

the pleasure of the chief judge of the district under the terms and conditions of their appointment. The offices in existence on August 15, 1980, in the fourth judicial district may continue at the pleasure of the chief judge of the district. Any vacancy arising prior to June 1, 1984, in the described offices in the fourth judicial district may be filled by the chief judge of the district only upon his determination that available judicial personnel are unable to meet the demands of the caseload. The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, juvenile or special term court. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.

Sec. 6. **REPEALER.**

Minnesota Statutes 1982, section 484.701, is repealed.

Approved June 14, 1983

CHAPTER 371 — S.F.No. 1009

An act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; assigning duties, functions, and powers to the public utilities commission until the transportation regulation board is established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1982, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.** On all trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on all truck-tractor and semitrailer combinations except those defined as farm combinations and urban combinations and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota 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
A 0 - 1,500	\$ 15
B 1,501 - 3,000	20
C 3,001 - 4,500	25
D 4,501 - 6,000	35
E 6,001 - 9,000	45
F 9,001 - 12,000	70
G 12,001 - 15,000	105
H 15,001 - 18,000	145
I 18,001 - 21,000	190
J 21,001 - 27,000	270
K 27,001 - 33,000	360
L 33,001 - 39,000	470
M 39,001 - 45,000	590
N 45,001 - 51,000	710
O 51,001 - 57,000	860
P 57,001 - 63,000	1010
Q 63,001 - 69,000	1180
R 69,001 - 73,280	1320
S 73,281 - 78,000	1520
T 78,001 - 81,000	1620

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to provisions of subdivision 12.

All Truck-tractors except those herein defined as farm and urban truck-tractors and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of such the truck-tractor and any semitrailer or semitrailers which the applicant proposes to

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combine with the truck-tractor. In addition, to the gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one-year period or \$50 for a five-year period whichever the applicant elects.

Commercial zone trucks include only all trucks and all truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued pursuant to under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within the an area defined in section 221.296, subdivision 1 composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered pursuant to under section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority pursuant to under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to 49 U.S.C. 10526(b) United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. Any A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to reregister the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

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On all trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On all trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be:

(a) for the registration year 1982, 83 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 89 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 95 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 2. Minnesota Statutes 1982, section 174.22, subdivision 2, is amended to read:

Subd. 2. "Commuter van" ~~has the meaning given it in section 221.011, subdivision 2, clause (4)~~ means a motor vehicle used in a ridesharing arrangement and used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority:

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

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

Sec. 3. Minnesota Statutes 1982, section 221.011, subdivision 3, is amended to read:

Subd. 3. "Motor vehicle" means any a self-propelled vehicle used upon the highways for the transportation of persons or property ~~for hire~~.

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Sec. 4. Minnesota Statutes 1982, section 221.011, subdivision 9, is amended to read:

Subd. 9. "Regular route common carrier" means any a person who holds himself out to the public as willing to ~~undertake~~, for hire, to transport passengers or property by motor vehicle between fixed termini over a regular route upon the public highways ~~passengers or property~~ but does not include persons while engaged exclusively in the transportation of children to or from school; or persons while engaged exclusively in farming or in transporting agricultural, horticultural, dairy or farm products from farms to primary markets; or persons while engaged in transporting freight within any city or between contiguous cities when the transportation is not under a common control, management or arrangement for a continuous carriage or shipment, to or from a point without the city; or any person engaged in operating taxicabs or operating hotel buses from a depot or airport to a hotel; or any bona fide cooperative association whose membership is limited to bona fide farmers' cooperative associations and who performs transportation and does business only with and for the associations, which business includes substantially other business than merely transportation; or any person holding a courier services carrier permit.

Sec. 5. Minnesota Statutes 1982, section 221.011, subdivision 11, is amended to read:

Subd. 11. "Irregular route common carrier" means any a person who holds himself out to the public as willing to ~~undertake~~ to transport property from place to place over highways for hire but who does not operate between fixed termini or over a regular route or on regular time schedules. Irregular route common carrier does not include taxis and limousine services transporting passengers and their luggage.

Sec. 6. Minnesota Statutes 1982, section 221.011, subdivision 12, is amended to read:

Subd. 12. "Contract carrier" means any 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, or a carrier who limits his hauling for the account of not more than ten customers.

Sec. 7. Minnesota Statutes 1982, section 221.011, subdivision 14, is amended to read:

Subd. 14. "Permit carrier" means every a motor carrier embraced within the provisions of this chapter other than regular route common carriers and petroleum carriers except as otherwise provided herein.

Sec. 8. Minnesota Statutes 1982, section 221.011, subdivision 15, is amended to read:

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Subd. 15. "Motor carriers carrier" includes all carriers means a carrier operating for hire under the authority of sections 221.011 to 221.296 and 221.61 to 221.68 chapter 221 and subject to the rules ~~or~~ and orders of the commissioner ~~or~~ and the board.

Sec. 9. Minnesota Statutes 1982, section 221.011, subdivision 16, is amended to read:

Subd. 16. "For hire" means for remuneration or compensation of any kind promised, paid, or given to or received by a person for the transportation of persons or property on the highways, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, when the purchase or sale of the property is not a bona fide purchase or sale. The transportation of property by a person who purchases it immediately before transporting it, and sells it immediately after transporting it, is transportation for hire. The lease or rental of a motor vehicle to a person for transportation of the person's property which directly or indirectly includes the lessor's services as a driver is transportation for hire and not private carriage. "For hire" does not include motor vehicle operations conducted merely as an incident to or in furtherance of a business activity other than transportation.

Sec. 10. Minnesota Statutes 1982, section 221.011, subdivision 19, is amended to read:

Subd. 19. "Service of notice and orders" means depositing the same notice and orders in the United States mails properly enveloped, addressed, and stamped, provided that service of ~~any~~ a notice or order requiring an affirmative or negative action by ~~any~~ a person must be by ~~registered~~ certified United States mail with return receipt.

