

1.1 A bill for an act

1.2 relating to transportation; modifying provisions governing movement of large
1.3 vehicles on public streets and highways; making technical changes; repealing
1.4 certain rules related to motor carriers; amending Minnesota Statutes 2008,
1.5 sections 169.86, subdivision 5; 169.863, subdivision 1; 169.864, subdivision
1.6 4; 169.871, subdivisions 1, 1a, 1b; Minnesota Statutes 2009 Supplement,
1.7 sections 169.801, subdivision 10; 169.81, subdivision 3; 169.824, subdivision
1.8 2; 169.8261, subdivision 2; 169.864, subdivision 2; 169.865, subdivision 1;
1.9 221.025; 221.031, subdivision 3; repealing Minnesota Statutes 2008, section
1.10 169.826, subdivision 6; Minnesota Rules, parts 7800.0100, subparts 4, 6, 7,
1.11 8, 11, 12, 13, 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000;
1.12 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950;
1.13 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350;
1.14 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850;
1.15 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500;
1.16 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100;
1.17 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550; 8920.1600;
1.18 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200;
1.19 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800;
1.20 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400;
1.21 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000;
1.22 8920.4100; 8920.4200; 8920.4300; 8920.4400; 8920.4500.

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

1.24 Section 1. Minnesota Statutes 2009 Supplement, section 169.801, subdivision 10,
1.25 is amended to read:

1.26 Subd. 10. **Brakes.** Notwithstanding section 169.67:

1.27 (a) A self-propelled implement of husbandry must be equipped with brakes adequate
1.28 to control its movement and to stop and hold it and any vehicle it is towing.

1.29 (b) A towed implement of husbandry must be equipped with brakes adequate to
1.30 control its movement and to stop and hold it if:

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2.1 (1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured
2.2 and sold after January 1, 1994;

2.3 (2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a
2.4 vehicle other than a self-propelled implement of husbandry; or

2.5 (3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a
2.6 registered passenger automobile other than a pickup truck as defined in section 168.002,
2.7 subdivision 26.

2.8 (c) If a towed implement of husbandry with a gross vehicle weight of more than
2.9 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is
2.10 required under paragraph (b) to have brakes ~~and was manufactured after January 1,~~
2.11 ~~2011,~~ it must also be equipped with brakes ~~as required in section 169.67, subdivision 3,~~
2.12 paragraph (b) adequate to stop and hold it if it becomes detached from the towing vehicle.

2.13 Sec. 2. Minnesota Statutes 2009 Supplement, section 169.81, subdivision 3, is
2.14 amended to read:

2.15 Subd. 3. **Length of vehicle combinations.** (a) Statewide, except on the highways
2.16 identified under provisions in paragraph (c), no combination of vehicles may exceed
2.17 a total length of 75 feet.

2.18 (b) However, the total length limitation does not apply to combinations of vehicles
2.19 transporting:

2.20 (1) telephone poles, electric light and power poles, piling, or pole-length pulpwood;
2.21 or

2.22 (2) pipe or other objects by a public utility when required for emergency or repair
2.23 of public service facilities or when operated under special permits as provided in section
2.24 169.86.

2.25 These combinations of vehicles must be equipped with sufficient clearance markers, or
2.26 lamps for night transportation, on both sides and upon the extreme ends of a projecting
2.27 load to clearly mark the dimensions of the load.

2.28 (c) The following combination of vehicles regularly engaged in the transportation
2.29 of commodities may operate only on divided highways having four or more lanes of
2.30 travel, and on other highways as may be designated by the commissioner of transportation
2.31 subject to section 169.87, subdivision 1, and subject to the approval of the authority
2.32 having jurisdiction over the highway, for the purpose of providing reasonable access
2.33 between the divided highways of four or more lanes of travel and terminals, facilities for
2.34 food, fuel, repair, and rest, and points of loading and unloading for household goods
2.35 carriers, livestock carriers, or for the purpose of providing continuity of route:

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- 3.1 (1) a truck-tractor and semitrailer exceeding 75 feet in length;
- 3.2 (2) a combination of vehicles including a truck-tractor and semitrailer drawing one
3.3 additional semitrailer which may be equipped with an auxiliary dolly;
- 3.4 (3) a combination of vehicles including a truck-tractor and semitrailer drawing
3.5 one full trailer;
- 3.6 (4) a truck-tractor and semitrailer designed and used exclusively for the
3.7 transportation of motor vehicles or boats and exceeding an overall length of 75 feet
3.8 including the load; and
- 3.9 (5) a truck or truck-tractor transporting similar vehicles by having the front axle of
3.10 the transported vehicle mounted onto the center or rear part of the preceding vehicle,
3.11 defined in Code of Federal Regulations, title 49, sections 390.5 and 393.5 as drive-away
3.12 saddlemount combinations or drive-away saddlemount vehicle transporter combinations,
3.13 when the overall length exceeds 75 feet but does not exceed 97 feet.

3.14 (d) Vehicles operated under the provisions of this section must conform to the
3.15 standards for those vehicles prescribed by the United States Department of Transportation,
3.16 Federal Highway Administration, Bureau of Motor Carrier Safety, as amended.

3.17 (e) For purposes of this paragraph, "total length" means the overall length of the
3.18 motor vehicle including (1) bumpers and load; and (2) the length of any semitrailer, as
3.19 defined in section 168.002, subdivision 30, and any trailer, as defined in section 168.002,
3.20 subdivision 35. The maximum allowable total length of a commercial vehicle combination
3.21 is 55 feet on that portion of marked Trunk Highway 36 from the intersection with marked
3.22 Trunk Highway 95 and Washington County State-Aid Highway 23 in Stillwater, to the
3.23 Stillwater lift bridge, located on marked Trunk Highway 36 over the St. Croix River in
3.24 Stillwater. This paragraph does not apply to emergency vehicles; motor vehicles while
3.25 engaged in work on the bridge or on the portion of highway described in this paragraph,
3.26 including snow and ice removal and flood control; a vehicle carrying an oversize permit
3.27 issued under section 169.86, subdivision 5, paragraph (d); and vehicles on the Stillwater
3.28 lift bridge.

3.29 Sec. 3. Minnesota Statutes 2009 Supplement, section 169.824, subdivision 2, is
3.30 amended to read:

3.31 Subd. 2. **Gross vehicle weight of all axles; credit for idle reduction technology.**

3.32 (a) The gross vehicle weight of all axles of a vehicle or combination of vehicles must
3.33 not exceed:

3.34 (1) 80,000 pounds for any vehicle or combination of vehicles on all streets and
3.35 highways, unless posted at a lower axle weight under section 169.87, subdivision 1; and

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4.1 (2) 88,000 pounds for any vehicle or combination of vehicles with six or more
4.2 axles while exclusively engaged in hauling livestock on all state trunk highways other
4.3 than interstate highways, if the vehicle has a permit under section 169.86, subdivision
4.4 5, paragraph ~~(k)~~ (j).

4.5 (b) Notwithstanding the maximum weight provisions of this section, and in order
4.6 to promote the reduction of fuel use and emissions, the maximum gross vehicle weight
4.7 limits and the axle weight limits for any motor vehicle subject to sections 169.80 to
4.8 169.88 and equipped with idle reduction technology or emissions-reduction technology
4.9 must be increased by the amount of weight necessary to compensate for the weight of the
4.10 idle reduction technology or emissions-reduction technology, not to exceed 400 pounds.
4.11 At the request of an authorized representative of the Department of Transportation or the
4.12 Department of Public Safety, the vehicle operator shall provide proof that the vehicle is
4.13 equipped with this technology through documentation or demonstration.

4.14 Sec. 4. Minnesota Statutes 2009 Supplement, section 169.8261, subdivision 2, is
4.15 amended to read:

4.16 Subd. 2. **Conditions.** (a) A vehicle or combination of vehicles described in
4.17 subdivision 1 must:

4.18 (1) comply with seasonal load restrictions in effect between the dates set by the
4.19 commissioner under section 169.87, subdivision 2;

4.20 (2) comply with bridge load limits posted under section 169.84;

4.21 (3) be equipped and operated with six or more axles and brakes on all wheels;

4.22 (4) not exceed 90,000 pounds gross vehicle weight, or 99,000 pounds gross vehicle
4.23 weight during the time when seasonal increases are authorized under section 169.826;

4.24 (5) not be operated on interstate highways;

4.25 (6) obtain an annual permit from the commissioner of transportation;

4.26 (7) obey all road postings; and

4.27 (8) not exceed 20,000 pounds gross weight on any single axle.

