

CHAPTER 169

TRAFFIC REGULATIONS

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169.01 DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of this chapter, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Vehicle.** "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Subd. 3. **Motor vehicle.** "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include a vehicle moved solely by human power.

Subd. 3a. **Passenger vehicle.** "Passenger vehicle" means a passenger automobile defined in section 168.011, subdivision 7; a pickup truck defined in section 168.011, subdivision 29; a van defined in section 168.011, subdivision 28; and a self-propelled, recreational vehicle licensed under chapter 168 to use the public streets or highways. "Passenger vehicle" does not include a motorcycle, motorized bicycle, bus, school bus, a vehicle designed to operate exclusively on railroad tracks, a farm truck defined in section 168.011, subdivision 17, or special mobile equipment defined in section 168.011, subdivision 22.

Subd. 4. **Motorcycle.** "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, other than those vehicles defined as motorized bicycles in subdivision 4a, but excluding a tractor.

Subd. 4a. **Motorized bicycle.** "Motorized bicycle" means a bicycle that is propelled by a motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. "Motorized bicycle" includes an electric-assisted bicycle as defined in subdivision 4b.

Subd. 4b. **Electric-assisted bicycle.** "Electric-assisted bicycle" means a motor vehicle with two or three wheels that:

- (1) has a saddle and fully operable pedals for human propulsion;
- (2) meets the requirements of federal motor vehicle safety standards in Code of Federal Regulations, title 49, sections 571.01 et seq.; and
- (3) has an electric motor that (i) has a power output of not more than 1,000 watts, (ii) is incapable of propelling the vehicle at a speed of more than 20 miles per hour, (iii) is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and (iv) disengages or ceases to function when the vehicle's brakes are applied.

Subd. 5. **Authorized emergency vehicle.** "Authorized emergency vehicle" means any of the following vehicles when equipped and identified according to law: (1) a vehicle of a fire department; (2) a publicly owned police vehicle or a privately owned vehicle used by a police officer for police work under agreement, express or implied, with the local authority to which the officer is responsible; (3) a vehicle of a licensed land emergency ambulance service, whether publicly or privately owned; (4) an emergency vehicle of a municipal department or a public service corporation, approved by the commissioner of public safety or the chief of police of a municipality; (5) any volunteer rescue squad operating pursuant to Laws 1959, chapter 53; (6) a vehicle designated as an authorized emergency vehicle upon a finding by the commissioner of public safety that designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions.

Subd. 6. **School bus.** "School bus" means a motor vehicle used to transport pupils to or from a school defined in section 120A.22, or to or from school-related activities, by the

school or a school district, or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, a transit bus providing services as defined in section 174.22, subdivision 7, or a vehicle otherwise qualifying as a type III vehicle under paragraph (5), when the vehicle is properly registered and insured and being driven by an employee or agent of a school district for nonscheduled transportation. A school bus may be type A, type B, type C, or type D, or type III as follows:

(1) A "type A school bus" is a conversion or body constructed upon a van-type or cut-away front section vehicle with a left-side driver's door, designed for carrying more than ten persons. This definition includes two classifications: type A-I, with a gross vehicle weight rating (GVWR) over 10,000 pounds; and type A-II, with a GVWR of 10,000 pounds or less.

(2) A "type B school bus" is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(3) A "type C school bus" is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.

(4) A "type D school bus" is a body installed upon a chassis, with the engine mounted in the front, midship or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(5) Type III school buses and type III Head Start buses are restricted to passenger cars, station wagons, vans, and buses in service after January 1, 1999, having an original maximum manufacturer's rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. In this subdivision, "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle. A "type III school bus" and "type III Head Start bus" must not be outwardly equipped and identified as a type A, B, C, or D school bus or type A, B, C, or D Head Start bus.

Subd. 7 Truck-tractor. "Truck-tractor" means:

(a) a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn; and

(b) a motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles or boats and capable of carrying motor vehicles or boats on its own structure.

Subd. 8. Farm tractor. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Subd. 9. Road tractor. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Subd. 10. Trailer. "Trailer" means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle but does not include a trailer drawn by a truck-tractor semitrailer combination or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

Subd. 11. Semitrailer. "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semitrailer combination

Subd. 12. Pneumatic tire. "Pneumatic tire" means every tire in which compressed air is designed to support the load.

Subd. 13. **Solid tire.** "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Subd. 14. **Metal tire.** "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

Subd. 15. **Railroad.** "Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Subd. 16. **Railroad train.** "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

Subd. 17. [Repealed, 1961 c 561 s 17]

Subd. 18. **Trackless trolley car.** "Trackless trolley car" means every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails.

Subd. 19. **Explosives.** "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Subd. 20. **Flammable liquid.** "Flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

Subd. 21. **Commissioner.** Unless stated otherwise, "commissioner" means the commissioner of transportation of this state. Regardless of the commissioner referred to, however, the commissioner is to be considered as acting directly or through the commissioner's duly authorized officers and agents.

Subd. 22. **Department.** Unless stated otherwise, "department" means the department of transportation of this state. Regardless of the department referred to, however, it is to be considered as acting directly or through its duly authorized officers and agents.

Subd. 23. **Person.** "Person" means every natural person, firm, copartnership, association, or corporation.

Subd. 24. **Pedestrian.** "Pedestrian" means any person afoot or in a wheelchair.

Subd. 24a. **Wheelchair.** For the purposes of this chapter, "wheelchair" is defined to include any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking.

Subd. 25. **Driver.** "Driver" means every person who drives or is in actual physical control of a vehicle.

Subd. 26. **Owner.** "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Subd. 27. **Police officer.** "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic rules.

Subd. 28. **Local authorities.** "Local authorities" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state, and the Regents of the University of Minnesota, with reference to property owned, leased, or occupied, by the Regents of the University of Minnesota, or the University of Minnesota.

Subd. 29. **Street or highway.** "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Subd. 30. **Private road or driveway.** "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Subd. 31. **Roadway.** "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 32. **One-way roadway.** "One-way roadway" means a street or roadway designated and signposted for one-way traffic and on which all vehicles are required to move in one indicated direction.

Subd. 33. **Sidewalk.** "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Subd. 34. **Laned highway.** "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

Subd. 35. **Through highway.** "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

Subd. 36. **Intersection.** "Intersection" means (a) the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another, at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Subd. 37. **Crosswalk.** "Crosswalk" means (1) that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections; (2) any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Subd. 38. **Safety zone.** "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times set apart as a safety zone.

Subd. 39. **Business district.** "Business district" means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Subd. 40. **Residence district.** "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

Subd. 41. **Official traffic control devices.** "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Subd. 42. **Traffic control signal.** "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Subd. 43. **Railroad sign or signal.** "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Subd. 44. **Traffic.** "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using any highway for purposes of travel.

Subd. 45. **Right-of-way.** "Right-of-way" means the privilege of the immediate use of highway.

Subd. 46 **Gross vehicle weight.** "Gross vehicle weight" means the greater of:

- (1) the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semi-trailer combination, plus the weight of the load; or
- (2) the value specified by the manufacturer as the maximum gross weight or gross vehicle weight rating.

Subd. 47. **Custom service vehicles.** "Custom service vehicles" means all vehicles used as well-drilling machine, wood-sawing machine, cement mixer, rock crusher, road grader, ditch digger, or elevating grader, and similar service equipment.

Subd. 48. **Motor vehicle dealer.** "Motor vehicle dealer" means any person engaged in the business of manufacturing or selling new and unused motor vehicles, or used motor vehicles, or both, having an established place of business for the sale, trade, and display of such motor vehicles, and having in possession motor vehicles for the purpose of sale or trade.

Subd. 49. **Truck.** "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

Subd. 50. **Bus.** "Bus" means every motor vehicle designed for carrying more than 15 passengers including the driver and used for the transportation of persons.

Subd. 51. **Bicycle.** "Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Subd. 52. **Tow truck or towing vehicle.** "Tow truck" or "towing vehicle" means a motor vehicle having a manufacturer's gross vehicle weight rating of 8,000 pounds or more, equipped with a crane and winch, or an attached device used exclusively to transport vehicles, and further equipped to control the movement of the towed or transported vehicle.

Subd. 53. **Bug deflector.** "Bug deflector" means a nonilluminated, transparent device attached to the hood of a motor vehicle so as to deflect the air stream

Subd. 54. **Controlled access highway.** "Controlled access highway" means, in this chapter, every highway, street, or roadway in respect to which the right of access of the owners or occupants of abutting lands and other persons has been acquired and to which the owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Subd. 55. **Implement of husbandry.** "Implement of husbandry" has the meaning given in section 168A.01, subdivision 8.

Subd. 56. **Stand or standing.** "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Subd. 57. **Stop.** "Stop" means complete cessation from movement.

Subd. 58. **Stopping.** "Stopping" means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Subd. 59. **Urban district.** "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Subd. 60. **Service vehicle.** "Service vehicle" means a motor vehicle owned and operated by a person, firm or corporation engaged in a business which includes the repairing or servicing of vehicles. The term also includes snow removal and road maintenance equipment not operated by or under contract to the state or a governmental subdivision.

Subd. 61. **Alcohol concentration.** "Alcohol concentration" means

- (a) the number of grams of alcohol per 100 milliliters of blood, or
- (b) the number of grams of alcohol per 210 liters of breath, or
- (c) the number of grams of alcohol per 67 milliliters of urine.

Subd. 62. **Bicycle route.** The term "bicycle route" means a roadway or shoulder signed to encourage bicycle use.

Subd. 63. **Ridesharing arrangement.** "Ridesharing arrangement" means the transportation of persons, for a fee or otherwise, in a motor vehicle when the transportation is incidental to another purpose of the driver. The term includes the forms of shared transportation known as carpools, commuter vanpools, and buspools, whether or not furnished by an employer. A "ridesharing arrangement" does not include transportation of employees by an employer from one place of employment to another.

Subd. 64. **Buspool.** "Buspool" means a prearranged ridesharing arrangement in which a group of persons travel together on a regular basis in a bus, especially to and from their place of employment or to and from a transit stop authorized by a local transit authority.

Subd. 65. **Carpool.** "Carpool" means a prearranged ridesharing arrangement in which two or more persons travel together on a regular basis in an automobile, especially to and from their place of employment or to and from a transit stop authorized by a local transit authority.

Subd. 66. **Commuter vanpool.** "Commuter vanpool" means a prearranged ridesharing arrangement in which seven to 16 persons travel together on a regular basis in a commuter van, especially to and from their place of employment or to and from a transit stop authorized by a local transit authority.