Sec. 11. Minnesota Statutes 1982, section 221.011, subdivision 21, is amended to read:

Subd. 21. "Charter carrier" means a person who engages in the business of transporting the public by motor buses under charter. The term "charter carrier" shall ~~not be construed to~~ does not include taxicabs ~~or school bus operators when engaged in transportation involving any school activity or regular route common carriers or of passengers.~~

Sec. 12. Minnesota Statutes 1982, section 221.011, subdivision 24, is amended to read:

Subd. 24. "Livestock carrier" means any person whose primary business is the transportation of livestock and who, in so doing on his return trip may transport other commodities or property to his headquarters area, and who also may transport supplies and equipment used in farm work from his headquarters

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area to any point in the state or from any point in the state to his headquarters area.

Sec. 13. Minnesota Statutes 1982, section 221.011, is amended by adding a subdivision to read:

Subd. 26. "Private carrier" means a person engaged in the transportation of property or passengers by motor vehicle when:

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

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

"Private carrier" does not include a person while engaged in transportation described in section 20.

Sec. 14. Minnesota Statutes 1982, section 221.011, is amended by adding a subdivision to read:

Subd. 27. "Commuter van" means a motor vehicle used in a ridesharing arrangement and used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority:

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

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

Sec. 15. Minnesota Statutes 1982, section 221.011, is amended by adding a subdivision to read:

Subd. 28. "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.

Sec. 16. Minnesota Statutes 1982, section 221.011, is amended by adding a subdivision to read:

Subd. 29. "Hazardous material" means a substance or material determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and so designated by the United States secretary of transportation.

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Sec. 17. Minnesota Statutes 1982, section 221.011, is amended by adding a subdivision to read:

Subd. 30. "Hazardous substance" has the meaning given it in Code of Federal Regulations, title 49, section 171.8.

Sec. 18. Minnesota Statutes 1982, section 221.011, is amended by adding a subdivision to read:

Subd. 31. "Hazardous waste" has the meaning given it in Code of Federal Regulations, title 49, section 171.8.

Sec. 19. Minnesota Statutes 1982, section 221.021, is amended to read:
221.021 **OPERATION CERTIFICATE OR PERMIT REQUIRED.**

No person shall operate as a motor carrier without a certificate or permit in full force and effect with respect to such operation. ~~Any~~ A certificate or permit may be suspended or revoked upon conviction of violating ~~any~~ a provision of sections 221.011 to 221.296 or ~~any~~ an order, rule, or regulation of the commissioner or board governing the operation of motor carriers, and upon a finding by the court that the violation was wilful. The board may, for good cause, after a hearing, suspend or revoke ~~any~~ a permit for a violation of ~~the~~ a provision of ~~the sections noted herein~~ sections 221.011 to 221.296 or ~~any~~ an order, rule, or regulation of the commissioner or board issued pursuant to the provisions of ~~under~~ this chapter.

Sec. 20. **[221.025] EXEMPTIONS.**

Except as provided in section 221.031 and section 22, the provisions of this chapter do not apply to the transportation described below:

- (a) the transportation of children to or from school;
- (b) the transportation of rubbish as defined in section 443.27;
- (c) a commuter van as defined in section 14;
- (d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks when picking up and transporting disabled or wrecked motor vehicles and when carrying proper and legal warning devices;
- (e) the transportation of grain samples under conditions prescribed by the board;
- (f) the delivery of agricultural lime;
- (g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

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(h) a person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) a person while engaged exclusively in transporting fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) a person engaged in transporting property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) a person engaged in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office. The carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm. The owner of a truck operating under this provision shall imprint the owner's name and address in prominent visible letters on the outside of the cab of the truck.

Sec. 21. Minnesota Statutes 1982, section 221.031, is amended to read:

221.031 RULES FOR OPERATION OF MOTOR CARRIERS.

Subdivision 1. **POWERS, DUTIES, REPORTS, LIMITATIONS.** The commissioner shall prescribe rules and regulations for the operation of all motor carriers, including their facilities, accounts, equipment leases, service, safety of operations and equipment, maximum hours of service of drivers, identification of vehicles, installation of safety devices and proper automatic speed regulators if, in the opinion of the commissioner, there is a necessity need for the rules and regulations. The commissioner shall direct the repair and reconstruction or replacement of any an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in any a city in this state or at any a point on the

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highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property. The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in all matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter. A motor carrier having gross revenues from all for-hire transportation in ~~any~~ a calendar year of less than \$50,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if ~~in lieu~~ instead of filing the report the motor carrier files an affidavit, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues ~~have did~~ not ~~exceeded~~ exceed \$50,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, ~~shall do~~ not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6. The commissioner shall make no rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity, which ~~powers~~ are powers granted to the board. The board may extend the termini of ~~any~~ a route or alter or change the route of ~~any~~ a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Subd. 2. **PRIVATE CARRIERS.** Private carriers operating vehicles licensed and registered for a gross weight of more than 10,000 pounds, shall comply with rules adopted under section 221.031 applying to driver qualifications, maximum hours of service of drivers, and safety of operations and equipment.

Subd. 2a. **PRIVATE AGRICULTURAL CARRIERS.** Notwithstanding the provisions of subdivision 2, private carriers operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the commissioner's rules for safety of operations and equipment.

Subd. 3. **VEHICLES OVER 10,000 POUNDS NOT EXEMPT.** Vehicles providing transportation described in section 20 which are registered and licensed for a gross weight in excess of 10,000 pounds, must comply with the rules of the commissioner for safety of operations and equipment.

Subd. 4. **CERTAIN VEHICLES EXEMPT.** Subdivision 3 does not apply to school buses defined in section 169.01, subdivision 6, farm trucks described in section 168.011, subdivision 17, operated in an area having a 150-mile radius from that person's home post office, implements of husbandry, commuter vans, and authorized emergency vehicles.

Subd. 5. **DEPARTMENT INVESTIGATES.** The department shall investigate the operation of all motor carriers subject to the rules of the commis-

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sioner under this section, their compliance with all rules of the department and board and with the provisions of chapter 221, and may institute and prosecute all actions and proceedings in the proper district court for enforcement of those rules.

