

The town board may adopt a partition fence policy for a town only after eight or more freeholders in the town have petitioned the town board for a vote on the adoption of a policy and the policy is approved by the electors of the town at an annual or special town meeting.

This chapter applies to any partition fence lying on the boundary between a town which has adopted its own partition fence policy and any other political subdivision unless the other political subdivision is a town which has adopted a similar policy.

Approved March 23, 1982

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### CHAPTER 617 — H.F.No. 1817

*An act relating to transportation; redefining "resort" for purposes of advertising device authorization; adding a new route to the trunk highway system in substitution of an existing route; discontinuing and removing a route from the trunk highway system; providing for the disposal of surplus property; limiting the liability of the department of transportation for the cost of fighting certain fires; making certain accident reports available to governmental agencies for specified purposes and authorizing a fee for copies of these accident reports; governing the movement of certain vehicles on certain highways; establishing a height limitation for certain vehicles and providing for an annual permit fee for certain buses; expanding the definition of advertising devices; exempting the state transportation plan from the administrative procedure act; expanding the definition of exempt carrier; requiring driver qualifications and safety requirements for certain motor carriers; regulating building movers and requiring fees; allowing expenditures from the state airports fund for educational programs to promote interest and safety in aeronautics; permitting additional uses of certain moneys appropriated for construction and reconstruction of bridges; limiting the authority of the commissioner of transportation to establish new divisions in the department of transportation; allowing the use of certain combinations of vehicles; allowing certain axle weight combinations; establishing allowable axle weight combinations; establishing allowable axle weights on restricted routes; modifying the distribution of receipts collected as fines; providing for seasonal load restrictions; requiring certain exterior markings on vehicles carrying liquified petroleum gas fuel in concealed tanks and prohibiting the dispensing of those fuels in unmarked vehicles; amending Minnesota Statutes 1980, Sections 160.283, Subdivision 3; 161.115; 161.41; 169.09, Subdivision 13; 169.80, Subdivision 1; 169.81, Subdivision 1; 173.02, Subdivision 2; 174.03, Subdivisions 1 and 2; 360.015, Subdivision 2; 360.017, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 161.465; 169.81, Subdivision 3; 169.825, Subdivisions 8, 10, and by adding a subdivision; 169.86, Subdivision 5; 169.87, Subdivision 2; 221.011, Subdivision 22; 221.81; 299D.03, Subdivision 5; Laws 1979, Chapter 280, Section 2, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 169 and 221; repealing Minnesota Statutes 1981 Supplement, Sections 169.861 and 169.825, Subdivision 12.*

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

Section 1. Minnesota Statutes 1980, Section 160.283, Subdivision 3, is amended to read:

Subd. 3. For the purposes of sections 160.283 to 160.285 the term "resort" shall be as defined in Minnesota Statutes 1969, Section 157.01 or a golf course.

Sec. 2. **[161.115] TRUNK HIGHWAY SYSTEM; NEW ROUTE IN SUBSTITUTION OF EXISTING ROUTE.**

Subdivision 1. ADDITIONAL ROUTE. There is added to the trunk highway system a new route described as follows:

Route No. 129. Beginning at a point on Route No. 3 at or near St. Cloud, thence extending in a southeasterly direction to a point on Route No. 212 as herein established; affording St. Cloud, Clearwater, and Monticello, a reasonable means of communication each with the other and other places within the state.

Subd. 2. SUBSTITUTION. The route established in subdivision 1 is substituted for trunk highway route numbered 129 as contained and described in Minnesota Statutes 1980, Section 161.115. Route numbered 129 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. DIRECTION TO REVISOR. The revisor of statutes, in compiling the next and subsequent editions of the Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 3. **[161.115] TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 278.**

Route No. 278 as described in Minnesota Statutes 1981 Supplement, Section 161.115, is discontinued and removed from the trunk highway system. The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes shall delete Route No. 278.

Sec. 4. Minnesota Statutes 1980, Section 161.41, is amended to read:

**161.41 SURPLUS PROPERTY NOT NEEDED FOR TRUNK HIGHWAY PURPOSES.**

Subdivision 1. **COMMISSIONER MAY DECLARE SURPLUS.** The commissioner is authorized to declare as surplus any property acquired by the state for highway purposes, excluding real estate, which ~~he~~ the commissioner determines by ~~order~~ to be no longer needed or necessary for state highway purposes.

