

## CHAPTER 169

## HIGHWAY TRAFFIC REGULATION

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**169.01 DEFINITIONS.**

*[For text of subs 1 to 45, see M.S.1980]*

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.

*[For text of subs 47 to 62, see M.S.1980]*

**History:** 1981 c 321 s 2

**169.03 EMERGENCY VEHICLES; APPLICATION.**

*[For text of subs 1 to 5, see M.S.1980]*

Subd. 6. The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the highway, but shall apply to those persons and vehicles when traveling to or from such work, except that persons operating equipment owned, 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.

*[For text of subs 7 to 9, see M.S.1980]*

**History:** 1981 c 321 s 3

**169.09 ACCIDENTS.**

*[For text of subs 1 to 6, see M.S.1980]*

Subd. 7. **Accident report to commissioner.** The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$500 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. If, in the opinion of the commissioner of public safety, the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient he may require the driver to file supplementary reports.

*[For text of subs 8 to 14, see M.S.1980]*

**History:** 1981 c 357 s 60

**169.11 CRIMINAL NEGLIGENCE.**

The commissioner of public safety shall revoke the driver's license of any person convicted of the crime of criminal negligence in the operation of a vehicle resulting in the death of a human being.

**History:** 1981 c 363 s 26

**169.121 MOTOR VEHICLE DRIVERS UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.**

*[For text of subds 1 to 4, see M.S.1980]*

Subd. 5. The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4, except the revocation of the driver's license, on the condition that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

*[For text of subds 6 and 7, see M.S.1980]*

**History:** 1981 c 9 s 1

**169.128 RULES OF THE COMMISSIONER OF PUBLIC SAFETY.**

The commissioner of public safety may promulgate rules to carry out the provisions of sections 169.121 and 169.123. The rules may include forms for notice of intention to revoke, which shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing; forms for revocation and notice of reinstatement of driving privileges as provided in section 169.1261; and forms for temporary licenses.

Rules promulgated pursuant to this section are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 15.0413, subdivision 3.

**History:** 1981 c 253 s 26

**169.44 SCHOOL BUSES; STOP SIGNALS; CONDUCT OF OTHER VEHICLES.**

*[For text of subds 1 to 2, see M.S.1980]*

Subd. 3. **Sign on bus.** Subdivisions 1, 1c, 10, and 14 shall be applicable only if the school bus bears on the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use as a school bus.

*[For text of subds 4 to 9, see M.S.1980]*

Subd. 10. **Approved flashing signals; system of operation.** Flashing pre-warning amber signals and flashing red signals shall be of a type approved by the commissioner of public safety. The signals shall be a complete system meeting minimum standards as prescribed by this section and state board of education rules.

*[For text of subds 11 to 13, see M.S.1980]*

Subd. 14. **Flashing signals on stop arm.** A school bus stop signal arm may be equipped with alternately flashing red warning signals which are visible both to the front and to the rear of the bus. The stop signal arm and flashing red warning signals shall conform to the Society of Automotive Engineers' Standard SAE J-1133.

Subd. 15. **Type three school bus.** Type three school buses are restricted to passenger cars, station wagons, and vans with a maximum manufacturer's rated seating capacity of ten persons including the driver.

A type three school bus shall not in any way be outwardly equipped and identified as a school bus, as defined in subdivision 1a.

**History:** 1981 c 191 s 1-4

#### 169.451 SCHOOL BUS INSPECTION.

Subdivision 1. The Minnesota highway patrol shall inspect every school bus annually to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

Subd. 2. No person shall drive, or no owner shall knowingly permit or cause to be driven, any school bus unless there is displayed thereon a certificate issued by the commissioner of public safety stating that on a certain date, which shall be within 13 months of the date of operation, a member of the Minnesota highway patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The commissioner of public safety shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

Subd. 3. Not later than January 1, 1975 the commissioner of public safety shall provide by rule and regulation a point system for evaluating the effect on safety operation of any variance from law detected during school bus inspections conducted pursuant to subdivision 1.

