

Sec. 13. Minnesota Statutes 1987 Supplement, section 626.557, subdivision 9, is amended to read:

Subd. 9. **MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.** A person required to report under the provisions of subdivision 3 who has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff, the local welfare agency, and, if applicable, each licensing agency. A person or agency that receives a report under this subdivision concerning a vulnerable adult who was receiving residential services or treatment for mental illness, mental retardation or a related condition, chemical dependency, or emotional disturbance from ~~a mental health or mental retardation an~~ an agency or facility, or program as defined in section 245.91, shall also report the information and findings to the ombudsman ~~for mental health and mental retardation established under sections 245.91 to 245.97.~~

Sec. 14. **TRANSFER OF MONEY.**

The money appropriated in Laws 1987, chapter 403, article 1, section 2, subdivision 2, to the commissioner of human services for the Welsch consent decree monitor's office for the fiscal year ending June 30, 1989, is transferred to the appropriation in Laws 1987, chapter 352, section 13, to the ombudsman for mental health and mental retardation.

Approved April 18, 1988

**CHAPTER 544—H.F.No. 2192**

*An act relating to transportation; providing for application of rules; providing for agreements with other states to administer special permits for vehicles exceeding weight and length restrictions; exempting limousines from motor carrier regulation; clarifying the filing of petitions for operating certificates and permits, carrying of cab cards, and requirements for private carriers; establishing insurance requirements; providing that investigative data on violations under chapter 221 may be given to transportation regulation board; amending Minnesota Statutes 1986, sections 169.81, subdivision 2; 169.86, by adding a subdivision; 221.025; 221.031, subdivisions 1, 2, 2a, and 3; 221.081; 221.121, subdivisions 1 and 5; 221.141, subdivision 1; 221.151, subdivision 1; 221.172, subdivision 2; 221.185, subdivision 9; 221.291, subdivisions 1 and 2; 221.296, subdivisions 4 and 8; and 221.81, subdivision 3a; Minnesota Statutes 1987 Supplement, sections 221.031, subdivision 7; 221.061; 221.291, subdivision 3; and 221.296, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 169 and 221; repealing Minnesota Statutes 1986, section 13.72, subdivision 3.*

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

Section 1. [169.025] APPLICATION OF MOTOR CARRIER RULES.

Notwithstanding any provision of this chapter other than section 169.67, a vehicle, driver, or carrier that is subject to a motor carrier safety rule adopted under section 221.031 or section 25 shall comply with the more stringent or additional requirement imposed by that motor carrier safety rule.

Sec. 2. Minnesota Statutes 1986, section 169.81, subdivision 2, is amended to read:

Subd. 2. **LENGTH OF VEHICLES.** (a) No single unit motor vehicle, except ~~truck~~ mobile cranes which may not exceed 45 feet, unladen or with load may exceed a length of 40 feet extreme overall dimensions inclusive of front and rear bumpers, except that the governing body of a city is authorized by permit to provide for the maximum length of a motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of a city; provided, that the permit may not prescribe a length less than that permitted by state law. A motor vehicle operated in compliance with the permit on the streets or highways of the city is not in violation of this chapter.

(b) No single semitrailer may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer adjacent to the truck or truck-tractor, in excess of 48 feet, except that a single semitrailer may have an overall length in excess of 48 feet if (1) the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 41 feet, and (2) if the semitrailer is operated only in a combination of vehicles which does not exceed an overall length of 65 feet. No single trailer may have an overall length inclusive of tow bar assembly and exclusive of rear protective bumpers which do not increase the overall length by more than six inches, in excess of 45 feet. For determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, and further exclusive of the tow bar assembly, in excess of 28-1/2 feet. The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that the commissioner may renew a permit that was granted before April 16, 1984 for the movement of a semitrailer or trailer that exceeds the length limitation in this paragraph.

Sec. 3. Minnesota Statutes 1986, section 169.86, is amended by adding a subdivision to read:

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Subd. 7. AGREEMENTS WITH OTHER STATES. (a) On behalf of the state of Minnesota, the commissioner may enter into agreements with authorized representatives of other states for the reciprocal administration and granting of permits to allow the movement of vehicles of sizes and weights that do not conform to Minnesota law. The agreement may authorize representatives of other states to issue permits to allow vehicles that do not conform to the size and weight provisions of this chapter to travel on highways under the jurisdiction of the commissioner.

(b) An agreement entered into under paragraph (a), and all amendments to it, must be in writing and may provide for exchanging information for audit and enforcement activities, collecting fees established under this chapter, and distributing fees collected under the agreement. It must state that no permit issued under the agreement excuses a vehicle operator from compliance with a law of this state other than the laws governing size and weight of vehicles.

(c) For purposes of paragraphs (a) and (b), "state" means a state, territory, or possession of the United States, the District of Columbia, a foreign country, and a state or province of a foreign country.