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Subd. 2. **DETERMINATION OF VALUE OF SURPLUS PROPERTY AND TRANSFERENCE DISPOSITION.** The order shall direct that The commissioner shall administer all aspects of the disposition of property declared to be surplus under this section. The commissioner shall first determine the value of the surplus property shall be determined, subject to the approval of the commissioner, by the district engineer in whose district the property is located, and shall authorize the district engineer to. The commissioner may then transfer the possession of the surplus property to any state agency, or political subdivision of government this state or to the United States government upon receipt of payment therefor in the an amount so determined equal to the value of the surplus property.

The commissioner may also sell the surplus property under the competitive bidding provisions of chapter 16 if no state agency or political subdivision of this state offers to purchase the surplus property for its determined value.

Subd. 3. **MONEY RECEIVED TO BE CREDITED TO TRUNK HIGHWAY FUND.** The commissioner shall deposit all money received under this section shall be deposited by the district engineer with the state treasurer and to be credited to the trunk highway fund.

Sec. 5. Minnesota Statutes, 1981 Supplement, Section 161.465, is amended to read:

**161.465 REIMBURSEMENT FOR FIRE SERVICES.**

Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire or ~~easing or eliminating the danger of fire or explosion within the right-of-way of any state trunk highway, or outside the right-of-way of any trunk highway~~ if the fire originated within the right-of-way, upon approval of a police officer or an officer or employee of the department of public safety shall, upon certification to the commissioner of public safety by the proper official of the municipality or fire department within 60 days after the completion of the service, be reimbursed to the municipality or fire department from funds in the trunk highway fund. The commissioner of public safety shall take whatever action practicable to secure reimbursement to the trunk highway fund of moneys expended pursuant to this section from the person, firm or corporation responsible for the fire or danger thereof.

The provisions of this section shall not be construed to admit any state liability for damage or destruction to private property or for injury to persons resulting from a fire that originates within a trunk highway right-of-way.

Sec. 6. Minnesota Statutes 1980, Section 169.09, Subdivision 13, is amended to read:

Subd. 13. **ACCIDENT REPORTS CONFIDENTIAL.** All written reports and supplemental reports required under this section to be provided to the

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department of public safety by ~~this section~~ shall be without prejudice to the individual so reporting and shall be for the confidential use of the department of public safety, ~~the Minnesota department of transportation,~~ and ~~other appropriate state, federal, county and municipal governmental agencies for accident prevention analysis~~ purposes, except that the department of public safety or any law enforcement department of any municipality or county in this state shall, upon written request of any person involved in an accident or upon written request of the representative of his or her estate, his surviving spouse, or one or more of his surviving next of kin, or a trustee appointed pursuant to section 573.02, disclose to the requester, his or her legal counsel or a representative of his or her insurer any information contained therein except the parties' version of the accident as set out in the written report filed by the parties or may disclose identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department of public safety shall furnish upon the demand of any person who has, or claims to have, made a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department of public safety solely to prove a compliance or a failure to comply with the requirements that the report be made to the department of public safety. Disclosing any information contained in any accident report, except as provided herein, is unlawful and a misdemeanor.

Nothing herein shall be construed to prevent any person who has made a report pursuant to this chapter from testifying in any trial, civil or criminal, arising out of an accident, as to facts within his ~~the~~ person's knowledge. It is intended by this subdivision to render privileged the reports required but it is not intended to prohibit proof of the facts to which the reports relate. Legally qualified newspaper publications and licensed radio and television stations shall upon request to a law enforcement agency be given an oral statement covering only the time and place of the accident, the names and addresses of the parties involved, and a general statement as to how the accident happened without attempting to fix liability upon anyone, but said legally qualified newspaper publications and licensed radio and television stations shall not be given access to the hereinbefore mentioned confidential reports, nor shall any such statements or information so orally given be used as evidence in any court proceeding, but shall merely be used for the purpose of a proper publication or broadcast of the news.

This subdivision shall supersede other state law relating to data privacy or confidentiality with regard to accident reports. When these reports are released for accident ~~prevention~~ analysis purposes the identity of any involved person shall not be revealed. Data contained in these reports shall only be used for accident ~~prevention~~ analysis purposes, except as otherwise provided by this subdivision. Accident reports and data contained therein which may be in the possession or control of departments or agencies other than the department of public safety shall not be discoverable under any provision of law or rule of court.

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The department may charge authorized persons a \$5 fee for a copy of an accident report.

