act
 1.2 relating to transportation; modifying and updating provisions relating to motor
 1.3 carriers, highways, and the Department of Transportation; making clarifying
 1.4 and technical changes; amending Minnesota Statutes 2008, sections 168.013,
 1.5 subdivision 1e; 168.185; 169.025; 169.801, subdivision 10; 169.823, subdivision
 1.6 1; 169.824; 169.8261; 169.827; 169.85, subdivision 2; 169.862, subdivision 2;
 1.7 169.864, subdivisions 1, 2; 169.865, subdivisions 1, 2, 3, 4; 169.866, subdivision
 1.8 1; 169.87, subdivision 2; 174.64, subdivision 4; 174.66; 221.012, subdivisions
 1.9 19, 29; 221.021, subdivision 1; 221.022; 221.025; 221.026, subdivisions
 1.10 2, 5; 221.0269, subdivision 3; 221.031, subdivisions 1, 3, 3c, 6; 221.0314,
 1.11 subdivisions 2, 3a, 9; 221.033, subdivisions 1, 2; 221.121, subdivisions 1, 7;
 1.12 221.122, subdivision 1; 221.123; 221.132; 221.151, subdivision 1; 221.161,
 1.13 subdivisions 1, 4; 221.171; 221.172, subdivision 3; 221.185, subdivisions 2,
 1.14 4, 5a, 9; 221.605, subdivision 1; 221.68; 221.81, subdivision 3d; repealing
 1.15 Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions
 1.16 1b, 5; 169.832, subdivisions 11, 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12,
 1.17 21, 23, 24, 30, 32, 39, 40, 41; 221.031, subdivision 2b; 221.072; 221.101;
 1.18 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, 6f; 221.131, subdivision
 1.19 2a; 221.141, subdivision 6; 221.151, subdivisions 2, 3; 221.153; 221.172,
 1.20 subdivisions 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.

1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.22 Section 1. Minnesota Statutes 2008, section 168.013, subdivision 1e, is amended to
 1.23 read:

1.24 Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors
 1.25 except those in this chapter defined as farm trucks, on truck-tractor and semitrailer
 1.26 combinations except those defined as farm combinations, and on commercial zone
 1.27 vehicles, the tax based on total gross weight shall be graduated according to the Minnesota
 1.28 base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent

surtax provided for in subdivision 14					
	TOTAL GROSS WEIGHT IN POUNDS				TAX
2.1	A	0	-	1,500	\$ 15
2.2	B	1,501	-	3,000	20
2.3	C	3,001	-	4,500	25
2.4	D	4,501	-	6,000	35
2.5	E	6,001	-	10,000	45
2.6	F	10,001	-	12,000	70
2.7	G	12,001	-	15,000	105
2.8	H	15,001	-	18,000	145
2.9	I	18,001	-	21,000	190
2.10	J	21,001	-	26,000	270
2.11	K	26,001	-	33,000	360
2.12	L	33,001	-	39,000	475
2.13	M	39,001	-	45,000	595
2.14	N	45,001	-	51,000	715
2.15	O	51,001	-	57,000	865
2.16	P	57,001	-	63,000	1015
2.17	Q	63,001	-	69,000	1185
2.18	R	69,001	-	73,280	1325
2.19	S	73,281	-	78,000	1595
2.20	T	78,001	-	80,000	1760

2.23 (b) For purposes of the Minnesota base rate schedule, for vehicles with six or more
2.24 axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

2.25 (c) For each vehicle with a gross weight in excess of 80,000 pounds an additional
2.26 tax of \$50 is imposed for each ton or fraction thereof in excess of 80,000 pounds, subject
2.27 to subdivision 12.

2.28 (d) For purposes of registration identification, for vehicles registered in the "O"
2.29 category, the owner must declare at the time of registration whether the vehicle will carry
2.30 a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle
2.31 use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive
2.32 weight sticker must be issued and the owner is restricted to a gross vehicle weight of
2.33 less than 55,000 pounds.

2.34 (e) Truck-tractors except those herein defined as farm and commercial zone vehicles
2.35 shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the
2.36 combined gross weight of the truck-tractor and any semitrailer or semitrailers which the
2.37 applicant proposes to combine with the truck-tractor.

2.38 (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer
2.39 combinations which are operated by an interstate carrier registered under section 221.60,

3.1 or by ~~an authorized~~ a carrier receiving operating authority under chapter 221, and operated
3.2 solely within a zone exempt from regulation pursuant to United States Code, title 49,
3.3 section 13506.

3.4 (g) The license plates issued for commercial zone vehicles shall be plainly marked.
3.5 A person operating a commercial zone vehicle outside the zone or area in which its
3.6 operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor
3.7 penalty, the registrar shall revoke the registration of the vehicle as a commercial zone
3.8 vehicle and shall require that the vehicle be registered at 100 percent of the full annual tax
3.9 prescribed in the Minnesota base rate schedule, and no part of this tax may be refunded
3.10 during the balance of the registration year.

3.11 (h) On commercial zone trucks the tax shall be based on the total gross weight of
3.12 the vehicle and during each of the first eight years of vehicle life is 75 percent of the
3.13 Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the
3.14 tax is 50 percent of the Minnesota base rate schedule.

3.15 (i) On trucks, truck-tractors and semitrailer combinations, except those defined
3.16 as farm trucks and farm combinations, and except for those commercial zone vehicles
3.17 specifically provided for in this subdivision, the tax for each of the first eight years of
3.18 vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and
3.19 during the ninth and succeeding years of vehicle life, the tax is 75 percent of the Minnesota
3.20 base rate prescribed by this subdivision.

3.21 (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer
3.22 combination are semitrailers.

3.23 Sec. 2. Minnesota Statutes 2008, section 168.185, is amended to read:

3.24 **168.185 USDOT NUMBERS.**

3.25 (a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having
3.26 a gross vehicle weight of more than 10,000 pounds, as defined in section 169.011,
3.27 subdivision 32, shall report to the commissioner at the time of registration its USDOT
3.28 carrier number. A person subject to this paragraph who does not have a USDOT number
3.29 shall apply for the number at the time of registration by completing a form MCS-150 Motor
3.30 Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration,
3.31 or comparable document as determined by the commissioner. The commissioner shall not
3.32 assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

3.33 (b) Assigned USDOT numbers ~~need not~~ must be displayed ~~on the outside of~~
3.34 ~~the vehicle, but must be made available upon request of an authorized agent of the~~
3.35 ~~commissioner, peace officer, other employees of the State Patrol authorized in chapter~~

4.1 ~~299D, or employees of the Minnesota Department of Transportation as required by section~~
 4.2 221.031, subdivision 6. The vehicle owner shall notify the commissioner if there is a
 4.3 change to the owner's USDOT number.

4.4 (c) If an owner fails to report or apply for a USDOT number, the commissioner shall
 4.5 suspend the owner's registration.

4.6 (d) This section does not apply to (1) a farm truck that is not used in interstate
 4.7 commerce, (2) a vehicle that is not used in intrastate commerce or interstate commerce, or
 4.8 (3) a vehicle that is owned and used solely in the transaction of official business by the
 4.9 federal government, the state, or any political subdivision.

4.10 Sec. 3. Minnesota Statutes 2008, section 169.025, is amended to read:

4.11 **169.025 APPLICATION OF MOTOR CARRIER RULES.**

4.12 Notwithstanding any provision of this chapter other than section 169.67, a vehicle,
 4.13 driver, or carrier that is subject to ~~a the motor carrier safety rule adopted under section~~
 4.14 221.031 regulations incorporated in section 221.0314 or 221.605 shall comply with the
 4.15 more stringent or additional requirement imposed by ~~that the motor carrier safety rule~~
 4.16 regulation.

4.17 Sec. 4. Minnesota Statutes 2008, section 169.801, subdivision 10, is amended to read:

4.18 Subd. 10. **Brakes.** Notwithstanding section 169.67:

4.19 (a) A self-propelled implement of husbandry must be equipped with brakes adequate
 4.20 to control its movement and to stop and hold it and any vehicle it is towing.

4.21 (b) A towed implement of husbandry must be equipped with brakes adequate to
 4.22 control its movement and to stop and hold it if:

4.23 (1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured
 4.24 and sold after January 1, 1994;

4.25 (2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a
 4.26 vehicle other than a self-propelled implement of husbandry; or

4.27 (3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a
 4.28 registered passenger automobile other than a pickup truck as defined in section 168.002,
 4.29 subdivision 26.

4.30 (c) If a towed implement of husbandry ~~with a gross vehicle weight of more than~~
 4.31 6,000 pounds is required under paragraph (b) to have brakes and was manufactured after
 4.32 January 1, 2011, it must also ~~have brakes adequate to stop and hold it if it becomes~~
 4.33 detached from the towing vehicle be equipped with brakes as required in section 169.67,
 4.34 subdivision 3, paragraph (b).

5.1 Sec. 5. Minnesota Statutes 2008, section 169.823, subdivision 1, is amended to read:

5.2 Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles
5.3 equipped with pneumatic tires shall be operated upon the highways of this state:

5.4 (1) where the gross weight on any wheel exceeds 9,000 pounds, ~~except that on~~
5.5 ~~paved county state-aid highways, paved county roads, designated local routes, and state~~
5.6 ~~trunk highways the gross weight on any single wheel shall not exceed~~ on an unpaved
5.7 street or highway or 10,000 pounds on a paved street or highway, unless posted to a lesser
5.8 weight under section 169.87, subdivision 1;

5.9 (2) where the gross weight on any single axle exceeds 18,000 pounds, ~~except that on~~
5.10 ~~paved county state-aid highways, paved county roads, designated local routes, and state~~
5.11 ~~trunk highways the gross weight on any single axle shall not exceed~~ on an unpaved street
5.12 or highway or 20,000 pounds on a paved street or highway, unless posted to a lesser
5.13 weight under section 169.87, subdivision 1;

5.14 (3) where the maximum wheel load:

5.15 (i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire
5.16 width or the manufacturer's recommended load, whichever is less; or

5.17 (ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's
5.18 recommended load, whichever is less; or

5.19 ~~(4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except~~
5.20 ~~that for vehicles to which an additional axle has been added prior to June 1, 1981, the~~
5.21 ~~maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the~~
5.22 ~~gross weight of the tridem combination does not exceed 39,900 pounds where the first~~
5.23 ~~and third axles of the tridem are spaced nine feet apart;~~

5.24 ~~(5)~~ (4) where the gross weight on any group of axles exceeds the weights permitted
5.25 under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and
5.26 with an exterior axle disregarded if the exterior axle is a variable load axle that is not
5.27 carrying its intended weight, and their gross weights subtracted from the gross weight of
5.28 all axles of the group under consideration.

