

CHAPTER 588—S.F.No. 2147

An act relating to transportation; temporarily exempting fertilizer and agricultural chemical retailers from certain regulations on transporting hazardous materials; making certain private carriers subject to driver qualification rules; requiring a study by the commissioner of transportation; amending Minnesota Statutes 1988, section 221.033, subdivision 2; Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a.

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

Section 1. Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a, is amended to read:

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

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

Sec. 2. Minnesota Statutes 1988, section 221.033, subdivision 2, is amended to read:

Subd. 2. **EXCEPTION.** (a) Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the driver qualification rules of the commissioner or with the shipping paper requirements of the Code of Federal Regulations, title 49, ~~parts~~ sections 172.200 and 177.817 or with ~~part~~ section 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500 gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than 12,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

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

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

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

Fertilizer and agricultural chemical retailers or their employees are also exempt, during the period from April 1, 1991, to June 1, 1991, from the commissioner's rules governing maximum hours of service of drivers, when transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location.

Sec. 3. STUDY.

The commissioner of transportation shall conduct a study of the effects of exempting fertilizer and agricultural chemical retailers and their employees from driver hours of service rules as provided in section 2. The commissioner shall consult with statewide associations of fertilizer and agricultural chemical retailers in designing and conducting the study. The study must include:

(1) the safety effects of the exemption;

(2) alternative means of providing for the special needs of fertilizer and agricultural chemical retailers during the spring planting season; and

(3) recommendations for further legislative action in this area.

The commissioner shall report to the legislature on the results of the study not later than December 1, 1991.

Presented to the governor April 28, 1990

Signed by the governor May 4, 1990, 11:12 p.m.

CHAPTER 589—S.F.No. 2445

An act relating to state government; establishing positions in the unclassified service; authorizing the commissioner of jobs and training to establish a position in the unclassified service; allowing certain survivor benefits; establishing a health insurance account for certain Minneapolis police and fire department relief association contributions; regulating participation in the public employees insurance plan; amending Minnesota Statutes 1988, sections 43A.316, subdivision 8; and 268.0121, subdivision 3; Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1; Laws 1949, chapter 406, section 6, subdivision 1, as amended; Laws 1965, chapter 519, section 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 356.

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

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