Sec. 7. Minnesota Statutes 1980, Section 169.80, Subdivision 1, is amended to read:

Subdivision 1. **LIMITATIONS.** 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, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be 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.

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.

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.

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.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as provided by law. For purposes of sections 169.80 to 169.88, a specialized vehicle resembling a low-slung two wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when the vehicle is used exclusively to transport implements of husbandry; and the term "temporarily moved upon a highway" shall mean a movement not to exceed 50 miles.

In addition to any other special permits authorized, an annual permit may be issued authorizing movements on interstate highways and movements exceeding 50 miles on non-interstate highways of oversize vehicles and loads when the vehicles or combination of vehicles are used exclusively to transport implements of husbandry. Annual permits are issued in accordance with the applicable provisions of section 169.86, except that the transporting vehicle or combination of vehicles may be moved at the discretion of the permittee without prior route approval from the permit issuing office of the department of transportation if:

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(a) The overall width of the transporting vehicle, including load, does not exceed 12 feet;

(b) The transporting vehicle otherwise complies with equipment requirements and length, height and weight limitations prescribed by this chapter;

(c) The movement is made after the hour of sunrise and not later than 30 minutes after sunset;

(d) The movement is not made when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sundays after twelve o'clock noon, and holidays;

(e) The transporting vehicle shall display at the front and rear end of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds ten feet, six inches; and

(f) The movement, if made on a trunk highway, is made on a trunk highway with a surfaced roadway width of not less than 24 feet.

The fee for an annual permit is \$24.

#### Sec. 8. [169.762] PRESSURIZED FLAMMABLE GAS.

Subdivision 1. MARKING REQUIRED. Any vehicle within this state which carries liquefied petroleum gas fuel or natural gas in a tank attached to the vehicle in any concealed area, including but not limited to trunks, compartments, or under the vehicle, shall display on the exterior of the vehicle the words "Pressurized Flammable Gas", or a standard abbreviation or symbol as determined by the department of public safety, in block letters at least two inches high. The letters shall be of contrasting colors and shall be placed as near as possible to the area where the tank is located.

Subd. 2. DISPENSING PROHIBITION. No person shall dispense liquefied petroleum gas fuel or natural gas into any tank in a concealed area of a vehicle unless the vehicle is in compliance with the requirements of subdivision 1.

Subd. 3. PENALTY. Any owner convicted of violating the provisions of subdivisions 1 or 2 is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1980, Section 169.81, Subdivision 1, is amended to read:

Subdivision 1. **HEIGHT.** (a) Except as provided in paragraph (b), no vehicle unladen or with load shall exceed a height of 13 feet six inches.

(b) A double-deck bus may not exceed a height of 14 feet three inches. Any carrier operating a double-deck bus exceeding 13 feet six inches shall obtain from the commissioner, with respect to highways under the commissioner's jurisdiction, and from local authorities, with respect to highways under their

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jurisdiction, an annual permit to operate the bus upon any highway under the jurisdiction of the party granting the permit. Annual permits shall be issued in accordance with applicable provisions of section 169.86. The fee for an annual permit issued by the commissioner is as provided in section 169.86, subdivision 5.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 169.81, Subdivision 3, is amended to read:

Subd. 3. **LENGTH OF COMBINATIONS AND SEMITRAILERS AND TRUCK-TRACTORS.** (a) Except as provided in clause (c), no combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers semitrailer, shall consist of more than two units unless the combination consists of a truck-tractor and semitrailer drawing one additional semitrailer equipped with an auxiliary dolly, and no combination of vehicles, unladen or with load, shall exceed a total length of 60 feet. The length limitation shall not apply to the transportation of telegraph poles, telephone poles, electric light and power poles, piling, or pole length pulpwood, and is subject to the following further exceptions: The length limitations shall not apply to vehicles when transporting pipe, or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in this subdivision, but with respect to night transportation a vehicle and the load shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load. Mount combinations may be drawn but the combinations may not exceed 65 feet in length. The limitation on the number of units shall not apply to vehicles used for transporting milk from point of production to point of first processing, in which case no combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, shall consist of more than three units and no combination of those vehicles shall exceed a total length of 60 feet. For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination shall be considered the same as deemed semitrailers. The state, as to state trunk highways, and a city or town, as to roads or streets located within the city or town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in this subdivision over highways, roads or streets within their boundaries. Combinations of vehicles authorized by this subdivision may be restricted as to the use of highways by the commissioner, as to state trunk highways, and a road authority, as to highways or streets subject to its jurisdiction. Nothing in this subdivision shall be deemed to alter or change the authority vested in local authorities under the provisions of section 169.04. This subdivision shall not apply to the operation of combinations of vehicles subject to the provisions of section 169.861.