5.29 Sec. 6. Minnesota Statutes 2008, section 169.824, is amended to read:

5.30 **169.824 GROSS WEIGHT SCHEDULE.**

5.31 Subdivision 1. **Table of axle weight limits.** (a) No vehicle or combination of
5.32 vehicles equipped with pneumatic tires shall be operated upon the highways of this state
5.33 where the total gross weight on any group of two or more consecutive axles of any vehicle
5.34 or combination of vehicles exceeds that given in the following table for the distance
5.35 between the centers of the first and last axles of any group of two or more consecutive

6.1 axles under consideration; unless otherwise noted, the distance between axles being
 6.2 measured longitudinally to the nearest even foot, and when the measurement is a fraction
 6.3 of exactly one-half foot the next largest whole number in feet shall be used, except that
 6.4 when the distance between axles is more than three feet four inches and less than three
 6.5 feet six inches the distance of four feet shall be used:

		Maximum gross weight in pounds on a group of		
		2	3	4
Distances in feet between centers of foremost and rearmost axles of a group		consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	consecutive axles of a 4-axle vehicle or any combination of vehicles having a total of 4 or more axles
6.15	4	34,000		
6.16	5	34,000		
6.17	6	34,000		
6.18	7	34,000	37,000	
6.19	8	34,000	38,500	
6.20	8 plus	34,000	42,000	
6.21		(38,000)		
6.22	9	35,000	43,000	
6.23		(39,000)		
6.24	10	36,000	43,500	49,000
6.25		(40,000)		
6.26	11	36,000	44,500	49,500
6.27	12		45,000	50,000
6.28	13		46,000	51,000
6.29	14		46,500	51,500
6.30	15		47,500	52,000
6.31	16		48,000	53,000
6.32	17		49,000	53,500
6.33	18		49,500	54,000
6.34	19		50,500	55,000
6.35	20		51,000	55,500
6.36	21		52,000	56,000
6.37	22		52,500	57,000
6.38	23		53,500	57,500
6.39	24		54,000	58,000
6.40	25		(55,000)	59,000
6.41	26		(55,500)	59,500
6.42	27		(56,500)	60,000
6.43	28		(57,000)	61,000
6.44	29		(58,000)	61,500

7.1	30	(58,500)	62,000
7.2	31	(59,500)	63,000
7.3	32	(60,000)	63,500
7.4	33		64,000
7.5	34		65,000
7.6	35		65,500
7.7	36		66,000
7.8	37		67,000
7.9	38		67,500
7.10	39		68,000
7.11	40		69,000
7.12	41		69,500
7.13	42		70,000
7.14	43		71,000
7.15	44		71,500
7.16	45		72,000
7.17	46		72,500
7.18	47		(73,500)
7.19	48		(74,000)
7.20	49		(74,500)
7.21	50		(75,500)
7.22	51		(76,000)
7.23	<u>52</u>		<u>(76,500)</u>
7.24	<u>53</u>		<u>(77,500)</u>
7.25	<u>54</u>		<u>(78,000)</u>
7.26	<u>55</u>		<u>(78,500)</u>
7.27	<u>56</u>		<u>(79,500)</u>
7.28	<u>57</u>		<u>(80,000)</u>

7.29 The maximum gross weight on a group of three consecutive axles where the distance
 7.30 between centers of foremost and rearmost axles is listed as seven feet or eight feet applies
 7.31 only to vehicles manufactured before August 1, 1991.

7.32 "8 plus" refers to any distance greater than eight feet but less than nine feet.

7.33	Maximum gross weight in pounds on a group of				
7.34		5	6	7	<u>8</u>
7.35	Distances in feet between centers of foremost and rearmost axles of a group	consecutive	consecutive	consecutive	<u>consecutive axles</u>
7.36		axles of a 5-axle	axles of a <u>6-axle</u>	axles of a <u>7-axle</u>	<u>of an 8-axle vehicle</u>
7.37		vehicle or any	<u>vehicle or any</u>	<u>vehicle or any</u>	<u>or any combination</u>
7.38		combination of	combination of	combination of	<u>of vehicles having</u>
7.39	vehicles having	vehicles having	vehicles having	<u>a total of 8 or more</u>	
7.40	a total of 5 or	a total of 6 or	a total of 7 or	<u>axles</u>	
7.41	more axles	more axles	more axles		
7.42	14	57,000			
7.43	15	57,500			

8.1	16	58,000			
8.2	17	59,000			
8.3	18	59,500			
8.4	19	60,000			
8.5	20	60,500	66,000	72,000	
8.6	21	61,500	67,000	72,500	
8.7	22	62,000	67,500	73,000	
8.8	23	62,500	68,000	73,500	
8.9	24	63,000	68,500	74,000	
8.10	25	64,000	69,000	75,000	
8.11	26	64,500	70,000	75,500	
8.12	27	65,000	70,500	76,000	
8.13	28	65,500	71,000	76,500	
8.14	29	66,500	71,500	77,000	
8.15	30	67,000	72,000	77,500	
8.16	31	67,500	73,000	78,500	
8.17	32	68,000	73,500	79,000	
8.18	33	69,000	74,000	79,500	
8.19	34	69,500	74,500	80,000	
8.20	35	70,000	75,000	<u>(80,500)</u>	<u>(86,000)</u>
8.21	36	70,500	76,000	<u>(81,000)</u>	<u>(86,500)</u>
8.22	37	71,500	76,500	<u>(81,500)</u>	<u>(87,000)</u>
8.23	38	72,000	77,000	<u>(82,000)</u>	<u>(87,500)</u>
8.24	39	72,500	77,500	<u>(82,500)</u>	<u>(88,500)</u>
8.25	40	73,000	78,000	<u>(83,500)</u>	<u>(89,000)</u>
8.26	41	(74,000)	79,000	<u>(84,000)</u>	<u>(89,500)</u>
8.27	42	(74,500)	79,500	<u>(84,500)</u>	<u>(90,000)</u>
8.28	43	(75,000)	80,000	<u>(85,000)</u>	<u>(90,500)</u>
8.29	44	(75,500)	<u>(80,500)</u>	<u>(85,500)</u>	<u>(91,000)</u>
8.30	45	(76,500)	<u>(81,000)</u>	<u>(86,000)</u>	<u>(91,500)</u>
8.31	46	(77,000)	<u>(81,500)</u>	<u>(87,000)</u>	<u>(92,500)</u>
8.32	47	(77,500)	<u>(82,000)</u>	<u>(87,500)</u>	<u>(93,000)</u>
8.33	48	(78,000)	<u>(83,000)</u>	<u>(88,000)</u>	<u>(93,500)</u>
8.34	49	(79,000)	<u>(83,500)</u>	<u>(88,500)</u>	<u>(94,000)</u>
8.35	50	(79,500)	<u>(84,000)</u>	<u>(89,000)</u>	<u>(94,500)</u>
8.36	51	(80,000)	<u>(84,500)</u>	<u>(89,500)</u>	<u>(95,000)</u>
8.37	<u>52</u>	<u>(80,500)</u>	<u>(85,000)</u>	<u>(90,500)</u>	<u>(95,500)</u>
8.38	<u>53</u>	<u>(81,000)</u>	<u>(86,000)</u>	<u>(91,000)</u>	<u>(96,500)</u>
8.39	<u>54</u>	<u>(81,500)</u>	<u>(86,500)</u>	<u>(91,500)</u>	<u>(97,000)</u>
8.40	<u>55</u>	<u>(82,500)</u>	<u>(87,000)</u>	<u>(92,000)</u>	<u>(97,500)</u>
8.41	<u>56</u>	<u>(83,000)</u>	<u>(87,500)</u>	<u>(92,500)</u>	<u>(98,000)</u>
8.42	<u>57</u>	<u>(83,500)</u>	<u>(88,000)</u>	<u>(93,000)</u>	<u>(98,500)</u>
8.43	<u>58</u>	<u>(84,000)</u>	<u>(89,000)</u>	<u>(94,000)</u>	<u>(99,000)</u>

9.1	<u>59</u>	<u>(85,000)</u>	<u>(89,500)</u>	<u>(94,500)</u>	<u>(99,500)</u>
9.2	<u>60</u>	<u>(85,500)</u>	<u>(90,000)</u>	<u>(95,000)</u>	<u>(100,500)</u>
9.3	<u>61</u>			<u>(95,500)</u>	<u>(101,000)</u>
9.4	<u>62</u>			<u>(96,000)</u>	<u>(101,500)</u>
9.5	<u>63</u>			<u>(96,500)</u>	<u>(102,000)</u>
9.6	<u>64</u>			<u>(97,000)</u>	<u>(102,500)</u>
9.7	<u>65</u>				<u>(103,000)</u>
9.8	<u>66</u>				<u>(103,500)</u>
9.9	<u>67</u>				<u>(104,500)</u>
9.10	<u>68</u>				<u>(105,000)</u>
9.11	<u>69</u>				<u>(105,500)</u>
9.12	<u>70</u>				<u>(106,000)</u>
9.13	<u>71</u>				<u>(106,500)</u>
9.14	<u>72</u>				<u>(107,000)</u>
9.15	<u>73</u>				<u>(107,500)</u>
9.16	<u>74</u>				<u>(108,000)</u>

9.17 The gross weights shown ~~in~~ without parentheses in this table are ~~permitted only on~~
 9.18 ~~state trunk highways and routes designated under section 169.832, subdivision 11.~~
 9.19 allowed on unpaved streets and highways, unless posted to a lesser weight under section
 9.20 169.87, subdivision 1. The gross weights shown in this table, whether within or without
 9.21 parentheses, are allowed on paved streets and highways, unless posted to a lesser weight
 9.22 under section 169.87, subdivision 1. Gross weights in excess of 80,000 pounds require an
 9.23 overweight permit under this chapter, unless otherwise allowed under section 169.826.

9.24 (b) Notwithstanding any lesser weight in pounds shown in this table but subject to
 9.25 the restrictions on gross vehicle weights in subdivision 2, paragraph (a), two consecutive
 9.26 sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross
 9.27 load of 68,000 pounds provided the overall distance between the first and last axles of
 9.28 the consecutive sets of tandem axles is 36 feet or more.

9.29 Subd. 2. **Gross vehicle weight of all axles; credit for idle reduction technology.**

9.30 (a) ~~Notwithstanding the provisions of section 169.85,~~ The gross vehicle weight of all axles
 9.31 of a vehicle or combination of vehicles must not exceed:

9.32 (1) 80,000 pounds for any vehicle or combination of vehicles on all ~~(i) trunk~~
 9.33 ~~highways as defined in section 160.02, subdivision 29, (ii) routes designated under section~~
 9.34 ~~169.832, subdivision 11, and (iii) paved nine-ton routes~~ streets and highways, unless
 9.35 posted at a lower axle weight under section 169.87, subdivision 1; and

9.36 (2) 88,000 pounds for any vehicle or combination of vehicles with six or more
 9.37 axles while exclusively engaged in hauling livestock on all state trunk highways other

10.1 than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5,
10.2 paragraph (k); ~~and.~~

10.3 ~~(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less~~
10.4 ~~on all routes, other than routes identified in clause (1).~~

10.5 (b) Notwithstanding the maximum weight provisions of this section ~~and section~~
10.6 ~~169.85~~, and in order to promote the reduction of fuel use and emissions ~~because of engine~~
10.7 ~~idling~~, the maximum gross vehicle weight limits and the axle weight limits for any motor
10.8 vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology
10.9 or emissions-reduction technology must be increased by the amount of weight necessary
10.10 to compensate for the weight of the idle reduction technology or emissions-reduction
10.11 technology, not to exceed 400 pounds. At the request of an authorized representative
10.12 of the Department of Transportation or the Department of Public Safety, the vehicle
10.13 operator shall provide proof that the vehicle is equipped with this technology through
10.14 documentation or demonstration.

10.15 Sec. 7. Minnesota Statutes 2008, section 169.8261, is amended to read:

10.16 **169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

10.17 Subdivision 1. Exemption. (a) ~~A vehicle or combination of vehicles hauling~~ For
10.18 purposes of this section, "raw or unfinished forest products, including" include wood
10.19 chips, paper, pulp, oriented strand board, laminated strand lumber, hardboard, treated
10.20 lumber, untreated lumber, or barrel staves;.

10.21 (b) In compliance with this section, a person may operate a vehicle or combination
10.22 of vehicles to haul raw or unfinished forest products by the most direct route to the nearest
10.23 paved highway that has been designated under section 169.832, subdivision 11, may be
10.24 operated on any highway with gross weights permitted under sections 169.822 to 169.829
10.25 ~~without regard to load restrictions imposed on that highway, except that the vehicles must.~~

10.26 Subd. 2. Conditions. (a) A vehicle or combination of vehicles described in
10.27 subdivision 1 must:

10.28 (1) comply with seasonal load restrictions in effect between the dates set by the
10.29 commissioner under section 169.87, subdivision 2;

10.30 (2) comply with bridge load limits posted under section 169.84;

10.31 (3) be equipped and operated with six axles and brakes on all wheels;

10.32 (4) not exceed 90,000 pounds gross vehicle weight, or 99,000 pounds gross vehicle
10.33 weight during the time when seasonal increases are authorized under section 169.826;

10.34 (5) not be operated on interstate ~~and defense~~ highways;

10.35 (6) obtain an annual permit from the commissioner of transportation;

11.1 (7) obey all road postings; and

11.2 (8) not exceed 20,000 pounds gross weight on any single axle.