**History:** 1981 c 357 s 61

#### 169.55 LIGHTS ON ALL VEHICLES.

*[For text of subd 1, see M.S.1980]*

Subd. 2. At the times when lighted lamps on vehicles are required, (1) every farm tractor and self-propelled unit of farm equipment shall be equipped with at least one lamp displaying a white or amber light to the front, and at least one lamp displaying a red light to the rear; (2) every self-propelled unit of farm equipment shall also display two red reflectors visible to the rear; (3) every combination of a self-propelled and towed unit of farm equipment shall be equipped with at least one lamp mounted to indicate as nearly as practicable the extreme left projection of the combination and displaying a white or amber light to the front and a red light to the rear; (4) the last unit of every combination of farm equipment shall display two red reflectors visible to the rear.

The reflectors shall be of the type approved for use upon commercial vehicles. The reflectors shall be mounted as close as practicable to the extreme edges of the unit of farm equipment and the reflectors shall be reflex reflectors that shall be visible at night from all distances within 600 feet to 100 feet when directly in front of lawful lower beams of headlamps.

**History:** 1981 c 44 s 1

**169.64 PROHIBITED LIGHTS; EXCEPTIONS.**

*[For text of subds 1 to 6, see M.S.1980]*

Subd. 7. **White strobe lamps on school buses.** Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, any school bus which is subject to the color and equipment requirements of section 169.44, subdivision 1a, and which complies with those requirements may be equipped with a 360 degree flashing strobe lamp which emits a white light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision.

The strobe lamp shall be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having a minimum effective light output of 200 candelas as measured by the Blondel-Rey formula. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than five feet nor more than seven feet forward of the rear roof edge. It shall operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use.

The strobe lamp may be lighted only when atmospheric conditions or terrain restrict the visibility of school bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus. A strobe lamp may not be lighted unless the school bus is actually being used as a school bus.

**History:** 1981 c 191 s 5

**169.685 SEAT BELTS AND PASSENGER RESTRAINT SYSTEMS FOR CHILDREN.**

*[For text of subds 1 to 3, see M.S.1980]*

Subd. 4. Proof of the use or failure to use seat belts or a child passenger restraint system as described in subdivision 5, or proof of the installation or failure of installation of seat belts or a child passenger restraint system as described in subdivision 5 shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.

Subd. 5. Every parent or legal guardian of a child under the age of four years residing in this state, when transporting the child on the streets and highways of this state in a motor vehicle owned by the parent or guardian, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards. A parent or guardian who violates this subdivision shall be given a hazard warning by the state highway patrol or local law enforcement officer as to the possible danger to children due to the failure to equip and install for use in the motor vehicle a child passenger restraint system as described in this section. The warning shall also advise and urge that parent or guardian to utilize the child passenger restraint systems that are available in the vehicle. No other penalty shall be assessed against a parent or guardian for a violation of this section.

**History:** 1981 c 56 s 1,2

**169.73 BUMPERS, SAFEGUARDS.**

Subdivision 1. **Definitions.** As used in this section "private passenger vehicle" means a four wheeled passenger automobile as defined in section 168.011, but

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does not include a collector vehicle as defined in section 168.10, a station wagon or other multi-purpose vehicle or a truck having a gross weight of 9,000 pounds or less. "Suspension system" includes both the front and rear wheels and tires of a vehicle as specified in subdivision 3.

Subd. 2. **Bumper requirement.** All private passenger vehicles shall be equipped with front and rear bumpers.

Subd. 3. **Bumper restrictions.** No person shall operate a passenger automobile, station wagon, jeep type automobile, or truck of a gross weight of 9,000 pounds or less that: (a) Was originally equipped with bumpers as standard equipment, unless the vehicle is equipped with bumpers equal to the original equipment; or (b) Has a suspension system or body so modified that the height of any bumper on the vehicle varies more than three inches from the original manufactured bumper height for the vehicle.

Subd. 4. **Penalty.** Any person who violates this section is guilty of a misdemeanor.

