

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 785**

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DATE	D-PG	OFFICIAL STATUS
03/14/2011	501	Introduction and first reading Referred to Transportation

1.1 A bill for an act
 1.2 relating to motor vehicles; repealing requirement of vehicle reregistration to
 1.3 operate at excessive gross weights; adding permit fee surcharge; crediting fee to
 1.4 highway user tax distribution fund; amending Minnesota Statutes 2010, sections
 1.5 168.013, subdivisions 1e, 3; 169.85, subdivision 2; 169.86, subdivision 1, by
 1.6 adding a subdivision; repealing Minnesota Statutes 2010, section 168.013,
 1.7 subdivision 12.

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

1.9 Section 1. Minnesota Statutes 2010, section 168.013, subdivision 1e, is amended to
 1.10 read:

1.11 Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors
 1.12 except those in this chapter defined as farm trucks, on truck-tractor and semitrailer
 1.13 combinations except those defined as farm combinations, and on commercial zone
 1.14 vehicles, the tax based on total gross weight shall be graduated according to the Minnesota
 1.15 base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent
 surtax provided for in subdivision 14

		TOTAL GROSS WEIGHT IN POUNDS				TAX
1.19						
1.20	A	0	-	1,500	\$	15
1.21	B	1,501	-	3,000		20
1.22	C	3,001	-	4,500		25
1.23	D	4,501	-	6,000		35
1.24	E	6,001	-	10,000		45
1.25	F	10,001	-	12,000		70
1.26	G	12,001	-	15,000		105
1.27	H	15,001	-	18,000		145

S.F. No. 785, as introduced - 87th Legislative Session (2011-2012) [11-2544]

2.1	I	18,001	-	21,000	190
2.2	J	21,001	-	26,000	270
2.3	K	26,001	-	33,000	360
2.4	L	33,001	-	39,000	475
2.5	M	39,001	-	45,000	595
2.6	N	45,001	-	51,000	715
2.7	O	51,001	-	57,000	865
2.8	P	57,001	-	63,000	1015
2.9	Q	63,001	-	69,000	1185
2.10	R	69,001	-	73,280	1325
2.11	S	73,281	-	78,000	1595
2.12	T	78,001	-	80,000	1760

2.13 (b) For purposes of the Minnesota base rate schedule, for vehicles with six or more
2.14 axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

2.15 (c) For each vehicle with a gross weight in excess of 80,000 pounds an additional
2.16 tax of \$50 is imposed for each ton or fraction thereof in excess of 80,000 pounds, ~~subject~~
2.17 ~~to subdivision 12.~~

2.18 (d) For purposes of registration identification, for vehicles registered in the "O"
2.19 category, the owner must declare at the time of registration whether the vehicle will carry
2.20 a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle
2.21 use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive
2.22 weight sticker must be issued and the owner is restricted to a gross vehicle weight of
2.23 less than 55,000 pounds.

2.24 (e) Truck-tractors except those herein defined as farm and commercial zone vehicles
2.25 shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the
2.26 combined gross weight of the truck-tractor and any semitrailer or semitrailers which the
2.27 applicant proposes to combine with the truck-tractor.

2.28 (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer
2.29 combinations which are operated by an interstate carrier registered under section 221.60,
2.30 or by a carrier receiving operating authority under chapter 221, and operated solely within
2.31 a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

2.32 (g) The license plates issued for commercial zone vehicles shall be plainly marked.
2.33 A person operating a commercial zone vehicle outside the zone or area in which its
2.34 operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor
2.35 penalty, the registrar shall revoke the registration of the vehicle as a commercial zone
2.36 vehicle and shall require that the vehicle be registered at 100 percent of the full annual tax
2.37 prescribed in the Minnesota base rate schedule, and no part of this tax may be refunded
2.38 during the balance of the registration year.

S.F. No. 785, as introduced - 87th Legislative Session (2011-2012) [11-2544]

3.1 (h) On commercial zone trucks the tax shall be based on the total gross weight of
3.2 the vehicle and during each of the first eight years of vehicle life is 75 percent of the
3.3 Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the
3.4 tax is 50 percent of the Minnesota base rate schedule.

3.5 (i) On trucks, truck-tractors and semitrailer combinations, except those defined
3.6 as farm trucks and farm combinations, and except for those commercial zone vehicles
3.7 specifically provided for in this subdivision, the tax for each of the first eight years of
3.8 vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and
3.9 during the ninth and succeeding years of vehicle life, the tax is 75 percent of the Minnesota
3.10 base rate prescribed by this subdivision.

3.11 (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer
3.12 combination are semitrailers.

