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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2924

03/19/2012 Authored by Kath

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to state government; regulating certain motor vehicle taxes; authorizing
1.3 representation by public defenders for misdemeanors; appropriating money for
1.4 public safety and public defenders; amending Minnesota Statutes 2010, sections
1.5 168.013, subdivisions 3, 12; 169.86, by adding a subdivision; 611.14; 611.25,
1.6 subdivision 1.

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

1.8 ARTICLE 1

1.9 TRANSPORTATION

1.10 Section 1. SUMMARY OF APPROPRIATIONS.

1.11 The amounts shown in this section summarize direct appropriations, by fund, made
1.12 in this article.

		<u>2012</u>		<u>2013</u>		<u>Total</u>
1.14	<u>General</u>	<u>\$</u>	<u>515,000</u>	<u>\$</u>	<u>0</u>	<u>\$</u> 515,000
1.15	<u>Total</u>	<u>\$</u>	<u>515,000</u>	<u>\$</u>	<u>0</u>	<u>\$</u> 515,000

1.16 Sec. 2. APPROPRIATIONS.

1.17 The sums shown in the columns marked "Appropriations" are appropriated to
1.18 the agencies and for the purposes specified in this article. The appropriations are from
1.19 the trunk highway fund, or another named fund, and are available for the fiscal years
1.20 indicated for each purpose. The figures "2012" and "2013" used in this article mean that
1.21 the appropriations listed under them are available for the fiscal year ending June 30, 2012,
1.22 or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is
1.23 fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the
1.24 fiscal year ending June 30, 2012, are effective the day following final enactment.

3.1 products on a highway, other than a highway that is part of the system of interstate and
3.2 defense highways, unless a federal exemption is granted, in accordance with paragraph
3.3 (d)(3):

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

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

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

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

3.23 (1) Upon conviction for transporting a gross weight in excess of the gross weight
3.24 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance
3.25 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor
3.26 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle
3.27 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in
3.28 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,
3.29 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for
3.30 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to
3.31 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,
3.32 driver, or user was convicted of carrying. The increase is computed for the balance of
3.33 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the
3.34 calendar year beginning with the first day of the month in which the violation occurred.
3.35 If the additional registration tax computed upon that weight, plus the tax already paid,
3.36 amounts to more than the regular tax for the maximum gross weight permitted for the

4.1 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be
4.2 paid into the highway fund, but the additional tax thus paid does not authorize or permit
4.3 any person to operate the vehicle with a gross weight in excess of the maximum legal
4.4 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days
4.5 after a conviction applies to increase the authorized weight and pays the additional tax
4.6 as provided in this section, the registrar shall revoke the registration on the vehicle and
4.7 demand the return of the registration card and plates issued on that registration.

4.8 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or
4.9 semitrailer for transporting a gross weight in excess of the gross weight for which the
4.10 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating
4.11 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load
4.12 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any
4.13 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity
4.14 privileges on the vehicle involved if the vehicle is being operated under reciprocity
4.15 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of
4.16 registration on the vehicle operated and demand the return of the registration certificate
4.17 and registration plates. The registrar may not cancel the registration or reciprocity
4.18 privileges for any vehicle found in violation of seasonal load restrictions imposed under
4.19 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway
4.20 on which the violation occurred. The registrar may investigate any allegation of gross
4.21 weight violations and demand that the operator show cause why all future operating
4.22 privileges in the state should not be revoked unless the additional tax assessed is paid.

4.23 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products
4.24 or unfinished forest products, when the registered gross weight is not exceeded by more
4.25 than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous
4.26 transportation of unprocessed or raw farm products from the place of production or
4.27 on-farm storage site to any other location within 50 miles of the place of production or
4.28 on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished
4.29 forest products from the place of production to the place of final processing or manufacture
4.30 located within 200 miles of the place of production.

4.31 (4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the
4.32 registrar according to this section, the vehicle must not be operated on the highways of the
4.33 state until it is registered or reregistered, as the case may be, and new plates issued, and
4.34 the registration fee is the annual tax for the total gross weight of the vehicle at the time of
4.35 violation. The reregistration pursuant to this subdivision of any vehicle operating under

5.1 reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual
5.2 registration fee without regard to the percentage of vehicle miles traveled in this state.

5.3 (e) Paragraphs (b) and (d) apply to motor vehicles, trailers, or semitrailers that
5.4 exceed the weight allowed under a validly issued permit or paid surcharge to the same
5.5 extent the paragraphs apply to vehicles that exceed the registered gross weight.