Subd. 6. VEHICLE IDENTIFICATION RULE. Vehicles providing transportation described in section 20, (b), (f), and (g) to (m) must comply with the vehicle identification rule of the commissioner.

Sec. 22. [221.033] REGULATION OF HAZARDOUS MATERIALS.

No person may transport or have transported or shipped within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 1801 to 1811 and the provisions of Code of Federal Regulations, title 49, sections 171 to 199.

Sec. 23. Minnesota Statutes 1982, section 221.041, is amended to read:

221.041 RATE-MAKING POWERS.

Subdivision 1. CONSIDERATIONS; PROCEDURES. The board shall fix and establish just, reasonable, and nondiscriminatory rates, fares, charges, and the rules and classifications incident to tariffs for all regular route common carriers and petroleum carriers. In prescribing such rates, fares, charges, classifications, and rules for the carrying of freight, persons, or property, the board shall take into consideration the effect of the proposed rates or fares upon the users of the service and upon competitive carriers by motor vehicle and rail and, insofar as possible, avoid rates and fares which will result in unreasonable and destructive competition. In making its determination, the board shall consider, among other things, the cost of the service rendered by the carrier, including an adequate sum for maintenance and depreciation, and an adequate operating ratio under honest, economical, and efficient management. No such rate or fares shall may be put into effect or changed or altered except upon hearing duly had and an order therefor by the board, or except as herein otherwise provided. The board may authorize such the changes ex parte which, in its opinion, are not of sufficient import to require a hearing. In any an emergency, the board may order a change in existing rates or fares without a hearing. In instances of such ex parte or emergency orders, the board shall, within five (5) days, serve a copy of its order granting such the change in rates upon all parties which the board deems interested in the matter, including all competing carriers. Any An interested party shall have 30 days from the date of the issuance of the order to object to the order. If objection is made, the matter shall must be set down for hearing with notice to competing carriers.

Subd. 2. FILING. A regular route common carrier and a petroleum carrier, upon approval by the board of its rates, fares, charges, and rules and classifications incident to tariffs shall file its rates, fares, charges, and tariffs with the commissioner. Filings must be prepared and filed in the manner prescribed

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by the commissioner. The commissioner may not accept for filing rates, fares, charges, and tariffs which have not been approved by the board.

Subd. 3. PROHIBITIONS; COMPENSATION AND TIME SCHEDULES. No regular route common carrier or petroleum carrier shall ~~may~~ charge or receive a greater or less or different compensation for the transportation of passengers or property or for ~~any~~ service in connection therewith than the rates, fares, and charges and the rules and classifications governing the same which have been duly approved therefor by order of the board; nor shall ~~any~~ may a regular route common carrier or petroleum carrier refund or remit in any manner or by any device ~~any~~ a portion of ~~such~~ those rates, fares, and charges required to be collected under the ~~commission's~~ board's order; nor extend to ~~any~~ a shipper or person ~~any~~ a privilege or facilities in connection with the transportation of passengers or property except ~~such~~ as are authorized under the order of the ~~commission~~ board. No passenger-carrying regular route common carrier shall may alter or change its time schedules except upon order of the ~~commission~~ board. ~~Such~~ The order may be issued ex parte unless the board shall ~~decide~~ decides that the public interest requires that a hearing be had thereon.

Sec. 24. Minnesota Statutes 1982, section 221.071, is amended to read:

221.071 ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.

Subdivision 1. CONSIDERATIONS; TEMPORARY CERTIFICATES; AMENDING. If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity ~~requires~~ require the granting of the petition or ~~any~~ a part thereof of the petition, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected thereby, to the transportation service being furnished by ~~any~~ a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted ~~such~~ terms and conditions as in its judgment public convenience and necessity may require.

The board may grant a temporary certificate, ex parte, valid for a period not exceeding ~~six months~~ 180 days, upon a showing that no regular route common carrier or petroleum carrier is then authorized to serve on the route sought, that ~~there is~~ no other petition is on file with the board covering ~~said~~ the route, and that ~~there is~~ a need for the proposed service exists.

A certificate which has ~~been~~ issued to a regular route common carrier or petroleum carrier may be amended by the board on ex parte petition and

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payment of a fee of \$25 so as to grant an additional or alternate route where if there is no other means of transportation over such the proposed additional route or between the its termini thereon, and such the proposed additional route does not exceed ten miles in length.

Subd. 2. VEHICLE REGISTRATION. Certificate carriers shall annually register each vehicle as provided in section 221.131, subdivision 3.

Sec. 25. Minnesota Statutes 1982, section 221.111, is amended to read:

221.111 PERMITS TO OTHER MOTOR CARRIERS.

All Motor carriers other than the regular route common carriers and, petroleum carriers, and local cartage carriers, shall obtain a permit in accordance with section 221.121, including irregular route carriers, livestock carriers, contract and carriers, charter carriers, and regular route common carriers and petroleum carriers engaged exclusively in interstate transportation courier service carriers.

Sec. 26. Minnesota Statutes 1982, section 221.121, is amended to read:

221.121 PETITION; HEARING; ISSUANCE; RENEWAL.

Subdivision 1. **PERMIT CARRIERS.** Any A person desiring to operate hereunder as a permit carrier, except as a livestock carrier, or a local cartage carrier shall file a petition with the board 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 such other information as the board may require. The board, after notice to interested parties and a hearing, shall issue the permit upon compliance with all the laws and regulations rules relating thereto to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately such those needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect shall may be denied a renewal thereof of the permit upon compliance with other provisions of sections 221.011 to 221.291. A permit once granted shall continue continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all the applicable provisions of law and the rules of the commissioner or board governing permit carriers. No permit shall may be issued to any a common carrier by rail, whereby said permitting the common carrier will be permitted to operate trucks for hire within this state, nor shall any may a common carrier by rail be permitted to own, lease, operate, control, or have any an interest in any a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through any a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011

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to 221.291 ~~shall prevent~~ prevents the board from issuing a permit to a common carrier by rail, ~~whereby such~~ authorizing the carrier will be given authority to operate trucks wholly within the limits of ~~any a~~ a municipality or within adjacent or contiguous municipalities or a common rate point served by ~~said the~~ the railroad and ~~which service shall only be as~~ a service supplementary to the rail service now established by ~~sueh the~~ the carriers.

