

or cause the removal of an unauthorized vehicle from that property after providing five-day notice to the vehicle owner by certified mail, return receipt requested, that the vehicle will be removed from the property. Notification must include identification of the registration plate number, the vehicle identification number, and the make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is unauthorized may cause the vehicle to be removed by a towing service under this section without incurring any civil liability to the owner of the unauthorized vehicle. Vehicles removed pursuant to a complaint of the owner or agent of the owner of private property must be disposed of as provided in sections 168B.051 to 168B.10.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 10:50 a.m.

CHAPTER 225—H.F.No. 2671

An act relating to motor carriers; modifying provisions governing motor carriers; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 221.011, subdivision 6; 221.0269, subdivision 3; 221.0314, subdivisions 7, 9; 221.033, subdivision 1; 221.036, subdivisions 1, 3, 12; 221.037, subdivision 2; 221.605, subdivision 1; 299K.07; Minnesota Statutes 2003 Supplement, sections 169.86, subdivision 5; 221.602, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 2002, sections 221.011, subdivision 2b; 221.033, subdivision 3; 221.034; Minnesota Rules, parts 8860.0100; 8860.0200; 8860.0300; 8860.0400; 8860.0500; 8860.0600; 8860.0700; 8860.0800.

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

Section 1. Minnesota Statutes 2003 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. **FEE; PROCEEDS TO TRUNK HIGHWAY FUND.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

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(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06

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6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	\$Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

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(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

Sec. 2. Minnesota Statutes 2002, section 221.011, subdivision 6, is amended to read:

Subd. 6. **PERSON.** "Person" means any individual, firm, copartnership, cooperative, company, association and corporation, or their lessees, trustees, or receivers. "Person" does not include the federal government, the state, or any political subdivision.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2002, section 221.0269, subdivision 3, is amended to read:

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

(b) When a driver has been relieved of all duty and responsibilities upon termination of direct assistance to an emergency relief effort, no carrier shall permit or require any driver used by it to drive nor shall any such driver drive in commerce until the driver:

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

(2) has had at least ~~24~~ 34 consecutive hours off duty if (i) the driver has been on duty for more than 60 hours in any seven consecutive days at the time the driver is relieved of all duty if the employing carrier does not operate every day in the week, or (ii) the driver has been on duty for more than 70 hours in any eight consecutive days

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

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

Sec. 4. Minnesota Statutes 2002, section 221.0314, subdivision 7, is amended to read:

Subd. 7. **PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION.** Code of Federal Regulations, title 49, part 393, is incorporated by reference ~~except for paragraph (d) of section 393.43.~~ In addition, despite the first paragraph of Code of Federal Regulations, title 49, section 393.95, a lightweight vehicle must carry a fire extinguisher meeting the requirements in Code of Federal Regulations, title 49, section 393.95.

Sec. 5. Minnesota Statutes 2002, section 221.0314, subdivision 9, is amended to read:

Subd. 9. **HOURS OF SERVICE OF DRIVER.** Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), ~~(j)~~, (k), (l), (m), and (n), and (e) of section 395.1 and section 395.13 of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

Sec. 6. Minnesota Statutes 2002, section 221.033, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** Except as provided in subdivisions 2 to 3, no person may transport or offer or accept for transportation within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections ~~1801 to 1811~~ 5101 to 5126 and the provisions of Code of Federal Regulations, title 49, parts 171 to 199. Those provisions apply to transportation in intrastate commerce to the same extent they apply to transportation in interstate commerce.

Sec. 7. **[221.0341] REPORT OF HAZARDOUS MATERIAL TRANSPORTATION INCIDENT.**

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

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

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(2) an unintentional release of hazardous materials from a package as defined in Code of Federal Regulations, title 49, section 171.08; or

(3) a discovery of an undeclared hazardous material as defined by Code of Federal Regulations, title 49, section 171.08.

Sec. 8. Minnesota Statutes 2002, section 221.036, subdivision 1, is amended to read:

Subdivision 1. **ORDER.** The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.151; (4) section 221.171; (5) section 221.141; or (6) rules of the board of commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 9. Minnesota Statutes 2002, section 221.036, subdivision 3, is amended to read:

Subd. 3. **AMOUNT OF PENALTY; CONSIDERATIONS.** (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141; 221.151; or 221.171, or rules of the board of commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, and rules adopted under that section, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(d) The commissioner shall assess a penalty of not less than \$1,000 against a driver who is convicted of a violation of an out-of-service order. The commissioner shall assess a penalty of not more than \$10,000 against an employer who knowingly

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allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order.

