

publication. Insofar as any provision of this section is inconsistent with the provisions of section 393.07, the provisions of that section shall prevail.

Sec. 2. **EXEMPTIONS.**

In St. Louis county the county commissioners and the department head salaries shall be published by name, title and total amount of compensation received for the year being listed.

Approved May 29, 1981

CHAPTER 321 — S.F.No. 804

An act relating to motor vehicles; providing for the re-registration of certain motor vehicles and combinations of vehicles; defining gross vehicle weight; exempting certain vehicles from certain weight limitations; establishing gross weight limitations on certain highways for certain motor vehicles and combinations of vehicles; providing exceptions to certain gross weight limitations; providing for the designation and undesignation of certain routes; providing for the weighing of certain vehicles and combinations of vehicles and the enforcement of weight limitations; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits, and providing exceptions; requiring record keeping for shipments loaded or unloaded, and providing exceptions; imposing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 168.013, Subdivision 3; 169.01, Subdivision 46; 169.03, Subdivision 6; 169.832, Subdivision 11; 169.85; 169.851; 169.86, Subdivision 1a; 169.87, Subdivision 2; 169.871; 169.872; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834.

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

Section 1. Minnesota Statutes 1980, Section 168.013, Subdivision 3, is amended to read:

Subd. 3. **APPLICATION; CANCELLATION CANCELLATION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.** The applicant for all licenses based on gross weight shall state in writing upon oath, among other things, the unloaded weight of ~~such the~~ motor vehicle or, trailer or semi-trailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/2 times the declared unloaded weight of the motor vehicle or, trailer or semi-trailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and wreckers defined in section 169.01, subdivision 52. The gross weight of a wrecker is the actual

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weight of the wrecker fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

The gross weight of no motor vehicle ~~or~~ trailer or semi-trailer shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1000 pounds, whichever is greater.

The gross weight of the motor vehicle ~~or~~ trailer or semi-trailer for which ~~such~~ the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a motor vehicle ~~or~~ trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or re-registration according to the following schedule:

(1) The owner, driver or user of a motor vehicle ~~or~~ trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent or for operating or using a motor vehicle ~~or~~ trailer or semi-trailer with an axle weight exceeding the maximum lawful axle load as provided in section ~~169.83~~ 4 by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed ~~on him~~ for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight ~~of which~~ the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for ~~such a~~ the vehicle under section ~~169.83~~ 4, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not ~~be deemed~~ to permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section ~~169.83~~ 4. Unless the owner within 30 days after ~~such~~ a conviction shall apply to increase the authorized weight and pay the additional tax as ~~herein~~ provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued ~~by him~~ on that registration.

(2) The owner or driver or user of a motor vehicle ~~or~~ trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle ~~or~~ trailer or semi-trailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle

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weight exceeding the maximum lawful axle load as provided in section ~~169.83~~ 4 by 25 percent or more, in addition to any penalty imposed ~~on him~~ for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the ~~same vehicle~~ is being operated under reciprocity ~~cancelled~~ cancelled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle ~~so~~ operated shall be ~~cancelled~~ cancelled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed ~~be~~ is paid.

(3) When the registration on a motor vehicle, trailer or semi-trailer ~~has been~~ is revoked by the registrar according to provisions of this section, ~~such the~~ vehicle shall not be ~~again~~ operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee ~~therefor~~ shall be the annual tax for the total gross weight of the vehicle at the time of violation. The re-registration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 2. Minnesota Statutes 1980, Section 169.01, Subdivision 46, is amended to read:

Subd. 46. **GROSS VEHICLE WEIGHT.** "Gross vehicle weight" means the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semi-trailer combination, plus the weight of the load.

Sec. 3. Minnesota Statutes 1980, Section 169.03, Subdivision 6, is amended to read:

Subd. 6. The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the ~~roadway~~ of a highway, but shall apply to ~~such those~~ persons and vehicles when traveling to or from such work, except that persons operating equipment owned ~~or~~ rented or hired by road authorities shall be exempt from the width, height and length provisions of sections 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while engaged in snow or ice removal and while engaged in flood control operations on behalf of the state or a local governmental unit.