Subd. 2. TEMPORARY PERMIT. The board may grant a temporary permit, ex parte, valid for a period not exceeding ~~six months~~ 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 ~~sueh~~ immediate and urgent authority from the board is in the public interest. A copy of the order granting ~~sueh the~~ temporary permit, ex parte, ~~shall must~~ be mailed immediately to interested parties.

Subd. 3. COOPERATIVE ASSOCIATIONS. The board may issue a permit as a contract carrier to ~~sueh~~ cooperative associations as ~~are described in section 221.011, subdivision 9, notwithstanding the number of its hauling contracts, and provided that such contract carrier shall be permitted to haul its own property 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 board may not limit the number of hauling contracts of a cooperative association.~~

Subd. 2, 4. EXTENSIONS OF AUTHORITY. The board may grant extensions of authority ex parte after due notice of a petition has been published. ~~Any A~~ party desiring to protest the petition ~~must shall~~ file its protest by mail or in person within 20 days of the date of notice. If a timely filed protest is received, the matter ~~shall must~~ be placed on the calendar for hearing. If a timely protest is not received, the board may issue its order ex parte.

Subd. 3, 5. LIVESTOCK CARRIERS. ~~Any A~~ person desiring to operate ~~hereunder~~ as a livestock carrier shall file a petition with the board 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 ~~sueh~~ other information as the board may require.

The board shall issue the permit upon compliance with all laws and ~~regulations~~ rules relating ~~thereto to the~~ permit unless it finds that petitioner's vehicles do not meet the safety standards prescribed by the ~~board commissioner~~ or that petitioner is not fit and able to conduct the proposed operations. ~~All~~ Permits A permit issued ~~hereunder~~ shall under this act must be renewed upon compliance with the provisions of this act and the rules of the board and commissioner. A livestock carrier, on the return trip after hauling livestock from his headquarters area and delivering the livestock, may transport other commodities or property to the carrier's headquarters area. The livestock carrier may

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transport supplies and equipment used in farm work from his headquarters area to any point in the state or from any point in the state to his headquarters area.

Subd. 4. 6. COURIER SERVICES CARRIERS. ~~Any~~ 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 ~~it~~ the person meets the criteria established in subdivision 1. The ~~commission board~~ 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 221.011.

Subd. 7. FEES. The permit holder shall pay a fee of \$25 into the treasury of the state of Minnesota for each kind of permit, reinstatement, or extension of authority for which a petition is filed under this section.

Sec. 27. Minnesota Statutes 1982, section 221.131, is amended to read:

221.131 PERMITS; TERMS, FEES, IDENTIFICATION CARDS.

Subdivision 1. PERMIT RENEWAL. Permits issued pursuant to the provisions of sections ~~221.011 to 221.291~~ shall be under section 221.121 are effective for a 12-month period. Each permit must be renewed annually and each permit holder shall have one annual renewal date encompassing all of the permits held by him. The permit holder shall pay into the treasury of the state of Minnesota a fee of \$25 for each kind of permit, reinstatement, or extension of authority for which a petition is filed, except on annual renewal, pursuant to section 221.121 and a Except as provided in section 35, the board shall consider a petition for reinstatement of a revoked or suspended permit upon the same procedure required for an initial petition.

Subd. 2. PERMIT CARRIERS; ANNUAL VEHICLE REGISTRATION. The permit holder shall pay an annual registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers and semi-trailers used by petitioner a permit holder in combination with power units shall may not be counted as vehicles in the computation of fees under this section if the petitioner permit holder pays the fees for power units. The commissioner shall furnish a distinguishing annual identification card for each vehicle or power unit for which a fee has been paid, which. The identification card shall must at all times be carried in the vehicle or power unit to which it has been assigned. An identification cards card may be reassigned to another vehicle or power unit without fee by the commissioner upon petition application of the permit holder. An identification cards card issued under the provisions of this section shall be is valid only for the period for which the permit is effective. The name and residence of the permit holder shall must be stenciled or otherwise shown on the outside of both sides doors of each registered vehicle operated under the permit. In the event a permit has been suspended or revoked, the

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board may consider a petition for reinstatement of the permit, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the permit A fee of \$3 is charged for the replacement of an unexpired identification card that has been lost or damaged.

Subd. 3. CERTIFICATE CARRIERS; ANNUAL VEHICLE REGISTRATION. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay into the treasury of the state of Minnesota an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during any a calendar year. The commissioner shall issue distinguishing identification cards as provided in subdivision 2.

Subd. 4. CARDS; FEES. The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short term leases by the motor carrier. The motor carrier shall pay a fee of \$100 for each floater card issued. A fee of \$3 shall be charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

Subd. 5. LIMITATION. The provisions of this section are limited by the provisions of any applicable federal law.

Sec. 28. Minnesota Statutes 1982, section 221.141, subdivision 1, is amended to read:

Subdivision 1. INSURANCE OR BONDS OF MOTOR CARRIERS. Before any a certificate or permit shall be is issued to any a motor carrier, it the motor carrier shall secure and cause to be filed with the commissioner and keep the same at all times maintain in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability and indemnity insurance in such an amount and in such a form as the commissioner shall have prescribed, covering by the commissioner. The insurance must cover injuries and damage to persons or property occurring on the highways, other than the employees of such the motor carrier or the property being transported by such the carrier, provided that the commissioner shall require cargo insurance for certificated carriers, except those carrying passengers exclusively, and may require any a permit carrier to file such the insurance when it the commissioner deems necessary to protect the users of the service. Any Insurance issued to satisfy the requirements of this subdivision shall be is subject to cancellation for nonpayment of premiums or withdrawals from service of a vehicle or vehicles covered thereby by insurance upon not less than 30 days' written notice to the insured and to the commissioner. Such The amount of insurance or bond required may from time to time be reduced or increased by order of the commissioner. The commissioner may, if desired by the petitioner, prescribe in lieu of the bond or insurance such some other form of security as may be satisfactory. The failure to maintain and cause to be filed a certificate for any required insurance or security shall, two days after

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dispatch by the commissioner by certified mail of notice of such suspension, addressed to the last known address of the motor carrier, suspend the permit or certificate without further administrative proceedings until such time as the requirements of this subdivision have been satisfied.

