

CHAPTER 7800
PUBLIC UTILITIES COMMISSION
MOTOR BUS AND TRUCK

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7800.0100 DEFINITIONS.

Subpart 1. **Abbreviations.** When used in this chapter the letters shown below have the following meaning.

- A. RRCC means regular route common carrier.
- B. PC means petroleum carrier.
- C. IRCC means irregular route common carrier.
- D. CC means contract carrier.
- E. CCP means charter carrier of passengers.
- F. LS means livestock carrier.
- G. RC means reciprocity carrier.
- H. LCC means local cartage carrier.
- I. IC means interstate carrier.

Subp. 2. **Exempt carrier.** The term "exempt carrier," as defined in Minnesota Statutes, section 221.011, subdivision 22, paragraph (g) shall include any person operating as such whether engaged in the pick-up and delivery of freight for a motor carrier, or transporting freight under his statutory exemption, or both, except local cartage carriers as defined in Minnesota Statutes, section 221.296. Exempt carrier is construed to include both intrastate and interstate commerce.

Subp. 3. **Express carriage.** Express carriage or expressage means the conveying of goods or chattels, including those of extreme value such as jewels, money, or antiques, by a regular route common carrier in a manner differing from the carriage of ordinary freight in affording greater care, security, rapidity of transit and quickness of delivery, and at higher rates than generally prevail for those regular route common carriers who are not express carriers.

Subp. 4. **Fit and able.** The term "fit and able" shall mean that the applicant is financially able to conduct the proposed business; that the applicant's equipment is adequate and properly maintained; that the applicant is competent, qualified, and has the experience necessary to conduct the proposed business; that the applicant is mentally and physically able to comply with rules and statutes of the commission.

Subp. 5. **Headquarters area.** "Headquarters area" as referred to in Minnesota Statutes, section 221.011, subdivision 22, is defined to mean the municipality where a livestock trucker lives or which he shall designate in his application as his headquarters, and the unincorporated area around such municipality in which the livestock trucker ordinarily picks up the livestock which he transports, provided that the commission, by order, may enlarge the carrier's headquarters area if it finds that it would be in the public interest to do so. The livestock trucker may not change his headquarters area without an order of the commission.

Subp. 6. **Household goods.** The term "household goods" means:

A. Personal effects and property used or to be used by the owner in his dwelling.

B. Furniture, fixtures, equipment, and property of business places and institutions, public or private, when a part of the stock, equipment, supplies, or property of such establishments. It does not mean the movement of property of a business concern in the usual course of its business activities.

C. Articles, which because of their unusual nature or value, require the specialized handling and equipment customarily employed in moving household goods.

Subp. 7. **Local cartage carrier.** A "local cartage carrier," as defined in Minnesota Statutes, section 221.296, is a permit carrier engaged in transporting property or freight "for hire" when the movement is entirely within an area composed of two contiguous cities of the first class (St. Paul and Minneapolis), and municipalities contiguous thereto and shall be subject to permit carrier rules.

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All motor carriers of freight engaged in local cartage as herein defined must obtain a local cartage carrier permit covering all vehicles used in such operation.

Subp. 8. **Mobile home.** The term "mobile home" shall mean a transportable structure built on a chassis and designed to be used for residential, commercial, educational, or industrial purposes, with or without a permanent foundation, when connected to the required utilities, and the term "mobile home" shall be deemed to include the following:

A. a double wide mobile home and/or sectional trailer defined as a mobile home, consisting of two or more sections, to be combined horizontally at the site, while still retaining their individual chassis for possible future movement;

B. an expandable mobile home defined as a mobile home with one or more room sections that can be folded, collapsed, or telescoped while being transported and expanded at the site to provide additional cubic capacity;

C. a modular unit defined as a factory-fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

Subp. 9. **Owner.** The term "owner" means a person to whom a certificate of title to equipment has been issued, or who has lawful possession of equipment.

Subp. 10. **Petroleum transport.** The term "petroleum transport" means any vehicle, trailer, or semitrailer with a tank or tanks mounted thereon, or made an integral part thereof (other than the fuel-supply tank for the engine of such vehicle), which is filled or emptied while remaining on the vehicle and used for transporting petroleum products and is owned or operated by or for an authorized petroleum carrier.

Subp. 11. **Registered vehicle.** The term "registered vehicle" shall mean the power unit.

Subp. 12. **School activity.** A "school activity" as referred to in Minnesota Statutes, section 221.011, subdivision 21, in a definition of a "charter carrier" shall be construed to mean those activities sponsored and regulated by the school authorities, especially of, or pertaining to, such activities as debating, dramatics, music, and athletics, which form part of the life of the students, but are not part of the regular courses of study. The transportation of participants and student spectators accompanied by a mentor or counselor attending such school activities, when under the supervision or authority of the school, shall be construed to be a school activity, and shall not be that of a charter carrier.

Subp. 13. **Shipper.** The term "shipper" shall mean the supplier of products to be transported.

Subp. 14. **Other terms given practical meaning.** Where terms are used in these rules which are not defined herein they shall have the ordinary practical meaning of such terms, as applicable to the transportation industry.

Statutory Authority: *MS s 221.031*

7800.0200 SCOPE.

This chapter shall apply to every corporation or person who is operating as a regular route common carrier of freight or passengers, a permit carrier, charter carrier, or a petroleum carrier transporting petroleum products in bulk, either in intrastate commerce or interstate commerce, as defined in Minnesota Statutes, chapter 221. Every motor carrier shall compel compliance with the requirements of this chapter where it is applicable to its employees.

Statutory Authority: *MS s 221.031*

7800.0300 MINIMUM SAFETY STANDARD.

Any motor carrier subject to this chapter may in the conduct of its business provide for a higher standard of safety in its operations than is provided for herein. But no such safety standards of operations adopted by such carrier shall be inconsistent with these rules or contrary to law.

Statutory Authority: *MS s 221.031*

7800.0400 APPLICATIONS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS.

The commission on request will furnish application forms to any person who desires to apply for a certificate of public convenience and necessity as an RRCC of passengers or freight, a permit or petroleum carrier certificate or petroleum carrier permit. Such forms respectively will indicate the required information.

Statutory Authority: *MS s 221.031*

7800.0500 APPLICATION FOR PETROLEUM CARRIER PERMIT.

The application of the petroleum carrier shall contain the following information:

A. Applicant's name: if a corporation, names and addresses of officers and if a copartnership, the names and addresses of the copartners. Applicant's principal place of business.

B. A statement of applicant's present authority as a petroleum carrier, if any.

C. A statement of the origin point or points from which and the destination points or counties to which applicant proposes to transport petroleum products.

D. A statement of applicant's equipment, or the equipment applicant expects to devote to the operation if the certificate is granted, showing the make, year, and gallonage thereof.

E. Applicant's financial statement brought down to as nearly current a date as possible.

F. Applicant's terminals or proposed terminals, if any.

G. An original and two copies thereof shall be signed by the applicant or some person authorized by him to sign in his behalf. His signature may be stamped or typed in on all other copies.

H. The application need not be verified.

Statutory Authority: *MS s 221.031*

7800.0600 APPLICATION FOR PETROLEUM CARRIER PERMIT.

Applicants filing for certificates of convenience and necessity as a regular route common carrier or as a petroleum carrier pursuant to the provisions of Minnesota Statutes, section 221.061, shall furnish the commission with sufficient copies of the application to make service on all parties whom the commission deems interested. Upon request, the commission will advise the applicant of the number of copies required for such service.

Statutory Authority: *MS s 221.031*

7800.0700 FILING OF CUSTOMER LISTS WITH APPLICATION FOR CONTRACT CARRIER PERMIT.

At the time of making application for the issuance of a contract carrier permit, or for an extension or change of the authority of such a permit, the applicant shall file with his application a list of the customers, a copy of the contract or contracts, except a contract providing for armored car service which contract's existence may be attested to by providing adequate information in affidavit form, to substantiate the existence of each agreement between the carrier and consignee or consignor, for whom he proposes to transport freight

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under authority of said contract permit. Such contract carrier shall transport freight only for a person, firm, or corporation who is on such list of customers under said permit. Names of customers on such list may be changed from time to time by the carrier on approval of the commission.

Statutory Authority: *MS s 221.031*

7800.0800 APPLICATION FOR TEMPORARY AUTHORITY.

Each application for temporary authority must be accompanied by a supporting statement designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Any shipper's statement accompanying said application must contain a certification of its accuracy and must be signed by the person or his authorized representative having such immediate and urgent need for motor carrier service. Any such supporting statement must contain at least the following information:

A. description of the specific commodity or commodities to be transported, where the transportation of property is involved;

B. points or areas to, from, or between which such commodities or passengers are to be transported, if service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested;

C. volume of traffic involved, frequency of movement, and how transported now and in the past;

D. how soon the service must be provided, and the reasons for such time limit;

E. how long the need for such service will likely continue, and whether the persons supporting the temporary application will support a permanent service application;

F. recital of the consequences if service is not made available;

G. the circumstances which created an immediate and urgent need for the requested service;

H. whether efforts have been made to obtain the service from existing carriers, and the dates and results of such efforts;

I. names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal;

J. name and address of motor carrier who will provide service and is filing application for temporary authority; and

K. if the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and motor carrier's number, if known, and state whether such application was granted or denied, and the date of such action, if known.