4.28 (b) A vehicle operated under this section may exceed the legal axle weight limits
4.29 listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may
4.30 be exceeded by not more than 23.75 percent during the time when seasonal increases are
4.31 authorized under section 169.826, subdivision 1.

4.32 Sec. 5. Minnesota Statutes 2008, section 169.86, subdivision 5, is amended to read:

4.33 Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect
4.34 to highways under the commissioner's jurisdiction, may charge a fee for each permit

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5.1 issued. All such fees for permits issued by the commissioner of transportation shall be
5.2 deposited in the state treasury and credited to the trunk highway fund. Except for those
5.3 annual permits for which the permit fees are specified elsewhere in this chapter, the fees
5.4 shall be:

5.5 (a) \$15 for each single trip permit.

5.6 (b) \$36 for each job permit. A job permit may be issued for like loads carried on
5.7 a specific route for a period not to exceed two months. "Like loads" means loads of the
5.8 same product, weight, and dimension.

5.9 (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive
5.10 months. Annual permits may be issued for:

5.11 (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety
5.12 or well-being of the public;

5.13 (2) motor vehicles which travel on interstate highways and carry loads authorized
5.14 under subdivision 1a;

5.15 (3) motor vehicles operating with gross weights authorized under section 169.826,
5.16 subdivision 1a;

5.17 (4) special pulpwood vehicles described in section 169.863;

5.18 (5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

5.19 (6) noncommercial transportation of a boat by the owner or user of the boat; and

5.20 (7) motor vehicles carrying bales of agricultural products authorized under section
5.21 169.862.

5.22 (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12
5.23 consecutive months. Annual permits may be issued for:

5.24 (1) mobile cranes;

5.25 (2) construction equipment, machinery, and supplies;

5.26 (3) manufactured homes and manufactured storage buildings;

5.27 (4) implements of husbandry ~~when the movement is not made according to the~~
5.28 ~~provisions of paragraph (i);~~

5.29 (5) double-deck buses;

5.30 (6) commercial boat hauling; ~~and~~

5.31 (7) three-vehicle combinations consisting of two empty, newly manufactured trailers
5.32 for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however,
5.33 the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer
5.34 only while operating on twin-trailer routes designated under section 169.81, subdivision 3,
5.35 paragraph (c); and

6.1 (8) vehicles operating on that portion of marked Trunk Highway 36 described in
 6.2 section 169.81, subdivision 3, paragraph (e).

6.3 (e) For vehicles which have axle weights exceeding the weight limitations of
 6.4 sections 169.822 to 169.829, an additional cost added to the fees listed above. However,
 6.5 this paragraph applies to any vehicle described in section 168.013, subdivision 3,
 6.6 paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in
 6.7 that paragraph, and then the additional cost is for all weight, including the allowance
 6.8 weight, in excess of the permitted maximum axle weight. The additional cost is equal
 6.9 to the product of the distance traveled times the sum of the overweight axle group cost
 6.10 factors shown in the following chart:

6.11 Overweight Axle Group Cost Factors

6.12 Weight (pounds)	6.12 Cost Per Mile For Each Group Of:		
6.13 exceeding weight	6.13 Two	6.13 Three	
6.14 limitations on axles	6.14 consecutive	6.14 consecutive	
	6.15 axles spaced	6.15 axles spaced	6.15 Four consecutive
	6.16 within 8 feet	6.16 within 9 feet	6.16 axles spaced within
	6.17 or less	6.17 or less	6.17 14 feet or less
6.18 0-2,000	.12	.05	.04
6.19 2,001-4,000	.14	.06	.05
6.20 4,001-6,000	.18	.07	.06
6.21 6,001-8,000	.21	.09	.07
6.22 8,001-10,000	.26	.10	.08
6.23 10,001-12,000	.30	.12	.09
6.24 12,001-14,000	6.24 Not	.14	.11
	6.25 permitted		
6.26 14,001-16,000	6.26 Not	.17	.12
	6.27 permitted		
6.28 16,001-18,000	6.28 Not	.19	.15
	6.29 permitted		
6.30 18,001-20,000	6.30 Not	Not	
	6.31 permitted	6.31 permitted	.16
6.32 20,001-22,000	6.32 Not	Not	
	6.33 permitted	6.33 permitted	.20