Subd. 67. **Alleyway.** "Alleyway" means a private or public passage or way located in a municipality and which (1) is less than the usual width of a street, (2) may be open to but is not designed primarily for general vehicular traffic, (3) intersects or opens to a street, and (4) is primarily used for the ingress and egress or other convenience of two or more owners of abutting real properties.

Subd. 68. **Infrared breath-testing instrument.** "Infrared breath-testing instrument" means a breath-testing instrument that employs infrared technology and has been approved by the commissioner of public safety for determining alcohol concentration.

Subd. 69. **Bicycle path.** "Bicycle path" means a bicycle facility designed for exclusive or preferential use by persons using bicycles and constructed or developed separately from the roadway or shoulder.

Subd. 70. **Bicycle lane.** "Bicycle lane" means a portion of a roadway or shoulder designed for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be distinguished from the portion of the roadway or shoulder used for motor vehicle traffic by physical barrier, striping, marking, or other similar device.

Subd. 71. **Bicycle trail.** "Bicycle trail" means a bicycle route or bicycle path developed by the commissioner of natural resources under section 85.016.

Subd. 72. **Bikeway.** "Bikeway" means a bicycle lane, bicycle path, or bicycle route, regardless of whether it is designed for the exclusive use of bicycles or is to be shared with other transportation modes.

Subd. 73. **Shoulder.** "Shoulder" means that part of a highway which is contiguous to the regularly traveled portion of the highway and is on the same level as the highway. The shoulder may be pavement, gravel, or earth.

Subd. 74. **Mobile crane.** "Mobile crane" means a vehicle (1) not designed or used to transport persons or property, (2) operated only incidentally on the highway and not subject to vehicle registration under chapter 168, and (3) comprising a boom and hoisting mechanism used in the construction industry. Mobile crane does not include a motor vehicle, designed to transport persons or property, to which a boom, hoist, crane, or other machinery has been attached.

Subd. 75. **Commercial motor vehicle.** (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of more than 26,000 pounds,
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
- (3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials, except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer; or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in subdivision 6, paragraph (c).

(b) For purposes of sections 169.1211, 169.1215, and 169.123, subdivisions 2 and 4:

(1) a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

Subd. 76 **Hazardous materials.** "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Subd. 77. **Transit bus.** "Transit bus" means a bus engaged in regular route transit as defined in section 174.22, subdivision 8.

Subd. 78. **Recreational vehicle combination.** "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; or all-terrain vehicle as defined in section 84.92, subdivision 8. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Subd. 79. **Rural mail carrier vehicle.** "Rural mail carrier vehicle" is a motor vehicle operated by a rural mail carrier on a rural mail route.

Subd. 80. **Head Start bus.** "Head Start bus" means a motor vehicle used to transport children and parents to or from a Head Start facility, or to or from Head Start-related activities, by the Head Start grantee, or by someone under an agreement with the Head Start grantee. A Head Start bus does not include a motor vehicle transporting children or parents to or from a Head Start facility for which parents or guardians receive direct compensation from a Head Start grantee, a motor coach operating under charter carrier authority, or a transit bus providing services as defined in section 174.22, subdivision 7. A Head Start bus may be a type A, B, C, or D bus or type III bus, as described in subdivision 6.

A Head Start bus manufactured after December 31, 1994, must meet the same standards as a type A, B, C, or D school bus, except that a Head Start bus is not required to be equipped with the warning signals required for a school bus under section 169.442, subdivision 1. A Head Start bus must be painted colors other than national school bus yellow.

Subd. 81. **Residential roadway.** Residential roadway means a street or portion of a street that is less than one-quarter mile in length and is functionally classified as a local street by the road authority having jurisdiction.

Subd. 82. **Controlled substance.** "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Subd. 83. **Hazardous substance.** "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182

Subd. 84. **Daytime.** For purposes of regulating the operation of a motor vehicle, "daytime" means the time from one-half hour before sunrise to one-half hour after sunset.

Subd. 85. **Nighttime.** For purposes of regulating the operation of a motor vehicle, “nighttime” means the time from one-half hour after sunset to one-half hour before sunrise.

Subd. 86. **Off-road recreational vehicle.** “Off-road recreational vehicle” means an off-highway motorcycle as defined in section 84.787, subdivision 7; off-road vehicle as defined in section 84.797, subdivision 7; snowmobile as defined in section 84.81, subdivision 3; and all-terrain vehicle as defined in section 84.92, subdivision 8.

Subd. 87. **Motorboat.** “Motorboat” means a watercraft propelled in any manner by machinery, including watercraft temporarily equipped with detachable motors.

Subd. 88. **Drug recognition evaluation.** “Drug recognition evaluation” means the systematic, standardized, investigative procedure defined by the National Highway Traffic Safety Administration that is used to determine whether a driver is impaired, whether the impairment relates to drugs or a medical condition and, if drug-related, the categories of drugs likely to have caused the impairment.

Subd. 89. **Drug recognition expert.** “Drug recognition expert” means a peace officer who is certified by the International Association of Chiefs of Police to conduct drug recognition evaluations.

History: (2720–151) 1937 c 464 s 1; Ex1937 c 38 s 1; 1939 c 430 s 1; 1947 c 204 s 1; 1947 c 428 s 1–4; 1949 c 90 s 1; 1949 c 247 s 1; 1951 c 114 s 1; 1951 c 331 s 1; 1953 c 289 s 1; 1953 c 303 s 1; 1955 c 536 s 1; 1959 c 521 s 1; 1961 c 42 s 1; 1963 c 357 s 1; 1971 c 164 s 1,2; 1973 c 27 s 1; 1974 c 379 s 1; 1975 c 29 s 2; 1976 c 104 s 1; 1976 c 166 s 7; 1977 c 214 s 6,7; 1978 c 494 s 1; 1978 c 613 s 4; 1978 c 727 s 1; 1978 c 739 s 1–5; 1981 c 321 s 2; 1982 c 468 s 1,2; 1983 c 198 s 4; 1983 c 311 s 3–6; 1984 c 403 s 1; 1984 c 417 s 23; 1984 c 430 s 1; 1984 c 549 s 26–28; 1985 c 248 s 70; 1986 c 310 s 1; 1986 c 398 art 13 s 2; 1986 c 444; 1987 c 255 s 7–13; 1987 c 269 s 4; 1989 c 209 art 2 s 1; 1989 c 250 s 1; 1989 c 307 s 2,3; 1990 c 497 s 9; 1990 c 529 s 1,2; 1991 c 112 s 1; 1991 c 277 s 2,17; 1991 c 333 s 10,11; 1992 c 513 art 3 s 33; 1992 c 578 s 4; 1993 c 83 s 1; 1993 c 111 s 1,3; 1993 c 117 s 5; 1993 c 187 s 2; 1994 c 478 s 1; 1994 c 603 s 1,2; 1994 c 635 art 1 s 10; 1994 c 647 art 12 s 11; 1995 c 3 s 1; 1Sp1995 c 3 art 2 s 30; 1996 c 412 art 2 s 14; 1996 c 435 s 13,14; 1996 c 442 s 3,4; 1997 c 143 s 5–8; 1997 c 159 art 2 s 17; 1Sp1997 c 2 s 21–25; 1Sp1997 c 4 art 12 s 5; 1998 c 397 art 11 s 3; 1998 c 398 art 6 s 30

APPLICABILITY; EXCEPTIONS

169.02 SCOPE.

Subdivision 1. **Application to persons, places, and vehicles.** The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota, or the University of Minnesota, except:

(1) where a different place is specifically referred to in a given section;

(2) the provisions of sections 169.09 to 169.13 apply to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state, and to any person who drives, operates, or is in physical control of a snowmobile on a snowmobile trail within this state.

Subd. 2. **Penalty for not complying with peace officer.** It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

History: (2720–152, 2720–153, 2720–154) 1937 c 464 s 2–4; 1947 c 204 s 2; Ex1971 c 27 s 1; 1Sp1985 c 4 s 2; 1989 c 331 s 21

169.022 UNIFORM APPLICATION.

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly

authorized herein. Local authorities may adopt traffic regulations which are not in conflict with the provisions of this chapter; provided, that when any local ordinance regulating traffic covers the same subject for which a penalty is provided for in this chapter, then the penalty provided for violation of said local ordinance shall be identical with the penalty provided for in this chapter for the same offense.

History: (2720–157) 1937 c 464 s 7; 1945 c 383 s 1; 1949 c 521; 1957 c 130 s 1; 1959 c 66 s 1; 1973 c 28 s 1; 1974 c 23 s 1; 1974 c 350 s 1 subd 9

169.025 APPLICATION OF MOTOR CARRIER RULES.

Notwithstanding any provision of this chapter other than section 169.67, a vehicle, driver, or carrier that is subject to a motor carrier safety rule adopted under section 221.031 or 221.605 shall comply with the more stringent or additional requirement imposed by that motor carrier safety rule.

History: 1988 c 544 s 1

169.03 EMERGENCY VEHICLES; EXEMPTIONS; APPLICATION.

Subdivision 1. **Scope.** The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exemptions as are set forth in this chapter with reference to authorized emergency vehicles

Subd. 2. **Stops.** The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights.

Subd. 3. **One-way roadway.** The driver of any authorized emergency vehicle, when responding to any emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and the provisions of this section shall not affect any cause of action arising prior to its passage.

Subd. 4. **Parking at emergency scene.** An authorized emergency vehicle, when at the scene of a reported emergency, may park or stand, notwithstanding any law or ordinance to the contrary.

Subd. 5. **Course of duty.** No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.

Subd. 6. **Working on highway.** (a) The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the highway, except as provided in paragraphs (b) and (c).

(b) This chapter 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.

(c) Sections 169.121 to 169.129 apply to persons while actually engaged in work upon the highway.

Subd. 7. **Streetcar and trolley.** Streetcars and trackless trolley cars, except where otherwise specifically provided, shall be governed by the same rules as provided in this chapter for vehicles and motor vehicles, only insofar as such rules apply to speed, stopped at through streets and railroad tracks, and obeying signals of traffic-control devices and rights-of-way, driving under the influence of drugs or intoxicating liquor, careless driving, and the stopping at the scene of an accident and giving the information as required by this chapter, and following vehicles too closely, and shall be entitled to the same rights and benefits of this chapter, as to warning, turning and stopping signals and rights-of-way, as any vehicles or motor vehicle in the streets and highways of this state.

Subd. 8. **Transportation by animal.** Every person riding an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their nature can have no application.