Statutory Authority: *MS s 221.031*

7800.0900 CONTINUANCE OF APPLICATION.

No continuance of any application or oral argument thereon set for hearing shall be granted unless the moving party shall file with the commission a request therefor at least five days prior to the day of hearing with a showing of good cause, provided that in cases of emergency arising less than five days prior to the day of hearing a request for a continuance will be entertained by the commission where the reasons are adequate and are stated in an affidavit to be filed with the commission.

Statutory Authority: *MS s 221.031*

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7800.1000 DENIAL OF APPLICATION AND REAPPLICATION.

When, after hearing, a final order has been entered denying applicant a permit under the provisions of Minnesota Statutes, section 221.121, the commission will not accept another application for a permit for the same kind of transportation until the lapse of one year from the date of the order, except upon a showing of good grounds therefor.

When an application for a permit as a local cartage carrier has been denied, the commission will not accept another such application for such permit until the lapse of one year from the date of the order, except upon the showing of good grounds therefor.

Statutory Authority: *MS s 221.031*

7800.1100 AGE REQUIREMENT.

No permit shall be issued to any person under 18 years of age.

Statutory Authority: *MS s 221.031*

7800.1200 COMPLIANCE PERIOD.

The compliance period in all orders involving new applications or extension of authority issued by the commission shall be 30 days from the receipt of such order by the person by whom compliance is to be made, unless otherwise ordered by the commission, and failure to make such compliance as aforesaid shall render the order null and void, and all proceedings in such matter shall be terminated.

Statutory Authority: *MS s 221.031*

7800.1300 PERMIT AND CERTIFICATE IDENTIFICATION.

Subpart 1. Carrier identification cards. Cards are issued to all for-hire carriers, including local cartage carriers, for identifying the vehicle. Such cards will be called "carrier identification authority" or "cab cards."

The carrier identification authority card or cab card must be carried at all times in a readily available place in the cab of the vehicle for which it was issued; that upon request it must be shown to identify authority granted and that the owner thereof has complied with all laws and rules of the commission governing the operations for the type of authority granted.

Subp. 2. Identifying letters and names on power unit. All power units used in local cartage carrier transportation shall display identifying letters and assigned LCC permit number on both sides of the power unit on the doors. The numbers and letters shall not be less than 1-1/2 inches in height and one inch in width and are to be legible at all times.

The name and post office address of the certificated, permit, and local cartage carrier must be shown on both sides of the power units on the doors on each vehicle and must be the same as shown in the certificate or permit. The lettering shall be not less than three inches high, made by strokes no less than one-half inch wide of a contrasting color, so as to be legible at all times.

Statutory Authority: *MS s 221.031*

PERMITS

7800.1400 PETROLEUM CARRIERS.

Permit carriers engaged in transporting petroleum products in bulk between points or places wholly within a single city or village, or wholly within a single group of contiguous cities or villages, or exclusively in interstate commerce shall be subject to the rules relating to petroleum carriers.

Where the destination area in the certificate of a petroleum carrier is granted by counties, and a part of the corporate limits of any municipality lies in a county granted as a destination area in a certificate, the holder of such certificate is authorized to make deliveries to any place within the corporate

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limits of such municipality.

Statutory Authority: *MS s 221.031*

7800.1500 ABANDONMENT OF ROUTE BY REGULAR ROUTE COMMON CARRIER.

Failure of a regular route common carrier to commence operations upon the route granted within 30 days after the date of the certificate of public convenience and necessity therefor shall be deemed an abandonment thereof.

Failure of an RRCC to operate for a period of seven consecutive days over any route covered by the certificate of public convenience and necessity therefor without the written consent of the commission shall be deemed an abandonment of service and cause for forfeiture of all rights granted, except when the route is closed or detoured by the Department of Transportation, or other governmental authority.

Statutory Authority: *MS s 221.031*

7800.1600 REGULAR ROUTE COMMON CARRIER.

Subpart 1. **Carrying of freight as irregular route common carrier.** If a regular route common carrier of freight is also an irregular route common carrier as defined in Minnesota Statutes, section 221.011, subdivision 11, or a contract carrier, as defined in Minnesota Statutes, section 221.011, subdivision 12, it shall not carry freight as a regular route common carrier, and as an irregular route common carrier, or as a contract carrier in the same vehicle at the same time.

Subp. 2. **Interchange of freight.** No regular route common carrier may interchange freight with an irregular route common carrier or with a contract carrier.

Statutory Authority: *MS s 221.031*

7800.1700 PERMIT CONTRACT CARRIERS.

Subpart 1. **Permit contract carriers holding permits as irregular route common carriers.** Carriers holding authority both as a permit contract carrier and as an irregular route common carrier may engage in more than one of such types of carriage at the same time with the same vehicle providing the vehicle is registered under both types of carriage.

Subp. 2. **Interline freight.** Permit carriers may not interline freight with another permit carrier or with regular route common carriers, except that household goods carriers may interline with each other and local cartage carriers may interline with each other. This rule shall not preclude local cartage carriers from entering into contractual agreements with regular route common carriers or permit carriers for the pickup and delivery of freight within the area defined in Minnesota Statutes, section 221.011, subdivision 17.

Statutory Authority: *MS s 221.031*

7800.1800 CHARTER CARRIERS.

A charter carrier engaged in transporting passengers under charter shall be subject to the same rules relating to regular route common carriers of passengers.

A charter carrier permit cannot be issued to a school district owning and operating vehicles covered by the provisions of Minnesota Statutes, section 168.012.

Statutory Authority: *MS s 221.031*

7800.1900 VIOLATION BY PETROLEUM CARRIERS.

Whenever a petroleum carrier or a permit carrier of petroleum products violates the provisions of this chapter or any law relating to the transportation of petroleum products by such carrier, in addition to the penalties prescribed by law for the violation thereof, the commission may require such petroleum carrier to install on any or all of the petroleum transports owned or operated by him a mechanical time recording device which shall record the starting, stopping, and running time of each of such transports. The records made by such recording device shall be kept by the petroleum carrier for a period of not less than one year from the date of the record. Should the commission order the installation of such recording device, the carrier shall install the same within 60 days from the effective date of the order and thereafter no transport owned or operated by such carrier shall be placed into service until such a recording device has been installed thereon.

Statutory Authority: *MS s 221.031*

7800.2000 HOUSEHOLD GOODS CARRIERS.

Subpart 1. **Shipment requires written orders to driver.** Whenever a household goods carrier gives a prospective shipper an estimate of charges, either verbal or written, covering the movement of shipper's household goods, said carrier shall issue a written order to his driver which shall show the name and pickup address of the shipper, the delivery address of the movement, the time of pickup, the items to be transported, and the estimate of charges for such movement. If, upon arrival at the point where the pickup is to be made, the driver finds that there are additional items to be transported other than those named in the order, or if for other reasons the estimate must be revised, the adjustment of the estimate must be noted on the order and signed by the shipper. A copy of said order or estimate must be given to the shipper.

Subp. 2. **Insurance coverage on shipment.** The household goods carrier, at the time of loading the shipment, shall specifically call the shipper's attention to the released value of the goods as fixed in its tariff and by part 7800.2100 and shall notify the shipper that anything above the released value must be insured by the shipper if the shipper is to recover more than the released value in case of loss or damage. If the shipper shall request insurance coverage for the excess (or entire) value, upon tender by the shipper to the carrier of the cost of such insurance, the carrier shall obtain for the shipper a policy of insurance in the amount required by the shipper and at or before the time of the pickup of such goods shall deliver to the shipper evidence of such insurance coverage. If the carrier fails to notify the shipper in writing of the released value limitation or that insurance coverage is available or any shipper has ordered and paid for insurance and the carrier fails to deliver evidence of such insurance coverage at or before the time of the pick up of the shipment, the carrier shall be responsible for the full value of all items of the household goods shipment lost or damaged while being loaded or transported or unloaded by him.

Statutory Authority: *MS s 221.031*

7800.2100 BILL OF LADING ISSUED FOR SHIPMENT.

In the case of any intrastate move, the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to \$1.25 for each pound of weight in the shipment, whichever is greater.

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The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding

(To be completed by the person signing below)

Notice: The shipper signing this contract must insert in the space above in his own handwriting, either his declaration of the actual value of the shipment, or the words "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to \$1.25 times the weight of the shipment in pounds.

