

duly appointed and qualified who shall assume to act as a state inspector ~~or deputy inspector~~ of grain shall be guilty of a misdemeanor; and upon conviction thereof punished by a fine of not less than \$50 nor more than \$100.

Subd. 2. **MISCONDUCT OF EMPLOYEES.** Any ~~inspector, deputy inspector, weighmaster, or weigher~~ employee of the department of public service who shall knowingly or carelessly inspect or weigh any grain improperly, or give any false certificate of inspection or weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty or who shall be guilty of any neglect of duty, and any person who shall improperly influence or attempt to influence any such officer in the performance of his official duty shall be guilty of a gross misdemeanor; and upon conviction punished by a fine of not less than \$100 nor more than \$1,000 or imprisonment in the county jail for not less than 30 days nor more than one year or by both such fine and imprisonment.

Subd. 3. **VIOLATION OF SECTION 233.31 A MISDEMEANOR.** Any person found guilty of violating any provision of section 233.31 shall be guilty of a misdemeanor.

Sec. 21. Minnesota Statutes 1969, Section 235.14, is amended to read:

235.14 **CERTIFICATES; INSPECTION; WEIGHING.** Every elevator company, corporation, copartnership, association, or individual operating any elevator, building, or place in this state for the purchase, storage, or deposit of any grain or other farm commodity shall be entitled to receive from, and shall demand of, the officer whose duty it is to issue the same the official certificate of inspection in duplicate, together with the ~~weighmaster's weighing~~ certificate in duplicate, for any grain or other farm commodity shipped from any such elevator, building, or place and inspected and weighed as provided by the laws of this state.

Sec. 22. Minnesota Statutes 1969, Section 229.09, is repealed.

Approved March 29, 1971.

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## CHAPTER 74—H.F.No.340

*An act relating to the department of public service; regulating organization and fees and permits subject to its authority; amending*

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

*Minnesota Statutes 1969, Sections 216A.04, Subdivision 3; 221.011, Subdivision 22; 221.131; 221.64; 239.01; 239.04; 239.07; 239.08; 239.09; 239.10; 239.20; 239.23; and 239.24.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 216A.04, Subdivision 3, is amended to read:

Subd. 3. **DEPARTMENT OF PUBLIC SERVICE; ORGANIZATION; FEES AND PERMITS.** The commission may employ such other assistants as may be necessary to carry out its functions, including ~~hearings~~, hearing officers and reporters, within the funds provided therefor from time to time. The commissioners individually may act as ~~hearings~~ hearing officers.

Sec. 2. Minnesota Statutes 1969, Section 221.011, Subdivision 22, is amended to read:

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. 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

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the transportation of pulpwood, cord wood, mining timber, poles, posts, and decorative evergreens 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 unwashed sand or gravel 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 village or between contiguous cities or villages.

(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.

Sec. 3. Minnesota Statutes 1969, Section 221.131, is amended to read:

**221.131 PERMITS; TERMS, FEES, PLATES.** 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 for which a petition is filed, except on annual renewal, pursuant to section 221.121 and a registration fee of \$15 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 applicant in combination with truck-tractors shall not be counted as vehicles in the computation of fees under this section, provided applicant pays the fees for such truck-tractors. The commis-

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sion shall furnish a distinguishing plate, card, or decal for each vehicle or truck-tractor for which a fee has been paid, which plate, card, or decal shall at all times be displayed on the vehicle or truck-tractor to which it has been assigned. Plates may be re-assigned to another vehicle or truck-tractor without fee by the commission upon application of the permit holder. Plates, cards, or decals issued under the provisions of this section shall be good only for the period for which the permit is effective. The name and residence of the permit holder shall be stenciled or otherwise shown in a conspicuous place on each vehicle operated under his permit. In the event a permit has been suspended or revoked, the commission may consider a petition for reinstatement thereof, upon the same procedure required for an original application, 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 \$15 for each vehicle, including pickup and delivery vehicles, operated during any calendar year. On vehicles registered under this section after March 31 of any calendar year, the registration fee shall be prorated on a quarterly basis as follows:

Vehicles registered after March 31 . . . .	\$11.25
Vehicles registered after June 30 . . . . .	\$ 7.50
Vehicles registered after September 30 \$	3.75

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

The provisions of section 221.131 are limited by the provisions of any applicable federal law.