(d) Fees collected under authority of the agreement must be deposited in the Minnesota state treasury and credited to the trunk highway fund.

Sec. 4. Minnesota Statutes 1986, section 221.025, is amended to read:

#### 221.025 EXEMPTIONS.

Except as provided in sections 221.031 and 221.033, the provisions of this chapter do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of rubbish as defined in section 443.27;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks 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;

(h) a person while exclusively engaged in the transportation of sand, gravel,

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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: and the carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm;

(n) a person providing limousine service that is not regular route service in a passenger automobile that is not a van, and that has a seating capacity, excluding the driver, of not more than 12 persons.

Sec. 5. Minnesota Statutes 1986, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **POWERS, DUTIES, REPORTS, LIMITATIONS.** This subdivision applies to motor carriers engaged in intrastate commerce. The commissioner shall prescribe rules for the operation of motor carriers, including their facilities, accounts, leasing of vehicles and drivers, service, safe operation of vehicles, equipment, parts and accessories, maximum hours of service of drivers, driver qualifications, accident reporting, identification of vehicles, installation of safety devices, inspection, repair, and maintenance, and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules. The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations

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or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property. 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 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 for-hire transportation in 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 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 did not exceed \$50,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6. The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board. The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Sec. 6. Minnesota Statutes 1986, section 221.031, subdivision 2, is amended to read:

Subd. 2. **PRIVATE CARRIERS.** This subdivision applies to private carriers engaged in intrastate commerce.

(a) Private carriers operating vehicles licensed and registered for a gross weight of more than 12,000 pounds, shall comply with rules adopted under this section applying to maximum hours of service of drivers, safe operation of vehicles, equipment, parts and accessories, leasing of vehicles or vehicles and drivers, and inspection, repair, and maintenance.

(b) In addition to the requirements in paragraph (a), private carriers operating vehicles licensed and registered for a gross weight in excess of 26,000 pounds shall comply with rules adopted under this section relating to driver qualifications.

(c) The requirements as to driver qualifications and maximum hours of service for drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) who are engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

(d) The driver qualification rule and the hours of service rules do not apply

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to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products or farm machinery or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

Sec. 7. Minnesota Statutes 1986, section 221.031, subdivision 2a, is amended to read:

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

Sec. 8. Minnesota Statutes 1986, section 221.031, subdivision 3, is amended to read:

Subd. 3. **VEHICLES OVER 12,000 POUNDS NOT EXEMPT.** This subdivision applies to vehicles engaged in intrastate commerce. Vehicles providing transportation described in section 221.025 which are registered and licensed for a gross weight in excess of 12,000 pounds, except school buses, commuter vans, and authorized emergency vehicles, must comply with the rules of the commissioner for safety of operations and equipment.

Sec. 9. Minnesota Statutes 1987 Supplement, section 221.031, subdivision 7, is amended to read:

Subd. 7. **MEDICAL EXAMINER'S CERTIFICATE; CHARTER CARRIER DRIVERS.** While in the state, the driver for a charter carrier engaged in intrastate commerce who has in possession a license with a school bus endorsement under section 171.321 or rules of the commissioner of public safety is not required to have in possession or to present a separate medical examiner's certificate otherwise required by Code of Federal Regulations, title 49, sections 391.41 to 391.49.

Sec. 10. **[221.0315] INVESTIGATIVE DATA PROVIDED.**

The commissioner may provide to the board investigative data about a petitioner or carrier that is subject to the jurisdiction of the board. When the data are transferred to the board, the commissioner shall notify the petitioner or carrier in writing that the data are being provided to the board.

Sec. 11. Minnesota Statutes 1987 Supplement, section 221.061, is amended to read:

**221.061 OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.**

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A person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to that certificate, shall file a petition with the ~~board~~ commissioner which must contain information as the board and commissioner, by rule may prescribe.

Upon the filing of a petition for a certificate, the petitioner shall pay to the commissioner as a fee for issuing the certificate the sum of \$300 and for a transfer or lease of the certificate the sum of \$300.

The petition must be processed as any other petition. The board shall cause a copy and a notice of hearing thereon to be served upon a competing carrier operating into a city located on the proposed route of the petitioner and to other persons or bodies politic which the board deems interested in the petition. A competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the board may allow it when the issues and the territory are not unduly broadened by the amendment.

