

MINNESOTA STATUTES 1975 SUPPLEMENT

MOTOR VEHICLE CARRIERS 221.011

this section and may issue such order or orders as may be proper to require compliance therewith.

[1975 c 406 s 2]

219.753 Cranes operating on railroad tracks; electrical line detectors; penalty.

A crawler crane, a locomotive crane or a truck crane, as defined in the definitions of occupational safety and health administration standards of the United States department of labor, which operates upon a railroad track, with a boom which extends 12 feet or more vertically above the ground or the rails must be equipped with a warning device able to detect any electrical line which comes within 15 feet of the boom. When an electrical line is detected, no person is required to operate the crane unless the electricity is shut off or the electrical line is rerouted in a manner to prevent contact with the machine. Violation of this section by any person or corporation is a misdemeanor.

[1975 c 286 s 1]

(NOTE: Laws 1975, Chapter 286, Section 2, reads as follows:

"Sec. 2. A railroad company operating a crane specified in section 1 shall be deemed to be in compliance with the provisions of section 1 if by October 1, 1975 it has one-third of its specified cranes equipped with a warning device as required in section 1; and, if by October 1, 1976, an additional one-third of said cranes shall be so equipped; and, if by October 1, 1977, the remainder of said cranes shall be so equipped.")

CHAPTER 221. MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS; FOR HIRE, REGULATION

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221.011 Definitions.

[For text of subs 1 to 15, see M.S.1974]

Subd. 16. "For hire" means for remuneration or compensation of any kind promised, paid or given to or received by a person for the transportation of persons or property on the highways.

[For text of subs 17 to 21, see M.S.1974]

Subd. 22. "Exempt carrier" means any carrier exempt from chapter 221, or from any other law or regulation by the public service commission. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home postoffice. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home postoffice by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1, paragraph 4a.

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Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home postoffice.

(e) Any person while exclusively engaged in the transportation of sand or gravel, bituminous asphalt mix and crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home postoffice or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the department may prescribe.

[1975 c 313 s 4,5]

[For text of subs 23 and 24, see M.S.1974]

221.061 Operation certificate for regular route common carrier or petroleum carrier.

Any person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to such certificate, shall file a petition therefor with the department which shall contain such information as the department may, by rule or regulation, prescribe.

Upon the filing of a petition for a certificate, the petitioner shall pay into the state treasury as a fee for the issuance thereof the sum of \$75 and for any

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transfer or lease of such certificate the sum of \$37.50.

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

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

[1975 c 313 s 6]

221.071 Issuance of certificate to regular route common carrier or petroleum carrier.

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

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

A certificate which has been issued to a regular route common carrier may be amended by the department on ex parte petition and a fee of \$25 so as to grant an additional or alternate route where there is no other means of transportation over such proposed additional route or between the termini thereon, and such proposed additional route does not exceed ten miles in length.

[1975 c 313 s 7]

221.121 Petition; hearing; issuance; renewal.

Subdivision 1. Permit carriers. Any person desiring to operate hereunder as a permit carrier, except as a livestock carrier, shall file a petition with the department specifying the kind of permit desired, the name and address of the petitioner, and the names and addresses of the officers, if a corporation, and such other information as the department may require. The department, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately such needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect shall be denied a renewal thereof upon compliance with other provisions of sections 221.011 to 221.291. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and the rules of the department governing permit carriers. No permit shall be issued to any common carrier by rail, whereby said

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common carrier will be permitted to operate trucks for hire within this state, nor shall any common carrier by rail be permitted to own, lease, operate, control or have any interest in any permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 shall prevent the department from issuing a permit to a common carrier by rail, whereby such carrier will be given authority to operate trucks wholly within the limits of any municipality or within adjacent or contiguous municipalities or a common rate point served by said railroad and which service shall only be a service supplementary to the rail service now established by such carriers.

The department may grant a temporary permit, ex parte, valid for a period not exceeding six months upon a showing there is an immediate and urgent need for the proposed service, pending prompt action by the permit holder to follow regular procedure in securing the permit, and that such immediate and urgent authority from the department is in the public interest. A copy of the order granting such temporary permit, ex parte, shall be mailed immediately to interested parties.

The department may issue a permit as a contract carrier to such cooperative associations as are described in section 221.011, subdivision 9; notwithstanding the number of its hauling contracts, and provided that such contract carrier shall be permitted to haul its own property.

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

Subd. 3. Livestock carriers. Any person desiring to operate hereunder as a livestock carrier shall file a petition with the department specifying the kind of permit desired, the name and address of the petitioner, and the names and addresses of the officers, if a corporation, and such other information as the department may require.

The department shall issue the permit upon compliance with all laws and regulations relating thereto unless it finds that petitioner's vehicles do not meet the safety standards set up by the department or that petitioner is not fit and able to conduct the proposed operations. All permits issued hereunder shall be renewed upon compliance with the provisions of this act and the rules of the department.