Subd. 9. [Renumbered 169.022]

History: (2720–155, 2720–156) 1937 c 464 s 5–7; 1945 c 383 s 1; 1949 c 521; 1957 c 130 s 1; 1959 c 66 s 1; 1973 c 28 s 1; 1974 c 23 s 1; 1974 c 350 s 1; 1978 c 739 s 6; 1981 c 321 s 3; 1985 c 248 s 70; 1987 c 63 s 1

169.04 LOCAL AUTHORITY.

The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction, and with the consent of the commissioner, with respect to state trunk highways, within the corporate limits of a municipality, or within the limits of a town in a county in this state now having or which may hereafter have, a population of 500,000 or more, and a land area of not more than 600 square miles, and within the reasonable exercise of the police power from:

- (1) regulating the standing or parking of vehicles;
- (2) regulating traffic by means of police officers or traffic-control signals;
- (3) regulating or prohibiting processions or assemblages on the highways;
- (4) designating particular highways as one-way roadways and requiring that all vehicles, except emergency vehicles, when on an emergency run, thereon be moved in one specific direction;
- (5) designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same, or designating any intersection as a stop intersection, and requiring all vehicles to stop at one or more entrances to such intersections;
- (6) restricting the use of highways as authorized in sections 169.80 to 169.88.

No ordinance or regulation enacted under clause (4), (5), or (6) shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrance to the highway or part thereof affected as may be most appropriate. No ordinance or regulation enacted under clause (3) or any other provision of law shall prohibit the use of motorcycles utilizing flashing red lights for the purpose of escorting funeral processions, oversize buildings, heavy equipment, parades or similar processions or assemblages on the highways

History: (2720–158) 1937 c 464 s 8; 1939 c 359; 1957 c 130 s 2; 1969 c 429 s 1

TOWING

169.041 TOWING AUTHORIZED.

Subdivision 1. **Towing authority.** For purposes of this section, “towing authority” means any local authority authorized by section 169.04 to enforce the traffic laws, and also includes a private towing company authorized by a local authority to tow vehicles on behalf of that local authority.

Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver.

Subd. 3. **Four-hour waiting period.** In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.

Subd. 4. **Towing allowed.** A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;

- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking
 - (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or
 - (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the metropolitan airports commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
- (16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or
- (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

Subd. 5. **Towing prohibited.** Unless the vehicle is described in subdivision 4, a towing authority may not tow a motor vehicle because:

- (1) the vehicle has expired registration tabs that have been expired for less than 90 days;
- (2) the vehicle is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets.

Subd. 6. **Private property.** This section does not restrict the authority of the owner of private property to authorize under chapter 168B the towing of a motor vehicle unlawfully parked on the private property.

Subd. 7. **Damages.** The owner or driver of a motor vehicle towed in violation of this section is entitled to recover from the towing authority the greater of \$100 or two times the actual damages sustained as a result of the violation. Damages recoverable under this subdivision include but are not limited to costs of recovering the vehicle, including time spent and transportation costs.

History: 1989 c 256 s 1; 1990 c 503 s 1; 1992 c 580 s 1; 1994 c 536 s 19; 1995 c 137 s 10-12

169.042 TOWING; NOTICE TO VICTIM OF VEHICLE THEFT.

Subdivision 1. **Notification.** The law enforcement agency that originally received the report of a vehicle theft shall make a reasonable and good-faith effort to notify the victim of the reported vehicle theft within 48 hours after recovering the vehicle or receiving notification that the vehicle has been recovered. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may

pick up the vehicle. The law enforcement agency that recovers the vehicle must promptly inform the agency that received the theft report that the vehicle is recovered, where the vehicle is located, and when the vehicle can be released to the owner.

Subd. 2. Violation dismissal. A traffic violation citation given to the owner of the vehicle as a result of the vehicle theft must be dismissed if the owner presents, by mail or in person, a police report or other verification that the vehicle was stolen at the time of the violation.

History: 1993 c 326 art 6 s 1; 1997 c 239 art 7 s 1

APPLICABILITY; LOCAL OR PRIVATE ROAD

169.045 SPECIAL VEHICLE USE ON ROADWAY.

Subdivision 1. Designation of roadway, permit. The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, or four-wheel all-terrain vehicles, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart or four-wheel all-terrain vehicle is by permit only. For purposes of this section, a four-wheel all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Subd. 2. Ordinance. The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period of not to exceed one year, and may be annually renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart or four-wheel all-terrain vehicle on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or four-wheel all-terrain vehicle on the roadways designated.

Subd. 3. Times of operation. Motorized golf carts and four-wheel all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. Slow-moving vehicle emblem. Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. Crossing intersecting highways. The operator, under permit, of a motorized golf cart or four-wheel all-terrain vehicle may cross any street or highway intersecting a designated roadway.

Subd. 6. Application of traffic laws. Every person operating a motorized golf cart or four-wheel all-terrain vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts or four-wheel all-terrain vehicles and except as otherwise specifically provided in subdivision 7.

Subd. 7. Nonapplication of certain laws. The provisions of chapter 171, are not applicable to persons operating motorized golf carts or four-wheel all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles is not applicable to motorized golf carts or four-wheel all-terrain vehicles operating, under permit, on designated roadways.

Subd. 8. Insurance. In the event persons operating a motorized golf cart or four-wheel, all-terrain vehicle under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Min-

nesota Automobile Assigned Risk Plan at a rate to be determined by the commissioner of commerce.

History: 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18

169.05 PRIVATE ROADWAYS.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

History: (2720-159) 1937 c 464 s 9

SIGNS AND SIGNALS

169.06 SIGNS, SIGNALS, MARKINGS.

Subdivision 1. **Uniform system.** The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. The manual and specifications must include the design and wording of minimum-maintenance road signs. The adoption of the manual and specifications by the commissioner as herein provided is specifically exempted from chapter 14, including section 14.386

Subd. 2. **Placement and maintenance on trunk highway.** The commissioner shall place and maintain such traffic-control devices, conforming to the manual and specifications, upon all state trunk highways as the commissioner shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. The commissioner may construct and maintain signs at the entrance of each city, which sign shall have placed thereon the name of the city and the population thereof. The commissioner may construct and maintain other directional signs upon the trunk highways and such signs shall be uniform. The commissioner may authorize variations from the manual and specifications for the purpose of investigation and research into the use and development of traffic control devices. When such authorized variation pertains to the regulation of traffic, notice of the intended regulatory purpose shall be published in a qualified newspaper of general circulation in the area where the research is being conducted.

No other authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the commissioner except by the latter's permission

Subd. 3. **Placement and maintenance by local authority.** Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances, or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

Subd. 4. **Obedience to and required traffic-control device.** (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) A flagger in a designated work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a designated work zone may proceed after stopping only on instruction by the flagger.

Subd. 5 Traffic-control signal. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

(1) Vehicular traffic facing a circular yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(2) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Vehicular traffic facing a steady yellow arrow signal is thereby warned that the protected vehicular movement permitted by the corresponding prior green arrow indication is being terminated.

(c) Steady red indication:

(1) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (i) the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make such right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at said intersection; or (ii) the driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into said one-way street, unless an official sign has been erected prohibiting the movement, but shall yield

the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection.

(2) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway

(3) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a permissive signal indication is displayed.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection shall control vehicular traffic for such movement or lane.

Subd. 5a. Traffic control signal; override system. All electronic traffic control signals installed by a road authority on and after January 1, 1995, must be prewired to facilitate a later addition of a system that allows the operator of an authorized emergency vehicle to activate a green traffic signal for the vehicle.

Subd. 6. Pedestrian control signal. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(a) "Walk", flashing or steady. Pedestrians facing such signals may proceed across the roadway in the direction of the signal.

(b) "Don't Walk", flashing or steady. No pedestrian shall start to cross the roadway in the direction of such signals, but any pedestrian who has partially crossed on the "Walk" signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

(c) A pedestrian crossing a roadway in conformity with this section is lawfully within the intersection and, when in a crosswalk, is lawfully within the crosswalk.

Subd. 7. Flashing signal. When flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(1) When a circular red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) When a red arrow lens is illuminated with rapid intermittent flashes drivers of vehicles with the intention of making a movement indicated by the arrow shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(3) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signals only with caution.

(4) When a yellow arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow may proceed through the intersection or past the signals only with caution.

Subd. 8. Lane-direction-control signal. When lane-direction-control signals are placed over individual lanes of a street or highway, vehicular traffic may travel in lanes as follows:

(a) Vehicular traffic facing a green arrow indication is permitted to drive in the lane over which the arrow signal is located.

(b) Vehicular traffic facing a red "X" indication shall not drive in the lane over which the signal is located.

(c) Vehicular traffic facing a steady yellow "X" indication is thereby warned that use of the lane over which the signal is located is being terminated, or that a red "X" indication will be exhibited immediately thereafter when vehicular traffic shall not drive in the lane.

(d) Vehicular traffic facing a yellow "X" indication illuminated with rapid intermittent flashes is permitted to use a lane over which the signal is located for a left turn or for a passing maneuver, using proper caution.

History: (2720-160, 2720-161, 2720-162, 2720-163, 2720-164, 2720-165) 1937 c 464 s 10-15; 1939 c 413; 1941 c 419; 1947 c 428 s 5,6; 1955 c 325 s 1; 1957 c 369 s 1; 1961 c 31 s 1; 1963 c 357 s 2-4; 1965 c 31 s 1; 1965 c 51 s 23; 1965 c 133 s 1; 1969 c 876 s 1-6; 1971 c 17 s 1; 1973 c 123 art 5 s 7; 1975 c 49 s 1; 1982 c 424 s 130; 1985 c 215 s 2; 1986 c 444; 1993 c 115 s 1; 1994 c 635 art 1 s 11; 1995 c 233 art 2 s 56; 1997 c 159 art 2 s 19; 1997 c 187 art 5 s 24

169.07 UNAUTHORIZED SIGN.

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed, without notice.

History: (2720-166) 1937 c 464 s 16; 1986 c 454 s 18; 1996 c 455 art 3 s 19

169.072 UNAUTHORIZED MAILBOX INSTALLATION.

Subdivision 1. **Public hazard.** A mailbox installation or support on a public highway that does not meet the breakaway and location standards contained in rules adopted under subdivision 2 is declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public.

Subd. 2. **Standards; rulemaking.** The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installations or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules.

