

Sec. 8. Minnesota Statutes 1978, Section 429.041, Subdivision 6, is amended to read:

Subd. 6. **PERCENTAGE PAYMENT ON ENGINEER'S ESTIMATE.** In case the contractor properly performs the work, the council shall, from month to month before completion of the work, pay him not to exceed 90 95 percent of the amount already earned under the contract, upon the estimate of the engineer or other competent person selected by the council, and the contract shall so provide, and shall further agree that when the work is 90 95 percent or more completed upon the recommendation of the engineer such portions of the retained price shall be released as the governing body of the municipality determines are not required to be retained to protect the municipality's interest in satisfactory completion of the contract. Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the amount earned shall obligate the municipality to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a municipality may legally withhold as a result of breach of contract or other contractual claim or if the delay is caused by the contractor.

Sec. 9. **EFFECTIVE DATE.** This act is effective July 1, 1980 and applies to all public contracts entered into on or after that date.

Approved April 3, 1980

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#### CHAPTER 465—S.F.No. 1679

*An act relating to transportation; permitting certain exemptions from motor carrier reporting requirements; requiring driver qualifications and safety requirements for certain carriers; creating a single annual renewal date for holders of multiple permits; permitting issuance of "floater" identification cards to motor carriers; clarifying enforcement powers; amending Minnesota Statutes 1978, Sections 221.031, Subdivision 1; 221.131; 221.221; and Minnesota Statutes, 1979 Supplement, Section 221.011, Subdivision 22.*

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

Section 1. Minnesota Statutes, 1979 Supplement, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from this chapter, or exempted from any other law or rule by the commissioner or commission. The following are so exempt except as otherwise specifically provided in clause (c):

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(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 post office. 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 post office 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 1c. 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; except that these manufacturers, producers, dealers or distributors transporting their own products and these persons engaged exclusively in the transportation of wood or wood products, together with any transporting vehicles licensed and registered for a gross vehicle weight of more than 10,000 pounds, shall be subject to the requirements of section 221.031 insofar as the provisions of that section apply to driver qualifications, maximum hours of service of drivers, and safety of operations and equipment.

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

(e) Any person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix or 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 post office 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 commissioner or commission may prescribe.

(l) A motor vehicle, in this chapter referred to as a "commuter van," having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized driver; provided, that commuter vans shall not be exempt from any provision of this chapter which by its terms explicitly applies to these vehicles.

Sec. 2. Minnesota Statutes 1978, Section 221.031, Subdivision 1, is amended to read:

**221.031 RULES FOR OPERATION OF MOTOR CARRIERS.** Subdivision 1. The commissioner shall prescribe rules and regulations for operation of all motor carriers, including their facilities, accounts, service, safety of operations and equipment, maximum hours of service of drivers, installation of safety devices and proper automatic speed regulators if, in the opinion of the commissioner, there is a necessity ~~therefor~~ for the rules and regulations. The commissioner shall direct the repair and reconstruction or replacement of any inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms and accommodations or shelters in any city in this state or at any point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property. The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges or other data by ~~such~~ motor carriers, regulate ~~such~~ motor carriers in all matters affecting the relationship between them and the traveling and shipping public and prescribe ~~such~~ other rules as may be necessary to carry out the provisions of this chapter; ~~provided, however, that any~~ A motor carrier having gross revenues from all for-hire transportation in any calendar year of less than ~~\$15,000~~ \$50,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if in lieu ~~thereof~~ such of filing the report the motor carrier files an affi-

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davit, in ~~such a~~ form as may be prescribed by the commissioner, attesting that ~~said the motor carrier's~~ gross revenues have not exceeded ~~\$45,000~~ \$50,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, shall not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6. The commissioner shall make no rules relating to rates or tariffs, or the granting, limiting or modifying of permits or certificates of convenience and necessity, which powers are granted to the commission pursuant to Laws 1976, Chapter 166. The commission may extend the termini of any route or alter or change the route of any regular route common carrier upon petition and after finding that public convenience and necessity require ~~such an~~ extension, alteration or change.

Sec. 3. Minnesota Statutes 1978, Section 221.131, is amended to read:

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.~~ Each permit holder shall have one annual renewal date encompassing all of the permits held by him. 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 the~~ permit during ~~said the~~ 12-month period or fraction ~~thereof of the~~ 12 month period. Trailers used by petitioner in combination with power units shall not be counted as vehicles in the computation of fees under this section, ~~provided if the~~ petitioner pays the fees for ~~such~~ power units. The commissioner 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 commissioner upon petition of the permit holder. Identification cards issued under the provisions of this section shall be ~~good~~ valid only for the period 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 the~~ permit. In the event a permit has been suspended or revoked, the commission may consider a petition for reinstatement ~~thereof of the permit~~, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the ~~same~~ permit. 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.

The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short term leases by the motor carrier. The motor carrier shall pay a fee of \$100 for each floater card issued.

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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.

Sec. 4. Minnesota Statutes 1978, Section 221.221, is amended to read:

**221.221 ENFORCEMENT POWERS.** Transportation representatives of the department for the purpose of enforcing the provisions of ~~sections 221.011 to 221.296~~ chapter 221 and the rules and regulations of the commissioner and commission issued pursuant ~~hereto to chapter 221~~, 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 at designated highway weigh stations 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~~ rules.

Sec. 5. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 3, 1980

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## CHAPTER 466—S.F.No. 1690

*An act relating to state departments; providing for the creation of a state employee assistance program in the department of administration; amending Minnesota Statutes 1978, Section 16.02, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1978, Section 16.02, is amended by adding a subdivision to read:

Subd. 28. To provide an employee assistance program comprised of training, diagnostic and referral services for state employees and their dependents. In conjunction with the program, the governor shall appoint an advisory committee on state employee assistance consisting of not more than 15 members. The committee, which shall be subject to the provisions of section 15.059, shall advise the commissioner regarding the operational policies of the employee assistance program.

Sec. 2. This act is effective on the day following its final enactment.

Approved April 3, 1980

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