

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1897

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DATE	D-PG	OFFICIAL STATUS
02/28/2019	587	Introduction and first reading Referred to Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to motor vehicles; making gross vehicle weight restrictions year round;

1.3 amending Minnesota Statutes 2018, section 168.013, subdivision 3.

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

1.5 Section 1. Minnesota Statutes 2018, section 168.013, subdivision 3, is amended to read:

1.6 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The applicant

1.7 for all licenses based on gross weight shall state the unloaded weight of the motor vehicle,

1.8 trailer, or semitrailer and the maximum load the applicant proposes to carry on it, the sum

1.9 of which constitutes the gross weight upon which the license tax must be paid. However,

1.10 the declared gross weight upon which the tax is paid must not be less than 1-1/4 times the

1.11 declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except

1.12 recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18,

1.13 and tow trucks or towing vehicles defined in section 168B.011, subdivision 12a. The gross

1.14 weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing

1.15 vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle

1.16 towed or drawn by the tow truck or towing vehicle.

1.17 (b) Except as provided by special permit issued under section 169.86, the gross weight

1.18 of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon which the

1.19 license tax has been paid by more than four percent or 1,000 pounds, whichever is greater;

1.20 provided that, a vehicle transporting unfinished forest products on a highway, other than a

1.21 highway that is part of the system of interstate and defense highways, unless a federal

1.22 exemption is granted, in accordance with paragraph (d)(3):

2.1 (1) shall not exceed its gross vehicle weight upon which the license tax has been paid,
2.2 or gross axle weight on any axle, by more than five percent and, notwithstanding other law
2.3 to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding
2.4 a gross vehicle or axle weight by up to five percent. This clause applies year round; and

2.5 (2) ~~between the dates set by the commissioner in accordance with section 169.826,~~
2.6 ~~subdivision 1,~~ is not subject to any provision of paragraph (d) or chapter 169 limiting the
2.7 gross axle weight of any individual axle unless the entire vehicle also exceeds its gross
2.8 vehicle weight plus its weight allowance allowed in clause (1) and plus any weight allowance
2.9 permitted under section 169.826, in which case the vehicle is subject to all applicable
2.10 penalties for excess weight violations.

2.11 (c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license
2.12 tax is paid must be indicated by a distinctive character on the license plate or plates except
2.13 as provided in subdivision 12 or section 169.86, subdivision 5a, as applicable, and the plate
2.14 or plates must be kept clean and clearly visible at all times.

2.15 (d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction
2.16 for transporting a gross weight in excess of the gross weight for which it was registered or
2.17 for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight,
2.18 is guilty of a misdemeanor and subject to increased registration or reregistration according
2.19 to the following schedule:

2.20 (1) Upon conviction for transporting a gross weight in excess of the gross weight for
2.21 which a motor vehicle, trailer, or semitrailer is registered by more than the allowance set
2.22 forth in paragraph (b) but less than 25 percent, or for operating or using a motor vehicle,
2.23 trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as
2.24 provided in sections 169.822 to 169.829 by more than the allowance set forth in paragraph
2.25 (b) but less than 25 percent, the owner, driver, or user of the motor vehicle, trailer, or
2.26 semitrailer used to commit the violation, in addition to any penalty imposed for the
2.27 misdemeanor, shall apply to the registrar to increase the authorized gross weight to be carried
2.28 on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or
2.29 user was convicted of carrying. The increase is computed for the balance of the calendar
2.30 year on the basis of 1/12 of the annual tax for each month remaining in the calendar year
2.31 beginning with the first day of the month in which the violation occurred. If the additional
2.32 registration tax computed upon that weight, plus the tax already paid, amounts to more than
2.33 the regular tax for the maximum gross weight permitted for the vehicle under sections
2.34 169.822 to 169.829, that additional amount must nevertheless be paid into the highway
2.35 fund, but the additional tax thus paid does not authorize or permit any person to operate the

3.1 vehicle with a gross weight in excess of the maximum legal weight as provided by sections
3.2 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase
3.3 the authorized weight and pays the additional tax as provided in this section, the registrar
3.4 shall revoke the registration on the vehicle and demand the return of the registration card
3.5 and plates issued on that registration.

3.6 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or semitrailer
3.7 for transporting a gross weight in excess of the gross weight for which the motor vehicle,
3.8 trailer, or semitrailer was registered by 25 percent or more or for operating or using the
3.9 vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided
3.10 in sections 169.822 to 169.829 by 25 percent or more, and in addition to any penalty imposed
3.11 for the misdemeanor, the registrar shall either (i) cancel the reciprocity privileges on the
3.12 vehicle involved if the vehicle is being operated under reciprocity or (ii) if the vehicle is
3.13 not being operated under reciprocity, cancel the certificate of registration on the vehicle
3.14 operated and demand the return of the registration certificate and registration plates. The
3.15 registrar may not cancel the registration or reciprocity privileges for any vehicle found in
3.16 violation of seasonal load restrictions imposed under section 169.87 unless the axle weight
3.17 exceeds the year-round weight limit for the highway on which the violation occurred. The
3.18 registrar may investigate any allegation of gross weight violations and demand that the
3.19 operator show cause why all future operating privileges in the state should not be revoked
3.20 unless the additional tax assessed is paid.

3.21 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or
3.22 unfinished forest products, when the registered gross weight is not exceeded by more than
3.23 ten percent. For purposes of this clause, "first haul" means (i) the first, continuous
3.24 transportation of unprocessed or raw farm products from the place of production or on-farm
3.25 storage site to any other location within 100 miles of the place of production or on-farm
3.26 storage site, or (ii) the continuous or noncontinuous transportation of unfinished forest
3.27 products from the place of production to the place of final processing or manufacture located
3.28 within 200 miles of the place of production.

3.29 (4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the
3.30 registrar according to this section, the vehicle must not be operated on the highways of the
3.31 state until it is registered or reregistered, as the case may be, and new plates issued, and the
3.32 registration fee is the annual tax for the total gross weight of the vehicle at the time of
3.33 violation. The reregistration pursuant to this subdivision of any vehicle operating under
3.34 reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual
3.35 registration fee without regard to the percentage of vehicle miles traveled in this state.