3.13 Sec. 2. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

3.14 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The
3.15 applicant for all licenses based on gross weight shall state the unloaded weight of the
3.16 motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry
3.17 on it, the sum of which constitutes the gross weight upon which the license tax must be
3.18 paid. However, the declared gross weight upon which the tax is paid must not be less than
3.19 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer
3.20 to be registered, except recreational vehicles taxed under subdivision 1g, school buses
3.21 taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011,
3.22 subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight
3.23 of the tow truck or towing vehicle fully equipped, but does not include the weight of a
3.24 wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

3.25 (b) Except as provided by special permit issued under section 169.86, the gross
3.26 weight of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon
3.27 which the license tax has been paid by more than four percent or 1,000 pounds, whichever
3.28 is greater; provided that, a vehicle transporting unfinished forest products on a highway,
3.29 other than a highway that is part of the system of interstate and defense highways, unless a
3.30 federal exemption is granted, in accordance with paragraph (d)(3):

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

S.F. No. 785, as introduced - 87th Legislative Session (2011-2012) [11-2544]

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

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

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

4.16 (1) Upon conviction for transporting a gross weight in excess of the gross weight
4.17 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance
4.18 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor
4.19 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle
4.20 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in
4.21 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,
4.22 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for
4.23 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to
4.24 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,
4.25 driver, or user was convicted of carrying. The increase is computed for the balance of
4.26 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the
4.27 calendar year beginning with the first day of the month in which the violation occurred.
4.28 If the additional registration tax computed upon that weight, plus the tax already paid,
4.29 amounts to more than the regular tax for the maximum gross weight permitted for the
4.30 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be
4.31 paid into the highway fund, but the additional tax thus paid does not authorize or permit
4.32 any person to operate the vehicle with a gross weight in excess of the maximum legal
4.33 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days
4.34 after a conviction applies to increase the authorized weight and pays the additional tax
4.35 as provided in this section, the registrar shall revoke the registration on the vehicle and
4.36 demand the return of the registration card and plates issued on that registration.

S.F. No. 785, as introduced - 87th Legislative Session (2011-2012) [11-2544]

5.1 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or
5.2 semitrailer for transporting a gross weight in excess of the gross weight for which the
5.3 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating
5.4 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load
5.5 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any
5.6 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity
5.7 privileges on the vehicle involved if the vehicle is being operated under reciprocity
5.8 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of
5.9 registration on the vehicle operated and demand the return of the registration certificate
5.10 and registration plates. The registrar may not cancel the registration or reciprocity
5.11 privileges for any vehicle found in violation of seasonal load restrictions imposed under
5.12 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway
5.13 on which the violation occurred. The registrar may investigate any allegation of gross
5.14 weight violations and demand that the operator show cause why all future operating
5.15 privileges in the state should not be revoked unless the additional tax assessed is paid.

5.16 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products
5.17 or unfinished forest products, when the registered gross weight is not exceeded by more
5.18 than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous
5.19 transportation of unprocessed or raw farm products from the place of production or
5.20 on-farm storage site to any other location within 50 miles of the place of production or
5.21 on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished
5.22 forest products from the place of production to the place of final processing or manufacture
5.23 located within 200 miles of the place of production.

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

5.31 Sec. 3. Minnesota Statutes 2010, section 169.85, subdivision 2, is amended to read:

5.32 Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this
5.33 section, an officer may require the driver to stop the vehicle in a suitable place and remain
5.34 standing until a portion of the load is removed that is sufficient to reduce the gross weight
5.35 of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph

6.1 (b), or sections 169.823 to 169.829, whichever is the lesser violation, if any. A suitable
6.2 place is a location where loading or tampering with the load is not prohibited by federal,
6.3 state, or local law, rule, or ordinance.

6.4 (b) Except as provided in paragraph (c), a driver may be required to unload a
6.5 vehicle only if the weighing officer determines that (1) on routes subject to the provisions
6.6 of sections 169.823 to 169.829, the weight on an axle exceeds the lawful gross weight
6.7 prescribed by sections 169.823 to 169.829, by 2,000 pounds or more, or the weight on a
6.8 group of two or more consecutive axles in cases where the distance between the centers
6.9 of the first and last axles of the group under consideration is ten feet or less exceeds the
6.10 lawful gross weight prescribed by sections 169.823 to 169.829, by 4,000 pounds or more;
6.11 or (2) the weight is unlawful on an axle or group of consecutive axles on a road restricted
6.12 in accordance with section 169.87. Material unloaded must be cared for by the owner or
6.13 driver of the vehicle at the risk of the owner or driver.