Sec. 12. Minnesota Statutes 1986, section 221.081, is amended to read:

**221.081 SALE OR LEASE OF CERTIFICATE OF REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.**

Certificates authorizing operations as a regular route common carrier or as a petroleum carrier may be sold or leased but only upon order of the board approving the same. The proposed seller and buyer or lessor and lessee of a certificate shall file a joint petition with the ~~board~~ commissioner, setting forth the names and addresses of the parties, the identifying number of the certificate 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 short statement of the buyer or lessee's present operating authority, if any, a statement of all outstanding claims of creditors which are directly attributable to the operations conducted under said certificate, a copy of the contract of sale or lease and a financial statement with balance sheet and income statement, if existent, of the buyer. If it appears to the board from the contents of the petition and from the department's records, files and investigation of the petition that the approval of the sale or lease of the certificate will not adversely affect the rights of the users of the service and will not have an adverse effect on any other motor carrier, the board may make an ex parte order granting the same. When the proposed sale or lease is between persons who are direct competitors to a material degree, the petition shall be set down for hearing with notice to the communities which may be affected by the proposed merger and to any other persons the board or department deems to be interested parties.

Sec. 13. Minnesota Statutes 1986, section 221.121, subdivision 1, is amended to read:

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Subdivision 1. **PERMIT CARRIERS.** A person desiring to operate as a permit carrier, except as a livestock carrier, or a local cartage carrier shall file a petition with the ~~board~~ 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 board and commissioner may require. The board, after notice to interested parties and a hearing, shall issue the permit upon compliance with the laws and rules relating 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 those needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291. A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner or board governing permit carriers. No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the board from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 14. Minnesota Statutes 1986, section 221.121, subdivision 5, is amended to read:

Subd. 5. **LIVESTOCK CARRIERS.** A person desiring to operate as a livestock carrier shall file a petition with the ~~board~~ 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 board and commissioner may require.

The board 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 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 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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Sec. 15. Minnesota Statutes 1986, section 221.141, subdivision 1, is amended to read:

Subdivision 1. ~~INSURANCE OR BONDS FINANCIAL RESPONSIBILITY OF MOTOR CERTAIN CARRIERS. No motor carrier and no interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum amount of financial responsibility required by this section. Policies of insurance, surety bonds, other types of security, and endorsements must be continuously in effect and must remain in effect until canceled. Before a certificate or permit is issued to a motor carrier providing transportation, the motor carrier or interstate carrier shall secure and cause to be filed with the commissioner and maintain in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability and indemnity insurance in an the amount and in a form prescribed by the commissioner. The insurance must cover injuries and damage to persons or property occurring on the highways; other than resulting from the operation or use of motor vehicles, regardless of whether each vehicle is specifically described in the policy. This insurance does not apply to injuries or death to the employees of the motor carrier or the to property being transported by the carrier; provided that. The commissioner shall require cargo insurance for certificated carriers, except those carrying passengers exclusively; and. The commissioner may require a permit carrier to file the cargo insurance when the commissioner deems necessary to protect the users of the service.~~

Subd. 1a. CANCELLATION. Insurance, bonds, endorsements, certificates, and other evidence of financial responsibility issued to satisfy the requirements of this subdivision is subject to cancellation for nonpayment of premiums or withdrawals from service of a vehicle or vehicles covered by insurance upon section may be canceled on not less than 30 days' written notice to the insured and to the commissioner.

Subd. 1b. AMOUNT. Except as provided in subdivision 1d, the amount of insurance or bond, or other security required for motor carriers is the amount prescribed by order of the commissioner. The amount prescribed may from time to time be reduced or increased by order of the commissioner. The commissioner may, if desired by the petitioner, prescribe in lieu of the bond or insurance some other form of security as may be satisfactory. Each policy of insurance, surety bond, or other evidence of financial responsibility issued to a motor carrier or to an interstate carrier must be amended by attachment to the policy of the endorsement for motor carrier policies of insurance prescribed by the United States Department of Transportation or must by its terms provide coverage that conforms to the terms and conditions of that endorsement.

Subd. 1c. INTERSTATE CARRIERS. An interstate carrier must obtain insurance or bond in the minimum amounts prescribed in Code of Federal Regulations, title 49, section 1043.2, paragraphs (a) and (b).

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

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**Subd. 1e. INSURER MUST BE AUTHORIZED.** A policy of insurance, bond, or other evidence of financial responsibility does not satisfy the requirements of this section unless the insurer or surety furnishing the evidence of financial responsibility is authorized or registered by the department of commerce to issue the policies, bonds, or certificates in this state.

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

Sec. 16. Minnesota Statutes 1986, section 221.151, subdivision 1, is amended to read:

Subdivision 1. **PETITION.** Permits, except livestock permits, issued under section 221.121 may be assigned or transferred but only upon the order of the board approving 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 commissioner 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 outstanding claims of creditors which are directly attributable to the operation to be conducted under 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 other competing carriers, the board may make an order granting the sale or lease. Provided, however, that the board shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit other than local cartage carrier permit from the board under this chapter or to 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 the sale or lease of a permit is disproportionate to the reasonable value of the permit considering 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 operations authorized under the permit and that the vehicles the transferee proposes to use in conducting the operations meet the safety standards of the 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 must be considered. Only such operating authority may be granted to the transferee as was actually exercised by the transferor under the transferor's

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authority within the two-year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence. For purposes of determining the two-year period, the date of divesting of interest or control is the date of the sale. The board shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the board within 30 days of the agreement.