11.3 (b) A vehicle operated under this section may exceed the legal axle weight limits
11.4 listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may
11.5 be exceeded by not more than ~~22.5~~ 23.75 percent during the time when seasonal increases
11.6 are authorized under section 169.826, subdivision 1.

11.7 Sec. 8. Minnesota Statutes 2008, section 169.827, is amended to read:

11.8 **169.827 GROSS WEIGHT REDUCTION ON RESTRICTED ROUTE.**

11.9 The maximum weight on any single axle, two consecutive axles spaced within eight
11.10 feet or less, three consecutive axles spaced within nine feet or less, or four consecutive
11.11 axles spaced within 14 feet or less shall not exceed 18,000 pounds, 34,000 pounds, 43,000
11.12 pounds, or 51,500 pounds respectively multiplied by a factor of the axle weight in tons
11.13 allowed on the restricted route divided by nine. ~~No combination of axle weights shall~~
11.14 ~~exceed those weights specified in Minnesota Statutes 1981 Supplement, section 169.825,~~
11.15 ~~subdivision 10 for nondesignated routes.~~

11.16 Sec. 9. Minnesota Statutes 2008, section 169.85, subdivision 2, is amended to read:

11.17 Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this
11.18 section, an officer may require the driver to stop the vehicle in a suitable place and remain
11.19 standing until a portion of the load is removed that is sufficient to reduce the gross weight
11.20 of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph
11.21 (b), or sections 169.822 to 169.829, whichever is the lesser violation, if any. A suitable
11.22 place is a location where loading or tampering with the load is not prohibited by federal,
11.23 state, or local law, rule, or ordinance.

11.24 (b) Except as provided in paragraph (c), a driver may be required to unload a
11.25 vehicle only if the weighing officer determines that (1) on routes subject to the provisions
11.26 of sections 169.822 to 169.829, the weight on an axle exceeds the lawful gross weight
11.27 prescribed by sections 169.822 to 169.829, by 2,000 pounds or more, or the weight on a
11.28 group of two or more consecutive axles in cases where the distance between the centers
11.29 of the first and last axles of the group under consideration is ten feet or less exceeds
11.30 the lawful gross weight prescribed by sections 169.822 to 169.829, by 4,000 pounds or
11.31 more; or (2) ~~on routes designated by the commissioner in section 169.832, subdivision 11,~~
11.32 ~~the overall weight of the vehicle or the weight on an axle or group of consecutive axles~~
11.33 ~~exceeds the maximum lawful gross weights prescribed by sections 169.822 to 169.829; or~~
11.34 ~~(3) the weight is unlawful on an axle or group of consecutive axles on a road restricted in~~

12.1 accordance with section 169.87. Material unloaded must be cared for by the owner or
 12.2 driver of the vehicle at the risk of the owner or driver.

12.3 (c) If the gross weight of the vehicle does not exceed the vehicle's registered gross
 12.4 weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph
 12.5 (b), and plus, if applicable, the weight allowance permitted under section 169.826, then
 12.6 the driver is not required to unload under paragraph (b).

12.7 Sec. 10. Minnesota Statutes 2008, section 169.862, subdivision 2, is amended to read:

12.8 Subd. 2. **Additional restrictions.** Permits issued under this section are governed by
 12.9 the applicable provisions of section 169.86 except as otherwise provided herein and, in
 12.10 addition, carry the following restrictions:

12.11 (a) The vehicles may not be operated between sunset and sunrise, when visibility is
 12.12 impaired by weather, fog, or other conditions rendering persons and vehicles not clearly
 12.13 visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the
 12.14 following holidays are observed: New Year's Day, Memorial Day, Independence Day,
 12.15 Labor Day, Thanksgiving Day, and Christmas Day.

12.16 ~~(b) The vehicles may not be operated on interstate highways.~~

12.17 ~~(c)~~ (b) The vehicles may not be operated on a trunk highway with a pavement less
 12.18 than 24 feet wide.

12.19 ~~(d)~~ (c) A vehicle operated under the permit must be equipped with a retractable or
 12.20 removable mirror on the left side so located that it will reflect to the driver a clear view of
 12.21 the highway for a distance of at least 200 feet to the rear of the vehicle.

12.22 ~~(e)~~ (d) A vehicle operated under the permit must display red, orange, or yellow flags,
 12.23 18 inches square, as markers at the front and rear and on both sides of the load. The load
 12.24 must be securely bound to the transporting vehicle.

12.25 ~~(f)~~ (e) Farm vehicles not for hire carrying round baled hay less than 20 miles are
 12.26 exempt from the requirement to obtain a permit. All other requirements of this section
 12.27 apply to vehicles transporting round baled hay.

12.28 Sec. 11. Minnesota Statutes 2008, section 169.864, subdivision 1, is amended to read:

12.29 Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a
 12.30 permit for a vehicle that meets the following requirements:

12.31 (1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing
 12.32 one additional semitrailer, which may be equipped with an auxiliary dolly, and no
 12.33 semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2
 12.34 feet;

- 13.1 (2) has a maximum gross vehicle weight of 108,000 pounds;
- 13.2 (3) complies with the axle weight limits in section 169.824 ~~or with the federal bridge~~
- 13.3 ~~formula for axle groups not described in that section;~~
- 13.4 (4) complies with the tire weight limits in section 169.823 or the tire manufacturers'
- 13.5 recommended load, whichever is less;
- 13.6 (5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids
- 13.7 and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its
- 13.8 junction with Trunk Highway marked 53; on Trunk Highway marked 194 between Trunk
- 13.9 Highway marked 2 and Trunk Highway marked 53; and on Trunk Highway marked 53
- 13.10 between Virginia and the port of Duluth; and
- 13.11 (6) the seasonal weight increases authorized under section 169.826, subdivision 1,
- 13.12 do not apply.

13.13 Sec. 12. Minnesota Statutes 2008, section 169.864, subdivision 2, is amended to read:

13.14 Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit

13.15 for a vehicle that meets the following requirements:

13.16 (1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer

13.17 that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline

13.18 of the rear axle group of the semitrailer does not exceed 43 feet;

13.19 (2) has a maximum gross vehicle weight of 90,000 pounds or 97,000 pounds if

13.20 the truck has seven axles;

13.21 (3) has a maximum gross vehicle weight of ~~98,000~~ 99,000 pounds during the time

13.22 when seasonal weight increases authorized under section 169.826, subdivision 1, are

13.23 in effect;

13.24 (4) complies with the axle weight limits in section 169.824 ~~or with the federal bridge~~

13.25 ~~formula for axle groups not described in that section;~~

13.26 (5) complies with the tire weight limits in section 169.823 or the tire manufacturers'

13.27 recommended load, whichever is less; and

13.28 (6) is operated only on the highways specified in subdivision 1, clause (5).

13.29 Sec. 13. Minnesota Statutes 2008, section 169.865, subdivision 1, is amended to read:

13.30 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit

13.31 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul

13.32 raw or unprocessed agricultural products and be operated with a gross vehicle weight

13.33 of up to:

13.34 (1) 90,000 pounds; and

14.1 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
14.2 subdivision 1.

14.3 (b) Notwithstanding subdivision 4, paragraph (a), clause (4), a vehicle or
14.4 combination of vehicles operated under this subdivision and transporting only sealed
14.5 intermodal containers may be operated on an interstate highway if allowed by the United
14.6 States Department of Transportation.

14.7 (c) The fee for a permit issued under this subdivision is \$300.

14.8 Sec. 14. Minnesota Statutes 2008, section 169.865, subdivision 2, is amended to read:

14.9 Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit
14.10 authorizing a vehicle or combination of vehicles with a total of seven or more axles to
14.11 haul raw or unprocessed agricultural products and be operated with a gross vehicle weight
14.12 of up to:

14.13 (1) 97,000 pounds; and

14.14 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
14.15 subdivision 1.

14.16 (b) Drivers of vehicles operating under this subdivision must comply with driver
14.17 qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code
14.18 of Federal Regulations, title 49, parts 40 and 382.

14.19 (c) The fee for a permit issued under this subdivision is \$500.

14.20 Sec. 15. Minnesota Statutes 2008, section 169.865, subdivision 3, is amended to read:

14.21 Subd. 3. **Requirements; restrictions.** (a) A vehicle or combination of vehicles
14.22 operating under this section:

14.23 (1) is subject to axle weight limitations under section 169.824, subdivision 1, ~~or the~~
14.24 ~~federal bridge formula for axle groups not described in that section;~~

14.25 (2) is subject to seasonal load restrictions under section 169.87;

14.26 (3) is subject to bridge load limits posted under section 169.84;

14.27 (4) may only be operated on trunk paved streets and highways other than interstate
14.28 highways, ~~and on local roads designated under section 169.832, subdivision 11;~~

14.29 (5) may not be operated with loads that exceed the manufacturer's gross vehicle
14.30 weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating
14.31 complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

14.32 (6) must be issued a permit from each road authority having jurisdiction over a road
14.33 on which the vehicle is operated, if required;

14.34 (7) must comply with the requirements of section 169.851, subdivision 4; and

15.1 (8) must have brakes on all wheels.

15.2 (b) The percentage allowances for exceeding gross weights if transporting unfinished
15.3 forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of
15.4 unprocessed or raw farm products or unfinished forest products under section 168.013,
15.5 subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of
15.6 vehicles operated under this section.

15.7 Sec. 16. Minnesota Statutes 2008, section 169.865, subdivision 4, is amended to read:

15.8 Subd. 4. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued
15.9 by the commissioner under this section must be deposited:

15.10 (1) in fiscal years 2008 through 2011, in the bridge inspection and signing account
15.11 in the special revenue fund; and

15.12 (2) in fiscal year 2012 and subsequent years, in the trunk highway fund.

15.13 (b) The revenue in the bridge inspection and signing account under this section is
15.14 annually appropriated to the commissioner for:

15.15 (1) inspection of local bridges and identification of local bridges to be posted,
15.16 including contracting with a consultant for some or all of these functions; and

15.17 (2) erection of weight-posting signs on local bridges.

15.18 Sec. 17. Minnesota Statutes 2008, section 169.866, subdivision 1, is amended to read:

15.19 Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a
15.20 permit for a vehicle that meets the following requirements:

15.21 (1) is a combination of vehicles, including a truck-tractor and a semitrailer
15.22 drawing one additional trailer or semitrailer, and no semitrailer used in the three-vehicle
15.23 combination has an overall length in excess of 28-1/2 feet;

15.24 (2) has a maximum gross vehicle weight of 105,500 pounds;

15.25 (3) complies with the axle weight limits in section 169.824, ~~or with the federal~~
15.26 ~~bridge formula for axle groups not described in that section;~~

15.27 (4) complies with the tire weight limits in section 169.823, or the tire manufacturers'
15.28 recommended load, whichever is less;

15.29 (5) is operated only in this state on marked Trunk Highway 175 from Hallock to the
15.30 North Dakota border, on U.S. Highway 75 from Hallock to Donaldson, and on marked
15.31 Trunk Highway 11 from Donaldson to the North Dakota border; and

15.32 (6) the seasonal weight increases authorized under section 169.826, subdivision 1,
15.33 do not apply.

16.1 Sec. 18. Minnesota Statutes 2008, section 169.87, subdivision 2, is amended to read:

16.2 Subd. 2. **Seasonal load restriction.** ~~Except for portland cement concrete roads, (a)~~
 16.3 Unless restricted as provided in subdivision 1, between the dates set by the commissioner
 16.4 of transportation each year, the weight on any single axle shall not exceed:

16.5 (1) five tons on a county highway, town road, or city street that has not been
 16.6 restricted as provided in subdivision 1; an unpaved street or highway; or

16.7 (2) ten tons on a paved street or highway.