Subd. 3. **Removal, notice.** (a) After adoption of the rules authorized under subdivision 2, the commissioner or a road authority as defined in section 160.02, subdivision 9, may remove and replace a mailbox installation or support that is (1) located on a street or highway under the jurisdiction of the commissioner or road authority, and (2) does not conform to the rules adopted under subdivision 2. The commissioner or road authority may remove and replace a nonconforming mailbox installation or support not less than 60 days after giving notice, by personal notice or certified mail to the owner or the resident at the address served by the mailbox, of its intent to remove and replace the installation or support. The commissioner or road authority may charge the owner or resident not more than \$75 for the cost of the removal and replacement.

(b) The notice must at a minimum:

- (1) inform the owner of the nonconforming installation or support;
- (2) inform the owner or resident of the applicable law and rules, including the rules that contain the standards for mailbox installations and supports on public streets and highways;
- (3) inform the owner or resident that the owner or resident must remove the installation or support or bring it into compliance with the rules within 60 days of the date of the notice;
- (4) inform the owner or resident of the applicable laws and rules and the standards for mailbox installations and supports on public streets and highways, and provide plans or diagrams of examples of conforming installations or supports;
- (5) inform the owner or resident that if the nonconforming installation or support is not removed or replaced within 60 days of the date of the notice, the commissioner or road authority may remove and replace the installation or support at a cost of up to \$75 to the owner or resident; and
- (6) inform the owner or resident that where the replacement is made in conjunction with certain federally aided highway construction projects the replacement may be made at partial or no cost to the owner or resident.

History: 1991 c 339 s 6

169.073 PROHIBITED LIGHT OR SIGNAL.

No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain it in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of transportation, a person or corporation maintaining or owning or displaying a prohibited light shall promptly remove it, or change the color of it to some other color than red. Where a prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the department of public service may cause the removal of it and the department may issue notices and orders for its removal. The department shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party in accordance with chapter 14.

No person or corporation shall maintain or display any light after written notice from the commissioner of transportation or the department of public service that the light constitutes a traffic hazard and that it has ordered the removal thereof.

History: 1943 c 141; 1961 c 560 s 15; 1971 c 25 s 67; Ex1971 c 27 s 2; 1976 c 166 s 7; 1983 c 247 s 69

169.08 UNLAWFUL TO POSSESS, ALTER, DEFACE, OR REMOVE SIGN.

No person shall, without lawful authority, possess, or attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A person who voluntarily notifies a law enforcement agency that the person is in possession of such an article, and who returns the article within ten days after gaining possession thereof, shall not be subject to prosecution for such possession.

History: (2720-167) 1937 c 464 s 17; 1978 c 638 s 1; 1986 c 444

TRAFFIC ACCIDENTS

169.09 ACCIDENTS.

Subdivision 1. Driver to stop for accident with person. The driver of any vehicle involved in an accident resulting in immediately demonstrable bodily injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident until the driver has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

Subd. 2. **Driver to stop for accident to property.** The driver of any vehicle involved in an accident to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall forthwith return to, and in every event shall remain at, the scene of the accident until the driver has fulfilled the requirements of this chapter as to the giving of information. Every such stop shall be made without obstructing traffic more than is necessary.

Subd. 3. **Driver to give information.** (a) The driver of any vehicle involved in an accident resulting in bodily injury to or death of any person, or damage to any vehicle which is driven or attended by any person, shall stop and give the driver's name, address, date of birth and the registration number of the vehicle being driven, and shall, upon request and if available, exhibit the driver's license or permit to drive to the person struck or the driver or occupant of or person attending any vehicle collided with. The driver also shall give the information and upon request exhibit the license or permit to any police officer at the scene of the accident or who is investigating the accident. The driver shall render reasonable assistance to any person injured in the accident.

(b) If not given at the scene of the accident, the driver, within 72 hours thereafter, shall give upon request to any person involved in the accident or to a peace officer investigating the accident the name and address of the insurer providing automobile liability insurance coverage, and the local insurance agent for the insurer.

Subd. 4. **Collision with unattended vehicle.** The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, shall report the same to a police officer, or shall leave in a conspicuous place in or secured to the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking

Subd. 5. **Notify owner of damaged property.** The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle being driven and shall, upon request and if available, exhibit the driver's or chauffeur's license, and make report of such accident in every case. The report shall be made in the same manner as a report made pursuant to subdivision 7.

Subd. 6. **Notify police of personal injury.** The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person shall, after compliance with the provisions of this section, by the quickest means of communication, give notice of the accident to the local police department, if the accident occurs within a municipality, or to a state patrol officer if the accident occurs on a trunk highway, or to the office of the sheriff of the county.

Subd. 7. **Accident report to commissioner.** The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of \$1,000 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. On the required report, the driver shall provide the commissioner with the name and policy number of the insurer providing vehicle liability coverage at the time of the accident. On determining that 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, the commissioner of public safety may require the driver to file supplementary reports.

Subd. 8. **Officer to report accident to commissioner.** Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within ten days after the date of such accident, forward a written report of such accident to the commissioner of public safety.

Subd. 9. **Accident report forms.** The department of public safety shall prepare, and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call

for sufficiently detailed information to disclose with reference to a traffic accident the causes, conditions then existing, and the persons and vehicles involved.

Subd. 10. **Use of form required.** Every accident report required to be made in writing shall be made on the appropriate form approved by the department of public safety and contain all of the information required therein unless not available.

Subd. 11. **Coroner to report death.** Every coroner or other official performing like functions shall report in writing to the department of public safety the death of any person within the coroner's jurisdiction as the result of an accident involving a motor vehicle and the circumstances of the accident. The report shall be made within 15 days after the death.

In the case of drivers killed in motor vehicle accidents and of the death of pedestrians 16 years of age or older, who die within four hours after accident, the coroner or other official performing like functions shall examine the body and shall make tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the victim. This information shall be included in each report submitted pursuant to the provisions of this subdivision and shall be tabulated on a monthly basis by the department of public safety. This information may be used only for statistical purposes which do not reveal the identity of the deceased.

Subd. 12. **Garage to report bullet damage.** The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet shall immediately report to the local police or sheriff and to the commissioner of public safety within 24 hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All written reports and supplemental reports required under this section shall be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except:

(1) the commissioner of public safety or any law enforcement agency shall, upon written request of any person involved in an accident or upon written request of the representative of the person's estate, surviving spouse, or one or more surviving next of kin, or a trustee appointed pursuant to section 573.02, disclose to the requester, the requester's legal counsel, or a representative of the requester's insurer the report required under subdivision 8;

(2) the commissioner of public safety shall, upon written request, provide the driver filing a report under subdivision 7 with a copy of the report filed by the driver;

(3) the commissioner of public safety may verify with insurance companies vehicle insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

(4) the commissioner of public safety shall provide the commissioner of transportation the information obtained for each traffic accident involving a commercial motor vehicle, for purposes of administering commercial vehicle safety regulations; and

(5) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

(b) Accident reports and data contained in the reports shall not be discoverable under any provision of law or rule of court. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the commissioner 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 commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any person who has made a report pursuant to this section from providing information to any persons involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within 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.

(d) Disclosing any information contained in any accident report, except as provided in this subdivision, section 13.82, subdivision 3 or 4, or other statutes, is a misdemeanor.

(e) The commissioner of public safety may charge authorized persons a \$5 fee for a copy of an accident report.

(f) The commissioner and law enforcement agencies may charge commercial users who request access to response or incident data relating to accidents a fee not to exceed 50 cents per report. "Commercial user" is a user who in one location requests access to data in more than five accident reports per month, unless the user establishes that access is not for a commercial purpose. Money collected by the commissioner under this paragraph is appropriated to the commissioner.

Subd. 14. **Penalties.** (a) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$4,000, or both; or

(3) if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Subd. 15. **Defense.** It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person suffering immediately demonstrable bodily injury in the accident to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

History: (2720-168, 2720-169, 2720-170, 2720-171, 2720-172, 2720-173) 1937 c 464 s 18-23; 1939 c 430 s 2,3; 1941 c 439; 1943 c 548 s 1; 1945 c 207 s 1; 1947 c 114 s 1; 1947 c 428 s 7-10; 1959 c 679 s 1; 1963 c 280 s 1; 1963 c 634 s 1; 1965 c 815 s 1; Ex1967 c 3 s 1; 1971 c 491 s 5-11; Ex1971 c 27 s 3-5; 1974 c 22 s 1-4; 1974 c 343 s 1; 1977 c 53 s 1; 1978 c 461 s 1,2; 1978 c 679 s 1; 1980 c 498 s 2,3; 1981 c 37 s 2; 1981 c 357 s 60; 1982 c 545 s 22; 1982 c 617 s 6; 1983 c 345 s 2-7; 1984 c 622 s 1-4; 1984 c 628 art 3 s 11; 1Sp1985 c 4 s 3; 1986 c 444; 1987 c 180 s 1; 1987 c 383 s 5; 1989 c 290 art 6 s 1; 1989 c 321 s 9; 1991 c 319 s 16; 1993 c 351 s 27,28; 1994 c 399 s 1; 1996 c 408 art 3 s 1; 1997 c 230 s 2

169.10 STATISTICAL INFORMATION.

The department of public safety shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

History: (2720-174) 1937 c 464 s 24; 1971 c 491 s 12

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: (2720-175) 1937 c 464 s 25; 1963 c 753 art 2 s 1; 1969 c 1129 art 1 s 15,18; 1981 c 363 s 26

169.12 [Repealed, 1957 c 297 s 2]

DWI-RELATED PROVISIONS

169.121 DRIVER UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.

Subdivision 1. **Crime; acts prohibited.** It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or upon the ice of any boundary water of this state under any of the following circumstances.

- (a) when the person is under the influence of alcohol;
- (b) when the person is under the influence of a controlled substance;
- (c) when the person is under the influence of a combination of any two or more of the elements named in clauses (a), (b), and (g);
- (d) when the person's alcohol concentration is 0.10 or more but less than 0.20;
- (e) when the person's alcohol concentration as measured within two hours of the time of driving, operating, or being in physical control of the motor vehicle is 0.10 or more but less than 0.20;
- (f) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.20 or more;
- (g) when the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle; or
- (h) when the person's body contains any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols.

Subd. 1a. **Refusal to submit to testing; crime.** It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 169.123.