(Shipper)

(Date)

Provided that: Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportation charges in connection with such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill of lading in lieu of the personal signature and handwritten statement relating to released rates.

The shipper may also elect, in lieu of declared value, to purchase trip insurance covering up to full value of the shipment and the carrier shall be permitted to act as an agent in the writing of said insurance.

Statutory Authority: *MS s 221.031*

7800.2200 HOUSEHOLD CARRIER AS STORER.

When a carrier also engages in the storage of household goods and a shipper has stored his household goods with such carrier-storer and such carrier-storer has told the shipper that there will be no dock charges when said household goods are reshipped, or if the storage receipt does not show that charges for dockage will be assessed at the time said goods are removed from such warehouse, then such warehouseman shall make no dockage charge whether the goods are transported by such warehouseman as carrier or through the services of another carrier.

Statutory Authority: *MS s 221.031*

7800.2300 APPLICATION OF COMMON LAW AND MINNESOTA STATUTES.

Nothing in this chapter shall be construed to hold a carrier liable for loss or damage when such loss or damage is due to a cause for which the carrier is not liable by reason of the common law or the statutes of the state of Minnesota.

Statutory Authority: *MS s 221.031*

7800.2400 ADVERTISING OF HOUSEHOLD GOODS CARRIER.

Subpart 1. **Storage service.** No carrier of household goods shall advertise or in any way imply or suggest that such carrier will provide storage service unless such carrier holds a warehouse license issued by the commission, or unless the carrier has a currently existing written agreement with a licensed warehouseman providing for the storage of all property offered him for storage by such carrier.

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Subp. 2. **Agency agreement.** No carrier of household goods shall advertise or in any way imply or suggest that such carrier is an agent of any other carrier unless there is a currently existing valid written agency agreement in effect in which the carrier of household goods is made an agent of the other carrier.

Subp. 3. **Insurance.** No carrier of household goods shall advertise or in any way imply or suggest that such carrier carries insurance which will cover damage or loss to household goods while being loaded or unloaded, or in transit or storage, or otherwise in the care or custody of the carrier, unless such carrier actually carries such insurance.

Subp. 4. **Inclusion in advertisement of assigned authority number and identification letters.** No certificated, permit, household goods, or local cartage carrier shall advertise in any publication, including a telephone directory, unless such advertisement shall contain such carrier's Public Utilities Commission assigned authority number, and the appropriate identification letters.

Statutory Authority: *MS s 221.031*

7800.2500 LEASED EQUIPMENT.

A motor carrier may lease motor equipment from the owner thereof for use in operations conducted pursuant to the motor carrier's permit or certificate. The lease may include the services of a driver and nothing in this chapter shall be construed to require that such a driver be an employee of the motor carrier lessee.

The purpose of these leasing rules is to ensure that the primary responsibility for the conduct of regulated motor carrier operations remains in the authorized motor carrier, and that the members of the public using motor carrier services are clearly advised of the identity of the responsible carrier, and that the leasing of equipment by an authorized motor carrier from an owner thereof is not a subterfuge for leasing the carrier's permit or certificate to the owner-lessor.

Statutory Authority: *MS s 221.031*

7800.2600 REQUIRED LEASE PROVISIONS.

The lease shall provide for the exclusive possession, control, and use of the equipment, and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said lease, and the lessee shall be considered as the owner of said vehicle during the duration of the lease for all purposes, including public liability insurance, and registration of vehicles with the Department of Public Service. The lease shall state the terms of compensation to be paid to the lessor by the lessee. The lease shall state the date and duration of said lease. The parties to the lease agreement may insert therein any other provisions not contrary to law, and not inconsistent with the rules of the Minnesota Public Utilities Commission.

Statutory Authority: *MS s 221.031*

7800.2700 DUTIES OF THE LESSOR AND LESSEE.

The lease shall be executed in at least three copies. One executed copy shall be retained by the lessee, one executed copy shall be retained by the lessor, and one copy shall be kept with the leased equipment at all times during the term of the lease.

The provisions of the above paragraph shall not apply between motor carriers that have authority as defined under Minnesota Statutes, section 221.011, subdivisions 9, 10, 11, 12, 13, 21, and 24, nor shall it apply to local cartage carriers as defined in Minnesota Statutes, section 221.296.

Lessee's name and address shall be displayed on both sides of the leased and registered vehicle in required lettering. During the time that vehicles under lease are operated by the lessee, there shall be carried in such vehicle bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, and which

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clearly indicate that the transportation of the property carried is under the responsibility of the lessee as an authorized carrier.

It shall be the duty of the lessee-carrier before taking possession of the equipment to have the same inspected by a qualified person to insure that said equipment is in safe operating condition. The person making the inspection shall certify the results thereof to the lessee, and a copy of such certification shall be carried in the motor vehicle.

All charges paid by a shipper or consignee for transportation services performed with use of leased equipment shall be paid to the lessee only, and the lessor shall exercise no control or dominion over such revenues. The driver of a leased vehicle may, when required, physically collect such charges from the shipper or consignee, but shall immediately deliver all said funds to the lessee. All arrangements for transportation service, solicitation therefor, claims settlement, and all other aspects of motor carrier service shall be conducted by, and in the name of, lessee only, and neither lessee nor the lessor shall by any method of service whatsoever represent or imply, or suggest, to any shipper or consignee, that the motor carrier service being offered or rendered is being offered or rendered by the lessor.

Nothing in this chapter shall be construed to relieve the lessee, the lessor, or the driver of any leased equipment from compliance with the laws, rules, and regulations pertaining to the operation of motor vehicles on Minnesota highways.

Statutory Authority: *MS s 221.031*

RECORDS, REPORTS, AND CLAIMS

7800.2800 RECORDS KEPT BY THE COMMISSIONER.

All motor carriers authorized by the commission must keep full and complete records including operating expense, operating revenue, miles operated, and otherwise as may be required when the vehicle is operated on an hourly basis in accordance with carrier's filed tariff. In addition, all motor carriers must keep a driver's log, subject to the exceptions in part 7800.5900.

For accounting regulations and filing annual reports refer to parts 7805.0500 to 7805.1300, motor carrier accounting rules.

Freight bills, bills of lading, and all other records of motor carriers will be open to inspection and examination to the commission and the agents thereof at all reasonable times and places. The commission may on application or upon its own motion, after notice, order any motor carrier authorized by the commission to produce such records for examination when and where the commission by order directs.

Where a dispute arises between a carrier, consignee or consignor, or a passenger, over a claim, any of the interested parties may refer the claim to the commission for investigation.

Statutory Authority: *MS s 221.031*

7800.2900 BILL OF LADING AND FREIGHT BILLS.

Each motor carrier shall issue or cause to be issued a bill of lading and a receipt bill for all merchandise picked up for shipment and shall issue or cause to be issued a freight bill showing the commodity or commodities transported, classification, rates charged, and total amount for transportation, and any other charges to be made under the tariff. The freight receipt and freight bills may be combined.

Petroleum carriers must issue a bill of lading and freight bill; one copy of the bill of lading shall be delivered to the shipper and one retained by the motor carrier; and one copy of the freight bill shall be retained by the carrier and one copy thereof delivered to the consignee or consignor.

Statutory Authority: *MS s 221.031*

7800.3000 CARRIERS RETAIN COPIES.

All carriers shall retain copies of all records including bills of lading and freight bills for at least three years from the date covered by the document.

Statutory Authority: *MS s 221.031*

7800.3100 LIVESTOCK BILL OF LADING.

Subpart 1. **Content.** Pursuant to Minnesota Statutes, chapter 221, the livestock bill of lading shall contain the following information:

- A. the date of its issue;
- B. the name of the person from whom the goods have been received;
- C. the place where the goods have been received;
- D. the place to which the goods are to be transferred;
- E. a statement whether the goods received will be delivered to a specified person, or to order of a specified person;
- F. a description of the goods, which may be in general terms; and
- G. the signature of the carrier.

Subp. 2. **Copies.** The uniform bill of lading used by a permit carrier for the delivery of livestock to a public stockyard shall be in quadruplicate, the first sheet of which shall be white, the second red, the third yellow, and the fourth goldenrod.

Subp. 3. **Carrier responsibilities.** For purposes of expediting the handling of the livestock at public stockyards the permit carrier shall:

- A. assign a brand to each owner;
- B. a bill of lading shall be made out for each consignee;
- C. a bill of lading shall be made for each kind or species of livestock transported;
- D. the bill of lading shall be presented and delivered to consignee or his agent at time of unloading at the public stockyards; and
- E. the bill of lading shall be completed before the transportation is begun.

For the delivery of livestock by permit carriers at points or places other than public stockyards, any uniform bill of lading form meeting the requirements of Minnesota Statutes, chapter 221, shall be lawful.