Sec. 10. Minnesota Statutes 2002, section 221.036, subdivision 12, is amended to read:

Subd. 12. **REVOCATION AND SUSPENSION OF PERMIT FAILURE TO PAY PENALTY.** If a person fails to pay a penalty owed under this subdivision section, the commissioner has grounds to revoke or refuse to reissue or renew a license, permit, or certificate issued by the commissioner ~~under section 1.~~

Sec. 11. Minnesota Statutes 2002, section 221.037, subdivision 2, is amended to read:

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

Sec. 12. Minnesota Statutes 2003 Supplement, section 221.602, subdivision 1, is amended to read:

Subdivision 1. **PROCEDURE; NONEXEMPT CARRIER.** A motor carrier subject to the jurisdiction of the U.S. Department of Transportation or Surface Transportation Board under United States Code, title 49, chapter 135, subchapter I, with its principal place of business in Minnesota or that designates Minnesota as its base state, may transport persons or property for hire in Minnesota only if it first complies with the insurance regulations described in Code of Federal Regulations, title 49, part 387, and registration regulations described in Code of Federal Regulations, title 49, parts 356 and 365, adopted by the Interstate Commerce Commission or a successor agency under United States Code, title 49, section 14504 or former section 11506. The registration fee is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. A motor carrier shall pay a service charge of 45 cents for each registration receipt issued in addition to the fee required by this subdivision.

Sec. 13. Minnesota Statutes 2002, section 221.605, subdivision 1, is amended to read:

Subdivision 1. **FEDERAL REGULATIONS AND STATE RULES.** (a) Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier regulations in Code of Federal Regulations, title 49, parts 40, 382, 383, 387, and 390 through 398 and with the rules of the commissioner concerning

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inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists. For purposes of regulating commercial motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in Code of Federal Regulations, title 49, section 396.11, paragraph (d), applies in Minnesota only to driveaway-towaway operations.

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

Sec. 14. Minnesota Statutes 2002, section 299K.07, is amended to read:

299K.07 NOTIFICATION TO EMERGENCY MANAGEMENT CENTER.

(a) The notification of the commission required under the federal act shall ~~must~~ be made to the state Emergency Management Center. The owner or operator of a facility shall immediately notify the state Emergency Management Center of the release of a reportable quantity of the following materials:

(1) a hazardous substance on the list established under United States Code, title 42, section 9602; or

(2) an extremely hazardous substance on the list established under United States Code, title 42, section 11002.

(b) This section does not apply to a release that results in exposure to persons solely within the site or sites on which a facility is located or to a release specifically authorized by state law.

(c) A person who is required to report to or notify a state agency of a discharge, release, or incident under section ~~221.034~~ 221.0341, this chapter, chapter 18B, 18C, 18D, 115, 115A, 115B, 115C, 115D, 116, or 299J, or any other statute, administrative rule, or federal ~~rule~~ regulation may satisfy the requirement to report by notifying the Emergency Management Center established in this section. The commissioner of the Department of Public Safety shall ensure that the center is staffed with adequate personnel to answer all calls 24 hours a day and that those staff are adequately trained to efficiently notify all appropriate state and federal agencies with jurisdiction over the discharge or release, and provide emergency responder information. No state agency may adopt a rule or guideline that requires a person who notifies the Emergency Management Center to also notify that agency. The commissioner of each affected state agency shall include the telephone number of the Emergency Management Center in all files, permits, correspondence, educational publications, and other communications with the public and other persons, and shall designate personnel to coordinate receipt of reports or notifications with Emergency Management Center personnel.

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Sec. 15. REPEALER.

(a) Minnesota Statutes 2002, sections 221.011, subdivision 2b; and 221.034, are repealed.

(b) Minnesota Statutes 2002, section 221.033, subdivision 3, is repealed.

(c) Minnesota Rules, parts 8860.0100; 8860.0200; 8860.0300; 8860.0400; 8860.0500; 8860.0600; 8860.0700; and 8860.0800, are repealed.

Sec. 16. EFFECTIVE DATES.

Sections 1 to 8, 10 to 12, and 15, paragraph (a), are effective the day following final enactment. Sections 9 and 15, paragraphs (b) and (c), are effective August 1, 2005.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 11:10 a.m.

CHAPTER 226—H.F.No. 2288

An act relating to courts; modifying conciliation court debtor disclosures; amending Minnesota Statutes 2002, section 491A.02, subdivision 9.

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

Section 1. Minnesota Statutes 2002, section 491A.02, subdivision 9, is amended to read:

Subd. 9. **JUDGMENT DEBTOR DISCLOSURE.** Notwithstanding any contrary provision in rule 518 of the Conciliation Court Rules, unless the parties have otherwise agreed, if a conciliation court judgment or a judgment of district court on removal from conciliation court has been docketed in district court for at least 30 days, and the judgment is not satisfied, the district court in the county in which the judgment originated shall, upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and locations of all the debtor's assets, liabilities, and personal earning. The information must be provided on a form prescribed by the Supreme Court, and the information shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order must contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court order under this section may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

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