(b) No single semitrailer or trailer shall have an overall length, exclusive of rear protective bumpers which do not increase the overall length by more than six inches and further exclusive of accessory equipment mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, in excess of

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45 feet, except for those semitrailers governed by subdivisions 3a, 3b and 7. For purposes of determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer shall be determined separate from the overall length of the combination of vehicles.

(c) A combination of vehicles between 55 and 65 feet in length regularly engaged in the transportation of commodities and consisting of a truck and semitrailer or a truck-tractor and semitrailer drawing one additional semitrailer which may be equipped with an auxiliary dolly or a truck-tractor and semitrailer drawing one full trailer may operate only on divided highways having four or more lanes of travel, and on other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over the highway, for the purpose of providing access between the divided highways of four or more lanes of travel and truck terminals and marshalling yards or for the purpose of providing continuity of route. All vehicles operated under the provisions of this section shall conform to the standards for those vehicles as prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and as may be amended. The total length of the combination, unladen or with load, shall not exceed 65 feet. For the purpose of registration, trailers coupled with a truck-tractor semitrailer combination shall be deemed semitrailers.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 8, is amended to read:

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~~ may be up to 16,000 pounds and provided the gross weight of the tridem combination shall does 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.

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(c) 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 group under consideration.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 10, is amended to read:

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:

Distances in feet between centers of fore- most and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2	3	4
	consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	consecutive axles of a 4-axle vehicle or any com- bination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000 (35,000)		
6	34,000 (36,000)		
7	34,000 (37,000)	41,500	
8	34,000 (38,000)	42,000	
9	35,000 (39,000)	43,000	
10	36,000 (40,000)	43,500	49,000
11	36,000	44,500	49,500

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12	45,000	50,000
13	46,000	51,000
14	46,500	51,500
15	47,500	52,000
16	48,000	53,000
17	49,000	53,500
18	49,500	54,000
19	50,500	55,000
20	51,000	55,500
21	52,000	56,000
22	52,500	57,000
23	53,500	57,500
24	54,000	58,000
25	<del>(55,000)</del>	59,000
26	<del>(55,500)</del>	59,500
27	<del>(56,500)</del>	60,000
28	<del>(57,000)</del>	61,000
29	<del>(58,000)</del>	61,500
30	<del>(58,500)</del>	62,000
31	<del>(59,500)</del>	63,000
32	<del>(60,000)</del>	63,500
33		64,000
34		65,000
35		65,500
36		66,000
37		67,000
38		67,500
39		68,000
40		69,000
41		69,500
42		70,000
43		71,000
44		71,500
45		72,000
46		<del>(72,500)</del>
47		<del>(73,500)</del>
48		<del>(74,000)</del>
49		<del>(74,500)</del>
50		<del>(75,500)</del>
51		<del>(76,000)</del>

Maximum gross weight in pounds on a group of

	5	6	7
Distances in feet between centers of fore-	consecutive axles of a 5-axle vehicle or any combination of	consecutive axles of a combination of vehicles having a total	consecutive axles of a combination of vehicles having a total

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most and rearmost axles of a group	vehicles having a total of 5 or more axles	of 6 or more axles	of 7 or more axles
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	74,000	79,000	
42	74,500	79,500	
43	75,000	80,000	
44	75,500		
45	76,500		
46	77,000		
47	77,500		
48	78,000		
49	79,000		
50	79,500		
51	80,000		

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

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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.

(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 Laws 1981, Chapter 324, 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 August 1, 1981. All other weight limitations in this section are applicable;

(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.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 169.825 is amended by adding a subdivision to read:

Subd. 12a. GROSS WEIGHT REDUCTION ON RESTRICTED ROUTES. The maximum weight on any single axle, two consecutive axles spaced within eight feet or less, three consecutive axles spaced within nine feet or less, or four consecutive axles spaced within 14 feet or less shall not exceed 18,000 pounds, 34,000 pounds, 43,000 pounds, or 51,500 pounds respectively multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine. No combination of axle weights shall exceed those weights specified in Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 10 for non-designated routes.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 169.86, Subdivision 5, is amended to read:

Subd. 5. FEES. The commissioner, with respect to highways under his jurisdiction, may charge a fee for each permit issued. All such fees for permits

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

(a) \$12 for each single trip permit.