Statutory Authority: *MS s 221.031*

7800.3200 TIMELY PRESENTMENT OF BILLS.

Subpart 1. **Regular route common carriers, petroleum carriers.** Carriers operating under certificates as regular route common carriers or petroleum carriers shall present freight bills for payment of transportation charges and services rendered in connection with such transportation within ten calendar days from the date of delivery of shipment. Carriers must collect the charges therefor within 20 days from the delivery of shipment.

Subp. 2. **Permit carriers.** Permit carriers must present freight bills showing transportation charges at the time of delivery of the freight and shall collect such charges within 30 days from the date of such delivery. If the consignee fails to pay such charges when the same are due, all further deliveries to such consignee shall be on a cash basis as long as consignee owes unpaid delinquent charges.

Statutory Authority: *MS s 221.031*

7800.3300 C.O.D. SHIPMENTS.

All money collected on c.o.d. shipments must be remitted in accordance with terms of bill of lading within ten days from the date of delivery of freight.

All money collected on c.o.d. shipments must be remitted in the amount shown on the bill of lading within ten days from the date of delivery of the freight.

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Where a c.o.d. shipment is refused or cannot be delivered, the carrier shall forthwith notify the shipper of such fact and request the shipper for instructions regarding the disposition thereof.

A regular route common carrier may, with the appropriate authority from the commission, restrict its tariffs to the effect that such carrier will not handle c.o.d. shipments unless such carrier is to deliver such c.o.d. shipment.

Statutory Authority: *MS s 221.031*

7800.3400 DETERMINATION OF LIABILITY ON LOSS OR DAMAGE.

Where loss or damage occurs on an interline shipment, the delivering carrier shall promptly investigate and determine the liability of all loss or damage claims on shipments and make payment to the claimant without requiring claimant to wait for payment until the matter of liability has been adjusted between carriers.

Statutory Authority: *MS s 221.031*

7800.3500 REPORT OF A CARRIER ACCIDENT.

A motor carrier operating under authority of the commission must report to the commission any accident involving any of its vehicles and resulting in loss of life, immediately, by telephone or telegram, giving the place, time, number of fatalities, and extent of known damage.

In accidents resulting in loss of life or requiring hospitalization or medical attention, or property damage amounting to, or more than, \$2,000, a summary report shall be made to the commission within 48 hours of the time of said accident and a detailed written report of the accident made available to the commission within 15 days.

A written report of accidents shall contain the following information: name of carrier, principal business address, type of carrier, date of accident, time of accident, place where accident occurred, highway number, county, city, name and address of the driver of the vehicle, type of accident, collision, noncollision, whether accident involved fire or explosion, other vehicles involved, name of the owners, addresses, type of vehicles, names and addresses of persons killed or injured, and so designated. Such written report may be made on the United States Department of Transportation motor vehicle accident report form.

Motor carriers shall specifically review the individual record of a driver involved in a serious accident so that reckless or accident-prone drivers may not continue to drive vehicles as a hazard to public safety.

Statutory Authority: *MS s 221.031*

7800.3600 FILING OF CLAIMS AGAINST CARRIERS.

No motor common carrier operating under authority of the commission shall provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months after delivery of the property or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier hereunder shall be liable, and such claims will not be paid.

Statutory Authority: *MS s 221.031*

EQUIPMENT AND SAFETY REQUIREMENTS

7800.3700 EQUIPMENT REQUIRED ON ALL VEHICLES.

Subpart 1. **Minimum requirements for safety.** Every vehicle used by a regular route common carrier, petroleum carrier, or permit carrier used in for-hire service shall be adequately equipped for safe operation upon the highways.

Every motor carrier shall systematically inspect and maintain all motor vehicles subject to its control to ensure such motor vehicle's parts and accessories are in safe and proper operating condition. Such maintenance and inspection reports or records shall be maintained for each vehicle.

Subp. 2. **Lights.** No lighting device other than electric lights shall be on any petroleum transport, regular route common carrier, or permit carrier vehicle. Lighting circuits shall have suitable over-current protection (fuses or automatic circuit breakers). The wiring shall have sufficient carrying capacity and mechanical strength and shall be secured, insulated, and protected against physical damage in keeping with recognized good practice.

Subp. 3. **Brake hose.** Brake hoses and electric wire connections between tractor and semitrailer shall be free from binding but shall not come into contact with any moving parts of the tractor.

Subp. 4. **Exhaust system.** All parts of the regular route common carrier or permit vehicle exhaust system carrying exhaust gases from the engine shall be constructed and installed in a workmanlike manner and in no case be exposed to accumulation of grease, oils, gasoline, or other fuels. The exhaust system shall be so constructed and maintained as to ensure against any carbon monoxide gas entering in or accumulating in the driver's compartment. The exhaust gases of the engine after passing through the muffler and tail pipe shall not be allowed to discharge against any parts of the unit.

Subp. 5. **Tires.** Recapped tires shall not be used, except in case of emergency, on the front wheels of a regular route common carrier, permit vehicle, or petroleum transport. No motor vehicle operated under a permit or certificate shall have on any tire with fabric exposed through the tread or sidewall.

Subp. 6. **Outside rearview mirror.** Every vehicle operating under a certificate or permit shall have two outside rear view mirrors of such size and shape to provide a clear view of the highway to the rear along both sides of the vehicle.

Statutory Authority: *MS s 221.031*

7800.3800 RECORDING DEVICE ON REGULAR ROUTE COMMON CARRIER AND PETROLEUM CARRIER.

If a regular route common carrier or petroleum carrier so operates its vehicles as to require the keeping of records that could only be made by a recording device installed on the vehicles, then by order, the commission may direct such installation.

Statutory Authority: *MS s 221.031*

7800.3900 ADVERTISING.

A regular route motor common carrier shall not carry or display on its vehicles the advertising of any products, trademarks, name, or trade name other than the name of the carrier; provided, however, the commission upon application may remove such restriction as to any specific carrier upon a showing that the removal of such restriction will not be contrary to public interest. This part shall not apply to regular route motor common carriers of passengers.

Statutory Authority: *MS s 221.031*

7800.4000 EQUIPMENT NECESSARY FOR LIVESTOCK CARRIERS.

Subpart 1. **Partitioning of vehicle.** When permit vehicles carry livestock, each kind must be partitioned; calves and sheep may be carried in the same compartment; likewise, calves and cows. Large hogs must be partitioned from pigs. Bulls, horned, or unruly cattle must be securely tied or partitioned from other cattle. When less than a full load is carried, partitions must be used so that the animals may be comfortably carried without jostling and falling.

Subp. 2. **Equipment in vehicles.** Spare tires or other articles not used in the handling of livestock must not be carried in a compartment which also contains livestock. So far as practicable all racks and partitions shall be free from projections which might injure the animals carried; and may not be carried outside of the truck except when securely fastened and then only on the right side thereof.

Subp. 3. **Upper decks and ramps.** Upper decks used in the transportation of livestock must at all times clear animals standing below. Cleated inclines or ramps must be provided for the loading or unloading of upper decks.

Subp. 4. **Floors.** Floors of vehicles carrying livestock must be cleated, bedded, or sanded sufficiently to prevent slipping. Bedding may consist of shavings, straw, sand, fine gravel, sawdust, or any other practical material.

Subp. 5. **Weather conditions.** During the period from June 15 to September 15 of each year and at all other times when necessary, livestock must be covered in such manner as to protect them from the sun; and during the period from November 1 to March 31 livestock carried shall be covered and otherwise sheltered in such manner as to protect them from inclement weather conditions.

Subp. 6. **Number of animals in vehicle.** Livestock shall not be loaded into a motor vehicle in such numbers so as to result in the crippling or smothering or otherwise injuring or killing an animal.

Statutory Authority: *MS s 221.031*

7800.4100 USE OF LIVESTOCK CARRIER FOR GENERAL CARTAGE.

No motor carrier shall transport general commodities for-hire in a motor vehicle which he uses for the transportation of livestock unless such motor vehicle has been cleaned and washed, and no such motor vehicle shall be used for the transportation of household goods and food for human consumption unless it has been cleaned, washed, and disinfected.

Statutory Authority: *MS s 221.031*

7800.4200 PETROLEUM CARRIERS.

Subpart 1. **Requirements for tanks.** Every tank vehicle used to transport petroleum products or other hazardous commodities shall be constructed of such material so as to withstand road shocks, loaded or empty, and shall be clean bore, bulk headed, or baffled; such tanks shall be equipped with proper tank vents as emergency venting facility and all drawoff valves and faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to ensure in every instance a tight connection with the hose extending to the storage fill pipe.

Subp. 2. **Shutoff valve on vehicles transporting flammable products.** All petroleum transports transporting flammable products as defined by subpart 9 shall have each compartment equipped with a reliable and efficient shutoff valve located inside of the shell of the tank in the compartment outlet and, except during delivery operation, these valves shall be kept closed.

