

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1733

(SENATE AUTHORS: STUMPF, Skoe, Saxhaug, Magnus and Gazelka)

DATE	D-PG	OFFICIAL STATUS
02/08/2012	3764	Introduction and first reading Referred to Transportation
03/23/2012		Comm report: To pass as amended and re-refer to Finance Author added Gazelka

1.1 A bill for an act

1.2 relating to public safety; traffic regulations; amending certain regulation of
1.3 motor vehicle weight limits; providing exemptions, search warrants, and citation
1.4 warnings; amending Minnesota Statutes 2010, sections 168.013, subdivision 3;
1.5 169.871, by adding a subdivision; 169.872, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

1.8 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The
1.9 applicant for all licenses based on gross weight shall state the unloaded weight of the
1.10 motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry
1.11 on it, the sum of which constitutes the gross weight upon which the license tax must be
1.12 paid. However, the declared gross weight upon which the tax is paid must not be less than
1.13 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer
1.14 to be registered, except recreational vehicles taxed under subdivision 1g, school buses
1.15 taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011,
1.16 subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight
1.17 of the tow truck or towing vehicle fully equipped, but does not include the weight of a
1.18 wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

1.19 (b) The gross weight of a motor vehicle, trailer, or semitrailer must not exceed
1.20 the gross weight upon which the license tax has been paid by more than four percent or
1.21 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest
1.22 products on a highway, other than a highway that is part of the system of interstate and
1.23 defense highways, unless a federal exemption is granted, in accordance with paragraph
1.24 (d)(3):

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2.1 (1) shall not exceed its gross vehicle weight upon which the license tax has been
2.2 paid, or gross axle weight on any axle, by more than five percent and, notwithstanding
2.3 other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for
2.4 exceeding a gross vehicle or axle weight by up to five percent; and

2.5 (2) between the dates set by the commissioner in accordance with section 169.826,
2.6 subdivision 1, is not subject to any provision of paragraph (d) or chapter 169 limiting
2.7 the gross axle weight of any individual axle unless the entire vehicle also exceeds its
2.8 gross vehicle weight plus its weight allowance allowed in clause (1) and plus any weight
2.9 allowance permitted under section 169.826, in which case the vehicle is subject to all
2.10 applicable penalties for excess weight violations.

2.11 (c) The gross weight of the motor vehicle, trailer, or semitrailer for which the
2.12 license tax is paid must be indicated by a distinctive character on the license plate or
2.13 plates except as provided in subdivision 12 and the plate or plates must be kept clean
2.14 and clearly visible at all times.

2.15 (d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon
2.16 conviction for transporting a gross weight in excess of the gross weight for which it was
2.17 registered or for operating a vehicle with an axle weight exceeding the maximum lawful
2.18 axle load weight, is guilty of a misdemeanor and subject to increased registration or
2.19 reregistration according to the following schedule:

2.20 (1) Upon conviction for transporting a gross weight in excess of the gross weight
2.21 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance
2.22 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor
2.23 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle
2.24 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in
2.25 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,
2.26 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for
2.27 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to
2.28 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,
2.29 driver, or user was convicted of carrying. The increase is computed for the balance of
2.30 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the
2.31 calendar year beginning with the first day of the month in which the violation occurred.
2.32 If the additional registration tax computed upon that weight, plus the tax already paid,
2.33 amounts to more than the regular tax for the maximum gross weight permitted for the
2.34 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be
2.35 paid into the highway fund, but the additional tax thus paid does not authorize or permit
2.36 any person to operate the vehicle with a gross weight in excess of the maximum legal

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3.1 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days
3.2 after a conviction applies to increase the authorized weight and pays the additional tax
3.3 as provided in this section, the registrar shall revoke the registration on the vehicle and
3.4 demand the return of the registration card and plates issued on that registration.

3.5 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or
3.6 semitrailer for transporting a gross weight in excess of the gross weight for which the
3.7 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating
3.8 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load
3.9 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any
3.10 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity
3.11 privileges on the vehicle involved if the vehicle is being operated under reciprocity
3.12 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of
3.13 registration on the vehicle operated and demand the return of the registration certificate
3.14 and registration plates. The registrar may not cancel the registration or reciprocity
3.15 privileges for any vehicle found in violation of seasonal load restrictions imposed under
3.16 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway
3.17 on which the violation occurred. The registrar may investigate any allegation of gross
3.18 weight violations and demand that the operator show cause why all future operating
3.19 privileges in the state should not be revoked unless the additional tax assessed is paid.

3.20 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products
3.21 or unfinished forest products, when the registered gross weight is not exceeded by more
3.22 than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous
3.23 transportation of unprocessed or raw farm products from the place of production or
3.24 on-farm storage site to any other location within ~~50~~ 150 miles of the place of production or
3.25 on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished
3.26 forest products from the place of production to the place of final processing or manufacture
3.27 located within 200 miles of the place of production.

3.28 (4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the
3.29 registrar according to this section, the vehicle must not be operated on the highways of the
3.30 state until it is registered or reregistered, as the case may be, and new plates issued, and
3.31 the registration fee is the annual tax for the total gross weight of the vehicle at the time of
3.32 violation. The reregistration pursuant to this subdivision of any vehicle operating under
3.33 reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual
3.34 registration fee without regard to the percentage of vehicle miles traveled in this state.

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4.1 Sec. 2. Minnesota Statutes 2010, section 169.871, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 8. **Warning for certain weight limit violations.** A police officer shall issue
4.4 a warning in lieu of citation for a violation of vehicle weight limitations under sections
4.5 169.80 to 169.88, if:

4.6 (1) the gross vehicle weight of the vehicle does not exceed the gross weight, as
4.7 defined in section 168.002, subdivision 13, for which the vehicle was registered by more
4.8 than ten percent;

4.9 (2) the transport constitutes the first haul of unprocessed or raw farm products, as
4.10 defined in section 168.013, subdivision 3, paragraph (d), clause (3); and

4.11 (3) a warning under this subdivision has not been issued to the vehicle operator
4.12 within the previous 12 months.

4.13 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to
4.14 violations committed on or after that date.

4.15 Sec. 3. Minnesota Statutes 2010, section 169.872, subdivision 1, is amended to read:

4.16 Subdivision 1. **Record keeping.** (a) A person who weighs goods before or after
4.17 unloading or a person who loads or unloads goods on the basis of liquid volume measure
4.18 shall keep a written record of the origin, weight, and composition of each shipment, the
4.19 date of loading or receipt, the name and address of the shipper, the total number of axles
4.20 on the vehicle or combination of vehicles, and the registration number of the power unit or
4.21 some other means of identification by which the shipment was transported. The record
4.22 shall be retained for ~~14~~ seven days and ~~shall be open to inspection and copying by a~~
4.23 ~~state law enforcement officer or motor transport representative, except state conservation~~
4.24 ~~officers, upon demand. No search warrant is required to inspect or copy the record.~~

4.25 (b) This subdivision does not apply to a person weighing goods who is not involved
4.26 in the shipping, receiving, and transporting of those goods, or to a person weighing raw
4.27 and unfinished farm products transported in a single-unit vehicle with not more than
4.28 three axles or by a trailer towed by a farm tractor when the transportation is the first
4.29 haul of the product.