Sec. 29. Minnesota Statutes 1982, section 221.141, is amended by adding a subdivision to read:

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

Sec. 30. Minnesota Statutes 1982, section 221.151, is amended to read:
221.151 PERMITS ASSIGNABLE OR TRANSFERABLE.

Subdivision 1. **PETITION.** Permits, except livestock permits, issued under the provisions of sections ~~221.011 to 221.291~~ section 221.121 may be assigned or transferred but only upon the order of the board approving same the transfer or assignment after notice and hearing.

The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the board setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of all outstanding claims of creditors which are directly attributable to the operation to be conducted under said the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the board, after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon any other competing carriers, the board may make an order granting same the sale or lease. Provided, however, that the board shall make no order granting the sale or lease of a permit to any a person or corporation or association which holds any a certificate or permit other than local cartage carrier permit from the board pursuant to under this chapter or to any a common carrier by rail.

Provided further that the board shall make no order approving the sale or lease of a permit if the board finds that the price paid for such the sale or lease of a permit is disproportionate to the reasonable value of said the permit considering all the assets and goodwill involved. The board shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the

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operations authorized under said the permit and that the vehicles he proposes to use in conducting ~~such~~ the operations meet the safety standards of the ~~board~~ commissioner. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two-year period immediately preceding the transfer ~~shall~~ must be considered ~~and~~. Only such operating authority ~~shall~~ may be granted to the transferee as was actually exercised by the transferor under his authority within the two-year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence.

If ~~any~~ an authority to operate as a permit carrier is held by a corporation, ~~any~~ a sale, assignment, pledge, or other transfer of ~~such~~ the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of said the corporation, as exercised through its stockholders, ~~shall~~ must be reported in the manner prescribed in ~~accordance~~ with the rules ~~and~~ regulations of the board within 90 days after said the sale, assignment, pledge, or other transfer of stock. The board shall then make a finding whether or not said the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of said the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to said the corporation ~~shall~~ may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

Subd. 2. **EX PARTE TRANSFER.** The board shall allow a bona fide transfer of a permit, except a livestock carrier permit, ex parte without hearing ~~where~~ if the transferee of said the permit is in fact a member or members of the transferor's immediate family. For the purpose of this subdivision immediate family ~~shall consist~~ 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 ~~shall~~ does not include ~~any~~ a person under legal disability or ~~any~~ a member of the family regardless of relationship who holds any other permit or certificate ~~pursuant to~~ 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 ~~pursuant to~~ under this chapter.

Provided further that the transfer ~~pursuant to~~ under this subdivision ~~shall~~ must include:

- (1) transfer to a corporation the stock of which is wholly owned by the transferor or the members of his immediate family;
- (2) transfer to a partnership or partner consisting solely of the immediate family as defined in this subdivision.

Provided further that said ~~the~~ transfer of a permit, ~~pursuant to~~ under this subdivision, ~~shall~~ must comply with the standards set forth in this section based

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upon the contents of the petition of petitioners, all pertinent information available to the board and the department, and their records and files. No determination of the extent of the operating authority previously exercised ~~shall be~~ is required.

If it appears to the board that ~~said~~ 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 board shall ~~set~~ assign the matter ~~down~~ for hearing to determine compliance with this section. ~~Any A~~ user of the service, competing carrier, or interested party shall have the right to file a protest on ~~such~~ the transfer as is provided ~~for~~ in this subdivision by filing a sworn statement with the board within six months from the effective date of ~~said~~ the transfer, whereupon the board shall ~~set~~ assign the matter ~~down~~ for hearing and the continuance of the permit ~~shall~~ may only be upon the transferee's compliance with the standards and procedures otherwise imposed by this section.

Sec. 31. Minnesota Statutes 1982, section 221.161, is amended to read:

221.161 SCHEDULE OF RATES AND CHARGES.

Subdivision 1. **FILING; HEARING UPON BOARD INITIATIVE.** Every permit carrier including a livestock carrier shall file and maintain with the commissioner a schedule of rates and charges for the transportation of persons or property. The filing with and acceptance by the commissioner of ~~such~~ these tariffs, in accordance with the rules relating to ~~such~~ the schedules, ~~shall constitute~~ constitutes notice to the public and all interested parties of the contents of ~~such~~ the tariffs. ~~All Schedules shall~~ must be prepared and filed in accordance with the rules and regulations of the commissioner. The commissioner shall not accept for filing schedules which are unjust and unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of this section. If ~~such~~ the schedules appear to be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the board after notification and investigation by the department may suspend and postpone the effective date of ~~such~~ the schedules and assign ~~said~~ the schedules for hearing upon notice to the permit carrier filing ~~such~~ the proposed schedules and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At ~~any~~ such ~~the~~ hearing, the burden of proof ~~shall be upon~~ is on the permit carrier filing the proposed schedule of rates and charges to sustain the validity of the proposed schedule of rates and charges. Schedules of rates and charges for the transportation of livestock ~~shall~~ are not be subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. ~~Such~~ The tariffs and subsequent supplements ~~thereto~~ to them or reissues ~~thereof~~ of them ~~must~~ state the effective date ~~thereof~~, which ~~shall be~~ may not be less than ten days ~~subsequent to~~ following the date of filing, unless ~~such~~ the period of time ~~be~~ is reduced by special permission of the board.