Sec. 4. **[169.825] WEIGHT LIMITATIONS.**

Subdivision 1. DEFINITIONS. The terms defined in this section shall have the meanings given them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. GROSS WEIGHT. "Gross weight" means the weight on any single wheel, single axle or group of consecutive axles and the gross vehicle weight.

Subd. 3. SINGLE AXLE. "Single axle" includes all wheels whose centers may be included within two parallel transverse vertical planes 40 inches apart.

Subd. 4. SINGLE WHEEL. "Single wheel" includes two or more wheels with centers less than 48 inches apart on an axle.

Subd. 5. TIRE WIDTH. "Tire width" means the manufacturer's width as shown on the tire or the width at the widest part of the tire excluding protective side ribs, bars and decorations.

Subd. 6. TRIDEM AXLES. "Tridem axles" mean three axles spaced within 9 feet or less.

Subd. 7. VARIABLE LOAD AXLE. "Variable load axle" means any axle which is specifically designed so that, through use of an actuating control, the wheels may be lifted so that the wheels do not contact the road surface or may be lowered to carry loads of varying weights when in contact with the road surface.

Subd. 8. PNEUMATIC-TIRED VEHICLES. No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated routes the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated routes the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

(d) Where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem shall not exceed 16,000 pounds and the gross weight of the tridem combination shall not exceed 37,000 pounds where the first and third axles of the tridem are spaced seven feet apart; 38,500 pounds where the first and third axles of the tridem are spaced eight feet apart; and 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart.

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the vehicle.

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Subd. 9. VEHICLES NOT EQUIPPED WITH PNEUMATIC TIRES.

A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of this section, except that the gross weight limitations shall be reduced by 40 percent.

Subd. 10. GROSS WEIGHT SCHEDULE. (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

<u>Distances in feet between centers of foremost and rear most axles of a group</u>	<u>Maximum gross weight in pounds on a group of</u>		
	<u>2 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles</u>	<u>3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles</u>	<u>4 consecutive axles of a 4-axle vehicle or any combination of vehicles having a total of 4 or more axles</u>
<u>4</u>	<u>34,000</u>		
<u>5</u>	<u>34,000</u> (35,000)		
<u>6</u>	<u>34,000</u> (36,000)		
<u>7</u>	<u>34,000</u> (37,000)	<u>41,500</u>	
<u>8</u>	<u>34,000</u> (38,000)	<u>42,000</u>	
<u>9</u>	<u>35,000</u> (39,000)	<u>43,000</u>	
<u>10</u>	<u>36,000</u> (40,000)	<u>43,500</u>	<u>49,000</u>
<u>11</u>	<u>36,000</u>	<u>44,500</u>	<u>49,500</u>
<u>12</u>		<u>45,000</u>	<u>50,000</u>
<u>13</u>		<u>46,000</u>	<u>51,000</u>
<u>14</u>		<u>46,500</u>	<u>51,500</u>

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<u>15</u>	<u>47,500</u>	<u>52,000</u>
<u>16</u>	<u>48,000</u>	<u>53,000</u>
<u>17</u>	<u>49,000</u>	<u>53,500</u>
<u>18</u>	<u>49,500</u>	<u>54,000</u>
<u>19</u>	<u>50,500</u>	<u>55,000</u>
<u>20</u>	<u>51,000</u>	<u>55,500</u>
<u>21</u>	<u>52,000</u>	<u>56,000</u>
<u>22</u>	<u>52,500</u>	<u>57,000</u>
<u>23</u>	<u>53,500</u>	<u>57,500</u>
<u>24</u>	<u>54,000</u>	<u>58,000</u>
<u>25</u>	<u>(55,000)</u>	<u>59,000</u>
<u>26</u>	<u>(55,500)</u>	<u>59,500</u>
<u>27</u>	<u>(56,500)</u>	<u>60,000</u>
<u>28</u>	<u>(57,000)</u>	<u>61,000</u>
<u>29</u>	<u>(58,000)</u>	<u>61,500</u>
<u>30</u>	<u>(58,500)</u>	<u>62,000</u>
<u>31</u>	<u>(59,500)</u>	<u>63,000</u>
<u>32</u>	<u>(60,000)</u>	<u>63,500</u>
<u>33</u>		<u>64,000</u>
<u>34</u>		<u>65,000</u>
<u>35</u>		<u>65,500</u>
<u>36</u>		<u>66,000</u>
<u>37</u>		<u>67,000</u>
<u>38</u>		<u>67,500</u>
<u>39</u>		<u>68,000</u>
<u>40</u>		<u>69,000</u>
<u>41</u>		<u>69,500</u>
<u>42</u>		<u>70,000</u>
<u>43</u>		<u>71,000</u>
<u>44</u>		<u>71,500</u>
<u>45</u>		<u>72,000</u>
<u>46</u>		<u>(72,500)</u>
<u>47</u>		<u>(73,500)</u>
<u>48</u>		<u>(74,000)</u>
<u>49</u>		<u>(74,500)</u>
<u>50</u>		<u>(75,500)</u>
<u>51</u>		<u>(76,000)</u>