(b) \$12 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight and dimension.

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

(1) truck cranes;

(2) construction equipment, machinery, and supplies;

(3) mobile homes;

(4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, clauses (a) to (f).

(5) refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;

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

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

(8) double-deck buses.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 169.87, Subdivision 2, is amended to read:

Subd. 2. **SEASONAL LOAD RESTRICTIONS.** Except for portland cement concrete roads, 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 169.825 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.

Sec. 16. Minnesota Statutes 1980, Section 173.02, Subdivision 2, is amended to read:

Subd. 2. "Advertising device" means any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform

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or to attract or which does attract the attention of operators and occupants of motor vehicles ~~on the interstate system of highways~~ and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith.

Sec. 17. Minnesota Statutes 1980, Section 174.03, Subdivision 1, is amended to read:

**Subdivision 1. STATEWIDE TRANSPORTATION PLAN; PRIORITIES; SCHEDULE OF EXPENDITURES.** In order to best meet the present and future transportation needs of the public, to insure a strong state economy, to make most efficient use of public and private funds, and to promote the more efficient use of energy and other resources for transportation purposes, the commissioner shall:

(a) Three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan the commissioner shall hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The metropolitan council, regional development commissions and port authorities shall appear at the hearings and submit information concerning transportation related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;

(b) Develop, adopt, revise and monitor a statewide transportation plan, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (a). The plan shall incorporate all modes of transportation and provide for the interconnection and coordination of different modes of transportation. The commissioner shall evaluate alternative transportation programs and facilities proposed for inclusion in the plan in terms of economic costs and benefits, safety aspects, impact on present and planned land uses, environmental effects, energy efficiency, national transportation policies and priorities and availability of federal and other financial assistance;

(c) Based upon the statewide transportation plan, develop statewide transportation priorities and schedule authorized public capital improvements and other authorized public transportation expenditures pursuant to the priorities;

(d) Complete the plan and priorities required by this subdivision no later than July 1, 1978. Upon completion, the commissioner shall promulgate the plan and priorities as a rule in accordance with chapter 15. Upon promulgation completion of the plan and priorities, the commissioner shall prepare and periodically revise, as necessary, the schedule of authorized public transportation expenditures. ~~The schedule, and revisions thereto, need not be promulgated as a~~

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rule but shall not be prepared or revised without public hearings. The plan, priorities and schedule are exempt from the provisions of the administrative procedure act.

Sec. 18. Minnesota Statutes 1980, Section 174.03, Subdivision 2, is amended to read:

Subd. 2. **IMPLEMENTATION OF PLAN.** After the adoption of the statewide transportation plan, the commissioner and the transportation regulation board shall take no action inconsistent with that plan. ~~Notwithstanding the foregoing, the commissioner and the board shall have authority to promulgate emergency rules pursuant to section 15.0412, subdivision 5, if necessary to respond to transportation emergencies which may require an immediate temporary response inconsistent with the statewide plan.~~

Sec. 19. Minnesota Statutes 1981 Supplement, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from this chapter, or exempted from any other law or rule by the commissioner or board. The following are so exempt except as otherwise specifically provided in ~~clause (e)~~ section 20:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from the person's home post office. The carrier may transport other commodities within the area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint the owner's name and address in prominent visible letters on the outside of the cab of the truck.

(b) Any occasional accommodation service beyond the 25 mile radius of the home post office by any person engaged in farming as a primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1c. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of that person's farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. ~~This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of business, owns and uses trucks for the purpose of transporting that person's own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining~~

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timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped; except that these manufacturers, producers, dealers or distributors transporting their own products and these persons engaged exclusively in the transportation of wood or wood products, together with any transporting vehicles licensed and registered for a gross vehicle weight of more than 10,000 pounds, shall be subject to the requirements of section 221.031 insofar as the provisions of that section apply to driver qualifications, maximum hours of service of drivers, and safety of operations and equipment.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from that person's home post office.

(e) Any person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile or crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from that person's home post office or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency of the federal government or the transportation of household goods for the state government or any agency of state government, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles including ambulances, tow trucks when picking up and transporting disabled or wrecked motor vehicles, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under terms and conditions as the commissioner or board may prescribe.

