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HOUSE FILE No. 818

FIRST COMMITTEE ENGROSSMENT

February 12, 2007

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The bill was read for the first time and referred to the Transportation Finance Division

Referred by Chair to Transportation and Transit Policy Subcommittee.

February 28, 2007

Returned to the Transportation Finance Division as Amended.

A bill for an act

relating to transportation; granting towing authority to Department of Transportation within its metropolitan district; modifying provisions relating to hazardous materials; modifying provisions related to motor carriers; requiring commissioner to enter into Unified Carrier Registration Agreement; amending Minnesota Statutes 2006, sections 168B.04, subdivision 2; 169.01, subdivisions 19, 20; 169.041, subdivisions 1, 2; 221.031, subdivision 6; 221.0314, by adding a subdivision; 221.033, subdivision 2d; 221.037, subdivision 1; 221.231; 221.60, subdivision 1, by adding a subdivision; repealing Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602.

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

Section 1. Minnesota Statutes 2006, section 168B.04, subdivision 2, is amended to read:

Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; ~~or~~

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

~~(iii)~~ (iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

- 2.1 (ii) that is private, nonresidential property, properly posted, immediately;
- 2.2 (iii) that is private, nonresidential property, not posted, 24 hours;
- 2.3 (iv) that is private, nonresidential property of an operator of an establishment for the
- 2.4 servicing, repair, or maintenance of motor vehicles, five business days after notifying the
- 2.5 vehicle owner by certified mail, return receipt requested, of the property owner's intention
- 2.6 to have the vehicle removed from the property; or

2.7 (v) that is any residential property, properly posted, immediately.

2.8 (c) When a tow is requested under paragraph (b), clause (1) (iii), the department shall

2.9 ensure that the tower initially requested to remove the vehicle is given the opportunity,

2.10 to the greatest reasonable extent, to actually conduct and complete all towing operations

2.11 requested; provided that, the owner of the vehicle to be towed has not already requested

2.12 that another tower remove the vehicle, in which case the tower contacted by the owner

2.13 must be given the first reasonable opportunity to conduct the towing operations required.

2.14 Sec. 2. Minnesota Statutes 2006, section 169.01, subdivision 19, is amended to read:

2.15 Subd. 19. **Explosives.** "~~Explosives" means any chemical compound or mechanical~~

2.16 ~~mixture that is commonly used or intended for the purpose of producing an explosion~~

2.17 ~~and which contains any oxidizing and combustive units or other ingredients in such~~

2.18 ~~proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by~~

2.19 ~~percussion, or by detonator of any part of the compound or mixture may cause such a~~

2.20 ~~sudden generation of highly heated gases that the resultant gaseous pressures are capable~~

2.21 ~~of producing destructible effects on contiguous objects or of destroying life or limb has~~

2.22 the meaning given in Code of Federal Regulations, title 49, section 173.50.

2.23 Sec. 3. Minnesota Statutes 2006, section 169.01, subdivision 20, is amended to read:

2.24 Subd. 20. **Flammable liquid.** "~~Flammable liquid" means~~ has the meaning given

2.25 ~~any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a~~

2.26 ~~tagliabue or equivalent closed cup test device defined in Code of Federal Regulations,~~

2.27 title 49, section 173.120.

2.28 Sec. 4. Minnesota Statutes 2006, section 169.041, subdivision 1, is amended to read:

2.29 Subdivision 1. **Towing authority.** For purposes of this section, "towing authority"

2.30 means:

2.31 (1) any local authority authorized by section 169.04 to enforce the traffic laws, and

2.32 ~~also includes a private towing company authorized by a local authority to tow vehicles on~~

2.33 ~~behalf of that local authority; or~~

3.1 (2) an authorized employee of the Department of Transportation's freeway service
3.2 patrol within the department's eight-county metropolitan district, and also includes a
3.3 private towing company authorized by the department to tow vehicles on behalf of the
3.4 department.

3.5 Sec. 5. Minnesota Statutes 2006, section 169.041, subdivision 2, is amended to read:

3.6 Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle
3.7 from public property unless a peace officer or parking enforcement officer has prepared, in
3.8 addition to the parking citation, a written towing report describing the motor vehicle and
3.9 the reasons for towing. The report must be signed by the officer and the tow driver. Within
3.10 the Department of Transportation's eight-county metropolitan district, an authorized
3.11 employee of the department's freeway service patrol may order a tow from a trunk highway
3.12 after preparing a written towing report provided by the Minnesota State Patrol. A citation
3.13 need not be issued before the employee orders a tow. The department employee shall
3.14 ensure that the tower initially requested to remove the vehicle is given the opportunity,
3.15 to the greatest reasonable extent, to actually conduct and complete all towing operations
3.16 requested; provided that, the owner of the vehicle to be towed has not already requested
3.17 that another tower remove the vehicle, in which case the tower contacted by the owner
3.18 must be given the first reasonable opportunity to conduct the towing operations required.

