



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

**S.F. No. 1733, 1st Engrossment - 87th Legislative Session (2011-2012) [S1733-1]**

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~~100 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.

3.35 Sec. 2. Minnesota Statutes 2010, section 169.872, subdivision 1a, is amended to read:

**S.F. No. 1733, 1st Engrossment - 87th Legislative Session (2011-2012) [S1733-1]**

4.1           Subd. 1a. **Limit on civil penalties.** A civil penalty for excessive weight under  
4.2 section 169.871 may be imposed based on a record of a shipment under this section only if  
4.3 a state law enforcement officer or motor transportation representative: (1) has inspected  
4.4 and copied the record within 14 days of the date the shipment was received by the person  
4.5 keeping the record; and (2) has assessed the penalty within 60 days of the date the officer  
4.6 or representative inspected and copied the record.