The operation mechanism for these valves shall be provided with a secondary control, remote from the tank-filling openings and discharge faucets,

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for use in the event of accidents or fire during delivery operations. The control mechanism shall be provided with a fusible section which will cause valves to close automatically in case of fire.

In every case there shall be provided, between the shutoff valve seat and discharge faucet, a shear section which will break under strain unless the discharge piping is so arranged as to afford the same protection and leave the shutoff valve seat intact.

Subp. 3. **Cargo tanks.** Cargo tanks and vehicle chassis shall be electrically bonded.

Subp. 4. **Grounding of static charge.** Adequate provision shall be made prior to each filling of a petroleum transport for the grounding of any static charges that may be present.

Subp. 5. **Exhaust system.** All parts of the petroleum transport exhaust system shall be constructed and installed in a workmanlike manner and in no case be exposed to accumulations of grease, oils, gasoline, or other fuels. In engine installations using a gasoline or like liquid fuels, butane, propane, mixtures thereof, or similar fuels, the exhaust system shall have ample clearance from fuel lines, and, in any case, free from combustible materials. The exhaust gases of the engine, after passing through the muffler and tail pipe, shall not be allowed to discharge against any parts of the unit.

Subp. 6. **Fuel-feed system.** Every petroleum transport shall have all portions of the fuel-feed system, including carburetor, pumps, and all auxiliary mechanisms and connections constructed and located as to minimize the fire hazards with no readily combustible materials used therein and shall, except for diesel fuel connections, be well separated from the engine exhaust system. A pressure-release device shall be provided where necessary. The fuel-feed lines shall be made of materials not likely to be corroded, of adequate strength for their purpose, well secured to avoid chafing or undue vibration, having a readily accessible and reliable shutoff valve or stopcock. Joints depending upon solder for mechanical strength and liquid tightness shall not be used in the fuel system at or near the engine or its accessories, unless the solder has a melting point of not less than 340 degrees Fahrenheit, or unless a self-closing thermally-controlled valve set to operate at not exceeding 300 degrees Fahrenheit, or other equivalent automatic device, shall be installed in the fuel line of the fuel tank side of such joint.

Subp. 7. **Carburetor.** If used, shall be constructed and installed as to minimize the hazards due to backfiring, and other hazards inherent in its use, and shall be provided with direct drainage for overflow gasoline.

Subp. 8. **Gasoline or diesel fuel tanks.** Every petroleum transport vehicle shall have the fuel tanks so designated, constructed, and installed as to prevent no hazard not inherent in their purpose or use, and shall be so arranged as to vent during filling operations and permit complete drainage without removal from their mounting. The tanks shall be arranged so that no fuel will be spilled on any part of the exhaust system in the event of overflow or spillage. When the fuel tank or tanks described herein are constructed of a ferrous metal, the fill cap shall be constructed of a nonferrous metal; and when the fuel tank is of a nonferrous metal, the fill cap may be of a ferrous metal.

Subp. 9. **Flammable marked on each side of vehicle.** Every petroleum transport when the product being transported has a flashpoint classified by the Department of Transportation as being flammable, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least three inches high on a background of sharply contrasting color, as follows: With a sign of lettering on the petroleum transport using the word "FLAMMABLE" or on

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vehicles transporting compressed gases using the words "FLAMMABLE COMPRESSED GAS" and the name of the gas, or "INFLAMMABLE COMPRESSED GAS" and the name of the gas.

Subp. 10. **Advertising.** No petroleum carrier or permit carrier of petroleum products shall carry or display on its petroleum transports the advertising of any products, trademarks, name or trade name other than the name of the carrier; provided, however, the commission upon application may remove such restriction as to any specific carrier upon a showing that the removal of such restriction will not be contrary to public interest.

Statutory Authority: *MS s 221.031*

7800.4300 COMPLIANCE WITH BUMPER REQUIREMENT.

All vehicles operated under a certificate or permit must comply with the provisions of Minnesota Statutes, section 169.73.

Statutory Authority: *MS s 221.031*

7800.4400 DRIVER REPORT OF DEFECTS IN VEHICLE.

Every motor carrier operating more than one vehicle shall require its drivers to report and every driver shall prepare and report upon completion of duty all defects likely to affect the safe operation of the vehicle.

Statutory Authority: *MS s 221.031*

7800.4500 SAFETY REGULATIONS.

For uniformity in compliance in the interest of public safety, the safety rules of the Public Utilities Commission shall apply to all persons engaged in the business of transportation of persons or property for-hire on the highways of Minnesota.

All rules and safety regulations prescribed in Code of Federal Regulations, title 49, parts 390 to 397, as revised October 1, 1975, and adopted by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, not in conflict with the laws of the state of Minnesota, and/or rules of the commission, are hereby adopted as the safety rules of this commission.

All rules and safety regulations prescribed in Code of Federal Regulations, title 49, parts 100 to 199, revised as of October 1, 1975, and adopted by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, designated as the hazardous materials regulations, not in conflict with the laws of the state of Minnesota, and/or rules of the commission, are hereby adopted as the safety rules of this commission.

Note: A copy of the safety regulations set forth in the Code of Federal Regulations, title 49, parts 390 to 397, as revised October 1, 1975, and referred to in parts 7800.4500 to 7800.5300, is maintained in the offices of the Public Utilities Commission and the Department of Transportation in St. Paul, and is open and available to the general public for inspection.

Statutory Authority: *MS s 221.031*

7800.4600 FIRE EXTINGUISHERS.

Each motor carrier vehicle carrying passengers or commodities in for-hire service shall carry in an accessible position at least one fire extinguisher as follows: on regular route common carrier and permit vehicles the fire extinguisher shall be of the type having a five B.C. rating of dry chemical or its equivalent; on vehicles transporting petroleum products in bulk the fire extinguisher shall be of the type having a ten B.C. rating of dry chemical or its equivalent.

Extinguishers shall be kept full at all times and must be recharged after use even though only partly discharged.

Each fire extinguisher shall carry attached thereto a tag showing the date that it was last filled or examined to make sure that it has not been tampered with or injured. The fire extinguisher must be designed, constructed, and maintained to permit visual determination of whether it is fully charged. Such examination shall not be less than once every three months.

Whenever a fire extinguisher is used, either partially or completely, the extinguisher shall be immediately inspected, recharged to manufacturer's specifications, and a new seal properly and immediately installed.

Statutory Authority: *MS s 221.031*

7800.4700 DUE CAUTION WHEN DRIVING PAST FIRE.

Motor carrier vehicles shall not be driven past fire of any kind burning on or near the highway or other thoroughfares until due caution shall have been taken to ascertain that such passing can be made with safety.

Statutory Authority: *MS s 221.031*

7800.4800 SAFETY REQUIREMENTS FOR PASSENGER-CARRYING VEHICLES.

Subpart 1. Fueling. On passenger-carrying motor carrier vehicles no fueling, except units using diesel fuel, shall take place with passengers in the vehicle and no reserve supply of fuel shall be carried except in a properly constructed and mounted main fuel tank, cylinder, or auxiliary tank except that this provision shall not be construed to prohibit the use of a properly constructed cargo tank for liquefied gases as a proper source of fuel supply.

Subp. 2. Transportation of explosives or inflammable property. Motor carrier vehicles engaged only in the transportation of passengers may not, at the same time, transport for-hire explosives or other inflammable property unless enclosed in a completely fireproof container and in a compartment separate from the passenger-carrying space.

Subp. 3. Emergency exit. Passenger-carrying motor carrier vehicles must equip all vehicles used for the transportation of passengers with a usable emergency exit door on the opposite side from the regular service door, and marked "Emergency Exit," or in lieu thereof such vehicles shall be provided with emergency escape kick-out or push-out windows. Each of such windows shall be in the form of a parallelogram having dimensions of not less than 18 inches by 13 inches and each shall contain an area of not less than 200 square inches. Such emergency escape kick-out or push-out windows shall be appropriately marked and shall at all times be kept in good working order so that the same may be opened easily in any emergency. The foregoing rule shall not apply to electrically propelled buses manufactured prior to 1954.

Subp. 4. Boarding and discharge of passengers. Motor carrier vehicles engaged in intrastate transportation of passengers must not permit any passenger to stand in the space between the driver and the front door of the bus so as to obstruct the full view of the driver to his right and to the right rear-view mirror.

Motor carrier vehicles operated for the transportation of passengers must come to a full stop before passengers board or alight therefrom.

Passengers may not be discharged or received on the highway except where the vehicle may be driven from the traveled portion of the highway, or from traffic lanes so as not to obstruct the roadway.

No motor carrier vehicle operated for the transportation of passengers shall discharge or receive passengers except from the right-hand side of such vehicle, except in case of emergency.

Subp. 5. Heating and sanitation of vehicle. All passenger-carrying motor carrier vehicles must be maintained in a clean and sanitary condition, and when weather conditions require it, the vehicle must be heated so as to be reasonably comfortable.