**History:** 1981 c 199 s 2

## 169.79 VEHICLE REGISTRATION.

No person shall operate, drive or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates for the current year only, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate is not obstructed. If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, semitrailer, or vehicle displaying a dealer plate, one plate shall be displayed on the rear thereof; if the vehicle is a truck-tractor, road-tractor or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semitrailers and trailers, one plate shall be displayed on the front thereof; if it is any other kind of motor vehicle, one plate shall be displayed on the front and one on the rear thereof. All plates shall be securely fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering shall be plainly visible at all times.

**History:** 1981 c 357 s 62; 1981 c 363 s 27

## 169.81 HEIGHT AND LENGTH LIMITATION.

*[For text of subs 1 and 2, see M.S.1980]*

Subd. 3. **Length of combinations and semitrailers and truck-tractors.** (a) No combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, 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 shall exceed a total length of 60 feet. The 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 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 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.

*[For text of subs 3a to 9, see M.S.1980]*

Subd. 10. **Pickup trucks; limitation on drawing trailers.** Notwithstanding any other provision of this section or any other law to the contrary, a pickup truck used primarily in the production or transportation of liquid fertilizer, anhydrous ammonia, or any agricultural commodity as defined in section 17.53, subdivision 2, may draw not to exceed two empty trailers when the resulting combination does not exceed the size and weight limitations otherwise prescribed by law. A pickup truck when drawing two trailers shall not be operated on the highways of this state beyond a 35 mile radius of the home post office of the owner of the pickup truck nor at a speed exceeding 35 miles per hour.

**History:** 1981 c 214 s 20; 1981 c 348 s 1

#### **169.825 WEIGHT LIMITATIONS.**

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

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.

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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.

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:

	2	3	4
Distances	consecutive	consecutive	consecutive
in feet	axles of	axles of	axles of
between	a 2-axle	a 3-axle	a 4-axle
centers	vehicle	vehicle	vehicle
of fore-	or of any	or of any	or any com-
most and	vehicle or	vehicle or	bination of

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rearmost axles of a group	combination of vehicles having a total of 2 or more axles	combination of vehicles having a total of 3 or more axles	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
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		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	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

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	46				(72,500)
	47				(73,500)
	48				(74,000)
	49				(74,500)
	50				(75,500)
	51				(76,000)
	Maximum gross weight in pounds on a group of				
	5	6	7		
Distances in feet between centers of fore- most and rearmost axles of a group	consecutive axles of a 5-axle vehicle or any com- bination of vehicles having a total of 5 or more axles	consecutive axles of a combination of vehicles having a total of 6 or more axles	consecutive axles of a combination of vehicles having a total 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				

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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 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 321, 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;

(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;

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(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.

**History:** 1981 c 321 s 4

**169.83** Subdivision 1. [Repealed, 1981 c 321 s 12]

Subd. 1a. [Repealed, 1981 c 321 s 12]

Subd. 2. [Repealed 1981 c 321 s 12]

Subd. 2a. [Repealed 1981 c 321 s 12]

Subd. 3. [Repealed 1981 c 321 s 12]

Subd. 4. [Repealed 1951 c 588 s 4; 1981 c 321 s 12]

Subd. 5. [Repealed 1981 c 321 s 12]

Subd. 6. [Repealed 1981 c 321 s 12]

**169.832 WEIGHT LIMITATIONS ON INTERSTATE HIGHWAYS AND DESIGNATED ROUTES.**

Subdivision 1. [Repealed, 1981 c 321 s 12]

Subd. 2. [Repealed, 1981 c 321 s 12]

Subd. 3. [Repealed, 1981 c 321 s 12]

Subd. 4. [Repealed, 1981 c 321 s 12]

Subd. 5. [Repealed, 1981 c 321 s 12]

Subd. 6. [Repealed, 1981 c 321 s 12]

Subd. 7. [Repealed, 1981 c 321 s 12]

Subd. 8. [Repealed, 1981 c 321 s 12]

Subd. 9. [Repealed, 1981 c 321 s 12]

Subd. 10. [Repealed, 1981 c 321 s 12]

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 section 169.825. 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 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.

Any route designation or undesignation shall be effective when adopted. The commissioner may designate or undesignate any route when requested by any local authority having jurisdiction over the route.

