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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 1490

March 9, 2009

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The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to transportation; regulating motor carriers of railroad employees;
1.3 amending Minnesota Statutes 2008, sections 171.01, subdivision 22; 221.012,
1.4 subdivisions 26, 38, by adding a subdivision; 221.0252, by adding a subdivision;
1.5 221.0314, by adding a subdivision; 221.141, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2008, section 171.01, subdivision 22, is amended to read:

1.8 Subd. 22. Commercial motor vehicle. "Commercial motor vehicle" means a motor
1.9 vehicle or combination of motor vehicles used to transport passengers or property if
1.10 the motor vehicle:

- 1.11 (1) has a gross vehicle weight of more than 26,000 pounds;
1.12 (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the
1.13 combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
1.14 (3) is a bus;
1.15 (4) is of any size and is used in the transportation of hazardous materials that are
1.16 required to be placarded under Code of Federal Regulations, title 49, parts 100-185; or
1.17 (5) is outwardly equipped and identified as a school bus, except for type III vehicles
1.18 defined in section 169.011, subdivision 71, clause (5); or
1.19 (6) is used to transport passengers by a motor carrier of railroad employees, as
1.20 defined in section 221.012, subdivision 27a.

1.21 Sec. 2. Minnesota Statutes 2008, section 221.012, subdivision 26, is amended to read:

1.22 Subd. 26. Motor carrier of passengers. "Motor carrier of passengers" means (1)
1.23 a person engaged in the for-hire transportation of passengers in vehicles designed to

2.1 transport eight or more persons, including the driver, or (2) a motor carrier of railroad
2.2 employees.

2.3 Sec. 3. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad
2.6 employees" means a motor carrier engaged in the for-hire transportation of railroad
2.7 employees of a class I or II common carrier, as defined in Code of Federal Regulations,
2.8 title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with
2.9 a common carrier, as defined in section 218.011, subdivision 10.

2.10 Sec. 4. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

2.11 Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service"
2.12 means a service provided by a person engaged in the for-hire transportation of passengers
2.13 in a vehicle designed to transport seven or fewer persons, including the driver.

2.14 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small
2.15 vehicle passenger service" also includes for-hire transportation of persons who are certified
2.16 by the Metropolitan Council to use special transportation service provided under section
2.17 473.386, in a vehicle designed to transport not more than 15 persons including the driver,
2.18 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

2.19 (c) "Small vehicle passenger service" does not include a motor carrier of railroad
2.20 employees.

2.21 Sec. 5. Minnesota Statutes 2008, section 221.0252, is amended by adding a subdivision
2.22 to read:

2.23 Subd. 8. **Motor carrier of railroad employees.** (a) A driver for a motor carrier of
2.24 railroad employees who transports passengers:

2.25 (1) must have a valid type C, B, or A driver's license under chapter 171;

2.26 (2) is subject to the requirements in Code of Federal Regulations, title 49, parts
2.27 383.21 to 383.72, and successor rules; and

2.28 (3) is subject to the requirements for drivers of a commercial motor vehicle in
2.29 chapter 171.

2.30 (b) In the federal regulations specified in paragraph (a), clause (2), "commercial
2.31 motor vehicle" means any motor vehicle used to transport passengers by a motor carrier of
2.32 railroad employees.

3.1 Sec. 6. Minnesota Statutes 2008, section 221.0314, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 13. **Alcohol and controlled substance use and testing.** Code of Federal
3.4 Regulations, title 49, part 382, and successor rules, are incorporated by reference for
3.5 motor carriers of railroad employees.

3.6 Sec. 7. Minnesota Statutes 2008, section 221.141, subdivision 1, is amended to read:

3.7 Subdivision 1. **Financial responsibility of carriers.** (a) No motor carrier and no
3.8 interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum
3.9 amount of financial responsibility required by this section. Policies of insurance, surety
3.10 bonds, other types of security, and endorsements must be continuously in effect and must
3.11 remain in effect until canceled. Before providing transportation, the motor carrier or
3.12 interstate carrier shall secure and cause to be filed with the commissioner and maintain in
3.13 full effect, a certificate of insurance in a form required by the commissioner, evidencing
3.14 public liability insurance in the amount prescribed. The insurance must cover injuries and
3.15 damage to persons or property resulting from the operation or use of motor vehicles,
3.16 regardless of whether each vehicle is specifically described in the policy. This insurance
3.17 does not apply to injuries or death to the employees of the motor carrier or to property
3.18 being transported by the carrier.

3.19 (b) Notwithstanding any other provision of this chapter, the insurance required of
3.20 a motor carrier of passengers must be at least that amount required of interstate carriers
3.21 under Code of Federal Regulations, title 49, section 387.33, as amended. The minimum
3.22 insurance required of a motor carrier of railroad employees is the highest amount identified
3.23 under Code of Federal Regulations, title 49, section 387.33, as amended, regardless of the
3.24 seating capacity of the vehicle. The motor carrier of railroad employees shall also maintain
3.25 uninsured and underinsured coverage with the same minimum limits. If a party contracts
3.26 with the motor carrier on behalf of the railroad to transport the railroad employees, then
3.27 the insurance requirement may be satisfied by either that party or the motor carrier, so long
3.28 as the motor carrier is a named insured under any policy.

3.29 (c) This section does not apply to a charitable organization exempt from taxation
3.30 under section 501(c)(3) of the Internal Revenue Code when the transportation furthers
3.31 the charitable organization's charitable mission. The charitable organization must comply
3.32 with the insurance requirements of section 65B.48.