Maximum gross weight in pounds on a group of

	<u>5</u>	<u>6</u>	<u>7</u>
<u>Distances</u>	<u>consecutive</u>	<u>consecutive</u>	<u>consecutive</u>
<u>in feet</u>	<u>axles of a</u>	<u>axles of</u>	<u>axles of</u>
<u>between</u>	<u>5-axle vehicle</u>	<u>a combination</u>	<u>a combination</u>
<u>centers</u>	<u>or any com-</u>	<u>of vehicles</u>	<u>of vehicles</u>
<u>of fore-</u>	<u>bination of</u>	<u>having a total</u>	<u>having a total</u>
<u>most and</u>	<u>vehicles</u>	<u>of 6 or more</u>	<u>of 7 or more</u>
<u>rear-most</u>	<u>having a total</u>	<u>axles</u>	<u>axles</u>
<u>axles of</u>	<u>of 5 or more</u>		
<u>a group</u>	<u>axles</u>		

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<u>14</u>	<u>57,000</u>		
<u>15</u>	<u>57,500</u>		
<u>16</u>	<u>58,000</u>		
<u>17</u>	<u>59,000</u>		
<u>18</u>	<u>59,500</u>		
<u>19</u>	<u>60,000</u>		
<u>20</u>	<u>60,500</u>	<u>66,000</u>	<u>72,000</u>
<u>21</u>	<u>61,500</u>	<u>67,000</u>	<u>72,500</u>
<u>22</u>	<u>62,000</u>	<u>67,500</u>	<u>73,000</u>
<u>23</u>	<u>62,500</u>	<u>68,000</u>	<u>73,500</u>
<u>24</u>	<u>63,000</u>	<u>68,500</u>	<u>74,000</u>
<u>25</u>	<u>64,000</u>	<u>69,000</u>	<u>75,000</u>
<u>26</u>	<u>64,500</u>	<u>70,000</u>	<u>75,500</u>
<u>27</u>	<u>65,000</u>	<u>70,500</u>	<u>76,000</u>
<u>28</u>	<u>65,500</u>	<u>71,000</u>	<u>76,500</u>
<u>29</u>	<u>66,500</u>	<u>71,500</u>	<u>77,000</u>
<u>30</u>	<u>67,000</u>	<u>72,000</u>	<u>77,500</u>
<u>31</u>	<u>67,500</u>	<u>73,000</u>	<u>78,500</u>
<u>32</u>	<u>68,000</u>	<u>73,500</u>	<u>79,000</u>
<u>33</u>	<u>69,000</u>	<u>74,000</u>	<u>79,500</u>
<u>34</u>	<u>69,500</u>	<u>74,500</u>	<u>80,000</u>
<u>35</u>	<u>70,000</u>	<u>75,000</u>	
<u>36</u>	<u>70,500</u>	<u>76,000</u>	
<u>37</u>	<u>71,500</u>	<u>76,500</u>	
<u>38</u>	<u>72,000</u>	<u>77,000</u>	
<u>39</u>	<u>72,500</u>	<u>77,500</u>	
<u>40</u>	<u>73,000</u>	<u>78,000</u>	
<u>41</u>	<u>74,000</u>	<u>79,000</u>	
<u>42</u>	<u>74,500</u>	<u>79,500</u>	
<u>43</u>	<u>75,000</u>	<u>80,000</u>	
<u>44</u>	<u>75,500</u>		
<u>45</u>	<u>76,500</u>		
<u>46</u>	<u>77,000</u>		
<u>47</u>	<u>77,500</u>		
<u>48</u>	<u>78,000</u>		
<u>49</u>	<u>79,000</u>		
<u>50</u>	<u>79,500</u>		
<u>51</u>	<u>80,000</u>		