5.6 Sec. 5. Minnesota Statutes 2010, section 168.013, subdivision 12, is amended to read:

5.7 Subd. 12. **Additional tax for excessive gross weight.** (a) Whenever an owner has
5.8 registered a vehicle and paid the tax as provided in subdivisions 1 to 1g, on the basis of
5.9 a selected gross weight of the vehicle and thereafter such owner desires to operate such
5.10 vehicle with a greater gross weight than that for which the tax has been paid, such owner
5.11 shall be permitted to reregister such vehicle by paying the additional tax due thereon
5.12 for the remainder of the calendar year for which such vehicle has been reregistered, the
5.13 additional tax computed pro rata by the month, 1/12 of the annual tax due for each month
5.14 of the year remaining in the calendar year, beginning with the first day of the month in
5.15 which such owner desires to operate the vehicle with the greater weight.

5.16 (b) In computing the additional tax ~~as aforesaid~~, the owner shall be given credit for
5.17 the unused portion of the tax previously paid computed pro rata by the month, 1/12 of
5.18 the annual tax paid for each month of the year remaining in the calendar year beginning
5.19 with the first day of the month in which such owner desires to operate the vehicle with
5.20 the greater weight.

5.21 (c) The owner of a vehicle may reregister the vehicle for a weight of more than
5.22 80,000 pounds for one or more 30-day periods. For each 30-day period, the additional tax
5.23 shall be equal to 1/12 of the difference between the annual tax for the weight at which the
5.24 vehicle is registered and reregistered. This paragraph and paragraphs (a) and (b) do not
5.25 apply to an owner who obtains a permit under chapter 169 and pays the permit surcharge
5.26 as provided in section 169.86, subdivision 5a.

5.27 (d) An owner will be permitted one reduction of gross weight or change of
5.28 registration per year, which will result in a refund. This refund will be prorated monthly
5.29 beginning with the first day of the month after such owner applies to amend the
5.30 registration. The application for amendment shall be accompanied by a fee of \$3, and all
5.31 fees shall be deposited in the highway user tax distribution fund. ~~Provided, however, the~~
5.32 ~~owner of a vehicle may reregister the vehicle for a weight of more than 81,000 pounds~~
5.33 ~~for one or more 30-day periods. For each 30-day period, the additional tax shall be equal~~
5.34 ~~to 1/12 of the difference between the annual tax for the weight at which the vehicle~~
5.35 ~~is registered and reregistered. When a vehicle is reregistered in accordance with this~~

6.1 ~~provision, a distinctive windshield sticker provided by the commissioner of public safety~~
6.2 ~~shall be permanently displayed.~~

6.3 Sec. 6. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision
6.4 to read:

6.5 Subd. 5a. Permit surcharge in lieu of increased registration. (a) Unless an
6.6 applicant for a special permit for weight can show that the vehicle has been registered for
6.7 the weight being allowed under a permit, or has another effective permit for which the
6.8 surcharge under this subdivision has been paid, the commissioner shall collect a permit
6.9 surcharge in addition to the permit fee.

6.10 (b) The surcharge shall be calculated as the difference between the registration tax
6.11 paid under section 168.013 and the tax that would be due under that section at the gross
6.12 weight allowed under the permit, prorated by the number of days for which the permit is
6.13 effective. If the number of days that the permit is effective is not determinable at the time
6.14 the permit is issued, the difference between the registration tax paid and the registration
6.15 tax that would be due under section 168.013 shall be prorated by the month, rounded to
6.16 the nearest number of months the permit will be in effect.

6.17 (c) When a permit surcharge is paid under this subdivision, payment of the additional
6.18 tax for excessive gross weight under section 168.013 is not required for the time and
6.19 weight covered by the permit. No refunds are provided under this subdivision. Proceeds
6.20 of the surcharge must be deposited in the state treasury and credited to the highway user
6.21 tax distribution fund.

6.22 Sec. 7. **EFFECTIVE DATE.**

6.23 Sections 4 to 6 are effective for the registration period beginning March 1, 2013.

6.24 **ARTICLE 2**

6.25 **PUBLIC SAFETY AND JUDICIARY**

6.26 Section 1. **SUMMARY OF APPROPRIATIONS.**

6.27 The amounts shown in this section summarize direct appropriations, by fund, made
6.28 in this article.

		<u>2012</u>		<u>2013</u>		<u>Total</u>
6.29						
6.30	<u>General</u>	\$	<u>295,000</u>	\$	<u>180,000</u>	<u>475,000</u>
6.31	<u>Special Revenue</u>		<u>-0-</u>		<u>4,500,000</u>	<u>4,500,000</u>
6.32	<u>Total</u>	<u>\$</u>	<u>295,000</u>	<u>\$</u>	<u>4,680,000</u>	<u>4,975,000</u>

7.1 Sec. 2. **APPROPRIATIONS.**

7.2 The sums shown in the columns marked "Appropriations" are appropriated to the
 7.3 agencies and for the purposes specified in this article. The appropriations are from the
 7.4 general fund, or another named fund, and are available for the fiscal years indicated
 7.5 for each purpose. The figures "2012" and "2013" used in this article mean that the
 7.6 appropriations listed under them are available for the fiscal year ending June 30, 2012, or
 7.7 June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal
 7.8 year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal
 7.9 year ending June 30, 2012, are effective the day following final enactment.