16.8 (b) The gross weight on consecutive axles on an unpaved street or highway shall not
 16.9 exceed the gross weight allowed in sections 169.822 to 169.829 multiplied by a factor of
 16.10 five divided by nine. This reduction shall not apply to the gross vehicle weight.

16.11 Sec. 19. Minnesota Statutes 2008, section 174.64, subdivision 4, is amended to read:

16.12 Subd. 4. **Petition, notice, and hearing.** (a) With respect to those matters within
 16.13 the commissioner's jurisdiction, the commissioner shall receive, hear, and determine all
 16.14 petitions filed with the commissioner in accordance with the procedures established by law
 16.15 and may hold hearings and make determinations upon the commissioner's own motion to
 16.16 the same extent, and in every instance, in which the commissioner may do so upon petition.

16.17 ~~(b) Upon receiving a petition filed pursuant to section 221.121, subdivision 1, or~~
 16.18 ~~221.151, the commissioner shall give notice of the filing of the petition to representatives~~
 16.19 ~~of associations or other interested groups or persons who have registered their names~~
 16.20 ~~with the commissioner for that purpose and to whomever the commissioner deems to be~~
 16.21 ~~interested in the petition. The commissioner may grant or deny the request of the petition~~
 16.22 ~~30 days after notice of the filing has been fully given.~~

16.23 ~~(c)~~ (b) If the commissioner receives a written objection and notice of intent to
 16.24 appear at a hearing to object to the petition from any person within 20 days of the notice
 16.25 having been fully given, the request of the petition must be granted or denied only after
 16.26 a contested case hearing has been conducted on the petition, unless the objection is
 16.27 withdrawn before the hearing. The commissioner may elect to hold a contested case
 16.28 hearing if no objections to the petition are received. If a timely objection is not received,
 16.29 or if received and withdrawn, and the request of the petition is denied without hearing,
 16.30 the petitioner may request within 30 days of receiving the notice of denial, and must be
 16.31 granted, a contested case hearing on the petition.

16.32 Sec. 20. Minnesota Statutes 2008, section 174.66, is amended to read:

16.33 **174.66 CONTINUATION OF CARRIER RULES.**

17.1 (a) Orders and directives in force, issued, or promulgated under authority of chapters
 17.2 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,
 17.3 modified, or superseded by duly authorized orders or directives of the commissioner of
 17.4 transportation. To the extent allowed under federal law or regulation, rules adopted under
 17.5 authority of the following sections are transferred to the commissioner of transportation
 17.6 and continue in force and effect until repealed, modified, or superseded by duly authorized
 17.7 rules of the commissioner:

17.8 (1) section 218.041 except rules related to the form and manner of filing railroad
 17.9 rates, railroad accounting rules, and safety rules;

17.10 (2) section 219.40;

17.11 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits
 17.12 ~~or certificates of convenience and necessity~~ under section 221.031, subdivision 1;

17.13 (4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest
 17.14 in a corporation holding authority to operate as a permit carrier as prescribed in section
 17.15 221.151, subdivision 1;

17.16 (5) rules relating to rates, charges, and practices under section 221.161, subdivision
 17.17 4; and

17.18 (6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits
 17.19 under sections 221.121 and 221.151.

17.20 (b) The commissioner shall review the transferred rules, orders, and directives and,
 17.21 when appropriate, develop and adopt new rules, orders, or directives.

17.22 Sec. 21. Minnesota Statutes 2008, section 221.012, subdivision 19, is amended to read:

17.23 Subd. 19. **Household goods.** "Household goods" means personal effects and
 17.24 property used or to be used by the owner in the owner's dwelling; ~~furniture, fixtures,~~
 17.25 ~~equipment and property of business places and institutions, public or private, when a part~~
 17.26 ~~of the stock, equipment, supplies or property of such establishments.~~

17.27 Sec. 22. Minnesota Statutes 2008, section 221.012, subdivision 29, is amended to read:

17.28 Subd. 29. **Permit.** "Permit" means the license, ~~or franchise, which~~ that may be
 17.29 issued to motor carriers ~~other than regular route common carriers of passengers, class I~~
 17.30 ~~common carriers, and petroleum carriers,~~ under the provisions of this chapter, authorizing
 17.31 the use of the highways of Minnesota for transportation for hire.

17.32 Sec. 23. Minnesota Statutes 2008, section 221.021, subdivision 1, is amended to read:

18.1 Subdivision 1. **Registration certificate or permit required.** No person may operate
18.2 as a motor carrier or advertise or otherwise hold out as a motor carrier without a certificate
18.3 of registration or permit in effect. A certificate or permit may be suspended or revoked
18.4 upon conviction of violating a provision of sections 221.012 to ~~221.296~~ 221.291 or an
18.5 order or rule of the commissioner governing the operation of motor carriers, and upon a
18.6 finding by the court that the violation was willful. The commissioner may, for good cause
18.7 after a hearing, suspend or revoke a certificate or permit for a violation of a provision of
18.8 sections 221.012 to ~~221.296~~ 221.291 or an order issued or rule adopted under this chapter.

18.9 Sec. 24. Minnesota Statutes 2008, section 221.022, is amended to read:

18.10 **221.022 EXCEPTION.**

18.11 The powers granted to the commissioner under sections 221.012 to ~~221.296~~ 221.295
18.12 do not include the power to regulate any service or vehicles operated by the Metropolitan
18.13 Council or to register passenger transportation service provided under contract to the
18.14 department or the Metropolitan Council. A provider of passenger transportation service
18.15 under contract to the department or the Metropolitan Council may not also provide service
18.16 as a motor carrier of passengers without first having registered under section 221.0252.

18.17 Sec. 25. Minnesota Statutes 2008, section 221.025, is amended to read:

18.18 **221.025 EXEMPTIONS.**

18.19 The provisions of this chapter requiring a certificate or permit to operate as a motor
18.20 carrier do not apply to the intrastate transportation described below:

18.21 (1) the transportation of students to or from school or school activities in a school
18.22 bus inspected and certified under section 169.451 and the transportation of children or
18.23 parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected
18.24 and certified under section 169.451;

18.25 (2) the transportation of solid waste, as defined in section 116.06, subdivision 22,
18.26 including recyclable materials and waste tires, except that the term "hazardous waste" has
18.27 the meaning given it in section 221.012, subdivision 18;

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

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

- 19.1 (5) the transportation of grain samples under conditions prescribed by the
19.2 commissioner;
- 19.3 (6) the delivery of agricultural lime;
- 19.4 (7) the transportation of dirt and sod within an area having a 50-mile radius from the
19.5 home post office of the person performing the transportation;
- 19.6 (8) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix,
19.7 concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or
19.8 crushed rock to or from the point of loading or a place of gathering within an area having a
19.9 50-mile radius from that person's home post office or a 50-mile radius from the site of
19.10 construction or maintenance of public roads and streets;
- 19.11 (9) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator
19.12 evergreens, wood chips, sawdust, shavings, and bark from the place where the products
19.13 are produced to the point where they are to be used or shipped;
- 19.14 (10) the transportation of fresh vegetables from farms to canneries or viner stations,
19.15 from viner stations to canneries, or from canneries to canneries during the harvesting,
19.16 canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the
19.17 field of production to the first place of delivery or unloading, including a processing
19.18 plant, warehouse, or railroad siding;
- 19.19 (11) the transportation of property or freight, other than household goods and
19.20 petroleum products in bulk, entirely within the corporate limits of a city or between
19.21 contiguous cities ~~except as provided in section 221.296~~;
- 19.22 (12) the transportation of unprocessed dairy products in bulk within an area having a
19.23 100-mile radius from the home post office of the person providing the transportation;
- 19.24 (13) the transportation of agricultural, horticultural, dairy, livestock, or other farm
19.25 products within an area having a 100-mile radius from the person's home post office and
19.26 the carrier may transport other commodities within the 100-mile radius if the destination
19.27 of each haul is a farm;
- 19.28 (14) the transportation of newspapers, as defined in section 331A.01, subdivision
19.29 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle
19.30 weight of 10,000 pounds or less; and
- 19.31 (15) transportation of potatoes from the field of production, or a storage site owned
19.32 or otherwise controlled by the producer, to the first place of processing.
- 19.33 The exemptions provided in this section apply to a person only while the person is
19.34 exclusively engaged in exempt transportation.

19.35 Sec. 26. Minnesota Statutes 2008, section 221.026, subdivision 2, is amended to read:

20.1 Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a
 20.2 motor carrier of property is exempt from sections 221.021; ~~221.072~~; 221.121; 221.122;
 20.3 221.123; 221.131; 221.132; 221.151; 221.161; 221.172, ~~subdivisions~~ subdivision 3 to 8;
 20.4 and 221.185, except as provided in subdivision 4; ~~and 221.296~~. The exemptions in this
 20.5 subdivision do not apply to a motor carrier of property while transporting household goods.

20.6 Sec. 27. Minnesota Statutes 2008, section 221.026, subdivision 5, is amended to read:

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

20.10 Sec. 28. Minnesota Statutes 2008, section 221.0269, subdivision 3, is amended to read:

20.11 Subd. 3. **Termination of relief efforts.** (a) Upon termination of direct assistance
 20.12 to an emergency relief effort, a carrier or driver is subject to the requirements of section
 20.13 221.0314, except that a driver may return empty to a carrier's terminal or the driver's
 20.14 normal work reporting location without complying with that section. A driver who
 20.15 informs the carrier that the driver needs immediate rest must be permitted at least eight
 20.16 consecutive hours off duty before the driver is required to return to the terminal or
 20.17 location. Having returned to the terminal or other location, the driver must be relieved
 20.18 of all duty and responsibilities.

20.19 (b) When a driver has been relieved of all duty and responsibilities upon termination
 20.20 of direct assistance to an emergency relief effort, ~~no~~ a carrier shall neither permit or nor
 20.21 require any driver used by it to drive nor shall any such driver drive in commerce until
 20.22 the driver:

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

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

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

21.1 Sec. 29. Minnesota Statutes 2008, section 221.031, subdivision 1, is amended to read:

21.2 Subdivision 1. **Powers, duties, rules, filings.** (a) This subdivision applies to motor
21.3 carriers engaged in intrastate commerce.

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

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

21.16 (d) The commissioner shall (1) require holders of household goods mover permits
21.17 to file schedules of rates and charges, ~~or other data by motor carriers,~~ (2) regulate motor
21.18 carriers in matters affecting the relationship between them and the traveling and shipping
21.19 public, and (3) prescribe other rules as may be necessary to carry out the provisions of
21.20 this chapter.

21.21 (e) The commissioner shall enforce sections 169.781 to 169.783.

21.22 Sec. 30. Minnesota Statutes 2008, section 221.031, subdivision 3, is amended to read:

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

21.27 (b) Persons providing transportation described in section 221.025, clause (6), (10),
21.28 (12), or (13), must comply with the rules for driving of motor vehicles and for parts and
21.29 accessories necessary for safe operation.

21.30 (c) Persons providing transportation described in section 221.025, except for persons
21.31 providing transportation described in clause (6), (10), (12), or (13), must comply with the
21.32 rules for driving of motor vehicles; parts and accessories necessary for safe operation;
21.33 and, ~~after August 1, 1994,~~ the rules for driver qualifications.

21.34 Sec. 31. Minnesota Statutes 2008, section 221.031, subdivision 3c, is amended to read:

22.1 Subd. 3c. **Solid waste transporter not exempt.** Persons providing transportation
 22.2 described in section 221.025, clause (2), must comply with the rules for driver
 22.3 qualifications ~~after August 1, 1994~~; hours of service of drivers; driving of motor vehicles;
 22.4 parts and accessories necessary for safe operation; and inspection, repair, and maintenance.
 22.5 A local government unit, as defined in section 115A.03, subdivision 17, shall not enact or
 22.6 enforce laws, ordinances, or regulations for the operation of solid waste transporters that
 22.7 are inconsistent with the rules adopted in section 221.0314.