6.34 The amounts added are rounded to the nearest cent for each axle or axle group. The
 6.35 additional cost does not apply to paragraph (c), clauses (1) and (3).

6.36 For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile
 6.37 fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed
 6.38 in addition to the normal permit fee. Miles must be calculated based on the distance
 6.39 already traveled in the state plus the distance from the point of detection to a transportation
 6.40 loading site or unloading site within the state or to the point of exit from the state.

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7.1 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,
7.2 or oversize and overweight, mobile cranes; construction equipment, machinery, and
7.3 supplies; implements of husbandry; and commercial boat hauling. The fees for the permit
7.4 are as follows:

7.5	Gross Weight (pounds) of Vehicle	Annual Permit Fee
7.6	90,000 or less	\$200
7.7	90,001 - 100,000	\$300
7.8	100,001 - 110,000	\$400
7.9	110,001 - 120,000	\$500
7.10	120,001 - 130,000	\$600
7.11	130,001 - 140,000	\$700
7.12	140,001 - 145,000	\$800

7.13 If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined
7.14 under paragraph (e).

7.15 (g) For vehicles which exceed the width limitations set forth in section 169.80 by
7.16 more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a)
7.17 when the permit is issued while seasonal load restrictions pursuant to section 169.87 are
7.18 in effect.

7.19 (h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for
7.20 refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on
7.21 a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828,
7.22 subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000
7.23 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000
7.24 pounds.

7.25 ~~(i) For vehicles exclusively transporting implements of husbandry, an annual permit~~
7.26 ~~fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved~~
7.27 ~~at the discretion of the permit holder without prior route approval by the commissioner if:~~

7.28 ~~(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;~~

7.29 ~~(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is~~
7.30 ~~not operated at any time after 12:00 noon on Sundays or holidays;~~

7.31 ~~(3) the vehicle is not operated when visibility is impaired by weather, fog, or other~~
7.32 ~~conditions that render persons and other vehicles not clearly visible at 500 feet;~~

7.33 ~~(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing~~
7.34 ~~amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of~~
7.35 ~~the vehicle exceeds 126 inches; and~~

7.36 ~~(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of~~
7.37 ~~less than 24 feet unless such operation is authorized by the permit.~~

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8.1 ~~A permit under this paragraph authorizes movements of the permitted vehicle on an~~
8.2 ~~interstate highway, and movements of 75 miles or more on other highways.~~

8.3 ~~(i)~~ (i) \$300 for a motor vehicle described in section 169.8261. The fee under this
8.4 paragraph must be deposited as follows:

8.5 (1) in fiscal years 2005 through 2010:

8.6 (i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund
8.7 for costs related to administering the permit program and inspecting and posting bridges;

8.8 (ii) all remaining money in each fiscal year must be deposited in a bridge inspection
8.9 and signing account in the special revenue fund. Money in the account is appropriated
8.10 to the commissioner for:

8.11 (A) inspection of local bridges and identification of local bridges to be posted,
8.12 including contracting with a consultant for some or all of these functions; and

8.13 (B) erection of weight-posting signs on local bridges; and

8.14 (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway
8.15 fund.

8.16 ~~(i)~~ (i) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating
8.17 under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

8.18 Sec. 6. Minnesota Statutes 2008, section 169.863, subdivision 1, is amended to read:

8.19 Subdivision 1. **Special vehicle.** The commissioner may issue a permit for a vehicle
8.20 that meets the following requirements:

8.21 (a) There must be no more than two support points for the vehicle or for each vehicle
8.22 of a vehicle combination. The support point of each axle group must be capable of
8.23 distributing the load equally to each axle of the group with a variance of no more than
8.24 3,000 pounds between any two axles of the group.