The gross weights shown in parentheses in this clause are permitted only on routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

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(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed the following:

(1) 80,000 pounds for routes designated under section 169.832, subdivision 11; and

(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes not designated under section 169.832, subdivision 11; and

(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes not designated under section 169.832, subdivision 11;

(d) The maximum weights specified in this subdivision for five and six consecutive axles shall not apply to a combination of vehicles that includes a three axle semi-trailer first registered before the effective date of sections 1 to 12. The gross weight for four or fewer consecutive axles on a combination of vehicles excepted under this clause shall not exceed any maximum weight specified for four or fewer consecutive axles;

(e) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this subdivision.

Subd. 11. GROSS WEIGHT SEASONAL INCREASES. (a) The limitations provided in this section shall be increased:

(1) By ten percent from January 1 to March 7 each winter, statewide;

(2) By ten percent from December 1 through December 31 each winter in the zone bounded as follows: Beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along Trunk Highway No. 61 to the junction with Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to the junction with Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior;

(b) The duration of any ten percent increase shall be subject to limitation by order of the commissioner;

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(c) When the ten percent increase is in effect, a permit shall be required for any motor vehicle, trailer, or semi-trailer combination that has a gross weight in excess of 80,000 pounds and which travels on interstate routes;

(d) In all cases where gross weights in an amount less than those set forth in this section are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter, the lesser gross weight as so fixed, limited or restricted shall not be exceeded and shall control instead of the gross weights set forth in this section;

(e) Notwithstanding any other provision of this subdivision, no vehicle shall exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner pursuant to section 169.832, subdivision 11.

Subd. 12. GROSS WEIGHT REDUCTION ON RESTRICTED ROUTES. The gross weight of any axle or group of consecutive axles of any vehicle or combination of vehicles operated on a route on which a load restriction is imposed in accordance with section 169.87 shall not exceed the gross weights allowed under this section multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine, except that for routes designated under 169.832, subdivision 11, on which a load restriction has been imposed, the allowable load shall not exceed the weights listed for routes not designated under section 169.832 in the gross weight schedule in this section. The weight reductions imposed in this subdivision shall not apply to total gross vehicle weight.

Subd. 13. CONSECUTIVE AXLE WEIGHT AND NUMBER OF AXLES. No vehicle alone nor any single vehicle of a combination of vehicles shall be equipped with more than four axles unless the additional axles are steering axles or castering axles; provided that the limitation on the number of axles as provided in this section shall not apply to any vehicle operated under permit pursuant to section 169.86. No vehicle alone nor any single vehicle of a combination of vehicles shall exceed the posted weight limit for a single vehicle.

Subd. 14. VARIABLE LOAD AXLES. A vehicle or combination of vehicles equipped with one or more variable load axles shall have the pressure control preset so that the weight carried on the variable load axle may not be varied by the operator during transport of any load. The actuating control for the axle shall function only as an on and off switch. The provisions of this subdivision do not apply to any farm truck registered prior to July 1, 1981, under section 168.013, subdivision 1c, for 57,000 pounds or less or to any rear-loading refuse compactor vehicle.

Subd. 15. APPLICATION. The provisions of this section do not apply to vehicles operated exclusively in any city in this state which has in effect an ordinance regulating the gross weight of vehicles operated within that city. This subdivision does not apply to trunk highways.