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Subp. 6. **First aid kit.** All common carriers engaged in for-hire transportation of passengers shall carry a first aid kit. Such kit shall contain at least the following:

- A. three-inch by three-inch sterile gauze pads, package of 12;
- B. gauze bandages as follows (each package opened to be replaced by an unopened package):
 - (1) one-inch by ten yards, three packages;
 - (2) two-inch by ten yards, two packages;
 - (3) three-inch by ten yards, one package;
- C. three-quarter-inch adhesive compress, package of 24;
- D. one-inch by 2-1/2 yards adhesive tape, one roll;
- E. 40-inch triangular bandage with two safety pins, one package;
- F. burn ointment, one-ounce tube;
- G. iodine applicator or applicator of other antiseptic solution of at least equivalent bacteriological properties, one package;
- H. wire or wood splint, one package;
- I. tourniquet, one package; and
- J. scissors, one.

Statutory Authority: *MS s 221.031*

7800.4810 NOTICE OF SCHEDULE CHANGES.

Subpart 1. **Change in schedule; definition.** For purposes of this part, "change in schedule" means a change in the time of arrival at or departure from a scheduled or flag stop.

Subp. 2. **Notice.** A regular route common carrier that has been granted authority by order of the commission for a change in schedule for the intrastate transportation of passengers, or that anticipates a change in schedule for the intrastate transportation of passengers for which no prior state approval is needed under United States Code, title 49, section 11501 (e)(5) (1982), shall give 30 days notice of the change in schedule to the commission, and to the mayor or city clerk of each municipality affected by the change in schedule, and shall display a copy of the old and new schedules with the caption "Notice of Change in Schedule on this Route" in boldface print in all buses, terminals, agencies, and flag stops serving the route.

Statutory Authority: *MS s 216A.05; 221.041 subd 2*

7800.4900 PETROLEUM TRANSPORTS.

Subpart 1. **Fire extinguisher ready for instant use during unloading.** During unloading of a petroleum transport, the fire extinguisher shall be out of the carrying device on the vehicle, ready for instant use, and must be 15 feet or more from the unloading valves.

Subp. 2. **Compartments not completely filled.** The petroleum transport compartments must not be completely filled. The free space (outage) or any compartment shall not be less than one percent of its volume at time of loading.

Subp. 3. **Leakage in the tank transport.** In the event of a leak in the cargo-carrying tank of a petroleum transport, and such leak is of such a character as to make further transportation unsafe, the leaking vehicle shall be removed from the highway as far as practical, and extreme care must be exercised to prevent the spreading of the leaking liquid over a wide area. Effort must be made to confine the liquid by draining to a hole or a depression in the ground. Special care must be made to divert the liquid away from streams or sewers if possible. If possible and practical, the leaking liquid should be diverted to containers.

A leaking cargo tank may only be transported the minimum distance necessary to reach a place where the contents of the tank or compartment may

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be disposed of with safety. Every available means must be utilized to prevent the leakage or spillage of the liquid upon the highway.

Subp. 4. **Repairs made only where possible without hazard.** No repairs shall be performed on a petroleum transport, whether loaded or empty, except in such cases where repairs can be made without hazard.

Subp. 5. **Welding only when compartment free of gas.** No welding repairs shall be made to the cargo-carrying tank or compartment until it has first been made gas-free.

Subp. 6. **Transfer of petroleum products from one vehicle to another.** No petroleum products with a flash point under 200 degrees Fahrenheit shall be transferred from a petroleum transport to another vehicle, on any public highway, street, or road, except in case of emergency, or under orders of the State Patrol or other public authority. In such cases, reflectors or flags shall be set out in the manner prescribed by law. In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazards involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

Subp. 7. **Refueling.** The fuel tank or tanks of any petroleum transport shall be filled prior to the commencement of each day's transportation and subsequent refillings shall be reduced to the minimum number necessary. If the engine is provided with an electric ignition system, it shall be turned off and the engine stopped during the refueling process; and if with a magneto, it shall be grounded.

Subp. 8. **Reserve supply of fuel.** No reserve supply of fuel shall be carried on any petroleum transport except in a properly constructed and mounted main fuel tank, cylinder, or auxiliary tank except that this provision shall not be construed to prohibit the use of a properly constructed cargo tank for liquefied gases as a proper source of fuel supply.

Subp. 9. **Use of portable auxiliary internal combustion engine driver pump prohibited.** No petroleum carrier shall furnish a portable auxiliary internal combustion engine driver pump to be used for unloading any petroleum transport of petroleum products with a flash point under 200 degrees Fahrenheit.

Statutory Authority: *MS s 221.031*

7800.5000 SAFETY MEASURES IN THE EVENT OF AN ACCIDENT.

In the event of an accident involving any motor carrier vehicle, every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property, or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, and to safeguard against the aggravation of the hazard present, and to warn other users of the highway.

Statutory Authority: *MS s 221.031*

7800.5100 ALL VEHICLES TO BE IN PROPER WORKING CONDITION.

Motor carrier vehicles shall not be operated unless they are in proper repair; void of accumulation of grease, oil, or other inflammable material, and road dust covering lights, name, identification plates; and free from leaks in the tanks, piping, or valves.

Statutory Authority: *MS s 221.031*

7800.5200 EQUIPMENT FOUND DEFECTIVE.

Any motor carrier's equipment found not to be in safe operating condition, or not to comply with the laws or rules of the commission governing the operations of motor carriers, shall be immediately placed out of service by the inspector, provided that if the cargo of such unsafe vehicles is perishable, the inspector may authorize its delivery under conditions and orders which such

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inspector shall regard as safeguarding the public safety.

Statutory Authority: *MS s 221.031*

7800.5300 CERTIFICATION OF VEHICLES MEETING THE SAFETY STANDARDS.

All applications for identification cards shall have therewith a certificate, on forms furnished by the commission, wherein the applicant certifies that all the vehicles for which cards have been applied meet the safety standards of the commission and no card shall be issued unless the vehicle to which said card is to be assigned is covered by such certification.

Statutory Authority: *MS s 221.031*

DRIVERS

7800.5400 QUALIFICATIONS.

Every motor carrier shall be responsible for the hiring, supervision, training, assignment, or dispatching of its drivers. No motor carrier or its officers, agents, representatives, or employees shall drive, or allow one of its vehicles to be driven, unless the person so driving possesses the following minimum qualifications:

A. Shall be licensed under the chauffeur's driver's license law of the state.

B. Shall possess competency by reason of experience or training to operate safely the type of motor vehicle or motor vehicles which he drives.

C. Shall possess knowledge of those working rules issued by the Public Utilities Commission and the Minnesota highway traffic laws pertaining to the driving of motor vehicles.

D. Shall be an employee of an authorized motor carrier or the owner thereof.

E. Shall have successfully passed a physical examination before a qualified doctor of medicine or osteopathy with the minimum requirements as follows:

(1) Mental and physical condition:

(a) no loss of foot, leg, hand, or arm;

(b) no mental, nervous, organic, or functional disease, likely to interfere with safe driving;

(c) no loss of fingers, impairment of use of foot, leg, fingers, hand, or arm, or other structural defect or limitation, likely to interfere with safe driving.

(2) Eyesight: visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green, and yellow; drivers requiring correction by glasses shall wear properly prescribed lens at all times when driving.

(3) Hearing: hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(4) Liquor, narcotics, and drugs: shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

Statutory Authority: *MS s 221.031*

7800.5500 WAIVER OF PHYSICAL REQUIREMENTS.

Subpart 1. **Waiver.** Any person failing to meet the requirements of part 7800.5400, item E, subitem (1), unit (a) or (c), may be permitted to drive a vehicle, other than a vehicle transporting passengers, or a vehicle transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations as provided by Code of Federal Regulations, title 49, section 177.823, or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the said regulations, if the commission finds that a waiver may be granted consistent with safety and the public interest, and grants such a waiver, on the basis of an application meeting all of the following requirements.

Subp. 2. **Application submitted by driver and applicant.** The application must be submitted jointly by a person seeking relief to permit him to drive and by a carrier wishing to employ such person as a driver, who both agree to fulfilling all conditions of the waiver.

Subp. 3. **Application accompanied by medical reports.** The application must be accompanied by reports of medical examinations satisfactory to the commission and recommendations by at least two medical examiners, at least one of whom shall have been selected and compensated by the carrier. Such reports and recommendations must indicate the opinions of the medical examiners as to the ability of the driver to operate safely a commercial vehicle of the type to be driven by him.

Subp. 4. **Application to contain description of vehicle to be driven.** The application shall contain a description satisfactory to the commission of the type, size, and special equipment, if any, of the vehicle or vehicles to be driven, the general area and types of roads to be traversed, the distances and time periods contemplated, the nature of the commodities to be transported, and the method of loading and securing them, and the experience, if any, of the applicant in driving vehicles of the type to be driven by him.