Subd. 1b. **Arrest.** A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in the regular line of duty as fully as though within the officer's jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Subd. 1c. **Conditional release.** (a) Unless maximum bail is imposed under section 629.471, subdivision 2, a person charged with a crime listed in this paragraph may be released from detention only if the person agrees to abstain from alcohol and submit to a program of electronic alcohol monitoring involving at least daily measurements of the person's alcohol concentration pending resolution of the charge. This paragraph applies only when electronic alcohol monitoring equipment is available to the court and only when a person is charged with:

- (1) a violation of subdivision 1 or 1a within five years of two prior impaired driving convictions, or within ten years of three or more prior impaired driving convictions;
- (2) a second or subsequent violation of subdivision 1 or 1a, if the person is under the age of 19 years;
- (3) a violation of subdivision 1 or 1a, while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9);
- (4) a violation of subdivision 1, clause (f); or

(5) a violation of section 169.129.

If the defendant is convicted of the charged offense, the court shall require partial or total reimbursement from the person for the cost of the electronic alcohol monitoring, to the extent the defendant is able to pay.

(b) Unless maximum bail is imposed under section 629.471, subdivision 2, a person charged with violating subdivision 1 or 1a within ten years of the first of three prior impaired driving convictions or within the person's lifetime after four or more prior impaired driving convictions may be released from detention only if the following conditions are imposed in addition to the condition imposed in paragraph (a), if applicable, and any other conditions of release ordered by the court:

(1) the impoundment of the registration plates of the vehicle used to commit the violation, unless already impounded;

(2) if the vehicle used to commit the violation was an off-road recreational vehicle or a motorboat, the impoundment of the off-road recreational vehicle or motorboat,

(3) a requirement that the alleged violator report weekly to a probation agent;

(4) a requirement that the alleged violator abstain from consumption of alcohol and controlled substances and submit to random alcohol tests or urine analyses at least weekly; and

(5) a requirement that, if convicted, the alleged violator reimburse the court or county for the total cost of these services

Subd. 1d. First-time violator; off-road recreational vehicle or motorboat. A person who violates this section while using an off-road recreational vehicle or motorboat and who does not have a prior impaired driving conviction or prior license revocation is subject only to the criminal penalty provided in subdivision 3 and loss of operating privileges as provided in section 84.91, subdivision 1, or 86B.331, subdivision 1, whichever is applicable. The person is not subject to the provisions of subdivision 1c, 3b, 3f, 4, 5b, or 8, the license revocation sanctions of section 169.123, or the plate impoundment provisions of section 168.042.

Subd. 2. Evidence. (a) Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the presence or amount of alcohol, controlled substances, or hazardous substances in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision, evidence that there was at the time an alcohol concentration of 0.04 or more is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

(d) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e) or (f), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or being in physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed the level specified in the applicable clause. Evidence that the defendant consumed alcohol after the time of actual driving, operating, or being in physical control of a motor vehicle may not be admitted in defense to any alleged violation of this section unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

(e) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (h), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

(f) The preceding provisions do not limit the introduction of any other competent evidence bearing upon the question of whether the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Subd. 3. **Criminal penalties.** (a) As used in this section:

(1) "Prior impaired driving conviction" means a prior conviction under:

(i) this section; Minnesota Statutes 1996, section 84.91, subdivision 1, paragraph (a), or 86B.331, subdivision 1, paragraph (a); section 169.1211; section 169.129; or section 360.0752,

(ii) section 609.21, subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6), subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in item (i) or (ii).

A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(2) "Prior license revocation" means a driver's license suspension, revocation, cancellation, denial, or disqualification under:

(i) this section or section 169.1211, 169.123, 171.04, 171.14, 171.16, 171.165, 171.17, or 171.18 because of an alcohol-related incident;

(ii) section 609.21, subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in item (i) or (ii).

"Prior license revocation" also means the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.911, or motorboat operating privileges under section 86B.335, for violations that occurred on or after August 1, 1995.

(b) A person who violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, or an ordinance in conformity with any of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause (f);

(2) the person violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, within five years of a prior impaired driving conviction or a prior license revocation;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 or 1a while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

A person convicted of a gross misdemeanor under this paragraph is subject to the mandatory penalties provided in subdivision 3d.

(d) A person is guilty of an enhanced gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause (f), or commits a violation described in paragraph (c), clause (3) or (4), within ten years of one or more prior impaired driving convictions or prior license revocations;

(2) the person violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, within ten years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or any combination of two or more prior impaired driving convictions and prior license revocations, based on separate incidents.

A person convicted of an enhanced gross misdemeanor under this paragraph may be sentenced to imprisonment in a local correctional facility for not more than two years or to payment of a fine of not more than \$3,000, or both. Additionally, the person is subject to the applicable mandatory penalties provided in subdivision 3e.

(e) The court shall notify a person convicted of violating subdivision 1 or 1a that the registration plates of the person's motor vehicle may be impounded under section 168.042 and the vehicle may be subject to forfeiture under section 169.1217 upon a subsequent conviction for violating this section, section 169.129, or section 171.24, or a subsequent license revocation under section 169.123. The notice must describe the conduct and the time periods within which the conduct must occur in order to result in plate impoundment or forfeiture.

The failure of the court to provide this information does not affect the applicability of the plate impoundment or the forfeiture provision to that person. -

(f) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor and enhanced gross misdemeanor violations of this section.

(g) The court must impose consecutive sentences when it sentences a person for a violation of this section or section 169.129 arising out of separate behavioral incidents. The court also must impose a consecutive sentence when it sentences a person for a violation of this section or section 169.129 and the person, at the time of sentencing, is on probation for, or serving, an executed sentence for a violation of this section or section 169.129 and the prior sentence involved a separate behavioral incident. The court also may order that the sentence imposed for a violation of this section or section 169.129 shall run consecutively to a previously imposed misdemeanor, gross misdemeanor or felony sentence for a violation other than this section or section 169.129.

(h) When the court stays the sentence of a person convicted under this section, the length of the stay is governed by section 609.135, subdivision 2.

(i) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

(j) When an attorney responsible for prosecuting gross misdemeanors or enhanced gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(k) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the arresting officer observed the defendant driving, operating, or in control of the motor vehicle or in the jurisdiction where the refusal occurred.

Subd. 3a. [Repealed, 1Sp1997 c 2 s 69]

Subd. 3b. **Chemical use assessment.** The court must order a person to submit to the level of care recommended in the chemical use assessment if the person has been convicted of violating:

(1) subdivision 1, clause (f); or

(2) subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), subdivision 1a, section 169.129, an ordinance in conformity with any of them, or a statute or ordinance from another state in conformity with any of them:

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within ten years of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents.

Subd. 3c. **Notice of enhanced penalty.** When a court sentences a person for a violation of this section, it shall inform the defendant of the statutory provisions that provide for enhancement of criminal penalties for repeat violators. The failure of a court to provide this information to a defendant does not affect the future applicability of these enhanced penalties to that defendant.

Subd. 3d. **Gross misdemeanor; mandatory penalties.** (a) The mandatory penalties in this subdivision apply to persons convicted of a gross misdemeanor under subdivision 3, paragraph (c), or section 169.129.

(b) A person who is convicted of a gross misdemeanor under subdivision 3, paragraph (c), or is convicted of a gross misdemeanor violation of section 169.129 within five years of a prior impaired driving conviction or prior license revocation, must be sentenced to a minimum of 30 days imprisonment, at least 48 hours of which must be served consecutively, or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (c) or (d).

(c) Prior to sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum sentence established by this subdivision.

(d) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it. The court also may sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if the defendant is sentenced to probation and ordered to participate in a program established under section 169.1265.

(e) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record. Any sentence required under this subdivision must include a mandatory sentence that is not subject to suspension or a stay of imposition or execution, and that includes incarceration for not less than 48 consecutive hours or at least 80 hours of community work service.

Subd. 3e. Enhanced gross misdemeanor; mandatory penalties. (a) The mandatory penalties in this subdivision apply to persons who are convicted of an enhanced gross misdemeanor under subdivision 3, paragraph (d), or section 169.129. Notwithstanding section 609.135, these penalties must be imposed and executed.

(b) A person who is convicted of an enhanced gross misdemeanor under the circumstances described in subdivision 3, paragraph (d), clause (1), shall be sentenced as follows:

(1) if the person has one prior impaired driving conviction within the past ten years, the person must be sentenced to either (i) a minimum of 90 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 60 days of the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265;

(2) if the person has two prior impaired driving convictions within the past ten years, the person must be sentenced to either (i) a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 150 days of the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265; or

(3) if the person has three prior impaired driving convictions within the past 15 years, or four or more prior impaired driving convictions within the person's lifetime, the person must be sentenced to either (i) a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve the remainder of the minimum penalty under item (i) on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention.

(c) A person who is convicted of an enhanced gross misdemeanor under the circumstances described in subdivision 3, paragraph (d), clause (2), or under section 169.129, shall be sentenced as follows:

(1) if the person has two prior impaired driving convictions, two prior license revocations, or a combination of the two, within the past ten years, the person must be sentenced to either (i) a minimum of 90 days incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 60

days of the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265;

(2) if the person has three prior impaired driving convictions, three prior license revocations, or a combination of the two, within the past ten years, the person must be sentenced to either (i) a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 150 days of the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265; or

(3) if the person has four prior impaired driving convictions, four prior license revocations, or a combination of the two, within the past 15 years; or has five or more prior impaired driving convictions, five or more prior license revocations, or a combination of the two, within the person's lifetime; then the person must be sentenced to either (i) a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve the remainder of the minimum penalty under item (i) on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention

Subd. 3f. **Long-term monitoring.** (a) This subdivision applies to a person convicted of:

(1) a violation of subdivision 1 or 1a within five years of two prior impaired driving convictions, or within ten years of three or more prior impaired driving convictions;

(2) a second or subsequent violation of subdivision 1 or 1a, if the person is under the age of 19 years;

(3) a violation of subdivision 1 or 1a, while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or

(4) a violation of section 169.129.

(b) When the court sentences a person described in paragraph (a) to a stayed sentence and when electronic monitoring equipment is available to the court, the court shall require that the person participate in a program of electronic alcohol monitoring in addition to any other conditions of probation or jail time it imposes. During the first one-third of the person's probationary term, the electronic alcohol monitoring must be continuous and involve measurements of the person's alcohol at least three times a day. During the remainder of the person's probationary term, the electronic alcohol monitoring may be intermittent, as determined by the court. The court shall require partial or total reimbursement from the person for the cost of the electronic alcohol monitoring, to the extent the person is able to pay.