(l) A motor vehicle, in this chapter referred to as a "commuter van," having a capacity of seven to 16 persons that is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for that person's principal occupation but is driving it only to or from that person's principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized driver;

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provided, that commuter vans shall not be exempt from any provision of this chapter which by its terms explicitly applies to these vehicles.

(m) Any manufacturer, producer, dealer or distributor who, in the pursuit of business, owns and uses trucks for the purpose of transporting that person's own products, except as otherwise provided in section 20.

(n) Any person while engaged exclusively in the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped, except as otherwise provided in section 20.

#### Sec. 20. [221.032] OPERATING REQUIREMENTS.

The exempt carriers set forth in section 221.011, subdivision 22, clauses (m) and (n), are subject to the requirements of section 221.031 insofar as the provisions of that section apply to driver qualifications, maximum hours of service for drivers, and safety of operations and equipment. This section is applicable only to transporting vehicles licensed and registered for a gross weight of more than 10,000 pounds.

Sec. 21. Minnesota Statutes 1981 Supplement, Section 221.81, is amended to read:

#### 221.81 BUILDING MOVER REGULATION.

Subdivision 1. **DEFINITION.** "Building mover" means any person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings, excluding mobile homes.

Subd. 2. **LICENSE.** All building movers operating in Minnesota shall be licensed by the board.

Subd. 3. **LICENSE APPLICATION.** To obtain a license to operate as a building mover an applicant shall file a petition with the commissioner specifying the name and address of its officers and other information as the board may reasonably require. The board shall issue the license upon compliance by the applicant with bonding and insuring requirements set by rule of the department and payment of an initial \$150 filing fee. A license once granted shall continue in full force and effect, subject to a \$100 annual renewal fees fee and compliance with bonding and insuring requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each licensed mover to provide one cab card for each power unit used in moving buildings. The fee is \$50 for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of \$200 for each floater card

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issued. Cab cards shall be effective for a 12-month period and shall continue from year to year thereafter upon payment of the required fee. Cab cards shall only be good for the period for which the license is effective.

Licenses shall be transferable pursuant to the provisions of section 221.151.

Subd. 4. **LICENSE REVOCATION, SUSPENSION, DENIAL.** The board, after notice and a hearing, may revoke, suspend or deny a license for:

- (a) failure to pay application or renewal fees;
- (b) failure to comply with bonding and insuring requirements;
- (c) conduct of the applicant or license holder that impairs usage of public highways, roads, streets, or utilities;
- (d) conduct of the applicant or license holders that endangers the health and safety of users of the public highways, roads, streets or utilities; or
- (e) a course of conduct of the applicant or license holder that demonstrates unsafe or hazardous operation of the business.

Subd. 5. SUSPENSION BY COMMISSIONER. The commissioner may suspend a license without a hearing for the following reasons:

- (1) Failure to pay the application or renewal fee; or
- (2) Failure to comply with bonding and insurance requirements.

The suspension shall continue until the fees have been paid and the bonding and insurance requirements have been satisfied.

**Subd. 6. APPLICATION OF VIOLATION AND PENALTY PROVISIONS.** The violation and penalty provisions of section 221.291 are applicable to this section.

**Subd. 5 7. RULES.** The commissioner shall promulgate rules establishing bonding and insuring requirements.

**Subd. 6 8. LOCAL REGULATION.** No license to move buildings, bond or insurance coverage shall be required by a political subdivision of the state other than the license, bond and insurance coverage issued or required by the board or commissioner. A political subdivision or the department may require a permit which reasonably regulates the hours, routing, movement, parking or speed limit for a building mover operating on streets or roads within the jurisdiction of the political subdivision or highways within the jurisdiction of the commissioner. Neither the state nor a political subdivision may regulate rates charged by building movers.

**Subd. 9. FEES DEPOSITED IN GENERAL FUND.** All fees collected pursuant to this section shall be deposited in the general fund.

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

Sec. 22. Minnesota Statutes 1981 Supplement, Section 299D.03, Subdivision 5, is amended to read:

Subd. 5. **FINES AND FORFEITED BAIL MONEY.** (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by ~~the justice of the peace, or such other person or officer~~ collecting such fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, *one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision.* All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by such employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. All Five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway highway user tax distribution fund. Three-eighths of such receipts shall be credited to the general revenue fund of the county.

