

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

Section 1. Minnesota Statutes 1978, Section 3.97, is amended by adding a subdivision to read:

Subd. 9. The legislative auditor is subject to the government data practices act, sections 15.1611 to 15.1698. If data provided by the legislative auditor to the commission is disseminated by the commission or members or agents of the commission in violation of section 15.163, subdivision 4, the commission is subject to liability under section 15.166, subdivisions 1 and 3.

Sec. 2: Minnesota Statutes 1978, Section 3.97, is amended by adding a subdivision to read:

Subd. 10. Members of the legislative audit commission have access to data that is collected or used by the legislative auditor and classified as not public or as private or confidential only as authorized by resolution of the legislative audit commission. The legislative audit commission shall not authorize its members to have access to private or confidential data on individuals collected or used in connection with the collection of any tax.

Sec. 3. Minnesota Statutes 1978, Section 3.97, is amended by adding a subdivision to read:

Subd. 11. "Audit" as used in this subdivision means a financial audit, a program evaluation, or an investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been published or the audit is no longer being actively pursued. Data that support the conclusions of the report and that the legislative auditor reasonably believes will result in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or until the litigation is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if (a) the data supplied by the individual were needed for an audit and (b) the data would not have been provided to the legislative auditor without an assurance to the individual that his identity would remain private. The definitions of terms provided in section 15.162 apply for purposes of this subdivision.

Approved April 3, 1980

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CHAPTER 485—S.F.No. 2090

*An act relating to transportation; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits; requiring record keeping for shipments unloaded; imposing civil penalties; amending Minnesota Statutes 1978, Chapter 169, by adding sections.*

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

Section 1. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.851] WEIGHT RECORD. Subdivision 1. DEFINITION. "Document" includes a bill of lading, freight bill, weight certification, or other similar document.

Subd. 2. RELEVANT EVIDENCE. A document evidencing the receipt of goods issued by the person consigning the goods for shipment or a person engaged in the business of transporting or forwarding goods, which states a gross weight of the vehicle and load or the weight of the load when combined with the empty weight of the vehicle that is in excess of the prescribed maximum weight limitation permitted by chapter 169 is relevant evidence that the weight of the vehicle and load is unlawful. The provisions of section 1 do not apply to the transportation of unprocessed or raw farm products from the place of production to market provided the transportation constitutes the first haul of the products. For the purposes of sections 1 to 3, a document required to be kept under section 3 indicating a unit of measure that, when converted to weight and combined with the weight of the empty vehicle, indicates a gross weight in excess of the prescribed maximum weight limitation permitted by chapter 169 is relevant evidence that the weight of the vehicle and load is unlawful. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitations permitted by chapter 169.

Sec. 2. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.871] CIVIL PENALTY. Subdivision 1. The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.83 to 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 169.83 to 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than 2,000 pounds, one cent per pound for each pound in excess of the legal limit;

(b) If the total gross excess weight is more than 2,000 pounds but not more than 3,000 pounds, five cents per pound for each pound in excess of the legal limit;

(c) If the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, 15 cents per pound for each pound in excess of the legal limit;  
or

(d) If the total gross excess weight is 5,000 pounds or more, 30 cents per pound for each pound in excess of the legal limit.

Any penalty imposed and fines collected pursuant to this subdivision shall be disposed of as provided in section 299D.03, subdivision 5, with the following exceptions:

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(a) If the violation occurs in the county, the remaining five-eighths shall be credited to the highway user tax distribution fund.

(b) If the violation occurs within the municipality, and the city attorney prosecutes the offense, and a plea of not guilty is entered, the remaining one-third shall be paid to the highway user tax distribution fund. \*

Sec. 3. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.872] RECEIPT OF CERTAIN OVERWEIGHT LOADS. Subdivision 1. RECORD KEEPING. A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, and the registration number of the power unit or some other means of identification by which the shipment was transported. The record shall be retained for 30 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods. This subdivision also does not apply, at any time during the year, to a person who weighs a commodity for which a weight variance is permitted under section 169.83, subdivision 1, clause 3.

Subd. 2. EVIDENCE. A record kept and maintained as provided in subdivision 1 that shows that a vehicle has exceeded a gross weight limit imposed by chapter 169 is relevant evidence of a violation of chapter 169. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitation permitted by chapter 169.

Subd. 3. PENALTY. A person who fails to keep and maintain documents as required in subdivision 1 is subject to a civil penalty of not to exceed \$500 for each violation. A civil penalty imposed and collected pursuant to this subdivision shall be credited to the highway user tax distribution fund of the state.

Approved April 4, 1980

\* See the amendment to section 2 in Laws 1980, Chapter 618, Section 10.

#### CHAPTER 486—H.F.No. 1145

*An act relating to banks and banking and electronic fund transfers; providing for implementation of certain statutes relating to electronic fund transfers; authorizing the commissioner of banks to adopt temporary rules; permitting counties to make electronic fund transfers; amending Minnesota Statutes 1978, Sections 47.71; and 385.07.*

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