If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the board within ~~90~~ 30 days after the sale, assignment, pledge, or other transfer of stock. The board shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

Sec. 17. Minnesota Statutes 1986, section 221.172, subdivision 2, is amended to read:

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~~ Minnesota Rules, chapter 7045.

Sec. 18. Minnesota Statutes 1986, section 221.185, subdivision 9, is amended to read:

Subd. 9. **NEW PETITION.** If the holder of a canceled permit or certificate seeks authority to operate as a motor carrier it shall file a petition with the board commissioner for a permit or certificate as provided in section 221.061, 221.121, or 221.296, whichever is applicable.

Sec. 19. Minnesota Statutes 1986, section 221.291, subdivision 1, is amended to read:

Subdivision 1. **VIOLATION.** Except as provided in subdivisions ~~3 and 4 and 5, and sections 221.036 and 609.671,~~ a person who commits, procures, aids or abets or conspires to commit, or attempts to commit, aid or abet in the violation of a provision of this chapter or a valid order or rule of the commissioner or board issued hereunder, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation is a separate offense.

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Sec. 20. Minnesota Statutes 1986, section 221.291, subdivision 2, is amended to read:

Subd. 2. **DIRECTING ANOTHER TO VIOLATE.** Except as provided in subdivisions ~~3 and 4~~ and 5, and sections 221.036 and 609.671, a person employing or otherwise directing the driver of a vehicle to require or knowingly to permit the operation of the vehicle upon a highway in a manner contrary to this chapter is guilty of a misdemeanor.

Sec. 21. Minnesota Statutes 1987 Supplement, section 221.291, subdivision 3, is amended to read:

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

Sec. 22. Minnesota Statutes 1986, section 221.296, subdivision 4, is amended to read:

Subd. 4. **PETITION FOR PERMITS.** A person desiring to operate as a local cartage carrier shall file a petition with the ~~board~~ 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 board and commissioner may require. The board, 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 board and commissioner governing local cartage carriers.

Sec. 23. Minnesota Statutes 1987 Supplement, section 221.296, subdivision 5, is amended to read:

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

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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.

Sec. 24. Minnesota Statutes 1986, section 221.296, subdivision 8, is amended to read:

Subd. 8. **PERMITS TRANSFERABLE.** Permits, issued under the provisions of this section may be transferred but only upon the order of the board approving same after notice and hearing.

The proposed seller and buyer of a permit, shall file a joint verified petition with the ~~board~~ 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. After notice to interested parties and a hearing the board shall not make an order approving and allowing the sale unless the board 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 ~~board~~ commissioner, that the price paid for 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 board 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 board 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 board within 30 days of such agreement.

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 stockhold-

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ers, shall be reported in the manner prescribed by the rules of the board within 30 days after said sale, assignment, pledge or other transfer of stock. The board 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.

The board 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.

#### Sec. 25. [221.605] COMPLIANCE BY CARRIERS.

Subdivision 1. FEDERAL REGULATIONS. Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier safety regulations, Code of Federal Regulations, title 49, parts 390 to 398, and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists.

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

Sec. 26. Minnesota Statutes 1986, section 221.81, subdivision 3a, is amended to read:

Subd. 3a. **INSURANCE.** Each building mover shall have in effect the following:

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

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

The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a

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certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days written notice to the commissioner of the impending cancellation.

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

Sec. 27. **REPEALER.**

Minnesota Statutes 1986, section 13.72, subdivision 3, is repealed.

Approved April 18, 1988

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**CHAPTER 545—H.F.No. 2246**

*An act relating to economic development; including labor organizations and community groups in the organizations that are eligible for assistance from various entities.*

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

Section 1. **ENTERPRISE DEVELOPMENT PARTNERSHIP.**

The enterprise development partnership program established under Laws 1985, First Special Session, chapter 11, section 3, subdivision 9, must serve nonprofit organizations, including community groups and labor organizations, that have a viable proposal in the same manner that businesses would be served applying for assistance.

Sec. 2. **SCIENCE AND TECHNOLOGY RESOURCE CENTER.**

The science and technology resource center established under Laws 1985, First Special Session, chapter 11, section 6, subdivision 2, must serve nonprofit organizations, including community groups and labor organizations, that have a viable proposal in the same manner that businesses would be served applying for assistance.

Sec. 3. **CUSTOMIZED TRAINING.**

The customized training program established under Laws 1987, chapter 401, section 3, subdivision 2, must serve nonprofit organizations, including community groups and labor organizations, that have a viable proposal in the same manner that businesses would be served applying for assistance.

Approved April 18, 1988

New language is indicated by underline, deletions by ~~strikeout~~.