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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1362

03/07/2013 Authored by Faust; Benson, M.; Poppe; Kiel and Beard

The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to transportation; incorporating federal laws by reference; exempting
1.3 certain vehicles from hours of service requirements; exempting covered farm
1.4 vehicles from specified regulation; and modifying requirements for USDOT
1.5 numbers on farm trucks; amending Minnesota Statutes 2012, sections 168.185;
1.6 221.012, by adding a subdivision; 221.031, subdivision 2; 221.0314, subdivisions
1.7 9, 9a, by adding a subdivision.

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

1.9 Section 1. Minnesota Statutes 2012, section 168.185, is amended to read:

1.10 **168.185 USDOT NUMBERS.**

1.11 (a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having
1.12 a gross vehicle weight of more than 10,000 pounds, as defined in section 169.011,
1.13 subdivision 32, shall report to the commissioner at the time of registration its USDOT
1.14 carrier number. A person subject to this paragraph who does not have a USDOT number
1.15 shall apply for the number at the time of registration by completing a form MCS-150 Motor
1.16 Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration,
1.17 or comparable document as determined by the commissioner. The commissioner shall not
1.18 assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

1.19 (b) Assigned USDOT numbers must be displayed as required by section 221.031,
1.20 subdivision 6. The vehicle owner shall notify the commissioner if there is a change to the
1.21 owner's USDOT number.

1.22 (c) If an owner fails to report or apply for a USDOT number, the commissioner shall
1.23 suspend the owner's registration.

1.24 (d) This section does not apply to (1) a farm truck that: (i) is not used in interstate
1.25 commerce; or (ii) does not leave the physical boundaries of the state, (2) a vehicle that is

2.1 not used in intrastate commerce or interstate commerce, or (3) a vehicle that is owned
 2.2 and used solely in the transaction of official business by the federal government, the
 2.3 state, or any political subdivision.

2.4 Sec. 2. Minnesota Statutes 2012, section 221.012, is amended by adding a subdivision
 2.5 to read:

2.6 Subd. 11a. **Covered farm vehicle.** (a) "Covered farm vehicle" means a motor
 2.7 vehicle, including an articulated motor vehicle, that:

2.8 (1) is traveling in the state in which the vehicle is registered or another state;

2.9 (2) is operated by:

2.10 (i) a farm owner or operator;

2.11 (ii) a ranch owner or operator; or

2.12 (iii) an employee or family member of an individual specified in item (i) or (ii);

2.13 (3) is transporting to or from a farm or ranch:

2.14 (i) agricultural commodities;

2.15 (ii) livestock; or

2.16 (iii) machinery or supplies;

2.17 (4) except as provided in paragraph (b), is not used in the operations of a for-hire
 2.18 motor carrier;

2.19 (5) is registered under section 168.018; and

2.20 (6) has a gross vehicle weight rating or gross vehicle weight, whichever is greater,
 2.21 that is:

2.22 (i) 26,001 pounds or less; or

2.23 (ii) greater than 26,001 pounds and traveling within the state or within 150 air miles
 2.24 of the farm or ranch with respect to which the vehicle is being operated.

2.25 (b) The term covered farm vehicle includes a motor vehicle that meets the
 2.26 requirements of paragraph (a), other than paragraph (a), clause (4), and:

2.27 (1) is operated pursuant to a crop share farm lease agreement;

2.28 (2) is owned by a tenant with respect to that agreement; and

2.29 (3) is transporting the landlord's portion of the crops under that agreement.

2.30 Sec. 3. Minnesota Statutes 2012, section 221.031, subdivision 2, is amended to read:

2.31 **Subd. 2. Private carriers; operating requirements, exemptions.** (a) This
 2.32 subdivision applies to private carriers engaged in intrastate commerce.

2.33 (b) Private carriers operating vehicles with a gross vehicle weight of more than
 2.34 10,000 pounds shall comply with those federal regulations incorporated by reference in:

- 3.1 (1) section 221.0314, subdivisions 2 to 5, for driver qualifications;
 3.2 (2) section 221.0314, subdivision 9, for hours of service of drivers;
 3.3 (3) section 221.0314, subdivision 6, for driving of motor vehicles;
 3.4 (4) section 221.0314, subdivision 7, for parts and accessories necessary for safe
 3.5 operation; and
 3.6 (5) section 221.0314, subdivision 10, for inspection, repair, and maintenance.