22.8 Sec. 32. Minnesota Statutes 2008, section 221.031, subdivision 6, is amended to read:

22.9 Subd. 6. **Vehicle identification rule.** ~~(a)~~ The following carriers shall ~~display the~~
 22.10 ~~carrier's name on the power unit of each vehicle~~ comply with section 168.185 and with
 22.11 the requirements for marking commercial motor vehicles in Code of Federal Regulations,
 22.12 title 49, section 390.21, which is incorporated by reference:

22.13 (1) motor carriers, regardless of the weight of the vehicle, except that this
 22.14 requirement does not apply to a limousine as defined in section 168.002, subdivision 15,
 22.15 that is equipped with "LM" license plates;

22.16 (2) interstate and intrastate private carriers operating vehicles with a gross vehicle
 22.17 weight of more than 10,000 pounds; and

22.18 (3) vehicles providing transportation described in section 221.025 with a gross
 22.19 vehicle weight of more than 10,000 pounds except those providing transportation
 22.20 described in section 221.025, clauses (1), (3), and (4).

22.21 Vehicles described in ~~clauses (2) and (3) that are operated by farmers or farm employees~~
 22.22 ~~and have four or fewer axles~~ section 168.185, paragraph (d), are not required to comply
 22.23 with the vehicle identification rule of the commissioner.

22.24 ~~(b) Vehicles subject to this subdivision must show the name or "doing business as"~~
 22.25 ~~name of the carrier operating the vehicle. If the carrier operates a leased vehicle, it may~~
 22.26 ~~show its name and the name of the lessor on the vehicle, if the lease relationship is clearly~~
 22.27 ~~shown. If the name of a person other than the operating carrier appears on the vehicle, the~~
 22.28 ~~words "operated by" must immediately precede the name of the carrier.~~

22.29 ~~(c) The name must be in letters that contrast sharply in color with the background,~~
 22.30 ~~be readily legible during daylight hours from a distance of 50 feet while the vehicle is~~
 22.31 ~~stationary, and be maintained in a manner that retains the legibility of the markings. The~~
 22.32 ~~name may be shown by use of a removable device if that device meets the identification~~
 22.33 ~~and legibility requirements of this subdivision.~~

22.34 Sec. 33. Minnesota Statutes 2008, section 221.0314, subdivision 2, is amended to read:

23.1 Subd. 2. **Qualification of driver.** Code of Federal Regulations, title 49, part 391
23.2 and appendixes D and E, are incorporated by reference except for sections 391.2; 391.11,
23.3 paragraph (b)(1); 391.47; 391.49; 391.62; 391.64; 391.67; 391.68; and 391.69;~~391.71;~~
23.4 ~~and 391.73~~. In addition, cross-references to sections or paragraphs not incorporated in this
23.5 subdivision are not incorporated by reference.

23.6 Sec. 34. Minnesota Statutes 2008, section 221.0314, subdivision 3a, is amended to
23.7 read:

23.8 Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant
23.9 a waiver to a person who is not physically qualified to drive under Code of Federal
23.10 Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13). A waiver granted under
23.11 this subdivision applies to intrastate transportation only.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24.13 (2) immediately report the person's involvement in an accident for which a report is
 24.14 required under section 169.09, subdivision 7.

24.15 (e) The commissioner shall deny an application if, during the three years preceding
 24.16 the application:

24.17 (1) the applicant's driver's license has been suspended under section 171.18,
 24.18 paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked
 24.19 under section 171.17, 171.172, or 171.174; or

24.20 (2) the applicant has been convicted of a disqualifying offense, as defined in Code
 24.21 of Federal Regulations, title 49, section 383.51, paragraph (b)(2), which is incorporated
 24.22 by reference.

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

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

24.31 Sec. 35. Minnesota Statutes 2008, section 221.0314, subdivision 9, is amended to read:

24.32 Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part
 24.33 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), (m),
 24.34 and (n) of section 395.1 ~~and section 395.13~~ of that part are not incorporated. In addition,
 24.35 cross-references to sections or paragraphs not incorporated in this subdivision are not

25.1 incorporated by reference. The requirements of Code of Federal Regulations, title 49, part
25.2 395, do not apply to drivers of lightweight vehicles.

25.3 Sec. 36. Minnesota Statutes 2008, section 221.033, subdivision 1, is amended to read:

25.4 Subdivision 1. **Requirements.** Except as provided in subdivisions 2 to 3, no
25.5 person may transport or offer or accept for transportation within the state of Minnesota
25.6 a hazardous material, hazardous substance, or hazardous waste except in compliance
25.7 with United States Code, title 49, sections 5101 to 5126 and the provisions of Code of
25.8 Federal Regulations, title 49, parts 171 to 199, which are incorporated by reference. Those
25.9 provisions apply to transportation in intrastate commerce to the same extent they apply
25.10 to transportation in interstate commerce.

25.11 Sec. 37. Minnesota Statutes 2008, section 221.033, subdivision 2, is amended to read:

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

25.14 (b) Farmers or their employees transporting diesel fuel, gasoline, agricultural
25.15 chemicals, or agricultural fertilizers for use on the transporter's farm are not required to
25.16 comply with the rules ~~adopted~~ incorporated in section 221.0314, subdivisions 2 to 5,
25.17 for driver qualifications or with the shipping paper requirements of the Code of Federal
25.18 Regulations, title 49, ~~sections~~ section 172.200 ~~and~~, 177.817, ~~or with section 397.7(B) or~~
25.19 ~~397.9(A), paragraph (b), of the Federal Motor Carrier Safety Regulations when:~~

25.20 (1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than
25.21 1,500-gallon capacity owned by the transporter, or in tanks securely mounted in other
25.22 motor vehicles with a gross vehicle weight of less than 10,000 pounds and owned by
25.23 the transporter; or

25.24 (2) transporting agricultural chemicals and agricultural fertilizers.

25.25 Sec. 38. Minnesota Statutes 2008, section 221.121, subdivision 1, is amended to read:

25.26 Subdivision 1. **Petition Application; scope.** (a) A person desiring to operate as a
25.27 ~~permit household goods carrier, except as provided in subdivision 5 or section 221.296,~~
25.28 ~~shall file a petition with the commissioner specifying the kind of permit desired, the name~~
25.29 ~~and address of the petitioner and the names and addresses of the officers, if a corporation,~~
25.30 ~~and other information as the commissioner may require. Letters of shipper support~~
25.31 ~~must be filed with the petition~~ shall file an application with the commissioner on a form
25.32 the commissioner prescribes. No person shall knowingly make a false or misleading
25.33 statement in ~~a petition~~ an application.

26.1 (b) The commissioner shall issue the permit ~~upon compliance with the laws and rules~~
 26.2 relating to it, ~~if it finds that petitioner is fit and able to conduct the proposed operations,~~
 26.3 ~~that petitioner's vehicles meet the safety standards established by the department, provided~~
 26.4 ~~that no person who holds a permit at the time sections 221.012 to 221.291 take effect may~~
 26.5 ~~be denied a renewal of the permit upon compliance with other provisions of sections~~
 26.6 221.012 to 221.291 to an applicant who has filed an application complying with this
 26.7 subdivision, who has paid the required fee, and who has complied with the financial
 26.8 responsibility requirements in section 221.141. The commissioner shall not issue a permit
 26.9 to an applicant who has an unsatisfactory safety rating.

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

26.13 (d) ~~No permit may be issued to a common carrier by rail permitting the common~~
 26.14 ~~carrier to operate trucks for hire within this state, nor may a common carrier by rail be~~
 26.15 ~~permitted to own, lease, operate, control, or have an interest in a permit carrier by truck,~~
 26.16 ~~either by stock ownership or otherwise, directly, indirectly, through a holding company,~~
 26.17 ~~or by stockholders or directors in common, or in any other manner. Nothing in sections~~
 26.18 ~~221.012 to 221.291 prevents the commissioner from issuing a permit to a common carrier~~
 26.19 ~~by rail authorizing the carrier to operate trucks wholly within the limits of a municipality~~
 26.20 ~~or within adjacent or contiguous municipalities or a common rate point served by the~~
 26.21 ~~railroad and only as a service supplementary to the rail service now established by the~~
 26.22 ~~carriers. All permits granted to household goods carriers must allow statewide operation.~~
 26.23 Notwithstanding any geographical restrictions imposed upon a permit at the time it was
 26.24 granted or any state law or rule to the contrary, the holder of a household goods permit
 26.25 may operate statewide.

26.26 Sec. 39. Minnesota Statutes 2008, section 221.121, subdivision 7, is amended to read:

26.27 Subd. 7. **Fee.** The petitioner shall pay a fee of \$150 into the treasury of the state of
 26.28 Minnesota for each ~~kind of permit or extension of authority for which a petition is filed~~
 26.29 applied for under this section.

26.30 Sec. 40. Minnesota Statutes 2008, section 221.122, subdivision 1, is amended to read:

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

26.33 (b) The person to whom the order granting the certificate or permit is issued shall do
 26.34 the following within 45 days from the service date of the order:

- 27.1 (1) register vehicles which will be used to provide transportation under the permit or
 27.2 certificate with the commissioner and pay the vehicle registration fees required by law;
 27.3 (2) file and maintain insurance or bond as required by ~~sections~~ section 221.141 and
 27.4 ~~221.296~~ and rules of the commissioner; and
 27.5 (3) file rates and tariffs as required by section 221.161 and rules of the commissioner.

27.6 Sec. 41. Minnesota Statutes 2008, section 221.123, is amended to read:

27.7 **221.123 EFFECT OF DEATH OF HOUSEHOLD GOODS CARRIER**
 27.8 **PERMIT HOLDER.**

27.9 This section governs the transfer of a household goods carrier permit in the event of
 27.10 the death of the permit holder. Within one year after the transfer of a permit of a deceased
 27.11 permit holder by the deceased permit holder's personal representative, or within one year
 27.12 after the date of a decree or order issued by the district court transferring the permit of a
 27.13 deceased permit holder, the distributee, as defined in section 524.1-201, who received the
 27.14 permit shall apply to the commissioner to have the permit transferred under the provisions
 27.15 of section 221.151, ~~subdivision 2~~.

27.16 If an application to transfer the permit is not filed within the time prescribed above,
 27.17 the permit is revoked and the commissioner shall so notify the person who had received
 27.18 the permit.

27.19 Sec. 42. Minnesota Statutes 2008, section 221.132, is amended to read:

27.20 **221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARD.**

27.21 For special or extraordinary events, the commissioner may issue a prepaid
 27.22 temporary vehicle identification card to a permit or certificate holder subject to section
 27.23 221.131, subdivision 2 or 3, for a fee of \$5 per card. The card must be preprinted by the
 27.24 commissioner with the carrier's name, address, and permit or certificate number. The card
 27.25 may be used by the motor carrier to whom it is issued to identify a vehicle temporarily
 27.26 added to its fleet, if the vehicle has evidence of being inspected under section 221.0252,
 27.27 subdivision 3, paragraph (a), clause (2), or under Code of Federal Regulations, title 49,
 27.28 section 396.17 or 396.23, paragraph (b)(1), which are incorporated by reference, within
 27.29 the previous 12 months, or has a current Commercial Vehicle Safety Alliance decal. The
 27.30 card must be executed by the motor carrier by dating and signing the card and describing
 27.31 the vehicle in which it will be carried. The identification card is valid for a period of ten
 27.32 days from the date the motor carrier places on the card when the card is executed. The
 27.33 card must be used within one year from the date of issuance by the commissioner. The
 27.34 card may not be used if the permit or certificate is not in full force and effect. The card

28.1 may not be transferred. The commissioner may not refund the cost of unused prepaid
28.2 temporary vehicle identification cards.