Subp. 5. **Periodic reports filed with commission.** The application shall specify agreement by both the person and the carrier that the carrier will file promptly with the commission such periodic reports as are required and that such reports will contain complete and truthful information as to the extent of the person's driving activity, any accidents in which he may be involved, and any arrests, suspensions, or convictions in which the person is involved.

If the applicant motor carrier is a corporation, the application shall be signed by a corporation officer and the applicant driver.

If the applicant motor carrier is a partnership, the application shall be signed by at least one of the partners and the applicant driver.

If the applicant motor carrier is a sole proprietorship, the application shall be signed by the proprietor and the applicant driver.

Subp. 6. **Waiver applicable to intrastate commercial service only.** The applicants shall agree that the waiver shall authorize driving in intrastate commercial service for the applicant carrier only, that any arrests or convictions for violations of laws or ordinances, and any revocation or suspension of driving privileges will be reported to the commission immediately on occurrence.

Subp. 7. **Waiver not to exceed two years.** The waiver shall not exceed two years and will be renewable, upon submission of a new application, if approved by the commission.

Subp. 8. **Waiver suspended at discretion of commission.** The waiver may be suspended at any time at the discretion of the commission and may be canceled by it after the applicant has been given reasonable opportunity to show cause, if any, why such cancellation should not be made.

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Subp. 9. **Copy of waiver retained in file.** A copy of the letter granting the waiver under this part, or a legible photographically reproduced copy thereof, shall be retained in the files of the motor carrier at its principal place of business during the period the driver is in the carrier's employment and 12 months after the termination of the driver's employment.

Subp. 10. **Copy of waiver carried by driver.** Every driver granted a waiver under this part shall have in his possession while on duty a copy of the letter granting the waiver or a legible photographically reproduced copy thereof covering himself.

Statutory Authority: *MS s 221.031*

7800.5600 CERTIFICATE OF PHYSICAL FITNESS.

No certificate of physical fitness shall be effective for a period of more than 24 consecutive months.

One copy of a valid certificate of the driver's physical fitness to operate a motor vehicle shall be kept in the records of the motor carrier and one copy shall be in the possession of the driver while driving the motor vehicle. The doctor's certificate shall be substantially in the form used by the Motor Carrier Safety Regulations of the Federal Highway Administration.

Statutory Authority: *MS s 221.031*

7800.5700 DRINKING OF ALCOHOL EIGHT HOURS BEFORE DRIVING PROHIBITED.

No driver shall partake of any alcoholic beverage during the eight hours immediately preceding the time of going on duty.

Statutory Authority: *MS s 221.031*

7800.5800 DRIVING PROHIBITED IF DRIVER'S ABILITY OR ALERTNESS IMPAIRED.

No driver shall drive or be required to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness, or other causes as to make it unsafe for him to drive, or to continue to drive a vehicle nor shall he be required to knowingly be permitted to drive in such condition. Nor shall any driver go on duty while under the influence of, nor drink while on duty, any alcoholic beverage or liquor, whatever its alcoholic content, nor shall he knowingly be permitted to do so.

Statutory Authority: *MS s 221.031*

7800.5900 NO PASSENGERS UNLESS AUTHORIZED BY CARRIER.

The driver shall not permit any person, other than employees of the motor carrier or an inspector of the commission while on inspection duty, to be transported in any motor carrier vehicle unless specifically authorized in writing by the carrier, provided, however, that nothing contained in this part shall be so construed as to prohibit the carrying of a person or persons in case of an accident.

Statutory Authority: *MS s 221.031*

7800.6000 EMERGENCY EQUIPMENT.

No motor carrier vehicle shall be driven unless the following required accessories are in place and ready for use in case of emergency:

A. At least one fire extinguisher, as provided in part 7800.4600, properly filled, securely mounted in a bracket, and available for immediate use.

B. Each driver shall have one electric portable lamp or lantern, commonly known as a flashlight.

Statutory Authority: *MS s 221.031*

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7800.6100 DRIVER TO REPORT DEFECTS OR DEFICIENCIES OF THE VEHICLE.

Every driver employed by a motor carrier shall at the end of his day's work or tour of duty report in writing to his employer any defect or deficiency of the motor vehicle used by him during such day's work or tour of duty, as would be likely to affect the safety or operation of the vehicle. Such reports shall be kept for six months and shall be attached to the record of corrections of defect or deficiency.

Statutory Authority: *MS s 221.031*

7800.6200 DRIVER TO CHECK EQUIPMENT.

No driver shall operate a motor carrier vehicle until he has ascertained that said vehicle is equipped with the following parts and accessories in a safe and serviceable condition:

- A. lighting devices and reflectors;
- B. brakes, service, and parking;
- C. horn;
- D. dual windshield wipers and defrosters;
- E. dual rear-vision mirrors;
- F. tires;
- G. steering mechanism;
- H. air pressure;
- I. warning devices or gauges;
- J. coupling device;
- K. flags and flares, or reflectors; and
- L. fire extinguishers of the capacity fixed in part 7800.4600.

Petroleum transports shall be equipped with three electric flares or three red emergency reflectors in lieu of any burning flares.

Intercity buses and city operated vehicles shall not be required to carry flags or flares.

Statutory Authority: *MS s 221.031*

7800.6300 DRIVER TO ASCERTAIN COURSE IS CLEAR.

No motor carrier vehicle shall be set in motion until due caution has been taken to ascertain that the course is clear.

Statutory Authority: *MS s 221.031*

7800.6400 NO SMOKING BY DRIVERS OF PETROLEUM TRANSPORTS.

Smoking on or about a petroleum transport by a driver at any time is forbidden. Drivers of petroleum transports shall carry no matches other than safety matches.

Statutory Authority: *MS s 221.031*

7800.6500 NO RECKLESS DRIVING.

No petroleum transport shall be driven recklessly, or so as to endanger life, limb, or property.

Statutory Authority: *MS s 221.031*

7800.6600 DRIVERS OF PETROLEUM TRANSPORTS TO AVOID CONGESTED AREAS.

Drivers shall avoid, as far as practicable, driving into, through, or parking in or on congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

Statutory Authority: *MS s 221.031*

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7800.6700 DRIVERS OF PETROLEUM TRANSPORTS TO COMPLY WITH STATE LAW.

Every petroleum transport shall be operated by the driver in accordance with the law and ordinances of the state and its municipalities governing the regulation of traffic upon the streets and highways except that in no event shall a transport ever be operated upon such streets and highways to exceed the prevailing maximum speed limits.

Statutory Authority: *MS s 221.031*

7800.6800 PARKING OF PETROLEUM TRANSPORTS IN CONGESTED AREAS.

Parking in congested places: except where the necessities of the operation make impracticable the application of this rule, no driver of a petroleum transport unit shall park on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble.

Statutory Authority: *MS s 221.031*

7800.6900 DRIVER TO SET HAND BRAKE.

The driver shall securely set the hand brake or emergency brake when loading or unloading.

Statutory Authority: *MS s 221.031*

7800.7000 ENGINE OF PETROLEUM TRANSPORT SHUT OFF WHILE LOADING AND UNLOADING.

The driver of a petroleum transport shall shut off the motor during the making and breaking of hose connections while loading or unloading. If loading or unloading is done by gravity or by an auxiliary pump not attached to the power takeoff of power unit of transport, the motor of the transport shall be shut off throughout such operations, except in cold weather.

Statutory Authority: *MS s 221.031*

7800.7100 LOADING.

During loading or unloading operation the driver shall make sure that metallic contact or bonding is maintained so that the vehicle is properly grounded. During loading, driver shall be in attendance at truck, and during unloading driver shall be in attendance at valves. "In attendance" is not to be construed to allow driver to remain in vehicle cab or other enclosure.

Statutory Authority: *MS s 221.031*

HOURS OF SERVICE AND DRIVER'S LOG

7800.7200 COMPLIANCE WITH, AND KNOWLEDGE OF REGULATIONS REQUIRED.

Every motor carrier and its officers, drivers, agents, employees, and representatives shall comply with the following regulations, and every motor carrier shall require that its officers, drivers, agents, and employees and representatives be conversant with parts 7800.7200 to 7800.8200.

Statutory Authority: *MS s 221.031*

7800.7300 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7800.7200 to 7800.8200, the following words and terms have the meanings given them in this part.

Subp. 2. **Driving time.** The term "drive" and "driving time" shall include all time spent at the driving controls of a motor vehicle in operation. All stops made in any one village, town, or city, may be computed as one.

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Subp. 3. **Eight consecutive days.** The term "eight consecutive days" means the period of eight consecutive days beginning at 12:01 a.m. on any day.