8.25 (b) The maximum wheel load may not exceed the tire manufacturer's recommended
8.26 load or the following weight limits, whichever is less:

8.27 (1) front steering axles, 550 pounds per inch;

8.28 (2) other single axles, 500 pounds per inch;

8.29 (3) tandem axles, 450 pounds per inch; and

8.30 (4) tridem or quad axle groups, 425 pounds per inch.

8.31 (c) The axle group weights must comply with the limitations of section 169.824.

8.32 (d) The vehicle may not be equipped with a variable load axle, unless the variable
8.33 load axle cannot be operated from the cab of the vehicle.

8.34 (e) The vehicle transports pole-length pulpwood, carries a gross vehicle weight of
8.35 not more than 82,000 pounds, and has six or more axles.

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9.1 Sec. 7. Minnesota Statutes 2009 Supplement, section 169.864, subdivision 2, is
9.2 amended to read:

9.3 Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit
9.4 for a vehicle that meets the following requirements:

9.5 (1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer
9.6 that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline
9.7 of the rear axle group of the semitrailer does not exceed 43 feet;

9.8 (2) has a maximum gross vehicle weight of 90,000 pounds if the vehicle combination
9.9 has a total of six or more axles or 97,000 pounds if the ~~truck~~ vehicle combination has a
9.10 total of seven or more axles;

9.11 (3) has a maximum gross vehicle weight of 99,000 pounds during the time when
9.12 seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

9.13 (4) complies with the axle weight limits in section 169.824;

9.14 (5) complies with the tire weight limits in section 169.823 or the tire manufacturers'
9.15 recommended load, whichever is less; and

9.16 (6) is operated only on the highways specified in subdivision 1, clause (5).

9.17 Sec. 8. Minnesota Statutes 2008, section 169.864, subdivision 4, is amended to read:

9.18 Subd. 4. **Permit fee; appropriation.** Vehicle permits issued under subdivision
9.19 1, clause (1), must be annual permits. The fee is \$850 for each vehicle combination
9.20 and must be deposited in the trunk highway fund. The fee for annual permits issued
9.21 under subdivision 2 is \$300 for a 90,000-pound vehicle combination or \$500 for a
9.22 97,000-pound vehicle combination. An amount sufficient to administer the permit
9.23 program is appropriated from the trunk highway fund to the commissioner for the costs of
9.24 administering the permit program.

9.25 Sec. 9. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is
9.26 amended to read:

9.27 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit
9.28 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul
9.29 raw or unprocessed agricultural products and be operated with a gross vehicle weight
9.30 of up to:

9.31 (1) 90,000 pounds; and

9.32 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
9.33 subdivision 1.

10.1 (b) Notwithstanding subdivision ~~4~~ 3, paragraph (a), clause (4), a vehicle or
10.2 combination of vehicles operated under this subdivision and transporting only sealed
10.3 intermodal containers may be operated on an interstate highway if allowed by the United
10.4 States Department of Transportation.

10.5 (c) The fee for a permit issued under this subdivision is \$300.

10.6 Sec. 10. Minnesota Statutes 2008, section 169.871, subdivision 1, is amended to read:

10.7 Subdivision 1. **Civil liability.** (a) The owner or lessee of a vehicle that is operated
10.8 with a gross weight in excess of a weight limit imposed under sections ~~169.822~~ 169.823 to
10.9 169.829, ~~169.832~~ 169.84 to 169.851, and 169.87 or a shipper who ships or tenders goods
10.10 for shipment in a single truck or combination vehicle that exceeds a weight limit imposed
10.11 under sections ~~169.822~~ 169.823 to 169.829, ~~169.832~~ 169.84 to 169.851, and 169.87 is
10.12 liable for a civil penalty as follows:

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

10.15 (2) if the total gross excess weight is more than 1,000 pounds but not more than
10.16 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;

10.17 (3) if the total gross excess weight is more than 3,000 pounds but not more than
10.18 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;

10.19 (4) if the total gross excess weight is more than 5,000 pounds but not more than
10.20 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;

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

10.23 (b) Notwithstanding any other law to the contrary, if a person found guilty of
10.24 a violation of a weight limit imposed under this section or sections ~~169.822~~ 169.823
10.25 to 169.829, ~~169.832~~ 169.84 to 169.851, or 169.87 is also found by the court to have
10.26 knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise
10.27 avoid weighing by means of stationary scales under section 169.85 or other law, the court
10.28 shall impose a penalty of twice the amount otherwise authorized under paragraph (a).