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Subd. 2. **HEARING UPON COMPLAINT.** ~~Such~~ Tariffs, supplements, and reissues shall must be prepared and filed in accordance with rules to be promulgated by ~~of~~ the commissioner, ~~and any.~~ Rates or charges, including pickup charges named therein shall be, are subject to complaint to the board by ~~any an~~ interested party, ~~whereupon.~~ The board, after investigation by the department, by order on not less than ten days' notice, may set ~~such~~ assign the complaint for hearing, and if at ~~such the~~ hearing, the complainant submits facts and evidence sufficient to establish proof that ~~such the~~ rates or charges complained of are excessive or noncompensatory, the board may order ~~such the~~ rates or charges canceled, and require the filing of alternative and reasonable rates and charges, the reasonable level of which at ~~such that~~ time shall must be indicated by the board in ~~such the~~ order.

Subd. 3. **HEARING UPON PETITION BY ANOTHER CARRIER.** Upon the filing of ~~any a~~ tariff or subsequent supplement thereto or reissue thereof, any other carrier shall ~~have~~ has the right to petition the board to suspend ~~the it from~~ taking effect ~~of the same~~ until opportunity has been is had for a hearing on the reasonableness of the rates or charges named therein, ~~as herein provided,~~ and the board may ~~so~~ suspend the rates or charges if in its judgment the rates or charges complained of are so unreasonably low as to create destructive competitive practices among or jeopardize the economic position of competing carriers. In determining whether the rates or charges are excessive or noncompensatory, the board shall include in its consideration, among other things, the reasonable cost of the services rendered for ~~such the~~ transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.

Subd. 4. **HEARING ON THE MERITS OF RATES AND CHARGES.** The board, (1) after a suspension and hearing upon a schedule of rates and charges, or upon complaint, or upon its own initiative, either in extension of ~~any an~~ existing complaint or without ~~any a~~ complaint whatever, (2) after department investigation and petition, ~~and~~ (3) upon notice to the permit carrier or ~~permit carriers~~ tariff agent proposing, maintaining, or charging a schedule of rates and charges on ~~any a~~ single group of related commodities, and (4) upon notice to the users of the service and competitive carriers by motor vehicle and rail, may ~~set down~~ assign for hearing ~~said the~~ schedule of rates and charges proposed, maintained, or charged by any or all permit carriers; ~~and,~~ Upon a finding, after a hearing, that ~~such the~~ schedule of rates and charges are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of ~~any of the~~ provisions of this section, the board may prescribe minimum rates and charges and the rates, rules, and practices thereafter to be maintained and applied by ~~such the~~ permit carrier or ~~permit carriers~~ tariff agent. In ~~any such the~~ hearing the burden of proof shall be is upon the permit carrier or ~~permit carriers~~ tariff agent whose schedules of rates and charges are under investigation to show that ~~said the~~ schedules are not below a minimum reasonable level or are not noncompensatory. Schedules of rates and

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charges for the transportation of livestock ~~shall~~ are not ~~be~~ subject to rejection, suspension, postponement, or investigation by the board except as provided in subdivisions 2 and 3.

Sec. 32. Minnesota Statutes 1982, section 221.171, is amended to read:

221.171 COMPENSATION OF PERMIT CARRIERS FIXED BY SCHEDULES OF RATES AND CHARGES.

Subdivision 1. COMPENSATION FIXED. No permit carrier shall charge or receive a greater ~~or~~ less, lesser, or different compensation for the transportation of persons or property or for any related service in connection therewith, than the rates and charges named in the carrier's schedule on file and in effect with the commissioner including any rate fixed by the commission board under the provisions of section 221.161; nor shall any a permit carrier refund or remit in any manner or by any device, directly or indirectly, the rates and charges required to be collected by him under his schedules or under the rates, if any, fixed by the board.

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

Sec. 33. [221.172] SHIPPING DOCUMENTS.

Subdivision 1. HAZARDOUS MATERIAL BILL OF LADING. A person who transports a hazardous material by motor vehicle shall conform to the requirements of Code of Federal Regulations, title 49, with respect to shipping documents.

Subd. 2. HAZARDOUS WASTE MANIFEST. A person who transports a hazardous waste by motor vehicle shall carry in the vehicle a hazardous waste manifest which conforms to the requirements of Code of Federal Regulations, title 40, part 262.

Subd. 3. RETAINED THREE YEARS. A shipping document described in subdivision 2 or a copy of it must be retained by the carrier for at least three years from the date on the shipping document.

Sec. 34. Minnesota Statutes 1982, section 221.181, is amended to read:

221.181 INTERSTATE CARRIERS; PERMITS, REGULATION.

The commissioner ~~or board~~, consistent with their respective powers pursuant to this chapter, shall have the power and authority to grant permits to may register interstate carriers and to supervise and may regulate their operations to the extent that such supervision and regulation constitutes a valid exercise of the police powers of the state.

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The issuance, renewal and cancellation of permits to interstate carriers shall follow the same procedure and be based upon the same conditions as herein provided for other permit carriers.

Sec. 35. [221.185] SUSPENSION AND CANCELLATION OF OPERATING AUTHORITY; ABANDONMENT; REINSTATEMENT.

Subdivision 1. GROUNDS FOR SUSPENSION. Despite the provisions of section 221.021, authority to operate as a motor carrier under sections 221.011 to 221.296 is suspended without a hearing, by order of the commissioner, for a period not to exceed 90 days upon the occurrence of any of the following and upon notice of suspension as provided in subdivision 2:

(a) the motor carrier fails to maintain and file with the commissioner, the insurance or bond required by sections 221.141 and 221.296 and rules of the commissioner;

(b) the motor carrier fails to renew permits as required by section 221.131;
or

(c) the motor carrier fails to pay annual vehicle registration fees or renew permits as required by sections 221.071, 221.131, and 221.296.

Subd. 2. NOTICE. Failure to file and maintain insurance, renew permits under section 221.131, or to pay annual vehicle registration fees or renew permits under section 221.071, 221.131, or 221.296 suspends a motor carrier's operating authority two days after the commissioner sends notice of the suspension by certified mail, return receipt requested, to the last known address of the motor carrier.

