

A bill for an act
relating to transportation; modifying penalties and requirements related to
violation of vehicle weight limitations; amending Minnesota Statutes 2008,
sections 169.80, subdivision 1; 169.871, subdivision 1.

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

Section 1. Minnesota Statutes 2008, section 169.80, subdivision 1, is amended to read:

Subdivision 1. ~~Limitations; misdemeanor~~ **Applicability; penalties; evidence of weight.** (a) It is a misdemeanor for a person to drive or move, ~~or for the owner to cause or knowingly permit to be driven or moved,~~ on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, other than ~~section 169.81, subdivision 5a, and~~ where another penalty is specified. It is a gross misdemeanor for the owner of a vehicle to cause the vehicle or knowingly permit the vehicle to be driven or moved on a highway in violation of the weight limitations under sections 169.80 to 169.88, and it is otherwise a misdemeanor for the owner of a vehicle to cause the vehicle or knowingly permit the vehicle to be driven or moved on a highway in violation of sections 169.80 to 169.88, other than where another penalty is specified.

(b) The maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 ~~shall be~~ are lawful throughout this state, and local authorities ~~shall~~ have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

~~(b)~~ (c) When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

~~(e)~~ (d) When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

~~(d)~~ (e) When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in the group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

~~(e)~~ (f) The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to a fire apparatus, or to a vehicle operated under the terms of a special permit issued as provided by law.

(g) When the operator of a motor vehicle is issued a citation or arrested for a violation of vehicle weight limitations under sections 169.80 to 169.88, a peace officer or a Department of Public Safety employee described in section 299D.06 must also issue a citation or arrest the owner of the vehicle for the violation if (1) the vehicle is a commercial motor vehicle, and (2) the operator of the vehicle is not the owner of the vehicle.

(h) For purposes of this subdivision, "owner" means:

(1) the lessee of a motor vehicle and, in the case of a vehicle that is a truck-tractor semitrailer combination, the lessee of the semitrailer; or

(2) if clause (1) is not applicable, the person to whom a vehicle is registered under chapter 168 and, in the case of a vehicle that is a truck-tractor semitrailer combination, the person to whom the semitrailer is registered under chapter 168.

Sec. 2. Minnesota Statutes 2008, section 169.871, subdivision 1, is amended to read:

Subdivision 1. **Civil liability.** (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.822 to 169.829, 169.832 to 169.851, and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.822 to 169.829, 169.832 to 169.851, and 169.87 is liable for a civil penalty as follows:

(1) if the total gross excess weight is not more than 1,000 pounds, ~~one cent~~ five cents per pound for each pound in excess of the legal limit;

(2) if the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, ~~\$10~~ \$50 plus ~~five~~ ten cents per pound for each pound in excess of 1,000 pounds;

(3) if the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, ~~\$110~~ \$250 plus ~~ten~~ 15 cents per pound for each pound in excess of 3,000 pounds;

(4) if the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, ~~\$310~~ \$550 plus ~~15~~ 20 cents per pound for each pound in excess of 5,000 pounds;

(5) if the total gross excess weight is more than 7,000 pounds, ~~\$610~~ \$950 plus ~~20~~ 25 cents per pound for each pound in excess of 7,000 pounds.

(b) Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit imposed under this section or sections 169.822 to 169.829, 169.832 to 169.851, or 169.87 is also found by the court to have knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise avoid weighing by means of stationary scales under section 169.85 or other law, the court shall impose a penalty of twice the amount otherwise authorized under paragraph (a).

(c) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

(d) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section 169.872 must not exceed an aggregate of ~~\$10,000~~ \$15,000.