Subd. 12. [Repealed, 1981 c 81 s 2; 1981 c 321 s 12]

**History:** 1981 c 81 s 1; 1981 c 321 s 5

**169.834** [Repealed, 1981 c 321 s 12]

**169.85 WEIGHING; PENALTY.**

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 by means of portable or stationary scales, and the peace officer may require that the vehicle be driven to the nearest available scales in the event 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 scale. When any truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the

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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 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 section 169.825. 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 169.825, the weight on any axle exceeds the lawful gross weight prescribed by section 169.825, 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 169.825, by 4,000 pounds or more; or (b) on routes designated by the commissioner in section 169.832, subdivision 11, 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 169.825; 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 the vehicle at the risk of 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 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, is guilty of a misdemeanor.

**History:** 1981 c 321 s 6

## 169.851 WEIGHT RECORD.

Subdivision 1. **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.

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. 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. 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.

**History:** 1981 c 321 s 7

### 169.86 SPECIAL PERMITS.

*[For text of subd 1, see M.S.1980]*

Subd. 1a. **Seasonal permits for certain haulers.** The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler 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 169.825, on interstate highways during the times and within the zones specified in section 169.825.

*[For text of subds, 2 to 4, see M.S.1980]*

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 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.

*[For text of subd 6, see M.S.1980]*

**History:** 1981 c 321 s 8; 1981 c 348 s 2

### 169.861 OPERATION OF CERTAIN COMBINATIONS.

A combination of vehicles consisting of a truck and semitrailer or a truck-tractor and semitrailer drawing one additional semitrailer equipped with an auxiliary dolly between 55 and 65 feet in length may operate on the public highways only on divided highways having four or more lanes of travel, and on such 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 such highway, for the purpose of providing access between such 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 such vehicles as prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and as may be amended.

**History:** 1981 c 348 s 4

### **169.87 SEASONAL LOAD RESTRICTIONS; DESIGNATION OF TRUCK ROUTES.**

*[For text of subd 1, see M.S.1980]*

Subd. 2. **Seasonal load restrictions.** 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.

*[For text of subd 3, see M.S.1980]*

**History:** 1981 c 321 s 9

### **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 169.825 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 169.825 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 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 3,000 pounds but not more than 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 4,000 pounds but not more than 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 6,000 pounds, 30 cents per pound for each pound in excess of the legal limit.

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.

**History:** 1981 c 321 s 10

#### **169.872 RECEIPT OF CERTAIN OVERWEIGHT LOADS.**

Subdivision 1. **Record keeping.** A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, 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.

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, maintain, or open for inspection and copying, those documents as required in subdivision 1 is 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.

**History:** 1981 c 321 s 11

#### **169.95 COURTS TO KEEP SEPARATE RECORDS OF VIOLATIONS.**

Every magistrate or judge of a court not of record, and every clerk of a court of record, shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law, or city ordinance, regulating the operation of vehicles on highways.

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law, or city ordinance, regulating the operation of vehicles on highways, every magistrate of the court, or clerk of the court of record in which such conviction was had or bail was forfeited, shall prepare and immediately forward to the department of public safety an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

The abstract must be made upon a form furnished by the department of public safety, and shall include the name and address of the party charged, the driver's license number of the person involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited, and the amount of the fine or forfeiture, as the case may be.

Every court of record shall also forward a like report to the department of public safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in the office and shall be ground for removal therefrom.

**History:** 1981 c 363 s 28

#### **169.974 MOTORCYCLES, MOTOR SCOOTERS AND MOTOR BIKES.**

*[For text of subd 1, see M.S.1980]*

Subd. 2. **License requirements.** No person shall operate a motorcycle on any street or highway unless he has a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with such regulations as the commissioner of public safety shall promulgate. The commissioner may waive the road test for any applicant if he determines that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction

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permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

(a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;

(b) Drive the motorcycle at night time;

(c) Drive the motorcycle on any highway marked by the commissioner as an interstate highway pursuant to Title 23 of the United States Code.

(d) Drive the motorcycle without wearing protective headgear of a type approved by the commissioner of public safety.

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as he shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

*[For text of subs 3 to 7, see M.S.1980]*

**History:** 1981 c 357 s 63