28.3 Sec. 43. Minnesota Statutes 2008, section 221.151, subdivision 1, is amended to read:

28.4 Subdivision 1. **Petition.** (a) Permits, ~~except livestock permits,~~ issued under section
28.5 221.121 may be assigned or transferred but only upon the order of the commissioner
28.6 approving the transfer or assignment ~~after notice and hearing.~~

28.7 (b) The proposed seller and buyer or lessor and lessee of a permit, ~~except for~~
28.8 ~~livestock carrier permits,~~ shall file a joint notarized petition with the commissioner setting
28.9 forth the name and address of the parties, the identifying number of the permit, and the
28.10 description of the authority which the parties seek to sell or lease, a short statement of
28.11 the reasons for the proposed sale or lease, a statement of outstanding claims of creditors
28.12 which are directly attributable to the operation to be conducted under the permit, a copy of
28.13 the contract of sale or lease, and a financial statement with a balance sheet and an income
28.14 statement, if existent, of the buyer or lessee. If it appears to the commissioner from the
28.15 contents of the petition and from the department's records, files, and investigation that
28.16 the approval of the sale or lease of the permit will not adversely affect the rights of the
28.17 users of the service, the commissioner may make an order granting the sale or lease.
28.18 ~~Provided, however, that the commissioner shall make no order granting the sale or lease~~
28.19 ~~of a permit to a person or corporation or association which holds a certificate or permit~~
28.20 ~~other than local cartage carrier permit from the commissioner under this chapter or to a~~
28.21 ~~common carrier by rail.~~

28.22 (c) The commissioner shall look to the substance of the transaction rather than the
28.23 form. An agreement for the transfer or sale of a permit must be reported and filed with the
28.24 commissioner within 30 days of the agreement.

28.25 (d) If an authority to operate as a permit carrier is held by a corporation, a sale,
28.26 assignment, pledge, or other transfer of the stock interest in the corporation which will
28.27 accomplish a substantial or material change or transfer of the majority ownership of
28.28 the corporation, as exercised through its stockholders, must be reported in the manner
28.29 prescribed in the rules of the commissioner within 30 days after the sale, assignment,
28.30 pledge, or other transfer of stock. The commissioner shall then make a finding whether or
28.31 not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of
28.32 the corporation to a new party or parties and, if they so find, then the continuance of the
28.33 permit issued to the corporation may only be upon the corporation's complying with the
28.34 standards and procedures otherwise imposed by this section.

29.1 Sec. 44. Minnesota Statutes 2008, section 221.161, subdivision 1, is amended to read:

29.2 Subdivision 1. **Filing; hearing upon board initiative; ~~armored carrier~~**
29.3 **exemption.** ~~(a) Except as provided in paragraph (b); A permit household goods carrier;~~
29.4 ~~including a livestock carrier but not including a local cartage carrier;~~ shall file and maintain
29.5 with the commissioner a tariff showing rates and charges for transporting ~~persons or~~
29.6 ~~property~~ household goods. Tariffs must be prepared and filed in accordance with the rules
29.7 of the commissioner. When tariffs are filed in accordance with the rules and accepted by
29.8 the commissioner, the filing constitutes notice to the public and interested parties of the
29.9 contents of the tariffs. The commissioner shall not accept for filing tariffs that are unjust,
29.10 unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise
29.11 in violation of this section or rules adopted under this section. If the tariffs appear to
29.12 be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or
29.13 otherwise in violation of this section or rules adopted under this section, after notification
29.14 and investigation by the department, the ~~board~~ commissioner may suspend and postpone
29.15 the effective date of the tariffs and assign the tariffs for hearing upon notice to the ~~permit~~
29.16 household goods carrier filing the proposed tariffs and to other interested parties, including
29.17 users of the service and competitive carriers by motor vehicle and rail. At the hearing,
29.18 the burden of proof is on the ~~permit household goods~~ carrier filing the proposed tariff to
29.19 sustain the validity of the proposed schedule of rates and charges. ~~Tariffs for transporting~~
29.20 ~~livestock are not subject to rejection, suspension, or postponement by the board, except~~
29.21 ~~as provided in subdivisions 2 and 3.~~ The tariffs and subsequent supplements to them
29.22 or reissues of them must state the effective date, which may not be less than ten days
29.23 following the date of filing, unless the period of time is reduced by special permission of
29.24 the commissioner.

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

29.27 Sec. 45. Minnesota Statutes 2008, section 221.161, subdivision 4, is amended to read:

29.28 Subd. 4. **Hearing on merits of rates and charges.** The commissioner, (1) after
29.29 a suspension and hearing upon a schedule of rates and charges, or upon complaint, or
29.30 upon the commissioner's own initiative, either in extension of an existing complaint or
29.31 without a complaint whatever, (2) after department investigation and petition, (3) upon
29.32 notice to the permit carrier or tariff agent proposing, maintaining, or charging a schedule
29.33 of rates and charges on a single group of related commodities, and (4) upon notice to the
29.34 users of the service and competitive carriers by motor vehicle and rail, may assign for
29.35 hearing the schedule of rates and charges proposed, maintained, or charged by any or all

30.1 permit carriers. Upon a finding, after a hearing, that the schedule of rates and charges are
 30.2 unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or
 30.3 otherwise in violation of this section, the commissioner may prescribe minimum rates and
 30.4 charges and the rates, rules, and practices thereafter to be maintained and applied by the
 30.5 permit carrier or tariff agent. In the hearing the burden of proof is upon the permit carrier
 30.6 or tariff agent whose schedules of rates and charges are under investigation to show that
 30.7 the schedules are not below a minimum reasonable level or are not noncompensatory.
 30.8 ~~Schedules of rates and charges for the transportation of livestock are not subject to~~
 30.9 ~~rejection, suspension, postponement, or investigation by the commissioner except as~~
 30.10 ~~provided in subdivisions 2 and 3.~~

30.11 Sec. 46. Minnesota Statutes 2008, section 221.171, is amended to read:

30.12 **221.171 COMPENSATION OF ~~PERMIT~~ HOUSEHOLD GOODS CARRIER**
 30.13 **FIXED.**

30.14 Subdivision 1. **Compensation fixed by schedule on file.** No permit household
 30.15 goods carrier shall charge or receive a greater, lesser, or different compensation for the
 30.16 transportation of persons or property or for related service, than the rates and charges
 30.17 named in the carrier's schedule on file and in effect with the commissioner including any
 30.18 rate fixed by the commissioner under section 221.161; nor shall a permit household goods
 30.19 carrier refund or remit in any manner or by any device, directly or indirectly, the rates and
 30.20 charges required to be collected by the carrier under the carrier's schedules or under the
 30.21 rates, if any, fixed by the commissioner.

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

30.26 (b) A person engaged in the transportation of household goods at the request of a
 30.27 nonprofit charitable organization that qualifies for tax exemption under section 501(c)(3)
 30.28 of the Internal Revenue Code is exempt from subdivision 1 when the transportation
 30.29 is in furtherance of the organization's charitable purpose. A person engaged in the
 30.30 transportation of household goods for a charitable organization may conduct the
 30.31 transportation ~~without restriction to the geographic area the carrier is authorized to serve~~
 30.32 ~~under section 221.121~~ statewide.

30.33 Sec. 47. Minnesota Statutes 2008, section 221.172, subdivision 3, is amended to read:

31.1 Subd. 3. ~~Class I, class H, or temperature-controlled commodities carrier;~~
 31.2 **Household goods mover.** (a) A ~~class I carrier, class H carrier,~~ household goods mover;
 31.3 ~~and a holder of a temperature-controlled commodities permit~~ shall keep a record of
 31.4 each shipment transported under a ~~certificate or~~ permit. A record may consist of one or
 31.5 more documents, including a bill of lading, freight bill, manifest, delivery receipt, or
 31.6 other document. If it consists of more than one document, the documents constituting a
 31.7 shipment record must be available for inspection together.

31.8 (b) A record must show the:

31.9 (1) names of the consignor and consignee;

31.10 (2) date of shipment;

31.11 (3) origin and destination points;

31.12 (4) ~~number of packages, if applicable to the rating of the freight or if the carrier's~~
 31.13 ~~operating authority includes a package or article restriction, unless the shipment is~~
 31.14 ~~transported by a household goods mover;~~

31.15 ~~(5)~~ description of the freight;

31.16 ~~(6)~~ (5) weight, volume, or measurement of the freight, if applicable to the rating of
 31.17 the freight ~~or if the carrier's operating authority includes a weight restriction;~~

31.18 ~~(7)~~ (6) exact rate or rates assessed;

31.19 ~~(8)~~ (7) total charges due, including the nature and amount of any charges for special
 31.20 service; and

31.21 ~~(9)~~ (8) the name of each carrier participating in the transportation; and,

31.22 ~~(10)~~ after January 1, 1994, any terminals through which the shipment moved.

31.23 Sec. 48. Minnesota Statutes 2008, section 221.185, subdivision 2, is amended to read:

31.24 Subd. 2. **Notice of suspension.** (a) Failure to file and maintain insurance, renew
 31.25 permits under section 221.131, or to pay annual vehicle registration fees ~~or renew~~
 31.26 ~~permits under section 221.131 or 221.296, or to maintain in good standing a protective~~
 31.27 ~~agent's or private detective's license required under section 221.121, subdivision 6g, or~~
 31.28 ~~221.153, subdivision 3;~~ suspends a motor carrier's permit or certificate two days after the
 31.29 commissioner sends notice of the suspension by certified mail, return receipt requested, to
 31.30 the last known address of the motor carrier.

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

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

32.1 (2) request a hearing before the commissioner regarding the failure to comply
32.2 with the law.

32.3 Sec. 49. Minnesota Statutes 2008, section 221.185, subdivision 4, is amended to read:

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

32.11 Sec. 50. Minnesota Statutes 2008, section 221.185, subdivision 5a, is amended to read:

32.12 Subd. 5a. **Reinstatement after cancellation.** A motor carrier whose permit or
32.13 certificate is canceled for failure to comply with ~~sections~~ section 221.141 and 221.296
32.14 relating to bonds and insurance may ask the commissioner to review the cancellation.
32.15 Upon review, the commissioner shall rescind the cancellation if (1) the motor carrier
32.16 presents evidence showing that before the effective date of the notice of cancellation
32.17 issued under subdivision 5, the motor carrier had obtained and paid for the insurance
32.18 required by ~~sections~~ section 221.141 and 221.296, and the rules of the commissioner, and
32.19 (2) the commissioner is satisfied that the motor carrier has complied with the requirements
32.20 of ~~sections~~ section 221.141 and 221.296 and the rules of the commissioner.

32.21 Sec. 51. Minnesota Statutes 2008, section 221.185, subdivision 9, is amended to read:

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

32.25 Sec. 52. Minnesota Statutes 2008, section 221.605, subdivision 1, is amended to read:

32.26 Subdivision 1. **Federal regulations and state rules.** (a) Interstate carriers and
32.27 private carriers engaged in interstate commerce shall comply with the federal motor carrier
32.28 regulations in Code of Federal Regulations, title 49, parts 40, 382, 383, 387, and 390
32.29 through 398, which are incorporated by reference, and with the rules of the commissioner
32.30 concerning inspections, vehicle and driver out-of-service restrictions and requirements,
32.31 and vehicle, driver, and equipment checklists. For purposes of regulating commercial
32.32 motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in

33.1 Code of Federal Regulations, title 49, section 396.11, paragraph (d), applies in Minnesota
33.2 only to driveaway-towaway operations.

33.3 (b) An interstate carrier or private carrier engaged in interstate commerce who
33.4 complies with federal regulations governing testing for controlled substances and alcohol
33.5 is exempt from the requirements of sections 181.950 to 181.957 unless the carrier's drug
33.6 testing program provides for testing for controlled substances in addition to those listed in
33.7 Code of Federal Regulations, title 49, section 40.85. Persons subject to this section may
33.8 test for drugs, in addition to those listed in Code of Federal Regulations, title 49, section
33.9 40.85, only in accordance with sections 181.950 to 181.957 and rules adopted under
33.10 those sections.