Subp. 4. **On-duty time.** "On-duty time" means all time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. The term "on-duty time" shall include:

A. all time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

B. all time inspecting equipment or otherwise inspecting, servicing, or conditioning any motor vehicle at any time;

C. all driving time as defined in subpart 2;

D. all time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth as defined in subpart 7;

E. all time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

F. all time spent performing the driver requirements relating to accidents;

G. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle; and

H. performing any other work in the capacity of, or in the employ or service of, a motor carrier.

Subp. 5. **Regularly employed driver.** The term "regularly employed driver" means a driver who in any period of seven consecutive days is employed or used as a driver solely by a single motor carrier.

Subp. 6. **Seven consecutive days.** The term "seven consecutive days" means the period of seven consecutive days beginning at 12:01 a.m. on any day.

Subp. 7. **Sleeper berth.** The term "sleeper berth" means a berth conforming to the requirements of the Code of Federal Regulations, title 49, part 393.76.

Subp. 8. **Twenty-four consecutive hours.** The term "24 consecutive hours" means any such period starting at the time the driver reports for duty as defined in subpart 4.

Statutory Authority: *MS s 221.031*

7800.7400 MAXIMUM DRIVING AND ON-DUTY TIME.

Subpart 1. **Maximum driving time.** Except as provided in subpart 3 of this part and in part 7800.8200 no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than ten hours following eight consecutive hours off duty or drive for any period after having been on duty 15 hours following eight consecutive hours off duty: provided, however, that drivers using sleeper berth equipment may cumulate the aforementioned total of at least eight hours off duty in two periods of at least two hours each, resting in a sleeper berth, as defined in part 7800.7300, subpart 7.

Subp. 2. **Maximum time on duty.** No motor carrier shall permit or require any driver used by it to be on duty, nor shall any such driver be on duty, more than 60 hours in any seven consecutive days as defined in part 7800.7300, subpart 6 regardless of the number of motor carriers using the driver's services. Provided, however, that carriers operating vehicles every day in the week may permit drivers to remain on duty for a total of not more than 70 hours in any period of eight consecutive days.

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Subp. 3. **Exception to maximum driving time.** The provisions of subpart 1 shall not apply with respect to drivers used wholly in driving motor vehicles having not more than two axles and whose gross weight does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, as provided by Code of Federal Regulations, title 49, parts 1 to 199, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

Statutory Authority: *MS s 221.031*

7800.7500 SLEEPER BERTH OCCUPATION.

No sleeper berth shall be occupied by more than one person at any time.

Statutory Authority: *MS s 221.031*

7800.7600 TRAVEL TIME.

When a driver at the direction of a motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least eight consecutive hours off duty when arriving at destination, in which case he shall be considered off duty for the entire period.

Statutory Authority: *MS s 221.031*

7800.7700 DRIVER'S DAILY LOG.

Subpart 1. **Log required.** Except as provided in part 7800.7800, every motor carrier shall require that a driver's log, on the form as prescribed by the United States Department of Transportation, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Driver's logs shall be prepared and retained in accordance with the provisions of subparts 2 to 17 of this part.

Subp. 2. **Entries in the log.** Drivers shall keep the log current to the time of the last change of duty status.

Except that the name and principal place of business address of the carrier may be printed, all entries shall be made by the driver in his own handwriting.

Enter month, day, and year for each calendar day on or off duty.

Subp. 3. **Total mileage.** Total mileage entered shall be that mileage traveled while driving, on duty but not driving, and resting in a sleeper berth, as defined in part 7800.7300, subpart 7 during the day covered by the log. Mileage while driving shall be shown separately.

Subp. 4. **Vehicle identification.** The carrier's vehicle number or numbers or the state and license number or numbers of each vehicle or unit of a combination operated during the calendar day shall be entered.

Subp. 5. **Name of carrier.** The name or names of the carrier or carriers shall be that or those for which duty is performed. When work is performed for more than one carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the carrier performing the transportation.

Subp. 6. **Driver's signature.** The driver shall certify to the correctness of the log by signing his first name and last name in full and his middle name or middle initial, if any. Below the driver's signature he shall list the initials and last name of each codriver.

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Subp. 7. **Home terminal.** The driver's home terminal address shown shall be that at which he normally reports for duty.

Subp. 8. **Time base to be used.** The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: provided, however, that if written notification is given a carrier to the Minnesota Department of Public Service, State Office Building, St. Paul, Minnesota 55155, drivers of any named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of one day and ending at noon of the next succeeding day. For drivers preparing logs on a noon-to-noon basis, the term "seven or eight consecutive days" means the period of seven or eight consecutive days beginning at 12:01 p.m., on any day.

Subp. 9. **Line 1, off duty.** Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on duty, not required to be in readiness to work, or is not under any responsibility for performing work.

Subp. 10. **Line 2, sleeper berth.** A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth, as defined in part 7800.7300, subpart 7.

Subp. 11. **Line 3, driving.** A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty driving a motor vehicle, as defined in part 7800.7300, subpart 2.

Subp. 12. **Line 4, on duty not driving.** A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty not driving specified in part 7800.7300, subpart 4, items A, B, D, E, F, G, and H, or any other time on duty but not driving as defined in parts 7800.7300, subpart 4, and 7800.7600.

Subp. 13. **Remarks.** The appropriate time marker and the name of the city, town, or village, with state abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work starting to drive, on duty not driving, and where released from work. Explain the reason resulting in hours exceeding those permitted by part 7800.7400. Show the transportation performed each day by entering a shipping document number or numbers, or name of a shipper and commodity.

Subp. 14. **Total hours.** The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving; and on duty not driving shall be entered, the total of which entries shall equal 24 hours.

Subp. 15. **Origin and destination.** The name of the place where a trip begins and the final destination or farthest turn-around point shall be shown at the bottom of the log. If the trip requires more than one calendar day, the log for each day shall show the origin and final destination. If a driver departs from and returns to the same place on any day, the destination shall be indicated by entering the farthest point reached followed by the words "and return."

Subp. 16. **Filing driver's log.** The driver shall forward each day the original log to his home terminal or to the motor carrier's principal place of business. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier a copy of the log containing full and complete entries including: the entry of all duty time for the entire day; the name of each such carrier served by the driver that day; and the beginning and finishing time, showing a.m. or p.m., worked for each carrier. Motor carriers when using a driver for the first time or intermittently shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding seven days and time at which such driver was last relieved from duty prior to beginning work for such carrier.

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Subp. 17. **Retention of driver's log.** Daily logs for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Minnesota Department of Public Service may forward and retain such logs at a regional or terminal office. The driver shall retain a copy of each daily log for 30 days which shall be in his possession while on duty.

Statutory Authority: *MS s 221.031*

7800.7800 WHEN DRIVER'S LOG NOT REQUIRED.

The requirement of part 7800.7700 shall not apply: to livestock carrier, to any regularly employed driver who drives wholly within a radius of 50 miles of the garage or terminal at which he reports for work: provided, that the motor carrier employing such driver maintains and retains for period of one year accurate and true records showing the total number of hours the driver is on duty per day and the time at which the driver reports for and is released from duty each day; or to drivers of motor vehicles having not more than two axles and whose gross weight does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, Code of Federal Regulations, title 49, parts 1 to 199, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

Statutory Authority: *MS s 221.031*

7800.7900 ADVERSE DRIVING CONDITIONS.

Except as provided in paragraph 2. of this section, a driver who encounters snow, sleet, fog, other adverse weather conditions, highways covered with snow or ice, or unusual road and traffic conditions during a run may drive or operate a motor vehicle, and may be required or permitted to drive or operate a motor vehicle, for not more than 12 hours in the aggregate following eight consecutive hours off duty in order to complete that run, if he cannot safely complete the run within the maximum driving time permitted by part 7800.7400, subpart 1. However, that driver may not drive or be permitted to drive after he has been on duty 15 hours following eight consecutive hours off duty.

Statutory Authority: *MS s 221.031*

NOTE: The origination of the cite to paragraph 2. of this section is unknown and thus cannot be converted to a Minnesota Rule number.

7800.8000 EMERGENCY CONDITIONS.

In case of any emergency, a driver may complete his run without being in violation of the provisions of these rules, if such run could reasonably have been completed without such violation.

Statutory Authority: *MS s 221.031*

7800.8100 RELIEF FROM RULES.

These rules shall not apply to any carrier subject thereto when transporting passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

Statutory Authority: *MS s 221.031*

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7800.8200 DRIVERS DECLARED OUT OF SERVICE.

Every Department of Public Service transportation representative or Minnesota highway patrolman is authorized to notify and declare out of service any driver whom he finds at the time and place of examination to have been on duty or to have driven or operated immediately prior to such examination, longer than the maximum period permitted by part 7800.7400, 7800.7900, or 7800.8000. No motor carrier shall permit or require a driver who has been notified and declared out of service to drive or operate, nor shall any such driver drive or operate, any motor vehicle unless and until such time as he has met the requirements of the specified parts.

Statutory Authority: *MS s 221.031*