3.19 Sec. 6. Minnesota Statutes 2006, section 221.031, subdivision 6, is amended to read:

3.20 Subd. 6. **Vehicle identification rule.** (a) The following carriers shall display the
3.21 carrier's name ~~and address~~ on the power unit of each vehicle:

3.22 (1) motor carriers, regardless of the weight of the vehicle, except that this
3.23 requirement does not apply to a limousine as defined in section 168.011, subdivision 35,
3.24 that is equipped with "LM" license plates;

3.25 (2) interstate and intrastate private carriers operating vehicles with a gross vehicle
3.26 weight of more than 10,000 pounds; and

3.27 (3) vehicles providing transportation described in section 221.025 with a gross
3.28 vehicle weight of more than 10,000 pounds except those providing transportation
3.29 described in section 221.025, clauses (1), (3), and (4).

3.30 Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees
3.31 and have four or fewer axles are not required to comply with the vehicle identification
3.32 rule of the commissioner.

3.33 (b) Vehicles subject to this subdivision must show the name or "doing business as"
3.34 name of the carrier operating the vehicle ~~and the community and abbreviation of the state~~

4.1 ~~in which the carrier maintains its principal office or in which the vehicle is customarily~~
4.2 ~~based.~~ If the carrier operates a leased vehicle, it may show its name and the name of the
4.3 lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person
4.4 other than the operating carrier appears on the vehicle, the words "operated by" must
4.5 immediately precede the name of the carrier.

4.6 (c) The name ~~and address~~ must be in letters that contrast sharply in color with the
4.7 background, be readily legible during daylight hours from a distance of 50 feet while
4.8 the vehicle is stationary, and be maintained in a manner that retains the legibility of the
4.9 markings. The name ~~and address~~ may be shown by use of a removable device if that
4.10 device meets the identification and legibility requirements of this subdivision.

4.11 Sec. 7. Minnesota Statutes 2006, section 221.0314, is amended by adding a subdivision
4.12 to read:

4.13 Subd. 12. **Hazardous materials safety permits.** A person who transports the
4.14 hazardous materials designated in Code of Federal Regulations, title 49, section 385.403,
4.15 shall comply with this section and with the provisions of Code of Federal Regulations,
4.16 title 49, part 385, subpart E, which is incorporated by reference.

4.17 Sec. 8. Minnesota Statutes 2006, section 221.033, subdivision 2d, is amended to read:

4.18 Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver
4.19 of a self-propelled or towed motor vehicle transporting no hazardous material other than
4.20 materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when
4.21 engaged in intrastate transportation, must be at least 18 years of age. This subdivision
4.22 does not apply unless the transportation conforms to the requirements of Code of Federal
4.23 Regulations, title 49, section 173.6.

4.24 Sec. 9. Minnesota Statutes 2006, section 221.037, subdivision 1, is amended to read:

4.25 Subdivision 1. **Required to provide information.** A person who generates, stores,
4.26 treats, transports, disposes of, or otherwise handles or has handled hazardous materials,
4.27 hazardous substances, or hazardous waste shall (1) give to transportation representatives
4.28 and hazardous material specialists of the department information relating to the materials,
4.29 substances, or waste, or (2) permit them access to and copying of records and safety
4.30 permits relating to any or all of the materials, substances, or waste, ~~or both.~~

4.31 Section 10. Minnesota Statutes 2006, section 221.231, is amended to read:

4.32 **221.231 RECIPROCAL AGREEMENT.**

5.1 The commissioner may enter into reciprocal agreements with the regulatory bodies
5.2 of other states and the provinces of the Dominion of Canada, ~~whereby the payment of the~~
5.3 ~~fees provided in section 221.60 may be waived in whole or in part for~~ regarding motor
5.4 carriers having an established place of business in that state or province; provided that
5.5 reciprocal privileges are extended under the agreement to motor carriers of this state.

5.6 Sec. 11. Minnesota Statutes 2006, section 221.60, subdivision 1, is amended to read:

5.7 Subdivision 1. **Procedure.** A motor carrier may transport persons or property for
5.8 hire in interstate commerce in Minnesota only if it first:

5.9 (1) complies with ~~section 221.141;~~

5.10 (2) ~~either registers with the commissioner the federal operating authority that it~~
5.11 ~~intends to exercise, or registers and describes the transportation it performs under an~~
5.12 ~~exemption contained in United States Code, title 49; and~~

5.13 (3) ~~purchases an interstate identification stamp or an interstate registration trip~~
5.14 ~~permit for each vehicle to be used in interstate transportation in Minnesota~~ the Unified
5.15 Carrier Registration Agreement authorized by United States Code, title 49, section
5.16 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal
5.17 regulations adopted thereunder.

5.18 Sec. 12. Minnesota Statutes 2006, section 221.60, is amended by adding a subdivision
5.19 to read:

5.20 Subd. 7. **Commissioner's authority.** The commissioner of transportation shall
5.21 take all necessary actions to enter into the Unified Carrier Registration Agreement when
5.22 it becomes effective. The commissioner shall implement and administer United States
5.23 Code, title 49, section 14504a, and the regulations adopted thereunder.

5.24 Sec. 13. **REPEALER.**

5.25 Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, and 6; 221.601;
5.26 and 221.602, are repealed.