33.11 Sec. 53. Minnesota Statutes 2008, section 221.68, is amended to read:

33.12 **221.68 REGISTRATION VIOLATIONS; PENALTIES.**

33.13 Any person who violates or procures, aids, or abets violation of, or fails to comply
33.14 with, the provisions of ~~Laws 1985, chapter 299, sections 27 to 29~~ section 221.60, 221.65,
33.15 or 221.67 or any valid order or rule of the commissioner issued hereunder ~~shall be~~ is guilty
33.16 of a misdemeanor; and, additionally, ~~shall be~~ is subject to a penalty of \$50 for each and
33.17 every day of such failure to so comply, to be recovered for the state in a civil action. Each
33.18 distinct violation ~~shall be~~ is a separate offense.

33.19 Sec. 54. Minnesota Statutes 2008, section 221.81, subdivision 3d, is amended to read:

33.20 Subd. 3d. **Identification.** ~~(a)~~ A building mover is required to comply with section
33.21 221.031, subdivision 6. The mover's name and address USDOT number must be displayed
33.22 on the power unit of a vehicle used to move buildings and on buildings being moved.

33.23 ~~(b) Vehicles and buildings must show the name or "doing business as" name of~~
33.24 ~~the license holder operating the vehicle and the community and abbreviation of the~~
33.25 ~~state in which the license holder maintains its principal office or in which the vehicle is~~
33.26 ~~customarily based. If the building mover operates a leased vehicle, it may show its name~~
33.27 ~~and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If~~
33.28 ~~the name of a person other than the building mover appears on the vehicle, the words~~
33.29 ~~"operated by" must immediately precede the name of the building mover.~~

33.30 ~~(c) The name and address must be in letters that contrast sharply in color with the~~
33.31 ~~background, be readily legible during daylight hours from a distance of 50 feet while the~~
33.32 ~~vehicle or building is stationary, and be maintained in a manner that retains the legibility~~
33.33 ~~of the markings. The name and address may be shown by use of a removable device if that~~
33.34 ~~device meets the identification and legibility requirements of this subdivision.~~

34.1 Sec. 55. **REVISION OF RULES.**

34.2 The commissioner of transportation shall repeal, amend, and adopt revisions to
34.3 rules relating to motor carriers contained in Minnesota Rules, chapters 7800, 7805, 8850,
34.4 8855, and 8920, and may use the expedited process for adopting rules under Minnesota
34.5 Statutes, section 14.389.

34.6 Sec. 56. **REVISOR'S INSTRUCTION.**

34.7 The revisor of statutes shall change the headnote for Minnesota Statutes, section
34.8 221.121, to read "HOUSEHOLD GOODS MOVER PERMIT."

34.9 Sec. 57. **REPEALER.**

34.10 Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions
34.11 1b and 5; 169.832, subdivisions 11 and 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12,
34.12 21, 23, 24, 30, 32, 39, 40, and 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111;
34.13 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, and 6f; 221.131, subdivision 2a; 221.141,
34.14 subdivision 6; 221.151, subdivisions 2 and 3; 221.153; 221.172, subdivisions 4, 5, 6, 7,
34.15 and 8; and 221.296, subdivisions 3, 4, 5, 6, 7, and 8, are repealed.

34.16 Sec. 58. **EFFECTIVE DATE.**

34.17 Sections 2, 32, and 54 are effective August 1, 2011.

169.67 BRAKES.

Subd. 6. **Implement of husbandry.** An implement of husbandry that (1) is not self-propelled, (2) has a manufacturer's recommended capacity of more than 24,000 pounds, and (3) is manufactured and sold after January 1, 1994, must be equipped with brakes adequate to control the movement of and to stop and hold the towed vehicle.

169.826 GROSS WEIGHT SEASONAL INCREASES.

Subd. 1b. **Nine-ton county roads.** Despite the provisions of subdivision 5 and sections 169.824, subdivision 2, paragraph (a), clause (2), and 169.832, subdivision 11, a vehicle or combination of vehicles with a gross vehicle weight up to 88,000 pounds may be operated on a nine-ton county road, consistent with the increases allowed for vehicles operating on a ten-ton road, during the time when the increases under subdivision 1 are in effect in that zone.

Subd. 5. **Weight limit for undesignated routes.** Notwithstanding any other provision of this section, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

169.832 WEIGHT LIMITATIONS ON DESIGNATED ROUTES.

Subd. 11. **Designation of route.** (a) The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under sections 169.822 to 169.829. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation:

(1) creates an undue hazard to traffic safety; or
(2) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

(b) Notwithstanding any finding under paragraph (a), clause (2), the commissioner shall designate any route which is needed to provide:

(1) a connection between significant centers of population or commerce, or between other designated routes; or
(2) access to a transportation terminal; or
(3) temporary emergency service to a particular shipping or receiving point on the route.

(c) The commissioner may undesignate any route when continued designation is inconsistent with the provisions of this subdivision, subject to the approval of any local authority having jurisdiction over the route.

(d) Any route designation or undesignation shall be effective when adopted. The commissioner may designate or undesignate any route when requested by any local authority having jurisdiction over the route.

Subd. 11a. **Weight-limitation route designation by local government.** Notwithstanding subdivision 11, the governing body of a county, statutory or home rule charter city, or town may designate any street or highway under its jurisdiction that has been designed and built to carry such weights to carry weight permitted under sections 169.822 to 169.829. Designations by the governing body of a county, statutory or home rule charter city, or town under this subdivision are not subject to the approval of the commissioner.

221.012 DEFINITIONS.

Subd. 2. **Armored carrier.** "Armored carrier" is a motor carrier engaged in providing armored carrier service.

Subd. 3. **Armored carrier service.** "Armored carrier service" means transportation of property in armored vehicles protected by at least one armed person other than the driver.

Subd. 6. **Class I carrier.** "Class I carrier" means a person who has been issued a certificate of registration.

Subd. 7. **Class II carrier.** "Class II carrier" means a person who has been issued a permit under section 221.121, subdivisions 6c to 6e, to operate as a class II carrier. Class II carrier includes persons who have been issued either a class II-T or class II-L permit, or both.

Subd. 11. **Contract carrier.** "Contract carrier" means a person engaged in the business of transporting property for hire over the highways under special contracts of carriage with the shippers or receivers of freight who require a specialized service to meet their needs.

APPENDIX

Repealed Minnesota Statutes: 09-0706

Subd. 12. **Courier services carrier.** (a) "Courier services carrier" means any person who transports packages and articles except household goods by either:

(1) expedited delivery, which means that:

(i) shipments are made by single axle straight truck or smaller vehicle;

(ii) shipments are picked up within one hour of the shipper's initial request for service;

(iii) after shipments are picked up, delivery is made within six hours; and

(iv) there is no cross docking or overnight sorting of shipments; or

(2) overnight small package delivery, which means that:

(i) the transportation originates and ends on the same calendar day or the following business day;

(ii) no package or article of a shipment exceeds 100 pounds per item;

(iii) the aggregate of shipments received by a single consignee from a single consignor on a single calendar day does not exceed 400 pounds;

(iv) a vehicle at the point of delivery does not exceed 15,000 pounds gross vehicle weight;

(v) there may be cross docking or overnight sorting of shipments; and

(vi) operations of the courier services carrier may resemble operations of other types of carriers defined in this section.

(b) Courier service carriers must maintain accurate records of each shipment picked up and delivered, including (1) time of the request for service, (2) time of the pickup, (3) time of delivery, (4) weight of the shipment, and (5) the specific vehicle or vehicles used to transport the shipment.

Subd. 21. **Less-than-truckload freight.** "Less-than-truckload freight" means freight carried by a motor carrier that is not truckload freight.

Subd. 23. **Livestock carrier.** "Livestock carrier" means any person whose primary business is the transportation of livestock.

Subd. 24. **Local cartage carrier.** "Local cartage carrier" means a person engaged in transporting property or freight, other than household goods and petroleum products, for hire when the movement is entirely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by subdivision 17.

Subd. 30. **Permit carrier.** "Permit carrier" means a motor carrier embraced within this chapter other than regular route common carriers of passengers, class I carriers, and petroleum carriers.

Subd. 32. **Petroleum carrier.** "Petroleum carrier" means any person engaged in the business of transporting for hire over the public highways petroleum products in bulk in quantities in excess of 2,000 gallons per load but it shall not include the transportation of such products between points or places wholly within a city, or wholly within a single group of contiguous cities.

Subd. 39. **Temperature-controlled commodity.** "Temperature-controlled commodity" means a commodity requiring protection from heat or cold that is transported with or without other commodities, provided that all such commodities move in mechanically temperature-controlled vehicles.

Subd. 40. **Terminal.** "Terminal" means (1) a facility that a motor carrier owns, leases, or otherwise controls, and uses to load, unload, dispense, receive, interchange, gather, or otherwise physically handle freight for shipment, or (2) any other location at which freight is exchanged by motor carriers between vehicles. "Terminal" does not mean a public warehouse with a storage capacity of at least 5,000 square feet that was licensed under chapter 231 on or before March 1, 1992.

Subd. 41. **Truckload freight.** "Truckload freight" means freight collected by a motor carrier (1) from one consignor at a single place and delivered directly to one or more consignees, or (2) from one or more consignors and delivered directly to one consignee at a single place.

221.031 INTRASTATE CARRIER; OPERATING REQUIREMENTS, EXEMPTIONS.

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

221.072 CLASS I CARRIER.

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Subdivision 1. **Authority.** The board may issue a class I certificate only to a motor carrier who owns, leases, or otherwise controls more than one terminal. Except as provided in subdivision 2, a motor carrier may not own, operate, or otherwise control more than one terminal without having obtained a class I certificate from the board. For purposes of this section, utilization of a local cartage carrier by a class I carrier constitutes ownership, lease, or control of a terminal.

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

Subd. 3. **Operation.** A class I certificate authorizes the certificate holder to transport both truckload and less-than-truckload freight to and from points named in the certificate, over routes described in the certificate. A holder of a class I certificate may transfer freight to and from another class I carrier.

221.101 ADDITIONAL AUTHORITY TO PETROLEUM CARRIER.

In addition to the specific authority granted to petroleum carriers, every petroleum carrier holding a certificate as such may transport petroleum products from an origin point the carrier is not authorized to serve when the needs of the shippers the carrier serves because of seasonal failure of supplies require service from such origin point, upon securing permission from the commissioner, provided that this provision shall not include the right to enlarge the carrier's destination area.

221.111 PERMIT TO OTHER MOTOR CARRIER.

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

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

221.121 PERMIT: APPROVAL PROCESS; OPERATING AUTHORITY; FEE.

Subd. 2. **Temporary permit.** The commissioner may grant a temporary permit, ex parte, valid for a period not exceeding 180 days, upon a showing that there is an immediate and urgent need for the proposed service, pending prompt action by the permit holder to follow regular procedure in securing the permit, and that immediate and urgent authority from the commissioner is in the public interest. A copy of the order granting the temporary permit, ex parte, must be mailed immediately to interested parties.

Subd. 3. **Cooperative association.** The commissioner may issue a permit as a contract carrier to cooperative associations whose memberships are limited to bona fide farmers' cooperative associations, that transport and do business only with and for the associations, and who transport merely as an incident to other business. The commissioner may not limit the number of hauling contracts of a cooperative association.

Subd. 5. **Livestock carrier.** A person desiring to operate as a livestock carrier shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require.

The commissioner shall issue the permit upon compliance with laws and rules relating to the permit unless it finds that petitioner's vehicles do not meet the safety standards prescribed by the commissioner or that petitioner is not fit and able to conduct the proposed operations. A permit issued under Laws 1983, chapter 371, must be renewed upon compliance with the provisions of Laws 1959, chapter 376, and the rules of the commissioner. A livestock carrier, on the return trip after hauling livestock and delivering the livestock, may transport other commodities or property to the carrier's headquarters area. The livestock carrier may transport supplies and equipment used in farm work from the carrier's headquarters area to any point in the state or from any point in the state to the headquarters area.