Subd. 3. RESCIND SUSPENSION. If the motor carrier complies with the requirements of chapter 221 within 90 days after the date of suspension and pays the required fees, including a late vehicle registration fee of \$5 for each vehicle registered, the commissioner shall rescind the suspension.

Subd. 4. ABANDONMENT. Failure to comply with the requirements of sections 221.141 and 221.296 relating to bonds and insurance, 221.131 relating to permit renewal, or 221.071, 221.131, or 221.296 relating to annual vehicle registration or permit renewal within 90 days of the date of suspension, is deemed an abandonment of the motor carrier's authority to operate and the operating authority must be canceled by the commissioner.

Subd. 5. NOTICE OF CANCELLATION. Upon the expiration of 90 days from the date of suspension, the commissioner shall notify the motor carrier by certified mail, return receipt requested, that the operating authority is deemed abandoned and will be canceled ten days after the date of mailing the notice of cancellation unless the carrier requests a hearing. The notice of cancellation must advise the motor carrier that a hearing before the board regarding the cancellation may be requested within ten days of the date of mailing the notice of

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cancellation. Failure to request a hearing within ten days is deemed a waiver of the right to a hearing on the cancellation.

Subd. 6. CANCELLATION. Failure to request a hearing within ten days of the date of mailing the notice of cancellation cancels a motor carrier's operating authority subject to reinstatement by the board, upon the same procedure as that provided for in an initial petition.

Subd. 7. HEARING. If a motor carrier requests a hearing within ten days of the date of mailing the notice of cancellation, the board shall (1) determine that the motor carrier has complied with the provisions of the law, or (2) hold a hearing to determine whether the carrier is taking reasonable steps to comply. If the board determines that the motor carrier has complied with the law, the board shall, by order, rescind the notice of cancellation as provided in subdivision 3. If the board, after holding a hearing, determines that the motor carrier is taking reasonable steps to comply, it may, by order, void the notice of cancellation and extend the suspension for not more than 60 days beyond the date of mailing the notice of cancellation.

Subd. 8. [60 DAYS TO REFORM.] No suspension may be extended after 60 days from the date of the commissioners mailing of the notice of cancellation. If the motor carrier fails to comply with this chapter during the extended suspension ordered by the board, the cancellation becomes final 60 days after the date of mailing of the notice of cancellation and the motor carrier is deemed to have abandoned its operating authority as of that date. A motor carrier's operating authority may be reinstated by the board, upon the same procedure as that prescribed for an initial petition. The board may, in its discretion, approve or deny the reinstatement but must consider the failure of the motor carrier to comply with chapter 221 as bearing upon the motor carrier's fitness and ability to perform transportation service.

Sec. 36. Minnesota Statutes 1982, section 221.221, is amended to read:

221.221 ENFORCEMENT POWERS.

Subdivision 1. COMMISSIONER ENFORCES. The commissioner shall enforce the provisions of this chapter and rules, orders, and directives issued or adopted by the board or commissioner under this chapter.

Subd. 2. POWERS. Transportation representatives and hazardous material specialists of the department for the purpose of enforcing the provisions of this chapter and the rules, orders, or directives of the commissioner and board issued pursuant to under this chapter, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to

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be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules.

Subd. 3. DELEGATED POWERS. Representatives of the department to whom authority has been delegated by the commissioner for the purpose of enforcing sections 221.041 and 221.171 and the rules, orders, or directives of the commissioner or board adopted or issued under those sections, and for no other purpose, shall have the powers conferred by law upon police officers. The representatives of the department have the power to inspect records, logs, freight bills, bills of lading, or other documents which may provide evidence to determine compliance with sections 221.041 and 221.171.

Subd. 4. INSPECTION OF DOCUMENTS. Records, log books, certificates, licenses, shipping documents, or other papers or documents required to be maintained in vehicles subject to chapter 221 and rules adopted under chapter 221, must be presented for inspection, upon request, to a peace officer or police officer or other person empowered to enforce the provisions of this chapter.

Sec. 37. Minnesota Statutes 1982, section 221.251, is amended to read:

221.251 OVERCHARGES REFUND.

Subdivision 1. REFUND WITHIN 90 DAYS. All Charges for freight, baggage, or express that are collected by a motor carrier over what ~~is~~ the carrier is entitled to receive under the lawful tariff or classification shall must be refunded by said the carrier within 90 days after a claim is filed, provided that a claim ~~shall be~~ is filed as hereinafter provided in this section.

Subd. 2. Every claim against a motor carrier doing business in this state for an overcharge due to difference in weight or inapplicable rate, or for loss, damage, or injury to property while in its possession, shall must be adjusted and paid within 90 days after the filing of such the claim with the agent of the carrier delivering said the freight, baggage, or express, unless the delivering carrier shall protest ~~protests~~ the validity of said the claim in writing to the claimant within said a 90-day period. Settlement of all such claims with the consignee shall be ~~is~~ the responsibility of the carrier which delivered ~~delivering~~ the freight, baggage, or express to its ultimate destination. No such claim shall may be filed until after the arrival of a shipment, or of some part thereof of it, at the point of destination, or until after the lapse of a reasonable time for the its arrival thereof. For this purpose, a claim, when filed, shall must consist of:

- (a) an original bill of lading or shipping receipt;
- (b) a paid freight bill;
- (c) a bill of claimant; and
- (d) an original invoice or certified copy when necessary.

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

Subd. 3. If such the claim is not paid or adjusted within 90 days of filing thereof, suit may be commenced in any a court having jurisdiction thereof, in which. All Persons similarly situated may intervene or be joined, and, if claimant prevails, a penalty of ten percent plus legal interest, reasonable attorneys' fees, costs, and disbursements shall be are allowed.

Sec. 38. Minnesota Statutes 1982, section 221.291, is amended to read:

221.291 VIOLATIONS, PENALTIES.

Subdivision 1. **VIOLATION.** Any Except as provided in subdivisions 3 and 4, a person who commits, procures, aids or abets or conspires to commit, or attempts to commit, aid or abet in the violation of any a provision of this chapter or any a valid order or rule of the commissioner or board issued hereunder, whether individually or in connection with one or other more persons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any a provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation shall be is a separate offense.