Subd. 4. **Administrative penalties.** (a) The commissioner of public safety shall revoke the driver's license of a person convicted of violating this section or an ordinance in conformity with it as follows:

(1) for an offense under subdivision 1: not less than 30 days;

(2) for an offense under subdivision 1a: not less than 90 days;

(3) for an offense occurring within five years after a prior impaired driving conviction or a prior license revocation, or any time after two or more prior impaired driving convictions or prior license revocations: (i) if the current conviction is for a violation of subdivision 1, not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126; or (ii) if the current conviction is for a violation of subdivision 1a, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(4) for an offense occurring within five years after the first of two prior impaired driving convictions or prior license revocations: not less than one year, together with denial under section 171.04, subdivision 1, clause (9), until rehabilitation is established in accordance with standards established by the commissioner;

(5) for an offense occurring any time after three or more prior impaired driving convictions or prior license revocations: not less than two years, together with denial under section 171.04, subdivision 1, clause (9), until rehabilitation is established in accordance with standards established by the commissioner.

(b) If the person convicted of violating this section is under the age of 21 years at the time of the violation, the commissioner of public safety shall revoke the offender's driver's license or operating privileges for a period of six months or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

(c) For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

(d) Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

(e) If the person is convicted of violating subdivision 1, paragraph (f), the commissioner of public safety shall revoke the person's driver's license for twice the period of time otherwise provided for in this subdivision.

(f) Except for a person whose license has been revoked under paragraph (b), and except for a person who commits a violation described in subdivision 3, paragraph (c), clause (4), (child endangerment), any person whose license has been revoked pursuant to section 169.123 as the result of the same incident, and who does not have a prior impaired driving conviction or prior license revocation, is subject to the mandatory revocation provisions of paragraph (a), clause (1) or (2), in lieu of the mandatory revocation provisions of section 169.123.

Subd. 5. Stay of imposition or execution of sentence. Except as otherwise provided in subdivision 3b, when a court sentences a person convicted of a misdemeanor or gross misdemeanor violation of this section, section 169.129, or an ordinance in conformity with either of them, 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 the level of care recommended in the chemical use assessment report required under section 169.126. If the court does not order a level of care in accordance with the assessment report recommendation as a condition of a stay of imposition or execution, it shall state on the record its reasons for not following the assessment report recommendation. 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.

Subd. 5a. Chemical dependency assessment charge, surcharge. When a court sentences a person convicted of an offense enumerated in section 169.126, subdivision 1, it shall impose a chemical dependency assessment charge of \$125. A person shall pay an additional surcharge of \$5 if the person is convicted of (i) a violation of section 169.129, or (ii) a violation of this section within five years of a prior impaired driving conviction, as defined in subdivision 3, or a prior conviction for an offense arising out of an arrest for a violation of section 169.121 or 169.129. This section applies when the sentence is executed, stayed, or suspended. The court may not waive payment or authorize payment of the assessment charge and surcharge in installments unless it makes written findings on the record that the convicted person is indigent or that the assessment charge and surcharge would create undue hardship for the convicted person or that person's immediate family.

The county shall collect and forward to the commissioner of finance \$25 of the chemical dependency assessment charge and the \$5 surcharge, if any, within 60 days after sentencing or explain to the commissioner in writing why the money was not forwarded within this time period. The commissioner shall credit the money to the general fund. The county shall collect and keep \$100 of the chemical dependency assessment charge.

The chemical dependency assessment charge and surcharge required under this section are in addition to the surcharge required by section 357.021, subdivision 6.

Subd. 5b. **Penalty assessment.** When a court sentences a person convicted of violating subdivision 1, clause (f), the court may impose a penalty assessment of up to \$1,000. The court may impose this assessment in addition to any other penalties or charges authorized under this section. Money collected under this subdivision must be distributed as follows:

(1) if the arresting officer is an employee of a political subdivision, the assessment must be forwarded to the treasury of the political subdivision for use in enforcement, training, and education activities related to driving while impaired, or

(2) if the arresting officer is an employee of the state, the assessment must be forwarded to the state treasury and credited to the general fund.

Subd. 6. **Preliminary screening test.** (a) When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated subdivision 1 or section 169.1211, the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose.

(b) The results of this preliminary screening test shall be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169.123, but shall not be used in any court action except the following:

(1) to prove that a test was properly required of a person pursuant to section 169.123, subdivision 2;

(2) in a civil action arising out of the operation or use of the motor vehicle;

(3) in an action for license reinstatement under section 171.19;

(4) in a prosecution or juvenile court proceeding concerning a violation of section 169.1218 or 340A.503, subdivision 1, paragraph (a), clause (2);

(5) in a prosecution under section 169.1211, subdivision 1, paragraph (b), or 171.30; or

(6) in a prosecution for a violation of a restriction on a driver's license under section 171.09, which provides that the license holder may not use or consume any amount of alcohol or a controlled substance.

(c) Following the screening test additional tests may be required of the driver pursuant to the provisions of section 169.123.

(d) The driver who refuses to furnish a sample of the driver's breath is subject to the provisions of section 169.123 unless, in compliance with section 169.123, the driver submits to a blood, breath or urine test to determine the presence or amount of alcohol, controlled substances, or hazardous substances.

Subd. 7. **License revocation; court invalidation.** On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section unless the commissioner has already revoked the person's driving privileges or served the person with a notice of revocation for a violation of section 169.123 arising out of the same incident.

The court shall invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Subd. 8. **Chemical use assessment.** When the evidentiary test shows an alcohol concentration of 0.07 or more, that result shall be reported to the commissioner of public safety. The commissioner shall record that fact on the driver's record. When the driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report, the commissioner may require that the driver have a chemical use assessment meeting the commissioner's requirements. The assessment shall be at the driver's expense. In no event shall the commissioner deny the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for longer than 90 days. If an assessment is made pursuant to this section, the commissioner may waive the assessment required by section 169.126.

Subd. 9. **Immunity from liability.** (a) The state or political subdivision by which a peace officer making an arrest for violation of this section is employed shall have immunity from any liability, civil or criminal, for the care or custody of the motor vehicle being driven

by, operated by, or in the physical control of the person arrested if the peace officer acts in good faith and exercises due care.

(b) For purposes of this subdivision, "political subdivision" means a county, statutory or home rule charter city, or town.

Subd. 10 Research programs. No person is guilty of a violation of this section committed while participating in a research or demonstration project conducted by the Minnesota highway safety center. This subdivision applies only to conduct occurring while operating a state-owned vehicle under the supervision of personnel of the center on the grounds of the center

Subd. 10a. Civil action; punitive damages. In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of punitive damages if there is evidence that the accident was caused by a driver:

- (1) with an alcohol concentration of .10 or more;
- (2) who was under the influence of a controlled substance;
- (3) who was under the influence of alcohol and refused to take a test required under section 169.123, subdivision 2; or
- (4) who was knowingly under the influence of a hazardous substance that substantially affects the person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.

A criminal charge or conviction is not a prerequisite to consideration of punitive damages under this subdivision. At the trial in an action where the trier of fact will consider an award of punitive damages, evidence that the driver has been convicted of violating this section, section 169.129, or 609.21 is admissible into evidence.

Subd. 11. Applicability to recreational vehicle. For purposes of this section and section 169.123, "motor vehicle" includes motorboats in operation and off-road recreational vehicles. A "motorboat in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

Subd. 12. Driver education programs. Driver training courses offered through the public schools and driver training courses offered by private or commercial schools or institutes shall include instruction which must encompass at least:

- (1) information on the effects of consumption of beverage alcohol products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;
- (2) the hazards of driving while under the influence of alcohol or drugs; and
- (3) the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs.

History: 1957 c 297 s 1; 1961 c 454 s 9; 1967 c 283 s 1; 1967 c 569 s 1; 1969 c 744 s 1; 1971 c 244 s 1; 1971 c 893 s 1,2; Ex1971 c 27 s 6; 1973 c 421 s 1; 1973 c 494 s 8; 1975 c 370 s 1; 1976 c 298 s 2; 1976 c 341 s 1; 1978 c 727 s 2; 1981 c 9 s 1; 1982 c 423 s 2-8; 1983 c 134 s 1; 1983 c 177 s 1; 1983 c 306 s 1-4; 1984 c 430 s 2,3; 1984 c 622 s 5-9; 1984 c 654 art 5 s 58; 1Sp1985 c 4 s 4; 1986 c 444; 1987 c 123 s 1; 1987 c 136 s 1; 1987 c 315 s 1-3; 1987 c 368 s 6; 1987 c 383 s 6; 1988 c 408 s 1; 1988 c 650 s 1,2; 1988 c 681 s 2,8; 1989 c 216 s 1; 1989 c 290 art 10 s 1-4; 1989 c 335 art 4 s 62; 1989 c 356 s 58; 1990 c 468 s 1; 1990 c 602 art 2 s 1; art 3 s 1,2; art 6 s 1; 1991 c 270 s 1; 1991 c 321 s 2,3; 1991 c 333 s 12; 1992 c 570 art 1 s 6-13; 1993 c 266 s 18; 1993 c 326 art 13 s 12; 1993 c 347 s 3-7; 1994 c 465 art 1 s 24; 1994 c 615 s 10-14; 1995 c 104 s 1; 1996 c 395 s 8; 1996 c 442 s 5-11; 1996 c 455 art 4 s 12; 1997 c 12 art 3 s 5; 1Sp1997 c 2 s 26-39; 1998 c 254 art 1 s 59; 1998 c 332 s 1; 1998 c 367 art 8 s 2; 1998 c 405 s 5

169.1211 ALCOHOL-RELATED DRIVING BY COMMERCIAL VEHICLE DRIVERS.

Subdivision 1. Crimes. (a) It is a crime for any person to drive, operate, or be in physical control of any commercial motor vehicle within this state or upon the ice of any boundary water of this state:

- (1) when the person's alcohol concentration is 0.04 or more but less than 0.20;
 - (2) when the person's alcohol concentration as measured within two hours of the time of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more but less than 0.20, or
 - (3) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.20 or more.
- (b) It is a crime for any person to drive, operate, or be in physical control of any class of school bus or Head Start bus within this state or upon the ice of any boundary water of this state when there is physical evidence present in the person's body of the consumption of any alcohol.

Subd. 2. **Arrest.** A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence

When a peace officer has probable cause to believe that a person is violating subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under this section and sections 169.121 and 169.123. An officer acting in fresh pursuit under this subdivision is serving in the regular line of duty as fully as though within the officer's jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers under sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Subd. 3. **Evidence.** Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for violating subdivision 1, the court may admit evidence of the amount of alcohol in the person's blood, breath, or urine as shown by an analysis of those items

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (2), that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.04. This evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Subd. 4. **Administrative penalty.** The commissioner of public safety shall disqualify a person from operating a commercial motor vehicle as provided under section 171.165, on receipt of a record of conviction for a violation of this section.