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Subd. 6. **Courier services carrier.** A person desiring to operate as a courier services carrier shall follow the procedure established in subdivision 1 and shall be granted a permit as a courier services carrier if the person meets the criteria established in subdivision 1. The commissioner shall not deny a permit for a courier services carrier on the grounds that operations performed by the applicant resemble operations of other types of carriers defined in section 221.012.

Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate as a carrier of household goods shall file an application with the commissioner on a form the commissioner prescribes. Notwithstanding this or any other section or rule to the contrary, the commissioner must not provide public notice or hearing when reviewing the application or before granting the requested operating authority. 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 section or rule to the contrary, the holder of a household goods permit may operate statewide.

Subd. 6c. **Class II carrier.** (a) A person desiring to operate as a permit carrier, other than as a carrier listed in section 221.111, clauses (3) to (9), shall follow the procedure established in subdivision 1 and shall specify in the petition whether the person is seeking a class II-T or class II-L permit. If the person meets the criteria established in subdivision 1, the board shall grant the class II-T or class II-L permit or both. A class II permit holder may not own, lease, or otherwise control more than one terminal. The board may not issue a class II permit to a motor carrier who owns, leases, or otherwise controls more than one terminal.

(b) For purposes of this section: (1) utilization of a local cartage carrier by a class II carrier constitutes ownership, lease, or control of a terminal; and (2) "terminal" does not include (i) a terminal used exclusively for handling bulk commodities, and (ii) a terminal used by a permit holder who also holds a class I certificate, household goods permit, or temperature-controlled commodities permit for the unloading, docking, handling, and storage of freight transported under the certificate, household goods permit, or temperature-controlled commodities permit.

Subd. 6d. **Temperature-controlled commodities carrier.** A person who desires to hold out or to operate as a carrier of temperature-controlled commodities shall follow the procedure established in subdivision 1 and shall specifically request a temperature-controlled commodities permit. The permit granted by the board to a person who meets the criteria established in subdivision 1 shall authorize the person to hold out and to operate as a carrier of temperature-controlled commodities.

Subd. 6e. **Class II-T permit.** A holder of a class II-T permit may transport truckload freight to and from any point named in the permit without restriction as to routes, schedules, or frequency of service.

Subd. 6f. **Class II-L permit.** (a) A motor carrier with a class II-L permit may transport less-than-truckload freight as provided in this subdivision.

(b) A motor carrier with a class II-L permit may transport less-than-truckload freight to and from any point named in the permit, without restriction as to routes, schedules, or frequency of service.

(c) A motor carrier with a class II-L permit may transport less-than-truckload freight to and from points within the geographic area the carrier was authorized to serve on December 31, 1992, that were not listed in the carrier's permit. Service by a carrier under this paragraph may be provided no more often than on 24 days in a 12-month period.

(d) A motor carrier described in paragraph (c) may amend the carrier's permit to add points within the geographic area the carrier was authorized to serve on December 31, 1992. The carrier must submit to the commissioner an application on a form provided by the commissioner; the application must name the points proposed to be served and include evidence of need for the proposed service. Evidence of need may consist of a letter from a consignor attesting to need for the proposed service and intent to use the proposed service. The commissioner shall transmit the application to the board. The board shall publish notice of an approved application in the board's weekly calendar. Failure by the board to deny the application within ten days after receipt of the application from the commissioner constitutes approval of the application.

221.131 CARRIER VEHICLE REGISTRATION; FEES, IDENTIFICATION CARD.

Subd. 2a. **Vehicle identification.** The permit holder must be identified on the power unit of each registered vehicle operated under the permit. Vehicles must show the name or the "doing business as" name of the permit holder operating the vehicle and the community and abbreviation of the state in which the permit holder maintains its principal office or in which the vehicle is customarily based. If the permit holder operates a leased vehicle, it may show its name and the

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name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

221.141 INSURANCE OR BOND.

Subd. 6. **Armored carrier.** An armored carrier must maintain in effect cargo insurance, cargo bond, or moneys and securities insurance coverage in a minimum amount of \$300,000 per incident and must file, or its insurer must file, with the commissioner a cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage. A cargo certificate of insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance, described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform to Form J described in Code of Federal Regulations, title 49, part 1023. A certificate of moneys and securities coverage must conform to either Form H or Form J with such variances as the commissioner may allow to accommodate industry practice. Form H and Form J are incorporated by reference. The cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage must be issued in the full and correct name of the person, corporation, or partnership to whom the armored carrier permit was issued and whose operations are being insured.

221.151 PERMIT ASSIGNABLE OR TRANSFERABLE.

Subd. 2. **Ex parte transfer.** (a) The commissioner shall allow a bona fide transfer of a permit, except a livestock carrier permit, ex parte without hearing if the transferee of the permit is in fact a member or members of the transferor's immediate family. For the purpose of this subdivision immediate family consists only of the lawful spouse, adult child or children, brother, or sister of the transferor. Provided further that the immediate family as defined in this subdivision does not include a person under legal disability or a member of the family regardless of relationship who holds any other permit or certificate under this chapter either as an individual or in partnership or as owner of an interest in a corporation holding a permit or a certificate under this chapter.

(b) Provided further that the transfer under this subdivision must include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or immediate family members;

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this subdivision.

(c) Provided further that the transfer of a permit under this subdivision must comply with the standards set forth in this section based upon the contents of the petition of petitioners, pertinent information available to the commissioner, and their records and files. No determination of the extent of the operating authority previously exercised is required.

(d) If it appears to the commissioner that the petition and exhibits do not reasonably comply with the standards set forth in this section, then after notice to interested parties and the petitioners, the commissioner shall assign the matter for hearing to determine compliance with this section. A user of the service, competing carrier, or interested party shall have the right to file a protest on the transfer as provided in this subdivision by filing a sworn statement with the commissioner within six months from the date of the transfer, whereupon the commissioner shall assign the matter for hearing and the continuance of the permit may only be upon the transferee's compliance with the standards and procedures otherwise imposed by this section.

Subd. 3. **Transfer of certain authority.** Operating authority described in section 221.121, subdivision 6f, paragraph (c), that has not been added to the motor carrier's permit under section 221.121, subdivision 6f, paragraph (d), may not be transferred to any person except a member of the transferor's immediate family as defined in subdivision 2.

221.153 ARMORED CARRIER; CONVERSION OF OPERATING AUTHORITY.

Subdivision 1. **Expiration of operating authority.** All operating authority under certificates or permits granted by the board that authorizes armored carrier service expires on March 1, 1994. After February 28, 1994, no person may provide armored carrier service unless the person holds a valid armored carrier permit issued by the board. This subdivision does not require the expiration of any operating authority other than authority for armored carrier service.

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This subdivision does not limit the right of carriers to transport items of exceptional value in nonarmored vehicles that are not protected by at least one armed person exclusive of the driver.

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

221.172 SHIPPING DOCUMENT.

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

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

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

(b) A record must show the:

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

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

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

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

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

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

(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 freight;
- (5) weight, volume, or measurement of the freight, if applicable to the rating of the freight or if the contract carrier's operating authority includes a weight restriction;
- (6) exact rate or rates assessed; and
- (7) total charges due, including the nature and amount of any charges for special service.

Subd. 8. **Local cartage carrier.** (a) A local cartage carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together.

(b) A record must show the:

- (1) date of shipment;
- (2) origin and destination points; and

(3) terminal through which the shipment moved, if any.

221.296 LOCAL CARTAGE CARRIER.

Subd. 3. **Permit required.** No person shall operate a local cartage carrier without a permit in full force and effect with respect to the operation. The commissioner may revoke or suspend the permit of a local cartage carrier after notice and hearing for violating a provision of this section or a rule of the commissioner governing local cartage carriers. The commissioner may by order suspend or cancel the permit under section 221.185.

Subd. 4. **Petition for permit.** A person desiring to operate as a local cartage carrier shall file a petition with the commissioner specifying the service offered, the name and address of the petitioner, the names and addresses of the officers, if a corporation, and other information as the commissioner may require. The commissioner, after notice to interested parties and a hearing, shall issue the permit upon compliance with laws and rules relating to it unless it finds that the area to be served has a sufficient number of local cartage carriers to fully and adequately meet the needs of the area, that the petitioners' vehicles do not meet the safety standards adopted by rule by the commissioner, or that petitioner is not fit and able to conduct the proposed operations. 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 rules of the commissioner governing local cartage carriers.

Subd. 5. **Permit fees.** Upon filing a petition for a permit the petitioner shall pay to the commissioner as a fee for the issuance of the permit, the sum of \$150, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which must be painted or prominently displayed on both sides of vehicles used by the local cartage carrier under authority of the permit.

The commissioner shall issue a distinguishing annual identification card for each vehicle or power unit for which a permit has been issued. The identification card must 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 permit holder and payment of a transfer fee of \$10. An identification card issued under this section is effective only for the period for which the permit is effective.

Subd. 6. **Bond.** Local cartage carriers shall comply with the requirements of section 221.141.

Subd. 7. **Limitations.** Nothing in this section shall be construed in any manner as taking from or curtailing the right of any city to reasonably regulate or control the routing, parking, speed or the safety of operation of any motor vehicle operated by local cartage carriers, nor the general police powers of any city of its highways, nor as abrogating any provision of the charter of any city requiring conditions to be complied with before such local cartage carrier can use the highways of such city, and such rights and powers hereby stated are reserved and granted to such city; but no city shall prohibit or deny the use of the public highways within its territorial boundaries by any local cartage carrier for the transportation of property received within its boundaries to destinations beyond such boundaries, or for the transportation of property from points beyond such boundaries to destinations within the same, or for transporting property from points beyond such boundaries through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a permit issued by the department pursuant to an order of the commission.

Subd. 8. **Permit transferable.** (a) Permits, issued under the provisions of this section may be transferred but only upon the order of the commissioner approving same after notice and hearing.

(b) The proposed seller and buyer of a permit, shall file a joint verified petition with the commissioner setting forth the legal name and address of the parties, the permit number and the description of the authority which the parties seek to sell, a verified statement of the reasons for the proposed sale, a verified statement of all outstanding claims of creditors which are attributable to the business conducted under said permit, a copy of the contract of sale and financial statement with balance sheet and income statement, if existent, of the buyer and the seller.

(c) After notice to interested parties and a hearing the commissioner shall not make an order approving and allowing the sale unless the commissioner finds that the buyer is fit and able to conduct the business authorized under said permit, that the vehicles the buyer proposes to use in conducting such business meet the safety standards of the commissioner, that the price paid for

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the purchase of the permit is not disproportionate to the reasonable value of the permit considering all assets and goodwill sold, that the proposed sale is in the best interest of the shipping public, and that the seller has legally engaged in the transportation of property or freight for hire on a meaningful basis as determined by the commissioner within the two-year period immediately preceding the sale as proven by accurate and complete bills of lading, company records, operation records, or other relevant evidence. For purposes of determining said two-year period, any divesting of interest or control shall be deemed the date of the sale and the commissioner shall look to the substance of the transaction rather than the form. Any agreement for the transfer or sale of a permit shall be reported and filed with the commissioner within 30 days of such agreement.

(d) If any authority to operate as a local cartage carrier, is held by a corporation, any sale, assignment, pledge or other transfer of such stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of said corporation, as exercised through its stockholders, shall be reported in the manner prescribed by the rules of the commissioner within 30 days after said sale, assignment, pledge or other transfer of stock. The commissioner shall then make a finding whether or not said stock transfer does, in fact, constitute a sale, or other transfer of the permit of said corporation to a new party or parties and, if they so find, then the continuance of the permit issued to said corporation shall only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

(e) The commissioner shall allow a bona fide transfer of a permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this paragraph immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. A transfer pursuant to this paragraph shall include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or immediate family members;

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this paragraph.