10.29 (c) Any penalty imposed upon a defendant under this subdivision shall not exceed
10.30 the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal
10.31 overweight action that arose from the same overweight violation shall be applied toward
10.32 payment of the civil penalty under this subdivision. A peace officer or Department of
10.33 Public Safety employee described in section 299D.06 who cites a driver for a violation
10.34 of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall

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11.1 give written notice to the driver that the driver or another may also be liable for the civil
11.2 penalties provided herein in the same or separate proceedings.

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

11.6 Sec. 11. Minnesota Statutes 2008, section 169.871, subdivision 1a, is amended to read:

11.7 Subd. 1a. **Special permit violations.** (a) The owner or lessee of a vehicle that is
11.8 operated with a gross weight in excess of a weight limit imposed by a permit issued under
11.9 ~~sections 169.86 and 169.862 this chapter~~ and a shipper who ships or tenders goods for
11.10 shipment in a single truck or combination vehicle that exceeds ~~a the weight limit permitted~~
11.11 allowed by a permit issued under section 169.86 or 169.862 this chapter is liable for a civil
11.12 penalty at a rate of five cents per pound for each pound in excess of the weight ~~permitted~~
11.13 ~~under section 169.86 or 169.862~~ allowed by the permit, or \$100, whichever is greater.

11.14 (b) Any penalty imposed upon a defendant under this subdivision shall not exceed
11.15 the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal
11.16 overweight action that arose from the same overweight violation may not be applied
11.17 toward payment of the civil penalty under this subdivision. A peace officer or Department
11.18 of Public Safety employee described in section 299D.06 who cites a driver for a violation
11.19 of the weight limitations established by permit pursuant to ~~section 169.86 or 169.862 this~~
11.20 chapter shall give written notice to the driver that the driver or another may also be liable
11.21 for the civil penalty provided in this subdivision in the same or separate proceedings.

11.22 Sec. 12. Minnesota Statutes 2008, section 169.871, subdivision 1b, is amended to read:

11.23 Subd. 1b. **Civil penalty for first two violations.** Notwithstanding subdivision 1,
11.24 paragraph (a), clauses (1) to (5), a civil penalty under subdivision 1 for a violation in a
11.25 motor vehicle in the course of a first haul as defined in section 168.013, subdivision 3,
11.26 paragraph (d)(3), of a weight limit imposed under sections ~~169.822~~ 169.823 to 169.829,
11.27 ~~169.832~~ 169.84 to 169.851, and 169.87 that is not preceded by two or more violations
11.28 of the gross weight limits in those sections in that motor vehicle within the previous 12
11.29 months, may not exceed \$150.

11.30 Sec. 13. Minnesota Statutes 2009 Supplement, section 221.025, is amended to read:

11.31 **221.025 EXEMPTIONS.**

11.32 The provisions of this chapter requiring a certificate or permit to operate as a motor
11.33 carrier do not apply to the intrastate transportation described below:

S.F. No. 2846, as introduced - 86th Legislative Session (2009-2010) [10-4306]

12.1 (1) the transportation of students to or from school or school activities in a school
12.2 bus inspected and certified under section 169.451 and the transportation of children or
12.3 parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected
12.4 and certified under section 169.451;

12.5 (2) the transportation of solid waste, as defined in section 116.06, subdivision 22,
12.6 including recyclable materials and waste tires, except that the term "hazardous waste" has
12.7 the meaning given it in section 221.012, subdivision 18;

12.8 (3) a commuter van as defined in section 221.012, subdivision 9;

12.9 (4) authorized emergency vehicles as defined in section 169.011, subdivision 3,
12.10 including ambulances; and tow trucks equipped with proper and legal warning devices
12.11 when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles
12.12 towed or transported under a towing order issued by a public employee authorized to
12.13 issue a towing order;