Sec. 5. Minnesota Statutes 1980, Section 169.832, Subdivision 11, is amended to read:

Subd. 11. **DESIGNATION OF ROUTES.** The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under ~~this~~ section 4. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation

(a) creates an undue hazard to traffic safety; or

(b) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

Notwithstanding any finding under clause (b), the commissioner shall designate any route which he determines is needed to provide

(i) a connection between significant centers of population or commerce, or between other designated routes; or

(ii) access to a transportation terminal; or

(iii) temporary emergency service to a particular shipping or receiving point on the route.

The commissioner may undesignate any route when continued designation is inconsistent with the provisions of this subdivision, subject to the approval of any local authority having jurisdiction over the route.

~~Except as provided in subdivision 12, Any route designation or undesignation shall be effective when proposed and adopted as a rule in accordance with chapter 15. The commissioner shall propose the designation or undesignation of may designate or undesignate any route when requested by any local authority having jurisdiction over the route. The commissioner shall propose rules or amendments to rules for the purpose of route designation or undesignation only once in any calendar year.~~

Sec. 6. Minnesota Statutes 1980, Section 169.85, is amended to read:

169.85 WEIGHING; PENALTY.

Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and The driver of any vehicle which has been lawfully stopped may be required by a peace officer to submit the vehicle and load to a weighing of the same either by means of portable or stationary scales, and the peace officer may require that such the vehicle be driven to the nearest public available scales in the event such the scales are within five miles. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest

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scale. When any weigh station upon a trunk highway or interstate highway is open and signs giving notice of that fact are posted in accordance with section 169.06 and are not posted more than one mile from the weigh station, the driver of every vehicle or combination of vehicles registered for or weighing in excess of 11,000 pounds, except buses registered in this state, shall comply with the direction of the signs and submit the vehicle to weighing and inspection at the weigh station When any truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of every truck or combination of vehicles registered for or weighing in excess of 12,000 pounds, and the driver of every charter bus, shall proceed to the scale site and submit the vehicle to weighing and inspection.

Upon weighing a vehicle and load, as provided above in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under ~~sections 169.83 or 169.832, whichever applies~~ section 4. A driver may be required to unload a vehicle only if the weighing officer determines that (a) on routes subject to the provisions of section ~~169.83 4~~, the weight on any axle exceeds the lawful gross weight prescribed by section ~~169.83 4~~, by 2,000 pounds or more, or the weight on any group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section ~~169.83 4~~, by 4,000 pounds or more; or (b) on routes ~~subject to the provisions of section 169.832~~ designated by the commissioner in section 5, the overall weight of the vehicle or the weight on any axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section ~~169.832 4~~; or (c) the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 169.87. All material so unloaded shall be cared for by the owner or driver of ~~such~~ the vehicle at the risk of ~~such~~ the owner or driver.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required ~~herein~~ in this section, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, ~~shall be~~ is guilty of a misdemeanor.

Sec. 7. Minnesota Statutes 1980, Section 169.851, is amended to read:

169.851 WEIGHT RECORD.

Subdivision 1. **DEFINITION DEFINITIONS.** For the purposes of this section and sections 169.871 and 169.872, the terms defined in subdivisions 2 and 3 have the meanings given to them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. DOCUMENT. "Document" includes a bill of lading, freight bill, weight certification, or other similar document.

Subd. 3. FIRST HAUL. "First haul" means the first, continuous transportation from the place of production or on farm storage site to any other location within 50 miles of the place of production or on farm storage site.

~~Subd. 2.~~ Subd. 4. 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 this chapter is relevant evidence that the weight of the vehicle and load is unlawful. ~~The provisions of this section 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 this section and sections 169.871 and 169.872, a document required to be kept under section 169.872 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 this chapter 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 this chapter.

Subd. 5. EXCEPTION. The provisions of this section do not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products.

Sec. 8. Minnesota Statutes 1980, Section 169.86, Subdivision 1a, is amended to read:

Subd. 1a. SEASONAL PERMITS FOR CERTAIN HAULERS. The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler of raw and unfinished forest products authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in section ~~169.832~~ 4, on interstate highways during the times and within the zones specified in section ~~169.83, subdivision 4, clause 3~~ 4.