Sec. 23. Minnesota Statutes 1980, Section 360.015, Subdivision 2, is amended to read:

Subd. 2. **COOPERATION WITH FEDERAL AND OTHER AGENCIES.** ~~He~~ The commissioner shall cooperate with and assist the federal government, the municipalities of this state, and others engaged in aeronautics or the promotion of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies. To this end, the commissioner is empowered to confer with or to hold joint hearings with any federal aeronautical agency in connection with any matter arising under sections 360.011 to 360.076, or relating to the sound development of aeronautics, and to avail himself of the cooperation, services, records, and facilities of such federal agencies, as fully as may be practicable, in the administration and enforcement of sections 360.011 to 360.076. ~~He~~ The

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commissioner shall reciprocate by furnishing to the federal agencies his cooperation, services, records, and facilities, in so far as may be practicable. The commissioner may also contract for the presentation of educational and informational programs that promote safety and interest in aeronautics.

~~He~~ The commissioner shall report to the appropriate federal agency all accidents in aeronautics in this state of which ~~he~~ the commissioner is informed ~~and~~. The commissioner shall also preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by ~~him~~ the commissioner until a federal agency institutes an investigation, ~~and~~. The commissioner shall report the following to the appropriate federal agency:

(1) all refusals by ~~him~~ the commissioner to register federal licenses, certificates, or permits ~~and~~;

(2) all revocations of certificates of registration, and the reasons therefor; ~~and~~

(3) all penalties of which ~~he~~ the commissioner has knowledge imposed upon airmen for violations of the laws of this state relating to aeronautics or for violations of the rules, regulations, or orders of the commissioner.

Sec. 24. Minnesota Statutes 1980, Section 360.017, Subdivision 1, is amended to read:

Subdivision 1. **CREATION.** There is hereby created a fund to be known as the state airports fund. ~~Such~~ The fund shall consist of all moneys appropriated to it, or directed to be paid into it, by the legislature. The state airports fund shall be paid out on authorization of the commissioner and shall be used to acquire, construct, improve, maintain, and operate airports and other air navigation facilities and to assist municipalities in the acquisition, construction, improvement, and maintenance of airports and other air navigation facilities. The fund may also be used to promote interest and safety in aeronautics through education and information. Salaries and expenses in the department of transportation related to aeronautic planning, administration and operation shall be paid from the state airports fund. All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of finance.

Sec. 25. Laws 1979, Chapter 280, Section 2, Subdivision 2, is amended to read:

Subd. 2. \$50,000,000, or so much thereof as is needed, is available for expenditure at a rate not exceeding \$12,500,000 per fiscal year for grants to political subdivisions for construction and reconstruction of key bridges on highways, streets and roads under their jurisdiction. The grants shall not exceed the following aggregate amounts:

(1) To counties.....\$8,500,000

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(2) To home rule charter and statutory cities.....\$1,000,000

(3) To towns.....\$21,000,000

Additional grants may be made in an aggregate amount not to exceed \$19,500,000 to the political subdivisions to match federal-aid grants for construction and reconstruction of key bridges under their jurisdiction. Appropriations made in subdivisions 1, 2, or 3 may also be used for the following purposes:

(1) The costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement will be made.

(2) The costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined to be deficient. The construction of the road or street must be judged to be more cost efficient than the reconstruction or replacement of the existing bridge.

**Sec. 26. [174.025] PROHIBITION ON ESTABLISHMENT OF NEW DIVISIONS IN DEPARTMENT OF TRANSPORTATION.**

Notwithstanding any other law to the contrary, the commissioner of transportation shall not establish any new divisions in the department of transportation, other than consolidations of existing divisions.

**Sec. 27. REPEALER.**

Minnesota Statutes 1981 Supplement, Sections 169.861 and 169.825, Subdivision 12 are repealed.

**Sec. 28. EFFECTIVE DATE.**

Sections 1 to 7 and 9 to 27 are effective the day after final enactment. Section 8 is effective January 1, 1983.

Approved March 23, 1982

**CHAPTER 618 — H.F.No. 1819**

*An act relating to education; authorizing school districts to develop programs enabling secondary students to attend courses at post secondary institutions; permitting the granting and transfer of credits for students; allowing reimbursement for instruction; proposing new law coded in Minnesota Statutes, Chapter 123.*

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

**Section 1. LEGISLATIVE INTENT.**

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