Sec. 4. Minnesota Statutes 1969, Section 221.64, is amended to read:

**221.64 REGISTRATION FEE; EXEMPTIONS.** Such registration as herein provided shall be granted upon application, without hearing, upon payment of an annual filing fee in the amount of \$25; provided, however, that any permit holder who pays the registration fee provided in Minnesota Statutes 1961, Section 221.131, shall be exempt from the payment of any fees provided in this section. Nothing in sections 221.61 to 221.68 shall be construed to require the payment of such registration fee by any person who is exempt from obtaining a permit as provided in Minnesota Statutes 1961, Section 221.011, Paragraphs 13 and 21. Upon application, and payment of said fee if applicable, the railroad and warehouse commission shall furnish a distinguishing identification for each such registration which identification shall at all times be displayed on or carried in the truck tractor of the registration holder. Additional identification units may be issued by the commission to each registration holder for ~~\$1 per unit~~ the fee it prescribes. Nothing in sections 221.61 to 221.68

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shall be construed to require any registration pursuant to sections 221.61 to 221.68 by any motor vehicle carrier engaged exclusively in intrastate commerce. Motor vehicle carriers subject to Chapter 221, Minnesota Statutes 1961, shall register their operations in interstate commerce pursuant to sections 221.61 to 221.68 only at the time of and as part of their application for renewal or granting of a permit or certificate by the railroad and warehouse commission.

Sec. 5. Minnesota Statutes 1969, Section 239.01, is amended to read:

**239.01 DEPARTMENT CREATED; JURISDICTION.** There is hereby created a ~~department~~ division to be known as the ~~department~~ division of "weights and measures" hereafter referred to as the ~~department~~ division, and it shall be under the jurisdiction of the commission, which shall have supervision and control over all weights, weighing devices, and measures in the state.

Sec. 6. Minnesota Statutes 1969, Section 239.04, is amended to read:

**239.04 FEES PAID INTO STATE TREASURY.** All moneys collected by the ~~department~~ division for special services, fees, and penalties shall be paid into the state treasury and credited to a fund known as the weights and measures fund, and be available for the use of the ~~department~~ division of weights and measures.

Sec. 7. Minnesota Statutes 1969, Section 239.07, is amended to read:

**239.07 DUTIES AND POWERS; STANDARD OF WEIGHTS AND MEASURES.** The ~~department~~ division shall take charge of, keep, and maintain in good order the standard of weights and measures of the state and submit them to the bureau of standards at Washington, D.C., for certification when it is deemed necessary; and keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct, and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state and keep a record thereof; it shall have general supervision of the weights, measures, and weighing or measuring devices offered for sale, sold, or in use in the state; and upon the written request of any person test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; it shall keep a complete record of the standards, balances, and all testing and sealing

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apparatus owned by the state, and annually, during the first 15 days of January, make a report of its actions to the governor of the state.

Sec. 8. Minnesota Statutes 1969, Section 239.08, is amended to read:

**239.08 INSPECTING, TESTING, SEALING; INCORRECT WEIGHTS, MEASURES.** The department division or any of its employees shall have power to inspect and test all weights, scales, beams, and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances, or accessories connected with any or all such instruments for measurement that are kept, offered, or exposed for sale, or sold, or used, or employed within this state by any person in determining the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire, or reward; and it shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures, and all apparatus used in the state are correct. In the general performance of this duty the department division, or any of its employees, may enter or go into and upon any stand, place, building, or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer and require him, if necessary, to proceed to some place which the scaler may specify for the purpose of making proper tests. Scales, weights, measures, or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department division shall be sealed with proper devices to be approved by the commission. Any employee shall condemn, seize, and destroy incorrect weights, measures, or weighing or measuring devices which, in the judgment of the department division cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "condemned for repair," in the manner to be prescribed by the department division. The owners or users of any scales, weights, measures, or weighing or measuring instruments which have been so disposed of shall have the same repaired or corrected within 30 days, and the same shall not be used or disposed of in any way without the consent of the department division.

