

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3564

(SENATE AUTHORS: WESTROM)

DATE
03/19/2018

D-PG
6781 Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to motor vehicles; modifying powers and duties related to weight limit
1.3 enforcement; making technical changes; amending Minnesota Statutes 2016,
1.4 sections 169.771, subdivision 2; 169.85, by adding subdivisions; 169.872,
1.5 subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2016, section 169.771, subdivision 2, is amended to read:

1.8 Subd. 2. **Inspection by state trooper.** (a) The commissioner of public safety ~~is directed~~
1.9 ~~to accelerate~~ may conduct spot-check inspections for unsafe motor vehicles and motor
1.10 vehicle equipment. Such inspections ~~shall~~ must be conducted by ~~the personnel of the State~~
1.11 ~~Patrol personnel~~, who ~~shall~~ must give the operator of a commercial motor vehicle a signed
1.12 and dated document as evidence of the inspection.

1.13 (b) ~~However, personnel of the State Patrol may not conduct~~ personnel are prohibited
1.14 from conducting another spot inspection of a commercial motor vehicle if (1) the operator
1.15 of the vehicle can show evidence of an inspection, which is free of critical defects, conducted
1.16 in Minnesota according to this section or section 169.781 within the previous 90 days and
1.17 (2) a state trooper does not have probable cause to believe the vehicle or its equipment is
1.18 unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows
1.19 the state trooper evidence that the commercial motor vehicle has been inspected within the
1.20 previous 90 days, but the officer has probable cause to believe the vehicle or its equipment
1.21 is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the
1.22 existence or absence of an unsafe condition or of the suspected illegal activity.

1.23 (c) A vehicle stopped under this section and determined to be a covered farm vehicle as
1.24 defined in Code of Federal Regulations, title 49, section 390.5, and not carrying hazardous

2.1 materials of a type or quantity that requires the vehicle to be placarded in accordance with
2.2 Code of Federal Regulations, title 49, section 172.504, is exempt from further inspection
2.3 under this section. ~~If probable cause exists to believe the vehicle or its equipment is unsafe~~
2.4 ~~or illegal activity is suspected, enforcement action may be initiated.~~

2.5 Sec. 2. Minnesota Statutes 2016, section 169.85, is amended by adding a subdivision to
2.6 read:

2.7 Subd. 1a. **Authority to perform weight inspections.** (a) The commissioner of public
2.8 safety may conduct an inspection of commercial motor vehicle weight only with probable
2.9 cause or incident to a lawful traffic stop. To demonstrate probable cause, an officer must
2.10 reasonably believe:

2.11 (1) the vehicle or equipment is overweight; or

2.12 (2) the operator of the vehicle has engaged in illegal activity.

2.13 (b) Transportation of a specific type of agricultural product is not by itself sufficient to
2.14 support an officer's probable cause determination to support conducting an inspection.

2.15 Sec. 3. Minnesota Statutes 2016, section 169.85, is amended by adding a subdivision to
2.16 read:

2.17 Subd. 1c. **Weight enforcement operations.** (a) An officer is prohibited from:

2.18 (1) conducting a weight inspection under this section on private property; or

2.19 (2) within two miles of a fixed scale located on private property, conducting a weight
2.20 inspection or directing the operator of a commercial motor vehicle to drive the vehicle to
2.21 the nearest available scale for a weight inspection.

2.22 (b) Outside of a metropolitan county, as defined in section 473.121, subdivision 4, the
2.23 commissioner of public safety is prohibited from conducting a weight enforcement saturation
2.24 operation that makes use of state troopers or other authorized State Patrol personnel from
2.25 multiple State Patrol districts.

2.26 Sec. 4. Minnesota Statutes 2016, section 169.872, subdivision 1, is amended to read:

2.27 Subdivision 1. **Record keeping.** (a) A person who weighs goods before or after unloading
2.28 or a person who loads or unloads goods on the basis of liquid volume measure shall keep
2.29 a written record of the origin, weight, and composition of each shipment, the date of loading
2.30 or receipt, the name and address of the shipper, the total number of axles on the vehicle or
2.31 combination of vehicles, and the registration number of the power unit or some other means

3.1 of identification by which the shipment was transported. The record ~~shall~~ must be retained
3.2 for 14 days ~~and shall~~.

3.3 (b) Subject to this paragraph, the record under paragraph (a) must be open to inspection
3.4 and copying by a state law enforcement officer or motor transport representative, except
3.5 state conservation officers, upon demand. No A search warrant is required to inspect or
3.6 copy the record.

3.7 (c) This subdivision does not apply to:

3.8 (1) a person weighing goods who is not involved in the shipping, receiving, and
3.9 transporting of those goods; or

3.10 ~~to~~ (2) a person weighing raw and unfinished farm products transported in a single-unit
3.11 vehicle with not more than three axles or by a trailer towed by a farm tractor when the
3.12 transportation is the first haul of the product.

3.13 **Sec. 5. REVISOR'S INSTRUCTION.**

3.14 The revisor of statutes shall recodify (1) Minnesota Statutes, section 169.85, subdivision
3.15 1, paragraphs (a) to (c), as Minnesota Statutes, section 169.85, subdivision 1b; and (2)
3.16 Minnesota Statutes, section 169.85, subdivision 1, paragraph (d), as Minnesota Statutes,
3.17 section 169.85, subdivision 1c, paragraph (a). The revisor shall reletter the paragraphs in
3.18 sequence and correct any cross-references in Minnesota Statutes and Minnesota Rules made
3.19 necessary by this recodification.