6.14 (c) ~~¶~~ The driver is not required to unload under paragraph (b) when the gross weight
6.15 of the vehicle does not exceed:

6.16 (1) the sum of the vehicle's registered gross weight plus, the weight allowance set
6.17 forth in section 168.013, subdivision 3, paragraph (b), and plus, if applicable, the weight
6.18 allowance permitted under section 169.826, ~~then the driver is not required to unload~~
6.19 ~~under paragraph (b); or~~

6.20 (2) the weight allowed by special permit issued under section 169.86 for a vehicle
6.21 that is operated in conformity with the limitations and conditions of the permit.

6.22 Sec. 4. Minnesota Statutes 2010, section 169.86, subdivision 1, is amended to read:

6.23 Subdivision 1. **Permit authorities; restrictions.** (a) The commissioner, with respect
6.24 to highways under the commissioner's jurisdiction, and local authorities, with respect to
6.25 highways under their jurisdiction, may, in their discretion, upon application in writing
6.26 and good cause being shown therefor, issue a special permit, in writing, authorizing the
6.27 applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or
6.28 load exceeding the maximum specified in this chapter, exceeding the gross weight for
6.29 which the vehicle is registered under chapter 168, or otherwise not in conformity with the
6.30 provisions of this chapter, upon any highway under the jurisdiction of the party granting
6.31 such permit and for the maintenance of which such party is responsible.

6.32 (b) Permits relating to over-width, over-length manufactured homes shall not be
6.33 issued to persons other than manufactured home dealers or manufacturers for movement
6.34 of new units owned by the manufactured home dealer or manufacturer, until the person
6.35 has presented a statement from the county auditor and treasurer where the unit is presently

S.F. No. 785, as introduced - 87th Legislative Session (2011-2012) [11-2544]

7.1 located, stating that all personal and real property taxes have been paid. Upon payment of
7.2 the most recent single year delinquent personal property or current year taxes only, the
7.3 county auditor or treasurer must issue a taxes paid statement to a manufactured home
7.4 dealer or a financial institution desiring to relocate a manufactured home that has been
7.5 repossessed. This statement must be dated within 30 days of the contemplated move. The
7.6 statement from the county auditor and treasurer where the unit is presently located, stating
7.7 that all personal and real property taxes have been paid, may be made by telephone. If
7.8 the statement is obtained by telephone, the permit shall contain the date and time of the
7.9 telephone call and the names of the persons in the auditor's office and treasurer's office
7.10 who verified that all personal and real property taxes had been paid.

7.11 (c) The commissioner may not grant a permit authorizing the movement, in a
7.12 three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that
7.13 the commissioner (1) may renew a permit that was granted before April 16, 1984, for the
7.14 movement of a semitrailer or trailer that exceeds the length limitation in section 169.81,
7.15 subdivision 2, or (2) may grant a permit authorizing the transportation of empty trailers
7.16 that exceed 28-1/2 feet when using a B-train hitching mechanism as defined in Code of
7.17 Federal Regulations, title 23, section 658.5, paragraph (o), from a point of manufacture in
7.18 the state to the state border.

7.19 (d) The state as to state trunk highways, a statutory or home rule charter city as
7.20 to streets in the city, or a town as to roads in the town, may issue permits authorizing
7.21 the transportation of combinations of vehicles exceeding the limitations in section
7.22 169.81, subdivisions 2a and 3, over highways, streets, or roads within its boundaries.
7.23 Combinations of vehicles authorized by this paragraph may be restricted as to the use of
7.24 state trunk highways by the commissioner, to the use of streets by the city road authority,
7.25 and to the use of roads by the town road authority. Nothing in this paragraph or section
7.26 169.81, subdivisions 2a and 3, alters or changes the authority vested in local authorities
7.27 under section 169.04.

7.28 Sec. 5. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision
7.29 to read:

7.30 Subd. 5a. Fee surcharge. The commissioner shall impose a surcharge on the
7.31 special permit fee for a vehicle that is registered under section 168.013, subdivisions 1 to
7.32 1g, if the vehicle, operating within the permit allowance, will exceed the gross weight for
7.33 which registration tax was paid under chapter 168. The surcharge must equal the amount
7.34 of additional registration tax that would be due under section 168.013, subdivisions 1 to
7.35 1g, if the vehicle were registered at the weight allowed by the permit, prorated according

S.F. No. 785, as introduced - 87th Legislative Session (2011-2012) [11-2544]

8.1 to the length of time for which the permit is issued. Proceeds of the surcharge must be
8.2 deposited in the state treasury and credited to the highway user tax distribution fund.

8.3 **Sec. 6. REPEALER.**

8.4 Minnesota Statutes 2010, section 168.013, subdivision 12, is repealed.

8.5 **Sec. 7. EFFECTIVE DATE.**

8.6 Sections 1 to 6 are effective January 1, 2012, and apply to all registrations that are
8.7 effective on and after that date and special permits issued on and after that date.