Sec. 9. Minnesota Statutes 1969, Section 239.09, is amended to read:

**239.09 SPECIAL POLICEMEN.** The department division and all authorized employees under the provisions of sections 239.01 to 239.11 are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained, or offered or exposed for sale or sold in violation of law.

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Sec. 10. Minnesota Statutes 1969, Section 239.10, is amended to read:

**239.10 ANNUAL INSPECTION.** No fee, unless specially scheduled by the commission, shall be charged for the regular annual inspection of scales, weights, measures, and weighing or measuring devices. At all other times, the cost of the inspection shall be paid by the owner when the same is performed at his request; and when made at the request of some other person the cost shall be paid by the owner, if the scale, weight, measure, and weighing or measuring device is found to be incorrect; otherwise by the person making the request. The commission shall have power to fix the fees and expenses for all special services. All moneys collected by the ~~department~~ division for special services, fees, and penalties shall be paid into the state treasury, and credited to the state general fund.

Sec. 11. Minnesota Statutes 1969, Section 239.20, is amended to read:

**239.20 SCALES TESTED.** The buyers of slaughter livestock operating at concentration points shall have scales upon which the animals are weighed, inspected and tested by a scale inspector of the ~~department~~ division of weights and measures at least once every 30 days at their own expense. All such scales shall be tested up to the maximum draft that may be weighed on the scales.

Sec. 12. Minnesota Statutes 1969, Section 239.23, is amended to read:

**239.23 OFFENSES; PENALTIES.** Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by sections 239.01 to 239.11, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the ~~department~~ division, or sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or refuse to pay any fee charged for testing and sealing or condemning any scale, weight, or measure, or weighing or measuring device, shall be guilty of a misdemeanor; and upon conviction fined a sum not less than \$20 nor more than \$100 or by imprisonment for not less than ten days nor more than 90 days and the costs of such proceeding. No scale, weight, measure, or weighing or measuring device that has been sealed by the ~~department~~ division

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shall be used, sold, or exposed for sale until the fee charged for the service has been paid.

Sec. 13. Minnesota Statutes 1969, Section 239.24, is amended to read:

**239.24 HINDERING OFFICIAL.** Any person hindering, impeding, or restricting in any way any employee of the ~~department division~~ while in the performance of his official duty shall be guilty of a misdemeanor; and upon conviction punished by a fine of not less than \$20 nor more than \$100 or by imprisonment for not less than ten nor more than 90 days for each offense.

Approved March 29, 1971.

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## CHAPTER 75—H.F.No.341

*An act relating to warehousemen; amending Minnesota Statutes 1969, Section 231.17.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 231.17, is amended to read:

**231.17 WAREHOUSEMEN; BONDS.** Every warehouseman applying for and receiving a license from the commission, as provided for in this chapter, shall file with the commission, acceptable to the commission, a surety bond to the state of Minnesota. Such bonds shall be ~~in the amount of \$50,000 for warehousemen operating in cities of the first class, and in an amount to be determined by the commission as reasonable for warehousemen in cities and villages subject to this chapter other than in cities of the first class, the bonds to the applicant but shall not be less than \$10,000 and shall be conditioned for the faithful discharge of all duties as a warehouseman operating under this chapter, and full compliance with the laws of the state and rules, regulations, and orders of the commission relative thereto.~~ Failure to maintain the bond as required shall void the license.

Approved March 29, 1971.

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