Subd. 5. **Criminal penalty.** (a) A person who violates subdivision 1, paragraph (a), clause (1) or (2), or paragraph (b), or an ordinance in conformity with any of them, is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor under any of the following circumstances:

- (1) the person violates subdivision 1, paragraph (a), clause (3);
- (2) the person violates subdivision 1, paragraph (a), clause (1) or (2), or paragraph (b), within five years of a prior impaired driving conviction or a prior license revocation, or within ten years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a combination of a prior impaired driving conviction and a prior license revocation, based on separate incidents;
- (3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

Subd. 6. **Definitions.** As used in this section, the terms "prior impaired driving conviction" and "prior license revocation" have the meanings given them in section 169.121, subdivision 3.

History: 1989 c 307 s 4; 1Sp1997 c 2 s 40-42

169.1215 OUT-OF-SERVICE ORDER.

A person driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol is prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order.

History: 1989 c 307 s 5

169.1216 IMPOUNDMENT OF MOTOR VEHICLE UNDER LOCAL ORDINANCE; REDEMPTION.

Subdivision 1. **Definition.** As used in this section, "impoundment" means the removal of a motor vehicle, as defined in section 169.121, subdivision 11, to a storage facility or impound lot as authorized by a local ordinance.

Subd. 2. **Redemption; prerequisites.** If a motor vehicle is impounded by a peace officer following the arrest or taking into custody of a driver for a violation of section 169.121, an ordinance in conformity with it, or section 169.129, the impounded vehicle shall only be released from impoundment:

(1) to the registered owner, a person authorized by the registered owner, a lienholder of record, or a person who has purchased the vehicle from the registered owner, who provides proof of ownership of the vehicle, proof of valid Minnesota driving privileges, and proof of insurance required by law to cover the vehicle;

(2) if the vehicle is subject to a rental or lease agreement, to a renter or lessee with valid Minnesota driving privileges who provides a copy of the rental or lease agreement and proof of insurance required by law to cover the vehicle; or

(3) to an agent of a towing company authorized by a registered owner if the owner provides proof of ownership of the vehicle and proof of insurance required by law to cover the vehicle.

Subd. 3. **To whom information provided.** The proof of ownership and insurance or, where applicable, the copy of the rental or lease agreement required by subdivision 2 shall be provided to the law enforcement agency impounding the vehicle or to a person or entity designated by the law enforcement agency to receive the information.

Subd. 4. **Liability for storage costs.** No law enforcement agency, local unit of government, or state agency is responsible or financially liable for any storage fees incurred due to an impoundment under this section.

History: 1992 c 570 art 1 s 14

169.1217 VEHICLE FORFEITURE FOR DESIGNATED OFFENSE OR LICENSE REVOCATION.

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them:

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169.123.

(b) "Designated license revocation" includes a license revocation under section 169.123:

(1) within five years of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents.

(c) "Designated offense" includes:

(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), subdivision 1a, an ordinance in conformity with any of them, or section 169.129:

(i) within five years of two prior impaired driving convictions, or two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more impaired driving convictions and prior license revocations, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, clause (f), or a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents;

(3) a violation of section 169.121, an ordinance in conformity with it, or section 169.129:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(4) until June 30, 1999, a second or subsequent violation of section 85.015, subdivision 1c.

(d) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(e) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(f) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(g) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Subd. 2. **Seizure.** A motor vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle. Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle. If property is seized without process under this clause, the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible.

Subd. 3. **Right to possession vests immediately; custody of seized vehicle.** All right, title, and interest in a vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the conduct resulting in the designated offense or designated license revocation giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When a vehicle is so seized, the appropriate agency may:

- (1) place the vehicle under seal;
- (2) remove the vehicle to a place designated by it;
- (3) place a disabling device on the vehicle; and
- (4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

Subd. 4. Bond by owner for possession. If the owner of a vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may, subject to the approval of the appropriate agency, give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle may be returned to the owner only if a disabling device is attached to the vehicle. The forfeiture action shall proceed against the security as if it were the seized vehicle.

Subd. 5. Evidence. Certified copies of court records and motor vehicle and driver's license records concerning prior impaired driving convictions and prior license revocations are admissible as substantive evidence where necessary to prove the commission of a designated offense or the occurrence of a designated license revocation.

Subd. 6. Motor vehicle subject to forfeiture. A motor vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation.

Subd. 7. Limitations on forfeiture of motor vehicle. (a) A vehicle is subject to forfeiture under this section only if:

- (1) the driver is convicted of the designated offense upon which the forfeiture is based;
- (2) the driver fails to appear with respect to the designated offense charge in violation of section 609.49; or

(3) the driver's conduct results in a designated license revocation and the driver either fails to seek administrative or judicial review of the revocation in a timely manner as required by section 169.123, subdivision 5b or 5c, or the revocation is sustained under section 169.123, subdivision 5b or 6.

(b) A vehicle encumbered by a bona fide security interest, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based.

(c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or omission upon which the forfeiture is based if the secured party or lessor took reasonable steps to terminate use of the vehicle by the offender.

(d) A motor vehicle is subject to forfeiture under this section only if its owner knew or should have known of the unlawful use or intended use.

(e) A vehicle subject to a security interest, based upon a loan or other financing arranged by a financial institution, is subject to the interest of the financial institution.

Subd. 7a. Administrative forfeiture procedure. (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) When a motor vehicle is seized under subdivision 2, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership or possessory interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. Notice mailed by certified mail to the address shown in department of public safety records is sufficient notice to the registered owner of the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

- (1) a description of the vehicle seized;
- (2) the date of seizure; and
- (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially the fol-

lowing language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169.1217, SUBDIVISION 7a, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. YOU DO NOT HAVE TO PAY THE FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500 AND YOU FILE YOUR CLAIM IN CONCILIATION COURT."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is less than \$500, the claimant may file an action in conciliation court for recovery of the seized vehicle without paying the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. Except as provided in this section, judicial reviews and hearings are governed by section 169.123, subdivisions 5c and 6, and shall take place at the same time as any judicial review of the person's license revocation under section 169.123. The proceedings may be combined with any hearing on a petition filed under section 169.123, subdivision 5c, and are governed by the rules of civil procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized and the plaintiff's interest in the vehicle seized. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 8.

(g) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized vehicle, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2.

Subd. 8. Judicial forfeiture procedure. (a) This subdivision governs judicial determinations of the forfeiture of a motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation.

(b) A separate complaint shall be filed against the vehicle, describing it, specifying that it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation, and specifying the time and place of its unlawful use. If the forfeiture was based on the commission of a designated offense and the person charged with the designated offense appears in court as required and is not convicted of the offense, the court shall dismiss the complaint against the vehicle and order the property returned to the person legally entitled to it. If the forfeiture is based on a designated license revocation, and the designated license revocation is rescinded under section 169.123, subdivision 5a or 6, the court shall dismiss the complaint against the vehicle and order the property returned to the person legally entitled to it. If the lawful ownership of the vehicle used in the commission of a designated offense or used in conduct resulting in a designated license revocation can be determined and it is found the owner was not privy to commission of a designated offense or was not privy to the conduct resulting in the designated license revocation, the vehicle shall be returned immediately.

Subd. 9. Disposition of forfeited vehicle. (a) If the vehicle is administratively forfeited under subdivision 7a, or if the court finds under subdivision 8 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

- (1) sell the vehicle and distribute the proceeds under paragraph (b); or
- (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use by the agency's officers who participate in the drug abuse resistance education program.
- (b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education. If the appropriate agency is an agency of state government, the net proceeds must be forwarded to the state treasury and credited to the general fund.
- (c) The proceeds from the sale of forfeited off-road recreational vehicles and motorboats, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the state treasury and credited to the following funds:
 - (1) if the forfeited vehicle is a motorboat, the net proceeds must be credited to the water recreation account in the natural resources fund;
 - (2) if the forfeited vehicle is a snowmobile, the net proceeds must be credited to the snowmobile trails and enforcement account in the natural resources fund;
 - (3) if the forfeited vehicle is an all-terrain vehicle, the net proceeds must be credited to the all-terrain vehicle account in the natural resources fund;
 - (4) if the forfeited vehicle is an off-highway motorcycle, the net proceeds must be credited to the off-highway motorcycle account in the natural resources fund;
 - (5) if the forfeited vehicle is an off-road vehicle, the net proceeds must be credited to the off-road vehicle account in the natural resources fund; and
 - (6) if otherwise, the net proceeds must be credited to the general fund.

History: 1992 c 570 art 1 s 15; 1993 c 347 s 8,9; 1994 c 615 s 15; 1995 c 97 s 1-3; 1995 c 230 s 8,9; 1997 c 12 art 3 s 6; 1Sp1997 c 2 s 43; 1998 c 401 s 45

169.1218 UNDERAGE DRINKING AND DRIVING.

- (a) It is a misdemeanor for a person under the age of 21 years to drive or operate a motor vehicle while consuming alcoholic beverages; or after having consumed alcoholic beverages while there is physical evidence of the consumption present in the person's body.
- (b) When a person is found to have committed an offense under paragraph (a), the court shall notify the commissioner of public safety of its determination. Upon receipt of the court's determination, the commissioner shall suspend the person's driver's license or operating privileges for 30 days, or for 180 days if the person has previously been found to have violated paragraph (a) or a statute or ordinance in conformity with paragraph (a).
- (c) If the person's conduct violates section 169.121, subdivision 1 or 1a, or 169.1211, the penalties and license sanctions in those laws apply instead of the license sanction in paragraph (b).
- (d) An offense under paragraph (a) may be prosecuted either in the jurisdiction where consumption occurs or the jurisdiction where evidence of consumption is observed.

History: 1996 c 442 s 12; 1Sp1997 c 2 s 44

169.1219 REMOTE ELECTRONIC ALCOHOL MONITORING PROGRAM.

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given.

- (a) "Breath analyzer unit" means a device that performs breath alcohol testing and is connected to a remote electronic alcohol monitoring system.
- (b) "Remote electronic alcohol monitoring system" means a system that electronically monitors the alcohol concentration of individuals in their homes or other locations to ensure compliance with conditions of pretrial release, supervised release, or probation.

Subd 2. **Program established.** In cooperation with the conference of chief judges, the state court administrator, and the commissioner of public safety, the commissioner of correc-

tions shall establish a program to use breath analyzer units to monitor DWI offenders who are ordered to abstain from alcohol use as a condition of pretrial release, supervised release, or probation. The program must include procedures to ensure that violators of this condition of release receive swift consequences for the violation.