[1975 c 313 s 8]

221.131 Permits; terms, fees, identification cards.

Permits issued pursuant to the provisions of sections 221.011 to 221.291 shall be effective for a 12-month period, commencing on the first day of the month of their issuance and shall continue from year to year thereafter upon payment of the required registration fee and compliance otherwise with law. The permit holder shall pay into the treasury of the state of Minnesota a fee of \$25 for each kind of permit, reinstatement, or extension of authority thereof for which a petition is filed, except on annual renewal, pursuant to section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of such permit during said 12-month period or fraction thereof. Trailers used by petitioner in combination with power units shall not be counted as vehicles in the computation of fees under this section, provided petitioner pays the fees for such power units. The department shall furnish a distinguishing identification card for each vehicle or power unit for which a fee has been paid, which identification card shall at all times be carried in the vehicle or power unit to which it has been assigned. Identification cards may be reassigned to another vehicle or power unit without fee by the department upon petition of the permit holder. Identification cards issued under the provisions of this section shall be good only for the pe-

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riod for which the permit is effective. The name and residence of the permit holder shall be stenciled or otherwise shown on both sides of each registered vehicle operated under his permit. In the event a permit has been suspended or revoked, the department may consider a petition for reinstatement thereof, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the same. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay into the treasury of the state of Minnesota an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during any calendar year.

A fee of \$3 shall be charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

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

[1975 c 313 s 9]

221.141 Insurance or bonds of motor carriers.

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

Subd. 2. Notwithstanding the contrary provisions of subdivision 1, if a permit carrier having grandfather rights transfers the same to another and the transferee defaults on his contract and has had a permit voided subsequent to January 1, 1965, solely by reason of failure to keep in effect insurance or other security as required by this section, the permit carrier, being the transferor in the transaction, shall have his permit fully reinstated by the department, together with all operating authority granted theretofore, upon his filing with the department, within 15 days after June 5, 1975, public liability and indemnity insurance or bond in the amount and form as the department prescribes.

[1975 c 313 s 10; 1975 c 317 s 1]

221.151 Permits assignable or transferable.

Subdivision 1. Permits, except livestock permits, issued under the provisions of sections 221.011 to 221.291 may be assigned or transferred but only upon the order of the department approving same after notice and hearing.

The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the department setting forth the name and address of the parties, the identifying number of the permit and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of all outstanding claims of creditors which are directly attributable to the operation to be conducted under said permit, a copy of the contract of sale or lease and financial statement with balance sheet and income statement, if existent, of the buyer or lessee. If it appears to the department, after notice to interested parties and a hearing, from the contents of the petition, from the

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evidence produced at the hearing, and the department's records and files that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon any other competing carriers, the department may make an order granting same. Provided, however, that the department shall make no order granting the sale or lease of a permit to any person or corporation or association which holds any certificate or permit from the department pursuant to chapter 221 or to any common carrier by rail.

Provided further that the department shall make no order approving the sale or lease of a permit if the department finds that the price paid for such sale or lease of a permit is disproportionate to the reasonable value of said permit considering all assets and good will involved. The department shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under said permit and that the vehicles he proposes to use in conducting such operations meet the safety standards of the department. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two year period immediately preceding the transfer shall be considered and only such operating authority shall be granted to the transferee as was actually exercised by the transferor under his authority within the two year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records or other relevant evidence.

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

Subd. 2. The department shall allow a bona fide transfer of a permit, except a livestock carrier permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this subdivision immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. Provided further that the immediate family as defined in this subdivision shall not include any person under legal disability or any member of the family regardless of relationship who holds any other permit or certificate pursuant to chapter 221 either as an individual or in partnership or as owner of an interest in a corporation holding a permit or a certificate pursuant to chapter 221.

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

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

Provided further that said transfer of permit, pursuant to this subdivision, shall comply with the standards set forth in this section based upon the contents of the petition of petitioners, all pertinent information available to the department and the department's records and files. No determination of the extent of the operating authority previously exercised shall be required.

If it appears to the department that said petition and exhibits do not reasonably comply with the standards set forth in this section, then after notice to interested parties and the petitioners, the department shall set the matter down for hearing to determine compliance with this section. Any user of the

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

[1975 c 313 s 11,12]

221.221 Enforcement powers.

Transportation representatives of the department for the purpose of enforcing the provisions of sections 221.011 to 221.291 and the rules and regulations of the department issued pursuant hereto, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections designated highway weigh stations, or during stops authorized under section 221.211 or under other appropriate circumstances anywhere within the state for the purpose of viewing log books, chauffeur licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and regulations. Every transportation representative, before entering upon his duties, shall take and subscribe an oath of office and furnish a bond to the state in the sum of \$2,000, conditioned as provided by section 387.01, to be approved by and filed in the office of the secretary of state.