~~In all cases where gross weights in an amount less than those permitted under this subdivision are fixed, limited or restricted on any interstate highway or bridge thereon by or pursuant to any other section of this chapter the lesser gross weights as so fixed, limited or restricted shall not be exceeded and shall control instead of the gross weights permitted under this subdivision.~~

Sec. 9. Minnesota Statutes 1980, Section 169.87, Subdivision 2, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **SEASONAL LOAD RESTRICTIONS.** Except where restrictions are imposed as provided in subdivision 1, no person shall operate any vehicle or combination of vehicles upon any county or town road during the period between March 20 and May 15 of each year where the gross weight on any single axle, as defined in Minnesota Statutes 1945, Section 169.83, exceeds 10,000 pounds; provided, that there shall be excepted and exempted from the provisions of this section emergency vehicles of public utilities used incidentally to making repairs to its plant or equipment; provided, however, that this provision shall not apply to roads paved with cement concrete. Subdivision 2 shall apply only to county and town roads located westerly and southerly of the following described line: beginning at a point on the south shore of Lake of the Woods, thence southerly along the Westerly borders of Lake of the Woods and Beltrami counties to the intersection with State Trunk Highway No. 2, thence easterly and southeasterly along State Trunk Highway No. 2 to Duluth From March 20 to May 15 of each year, the weight on any single axle shall not exceed five tons on a county or town road that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in section 4 of this act multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.

Sec. 10. Minnesota Statutes 1980, Section 169.871, is amended 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 4 and 169.832 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 4 and 169.832 to 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than 2,000 3,000 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 3,000 pounds but not more than 3,000 4,000 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 4,000 pounds but not more than 5,000 6,000 pounds, 15 cents per pound for each pound in excess of the legal limit; or

(d) If the total gross excess weight is more than 5,000 6,000 pounds, 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:

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(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.

Any penalty imposed upon a defendant under this section shall not exceed the maximum 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. A peace officer who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.87 shall give written notice to the driver that he or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

Subd. 2. JURISDICTION. Notwithstanding the provisions of sections 487.15, 488A.01 and 488A.18, the county and municipal courts may hear, try and determine actions commenced under this section. Trials under this section shall be to the court, sitting without a jury. Trials to the court under this section shall, if possible, be conducted at the same time as pre-trial motions or trials in the criminal prosecution under sections 169.81 to 169.87, if any, subject to the agreement of the defendant.

Subd. 3. APPEARANCES. Notwithstanding the provisions of section 8.01, county or city attorneys shall appear for the state in civil actions commenced under this section.

Subd. 4. VENUE. Civil actions under this section may be commenced in any county in which the vehicle was loaded, unloaded or operated in violation of subdivision 1 unless there is agreement that the action may be tried in another county or municipality.

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

(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 appears in the action, the remaining one-third shall be paid to the highway user tax distribution fund.

Subd. 6. COSTS AND DISBURSEMENTS. The prevailing party in any action commenced under this section shall be entitled to reasonable costs incurred in the action.

Sec. 11. Minnesota Statutes 1980, Section 169.872, is amended 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

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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, the total number of axles on the vehicle or combination of vehicles, 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 or a peace officer as defined in section 626.84, subdivision 1, clause (c), except state conservation officers, upon demand. For informational purposes only if inspection indicates excess weight of 3,000 pounds or more, the inspecting officer shall notify, within 30 days of inspection of the record, the person who consigned the goods for shipment. 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.** Except for records relating to the loading and unloading of the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, a record kept and maintained as provided in subdivision 1 that shows that a vehicle has exceeded a gross weight limit imposed by this chapter is relevant evidence of a violation of this chapter. 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 this chapter.

Subd. 3. **PENALTY.** A person who fails to keep and, maintain, or open for inspection and copying, those 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 guilty of a misdemeanor. A person who does not accurately record the information required to be contained in those documents required in subdivision 1 is guilty of a misdemeanor.

Sec. 12. **REPEALER.**

Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834, are repealed.

Sec. 13. **EFFECTIVE DATE.**

Sections 2, 5, 6, 7, 10 and 11 are effective the day following their final enactment; section 4, subdivision 14, is effective January 1, 1982.

Approved May 29, 1981

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