Subd. 2. **DIRECTING ANOTHER TO VIOLATE.** Any Except as provided in subdivisions 3 and 4, a person employing or otherwise directing the driver of any a vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any a manner contrary to this chapter is guilty of a misdemeanor.

Subd. 3. **TRANSPORTATION OF HAZARDOUS MATERIALS.** A person who ships, transports, or offers for transportation hazardous waste or hazardous material in violation of a provision of this chapter or a rule or order of the commissioner or board adopted or issued under this chapter which specifically applies to the transportation of hazardous material or hazardous waste is guilty of a misdemeanor and upon conviction shall be fined not less than the maximum fine which may be imposed for a misdemeanor for each violation.

Subd. 4. **OPERATING WITHOUT CERTIFICATE OR PERMIT.** A person who operates a motor carrier without obtaining required certificates or permits to operate as required by this chapter is guilty of a misdemeanor, and upon conviction shall be fined not less than the maximum fine which may be imposed for a misdemeanor for each violation.

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

Sec. 39. Minnesota Statutes 1982, section 221.296, subdivision 2, is amended to read:

Subd. 2. RULES FOR SAFETY AND SERVICE. The commissioner shall prescribe rules for the operation of all local cartage carriers, including their facilities, accounts, equipment leases, service, safety of operation and equipment, maximum hours of service of drivers, identification of vehicles, installation of safety devices and proper automatic speed regulators if, in the opinion of the commissioner, there is a necessity therefor. The commissioner may require the filing of annual and other reports and shall regulate ~~such~~ local cartage carriers in all matters affecting the relationship between them and the shipping public, and prescribe ~~such~~ other rules and regulations as may be necessary to carry out the provisions of this section. The commissioner shall investigate the operation of all local cartage carriers, their compliance with all rules of the commissioner or board and with the provisions of this section and may institute and prosecute any and all actions and proceedings in the proper district court for enforcement of the same. The provisions of Sections 221.161 and 221.171 do not apply to local cartage carriers. The commissioner shall make no rules relating to rates and tariffs, or the granting, limiting, or modifying of permits ~~or certificates of convenience and necessity~~, which are powers ~~are~~ granted to the board.

Sec. 40. Minnesota Statutes 1982, section 221.296, subdivision 3, is amended to read:

Subd. 3. PERMITS REQUIRED. No person shall operate a local cartage carrier without a permit in full force and effect with respect to ~~such~~ the operation. The board may revoke or suspend the permit of ~~any~~ a local cartage carrier after notice and hearing for violating ~~any~~ a provision of this section or ~~any~~ a rule ~~or regulation~~ of the board or the ~~department~~ commissioner governing local cartage carriers. The commissioner may by order suspend or cancel the permit under section 35.

Sec. 41. Minnesota Statutes 1982, section 221.296, subdivision 4, is amended to read:

Subd. 4. PETITION FOR PERMITS. ~~Any~~ A person desiring to operate ~~hereunder~~ as a local cartage carrier shall file a petition with the board specifying the service offered, the name and address of the petitioner, ~~and~~ the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

names and addresses of the officers, if a corporation, and such other information as the board may require. The board, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto 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 such the area or, that the petitioners' vehicles do not meet the safety standards set up by the board adopted by rule by the commissioner, or that petitioner is not fit and able to conduct the proposed operations. A permit once granted shall continue continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all the applicable provisions of law and rules of the board and commissioner governing local cartage carriers.

Sec. 42. Minnesota Statutes 1982, section 221.64, is amended to read:

221.64 REGISTRATION FEE; EXEMPTIONS.

Such registration as herein provided shall be granted upon petition, without hearing, Upon application for registration as provided in sections 221.61 to 221.63, payment of an initial filing fee in the amount of \$25. Upon petition, and payment of said fee if applicable, and filing a certificate of insurance as required in section 221.141, the commissioner shall register the applicant and furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in said the application for registration which. The stamp shall must at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall establish and collect a fee of no more than \$5 to be deposited in the state treasury, provided that a lesser fee may be collected pursuant to under the terms of reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the Dominion of Canada. Identification stamps must be renewed every year on or before February 1 of each year.

Sec. 43. COMMISSION RETAINS AUTHORITY.

Duties, functions, and powers granted to the transportation regulation board under Laws 1980, chapter 534, as amended by Laws 1981, chapter 357, section 108, and this act are assumed by and remain with the public utilities commission until the board is established and appointed by the governor under Laws 1980, chapter 534, section 1.

Sec. 44. REPEALER.

Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1, are repealed.

Sec. 45. EFFECTIVE DATE.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sections 1 to 44 are effective the day following final enactment.

Approved June 14, 1983

CHAPTER 372 — S.F.No. 1011

An act relating to unemployment compensation; providing for conformity with federal law; imposing an annual surcharge on employers' calendar year contributions for the purpose of repayment of interest charged on federal loans; creating the emergency interest repayment fund; adding a category to the extension of base period in the definition of base period; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; requiring a report to the legislature on shared work benefits; appropriating money; amending Minnesota Statutes 1982, sections 268.04, subdivisions 2, 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivisions 2 and 3; 268.071, subdivision 3; 268.08, subdivisions 1, 3, 6, and by adding subdivisions; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

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

Section 1. Minnesota Statutes 1982, section 268.04, subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of fifty-two calendar weeks immediately preceding the first day of an individual's benefit year. ~~Provided, However, that if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States for more than seven weeks within the base period, as heretofore defined, his or if a claimant, whose own serious illness caused a loss of credit weeks within the base period, received compensation due to the illness from some other source or under a law of this state other than chapter 176 or under a similar law of the United States for more than seven weeks within the base period, the claimant's base period shall be lengthened by the same number of such weeks, but not to exceed 52 weeks, for which he the claimant received such the payments; provided further, that.~~ No extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim.

Sec. 2. Minnesota Statutes 1982, section 268.04, subdivision 12, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.