3.7 (c) The rules for hours of service of drivers do not apply to private carriers who are
 3.8 (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric
 3.9 associations organized under chapter 308A; (3) telephone companies as defined in section
 3.10 237.01, subdivision 7; or (4) engaged in the transportation of construction materials, tools
 3.11 and equipment from shop to job site or job site to job site, for use by the private carrier in
 3.12 the new construction, remodeling, or repair of buildings, structures or their appurtenances.

3.13 (d) The rules for driver qualifications ~~and do not apply to covered farm vehicles. The~~
 3.14 ~~rules for hours of service of drivers do not apply to vehicles controlled by a farmer and~~
 3.15 ~~operated by a farmer or farm employee to transport agricultural products, farm machinery,~~
 3.16 ~~or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier~~
 3.17 ~~and described in section 221.0314, subdivision 9a, when they are not carrying hazardous~~
 3.18 materials of a type or quantity that requires the vehicle to be marked or placarded in
 3.19 accordance with section 221.033.

3.20 (e) The rules for driver qualifications do not apply to a driver employed by a private
 3.21 carrier while operating a lightweight vehicle.

3.22 Sec. 4. Minnesota Statutes 2012, section 221.0314, subdivision 9, is amended to read:

3.23 Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part
 3.24 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), (m),
 3.25 and (n) of section 395.1 of that part are not incorporated. MAP-21, section 32101(d), is
 3.26 incorporated by reference. In addition, cross-references to sections or paragraphs not
 3.27 incorporated in this subdivision are not incorporated by reference. The requirements of
 3.28 Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight
 3.29 vehicles.

3.30 Sec. 5. Minnesota Statutes 2012, section 221.0314, subdivision 9a, is amended to read:

3.31 Subd. 9a. **Hours of service exemptions.** The federal regulations incorporated in
 3.32 subdivision 9 for maximum driving and on-duty time do not apply to ~~drivers engaged in~~
 3.33 ~~the interstate or intrastate transportation of:~~

4.1 (1) drivers transporting agricultural commodities from the source of the agricultural
 4.2 commodities to a location within a 150 air-mile radius from the source;

4.3 (2) drivers transporting farm supplies for agricultural purposes from a wholesale or
 4.4 retail distribution point of the farm supplies to a farm or other location where the farm
 4.5 supplies are intended to be used within a 150 air-mile radius from the distribution point;

4.6 (3) drivers transporting farm supplies for agricultural purposes from a wholesale
 4.7 distribution point of the farm supplies to a retail distribution point of the farm supplies
 4.8 within a 150 air-mile radius from the wholesale distribution point;

4.9 ~~(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota~~

4.10 (4) during the planting and harvesting seasons from March 15 to December 15 of each
 4.11 year; or

4.12 ~~(2) (5) while transporting sugar beets during the harvesting season for sugar beets~~
 4.13 ~~from September 1 to May 15 of each year;~~

4.14 ~~if the transportation is limited to an area within a 100-air-mile radius from the source of~~
 4.15 ~~the commodities or the distribution point for the farm supplies.~~

4.16 Sec. 6. Minnesota Statutes 2012, section 221.0314, is amended by adding a subdivision
 4.17 to read:

4.18 Subd. 13. **Exemptions for covered farm vehicles.** (a) A covered farm vehicle,
 4.19 including the operator of the vehicle, is exempt from the following:

4.20 (1) any requirement relating to commercial drivers' licenses under United States
 4.21 Code, title 49, chapter 313, or Code of Federal Regulations, title 49, part 382, and
 4.22 successor amendments;

4.23 (2) any requirement relating to drug testing under physical qualifications and
 4.24 examinations under United States Code, title 49, chapter 311, subchapter III, United
 4.25 States Code, title 49, chapter 313, and Code of Federal Regulations, title 49, part 383, and
 4.26 successor amendments;

4.27 (3) any requirement relating to United States Code, title 49, chapter 315, or Code of
 4.28 Federal Regulations, title 49, part 395, and successor amendments;

4.29 (4) any requirement relating to hours of service under United States Code, title
 4.30 49, chapter 311, subchapter III, or Code of Federal Regulations, title 49, part 383, and
 4.31 successor amendments; and

4.32 (5) any requirement relating to vehicle inspection, repair, and maintenance under
 4.33 United States Code, title 49, chapter 311, subchapter III, or Code of Federal Regulations,
 4.34 title 49, part 396, and successor amendments.

5.1 (b) Paragraph (a) does not apply to a covered farm vehicle transporting hazardous
5.2 materials that require a placard.

5.3 Sec. 7. **EFFECTIVE DATE.**

5.4 This act is effective the day following final enactment.