7.10		<u>APPROPRIATIONS</u>	
7.11		<u>Available for the Year</u>	
7.12		<u>Ending June 30</u>	
7.13		<u>2012</u>	<u>2013</u>
7.14	Sec. 3. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$</u>	<u>60,000 \$</u>
			<u>180,000</u>

7.15 These appropriations are added to the
 7.16 appropriations in Laws 2011, First Special
 7.17 Session chapter 1, article 1, section 10.

7.18 Sec. 4. **PUBLIC SAFETY.**

7.19	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>235,000 \$</u>	<u>4,500,000</u>
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7.20	<u>Appropriations by Fund</u>			
7.21		<u>2012</u>	<u>2013</u>	
7.22	<u>General</u>	<u>235,000</u>	<u>-0-</u>	
7.23	<u>Special Revenue</u>	<u>-0-</u>	<u>4,500,000</u>	

7.24 The amounts that may be spent for each
 7.25 purpose are specified in the following
 7.26 subdivisions.

7.27	<u>Subd.2. Emergency Management</u>	<u>235,000</u>	<u>-0-</u>
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7.28	<u>Appropriations by Fund</u>		
7.29	<u>General</u>	<u>235,000</u>	<u>-0-</u>

7.30 This appropriation is to provide a match for
 7.31 Federal Emergency Management Agency
 7.32 (FEMA) disaster assistance to state agencies
 7.33 and political subdivisions under Minnesota
 7.34 Statutes, section 12.221, in the area

8.1 designated under Presidential Declaration
 8.2 of Major Disaster, FEMA-DR-1900-MN,
 8.3 whether included in the original declaration
 8.4 or added later by federal government action.

8.5 This is a onetime appropriation. This
 8.6 appropriation is available until expended.

8.7 Subd. 3. **Fire Marshal** -0- 4,500,000

8.8 This appropriation is from the fire safety
 8.9 account of the special revenue fund and is
 8.10 for activities and programs under Minnesota
 8.11 Statutes, section 299F.012. This is a onetime
 8.12 appropriation.

8.13 Sec. 5. Minnesota Statutes 2010, section 611.14, is amended to read:

8.14 **611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.**

8.15 The following persons who are financially unable to obtain counsel are entitled to be
 8.16 represented by a public defender:

8.17 (1) a person charged with a felony, gross misdemeanor, or misdemeanor including a
 8.18 person charged under sections 629.01 to 629.29;

8.19 (2) a person appealing from a conviction of a felony ~~or~~, gross misdemeanor, or
 8.20 misdemeanor, or a person convicted of a felony ~~or~~, gross misdemeanor, or misdemeanor,
 8.21 who is pursuing a postconviction proceeding and who has not already had a direct appeal
 8.22 of the conviction;

8.23 (3) a person who is entitled to be represented by counsel under section 609.14,
 8.24 subdivision 2; or

8.25 (4) a minor ten years of age or older who is entitled to be represented by counsel
 8.26 under section 260B.163, subdivision 4, or 260C.163, subdivision 3.

8.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.28 Sec. 6. Minnesota Statutes 2010, section 611.25, subdivision 1, is amended to read:

8.29 Subdivision 1. **Representation.** (a) The chief appellate public defender shall
 8.30 represent, without charge:

8.31 (1) a defendant or other person appealing from a conviction of a felony ~~or~~, gross
 8.32 misdemeanor, or misdemeanor;

9.1 (2) a person convicted of a felony ~~or~~₂ gross misdemeanor, or misdemeanor who is
9.2 pursuing a postconviction proceeding and who has not already had a direct appeal of
9.3 the conviction; and

9.4 (3) a child who is appealing from a delinquency adjudication or from an extended
9.5 jurisdiction juvenile conviction.

9.6 (b) The chief appellate public defender may represent, without charge, all other
9.7 persons pursuing a postconviction remedy under section 590.01, who are financially
9.8 unable to obtain counsel.

9.9 (c) The chief appellate public defender shall not represent a person in any action or
9.10 proceeding in which a party is seeking a monetary judgment, recovery or award.

9.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

APPENDIX
Article locations in 12-5830

ARTICLE 1	TRANSPORTATION	Page.Ln 1.8
ARTICLE 2	PUBLIC SAFETY AND JUDICIARY	Page.Ln 6.24