[1975 c 313 s 13]

221.291 Violations, penalties.

Subdivision 1. Any person who commits, procures, aids or abets or conspires to commit, or attempts to commit, aid or abet in the violation of any provision of chapter 221 or any valid order or rule of the department issued hereunder, whether individually or in connection with one or other more persons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation shall be a separate offense.

Subd. 2. Any person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to chapter 221 is guilty of a misdemeanor.

[1975 c 313 s 14]

221.293 Violations; complaint, hearing, cease and desist orders.

Where any provisions of this chapter or any order adopted thereunder or any rule of the department has been violated, the department upon complaint being filed with it or on its own motion, may issue and serve upon the person engaged in such violation, a complaint stating the charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least ten days after the service of the complaint and notice requiring the person so complained of to appear at the time and place fixed in the notice of hearing and show cause why an order should not be entered by the department requiring such person to cease and desist from the violation alleged. If upon such hearing the department shall find that any of the violations alleged in the order to show cause are true, it shall so find and shall issue and cause to be served upon such person an order requiring such person to cease and desist from such violation. The district court, upon petition, may enforce such cease and desist order by injunction or other appropriate writ or proceedings.

[1975 c 313 s 15]

221.296 Local cartage carriers.

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[For text of subds 1 to 3, see M.S.1974]

Subd. 4. Petition for permits. Any person desiring to operate hereunder as a local cartage carrier shall file a petition with the department specifying the service offered, the name and address of the petitioner, and the names and addresses of the officers, if a corporation, and such other information as the department may require. The department, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto unless it finds that the area to be served has a sufficient number of local cartage carriers to fully and adequately meet the needs of such area or that the petitioners' vehicles do not meet the safety standards set up by the department, or that petitioner is not fit and able to conduct the proposed operations. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and rules of the department governing local cartage carriers.

Subd. 5. Permit fees. Upon filing of a petition for a permit the petitioner shall pay to the state treasury as a fee for the issuance thereof the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that said \$5 per motor vehicle charge shall not apply to taxicabs operated pursuant to a local cartage permit. Upon issuance of the permit the department shall assign the carrier a permit number, which shall be painted or prominently displayed on both sides of all vehicles used by the local cartage carrier under authority of said permit.

[For text of subds 6 and 7, see M.S.1974]

Subd. 8. Permits transferable. Permits, issued under the provisions of section 221.296 may be transferred but only upon the order of the department approving same after notice and hearing.

The proposed seller and buyer of a permit, shall file a joint verified petition with the department setting forth the legal name and address of the parties, the permit number and the description of the authority which the parties seek to sell, a verified statement of the reasons for the proposed sale, a verified statement of all outstanding claims of creditors which are attributable to the business conducted under said permit, a copy of the contract of sale and financial statement with balance sheet and income statement, if existent, of the buyer and the seller. After notice to interested parties and a hearing the department shall not make an order approving and allowing the sale unless the department finds that the buyer is fit and able to conduct the business authorized under said permit, that the vehicles he proposes to use in conducting such business meet the safety standards of the department, that the price paid for the purchase of the permit is not disproportionate to the reasonable value of the permit considering all assets and good will sold, that the proposed sale is in the best interest of the shipping public, and that the seller has legally engaged in the transportation of property or freight for hire on a meaningful basis as determined by the commission within the two year period immediately preceding the sale as proven by accurate and complete bills of lading, company records, operation records, or other relevant evidence. For purposes of determining said two year period, any divesting of interest or control shall be deemed the date of the sale and the department shall look to the substance of the transaction rather than the form. Any agreement for the transfer or sale of a permit shall be reported and filed with the department within 30 days of such agreement.

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

The department shall allow a bona fide transfer of a permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this paragraph immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. A transfer pursuant to this paragraph shall include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or the members of his immediate family.

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this paragraph.

[1975 c 313 s 16-18]

221.64 Registration fee; exemptions.

Such registration as herein provided shall be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25. Upon petition, and payment of said fee if applicable, the department of public service shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in said registration which stamp shall at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the department shall collect a fee of \$5 to be deposited in the state treasury, provided that a lesser fee may be collected pursuant to the terms of reciprocal agreements between the department and the regulatory bodies of other states or provinces of the dominion of Canada.

[1975 c 313 s 19]

CHAPTER 231. WAREHOUSES

Sec.
231.01 Definitions.

Sec.
231.02 Supervision over warehousemen.
231.16 Warehouseman to obtain license.

231.01 Definitions.

[For text of subds 1 to 4, see M.S.1974]

Subd. 5. Warehouseman. The term "warehouseman," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold himself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not in-