12.14 (5) the transportation of grain samples under conditions prescribed by the
12.15 commissioner;

12.16 (6) the delivery of agricultural lime;

12.17 (7) the transportation of dirt and sod within an area having a 50-mile radius from the
12.18 home post office of the person performing the transportation;

12.19 (8) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix,
12.20 concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or
12.21 crushed rock to or from the point of loading or a place of gathering within an area having a
12.22 50-mile radius from that person's home post office or a 50-mile radius from the site of
12.23 construction or maintenance of public roads and streets;

12.24 (9) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator
12.25 evergreens, wood chips, sawdust, shavings, and bark from the place where the products
12.26 are produced to the point where they are to be used or shipped;

12.27 (10) the transportation of fresh vegetables from farms to canneries or viner stations,
12.28 from viner stations to canneries, or from canneries to canneries during the harvesting,
12.29 canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the
12.30 field of production to the first place of delivery or unloading, including a processing
12.31 plant, warehouse, or railroad siding;

12.32 ~~(11) the transportation of property or freight, other than household goods and~~
12.33 ~~petroleum products in bulk, entirely within the corporate limits of a city or between~~
12.34 ~~contiguous cities;~~

S.F. No. 2846, as introduced - 86th Legislative Session (2009-2010) [10-4306]

13.1 ~~(12)~~ (11) the transportation of unprocessed dairy products in bulk within an
13.2 area having a 100-mile radius from the home post office of the person providing the
13.3 transportation;

13.4 ~~(13)~~ (12) the transportation of agricultural, horticultural, dairy, livestock, or other
13.5 farm products within an area having a 100-mile radius from the person's home post
13.6 office and the carrier may transport other commodities within the 100-mile radius if the
13.7 destination of each haul is a farm;

13.8 ~~(14)~~ (13) the transportation of newspapers, as defined in section 331A.01,
13.9 subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross
13.10 vehicle weight of 10,000 pounds or less; and

13.11 ~~(15)~~ (14) transportation of potatoes from the field of production, or a storage site
13.12 owned or otherwise controlled by the producer, to the first place of processing.

13.13 The exemptions provided in this section apply to a person only while the person is
13.14 exclusively engaged in exempt transportation.

13.15 Sec. 14. Minnesota Statutes 2009 Supplement, section 221.031, subdivision 3, is
13.16 amended to read:

13.17 Subd. 3. **Vehicle over 10,000 pounds not exempt.** (a) This subdivision applies to
13.18 persons engaged in intrastate commerce who operate vehicles providing transportation
13.19 described in section 221.025 with a gross vehicle weight in excess of 10,000 pounds,
13.20 except school buses, commuter vans, and authorized emergency vehicles.

13.21 (b) Persons providing transportation described in section 221.025, clause (6), (10),
13.22 ~~(12)~~ (11), or ~~(13)~~ (12), must comply with the rules for driving of motor vehicles and for
13.23 parts and accessories necessary for safe operation.

13.24 (c) Persons providing transportation described in section 221.025, except for persons
13.25 providing transportation described in clause (6), (10), ~~(12)~~ (11), or ~~(13)~~ (12), must comply
13.26 with the rules for driving of motor vehicles; parts and accessories necessary for safe
13.27 operation; and the rules for driver qualifications.

13.28 Sec. 15. **REPEALER.**

13.29 (a) Minnesota Statutes 2008, section 169.826, subdivision 6, is repealed.

13.30 (b) Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, and 14;
13.31 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2;
13.32 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050,
13.33 subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850;
13.34 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150;

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- 14.1 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800;
- 14.2 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500;
- 14.3 8920.1550; 8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100;
- 14.4 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800;
- 14.5 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500;
- 14.6 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200;
- 14.7 8920.4300; 8920.4400; and 8920.4500, are repealed.

APPENDIX
Repealed Minnesota Statutes: 10-4306

169.826 GROSS WEIGHT SEASONAL INCREASES.

Subd. 6. **Permit extension.** The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under subdivision 1, clause (2).