Subd. 3. **Cost of program.** Offenders who are ordered to participate in the program shall also be ordered to pay the per diem cost of the monitoring unless the offender is indigent. The commissioner of corrections shall reimburse the judicial districts in a manner proportional to their use of remote electronic alcohol monitoring for any costs the districts incur in participating in the program.

Subd. 4. **Report required.** After five years, the commissioner of corrections shall evaluate the effectiveness of the program and report the results of this evaluation to the conference of chief judges, the state court administrator, the commissioner of public safety, and the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over criminal justice policy and funding.

History: 1998 c 367 art 11 s 6

169.122 OPEN BOTTLE LAW; PENALTY.

Subdivision 1. **Act prohibited.** No person shall drink or consume intoxicating liquors or 3.2 percent malt liquors in any motor vehicle when such vehicle is upon a public highway.

Subd. 2. **Possession prohibited.** No person shall have in possession while in a private motor vehicle upon a public highway, any bottle or receptacle containing intoxicating liquor or 3.2 percent malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed. For purposes of this section, "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle. This subdivision does not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk.

Subd. 3. **Liability of nonpresent owner.** It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway any bottle or receptacle containing intoxicating liquors or 3.2 percent malt liquors which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Misdemeanor.** Whoever violates the provisions of subdivisions 1 to 3 is guilty of a misdemeanor.

Subd. 5. **Exception.** This section does not apply to the possession or consumption of alcoholic beverages by passengers in:

- (1) a bus operated under a charter as defined in section 221.011, subdivision 20; or
- (2) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

History: 1959 c 255 s 1-4; 1986 c 444; 1990 c 602 art 5 s 1; 1991 c 249 s 31; 1993 c 350 s 1; 1994 c 600 s 1

169.123 CHEMICAL TESTS FOR INTOXICATION.

Subdivision 1. **Peace officer defined.** For purposes of this section, section 169.121, and section 169.1211, the term peace officer means (1) a state patrol officer, (2) University of Minnesota peace officer, (3) a constable as defined in section 367.40, subdivision 3, (4) police officer of any municipality, including towns having powers under section 368.01, or county, and (5) for purposes of violations of those sections in or on an off-road recreational vehicle or motorboat, a state conservation officer.

Subd. 2. **Implied consent; conditions; election of test.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any

boundary water of this state consents, subject to the provisions of this section and sections 169.121 and 169.1211, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

- (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it;
- (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;
- (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or
- (4) the screening test was administered and indicated an alcohol concentration of 0.10 or more.

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test: (i) to determine if the person is under the influence of alcohol, controlled substances, or hazardous substances; (ii) to determine the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols; and (iii) if the motor vehicle was a commercial motor vehicle, to determine the presence of alcohol;

(2) that refusal to take a test is a crime;

(3) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person's consent; and

(4) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Subd. 2a. Requirement of urine or blood test. Notwithstanding subdivision 2, a blood or urine test may be required even after a breath test has been administered if there is probable cause to believe that: (1) there is impairment by a controlled substance or hazardous substance that is not subject to testing by a breath test; or (2) a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body. Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered.

Subd. 2b. Breath test using infrared breath-testing instrument. (a) In the case of a breath test administered using an infrared breath-testing instrument, the test shall consist of analyses in the following sequence: one adequate breath sample analysis, one calibration standard analysis, and a second, adequate breath sample analysis.

(b) In the case of a test administered using an infrared breath-testing instrument, a sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(c) For purposes of this section when a test is administered using an infrared breath-testing instrument, failure of a person to provide two separate, adequate breath samples in the proper sequence constitutes a refusal.

Subd. 2c. Consent of person incapable of refusal not withdrawn. A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is

deemed not to have withdrawn the consent provided by subdivision 2 and the test may be given.

Subd. 3. Manner of making test; additional tests. (a) Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. This limitation does not apply to the taking of a breath or urine sample. The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state.

(b) The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

(c) The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, controlled substances, or hazardous substances shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

Subd. 4. Refusal; revocation of license. (a) If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. However, if a peace officer has probable cause to believe that the person has violated section 609 21, a test may be required and obtained despite the person's refusal. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609 50, unless the refusal was accompanied by force or violence or the threat of force or violence.

(b) If a person submits to a test, the results of that test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred, if the test results indicate:

- (1) an alcohol concentration of 0.10 or more;
- (2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or
- (3) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols.

(c) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.

(d) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol in violation of section 169.121 or 169.1211, and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year.

(e) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169 121 and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols,

then the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege:

- (1) for a period of 90 days; or
- (2) if the person is under the age of 21 years, for a period of six months; or
- (3) for a person with a prior impaired driving conviction or prior license revocation within the past five years, for a period of 180 days; or
- (4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).
- (f) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 171.165.
- (g) If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

(h) As used in this subdivision, the terms "prior impaired driving conviction" and "prior license revocation" have the meanings given in section 169.121, subdivision 3, paragraph (a).

Subd. 5. Notice of revocation, disqualification, or determination to deny; request for hearing. A revocation under subdivision 4 or a disqualification under section 171.165 becomes effective at the time the commissioner of public safety or a peace officer acting on behalf of the commissioner of public safety notifies the person of the intention to revoke, disqualify, or both, and of revocation or disqualification. The notice shall advise the person of the right to obtain administrative and judicial review as provided in this section. If mailed, the notice and order of revocation or disqualification is deemed received three days after mailing to the last known address of the person

Subd. 5a. Test refusal; driving privilege lost. (a) On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of 0.10 or more.

(b) On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more.

(c) The officer shall either:

- (1) take the driver's license or permit, if any, send it to the commissioner of public safety along with the certificate required by subdivision 4, and issue a temporary license effective only for seven days; or
- (2) invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Subd. 5b. Administrative review. At any time during a period of revocation imposed under this section or a period of disqualification imposed under section 171.165, a person may request in writing a review of the order of revocation or disqualification by the commissioner of public safety, unless the person is entitled to review under section 171.166. Upon receiving a request the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request the commissioner shall report in writing the results of the review. The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act in sections 14.001 to 14.69.

The availability of administrative review for an order of revocation or disqualification has no effect upon the availability of judicial review under this section.

Review under this subdivision shall take place, if possible, at the same time as any administrative review of the person's impoundment order under section 168.042, subdivision 9.

Subd. 5c. Petition for judicial review. (a) Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review. The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter

(b) The petition must:

(1) be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent;

(2) include the petitioner's date of birth, driver's license number, and date of the offense; and

(3) state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

(c) The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper.

(d) Judicial reviews shall be conducted according to the rules of civil procedure except that prehearing discovery is mandatory and is limited to:

(1) the notice of revocation,

(2) the test record, or in the case of blood or urine tests, the certificate of analysis;

(3) the peace officer's certificate and any accompanying documentation submitted by the arresting officer to the commissioner of public safety; and

(4) disclosure of potential witnesses, including experts, and the basis of their testimony. Other types of discovery are not available.

Subd. 6. Hearing. (a) A hearing under this section shall be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing shall be limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of:

(i) a motor vehicle in violation of section 169.121; or

(ii) a commercial motor vehicle in violation of section 169.1211?

(2) Was the person lawfully placed under arrest for violation of section 169.121 or 169.1211?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169.121, subdivision 6?

(5) If the screening test was administered, did the test indicate an alcohol concentration of 0.10 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of 0.10 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates shall be admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for further action by the commissioner of public safety if the license or permit is not already in the commissioner's possession.

Subd. 7 Appeal. Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

Subd. 8. Notice of action to other states. When a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner of public safety shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

Subd. 9. [Repealed, 1984 c 622 s 26]

Subd. 10. Termination of revocation period. If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counseling sessions, or participation in treatment for an alcohol problem the commissioner may, 30 days prior to the time the revocation period would otherwise expire, terminate the revocation period. The commissioner shall not terminate the revocation period under this subdivision for a driver who has had a license revoked under section 169 121 or this section for another incident during the preceding three-year period.

History: 1961 c 454 s 1-8; 1967 c 284 s 1-6; 1969 c 620 s 1; 1969 c 742 s 1; 1969 c 1129 art 1 s 18; 1971 c 893 s 3; Ex1971 c 36 s 1; 1973 c 35 s 36; 1973 c 123 art 5 s 7; 1973 c 555 s 1; 1974 c 406 s 35-38; 1977 c 82 s 2; 1978 c 727 s 3; 1980 c 395 s 1; 1980 c 483 s 1; 1981 c 37 s 2; 1982 c 423 s 9; 1982 c 424 s 130; 1983 c 247 s 70; 1983 c 301 s 142; 1983 c 306 s 5,6; 1984 c 430 s 4-8; 1984 c 622 s 10-14; 1984 c 655 art 2 s 18 subd 1; 1Sp1985 c 4 s 5; 1986 c 444, 1Sp1986 c 3 art 1 s 82; 1987 c 225 s 1,2; 1987 c 346 s 1; 1987 c 383 s 7; 1987 c 384 art 2 s 1; 1988 c 681 s 3; 1989 c 290 art 10 s 5; 1989 c 307 s 6-13; 1990 c 422 s 10; 1990 c 602 art 1 s 6; 1991 c 136 s 1,2; 1991 c 301 s 3; 1991 c 333 s 13,14; 1992 c 570 art 1 s 16,17; 1993 c 266 s 19; 1993 c 347 s 10,11; 1996 c 442 s 13-17; 1Sp1997 c 2 s 45-48; 1998 c 254 art 2 s 13

169.1231 [Repealed, 1983 c 306 s 7]

169.124 ALCOHOL SAFETY PROGRAM.

Subdivision 1. County board. The county board of every county shall establish an alcohol safety program designed to provide chemical use assessments of persons convicted of an offense enumerated in section 169 126, subdivision 1.

Subd. 2. [Repealed, 1990 c 602 art 2 s 10]

Subd. 3. [Repealed, 1990 c 602 art 2 s 10]

History: 1976 c 298 s 1; 1978 c 727 s 4; 1982 c 424 s 130; 1984 c 654 art 5 s 58; 1987 c 315 s 4; 1987 c 383 s 8; 1990 c 602 art 2 s 2, 1994 c 465 art 3 s 9

169.125 COUNTY COOPERATION.

County boards may enter into an agreement to establish a regional alcohol safety program. County boards may contract with other counties and agencies for alcohol problem screening and chemical use assessment services

History: 1976 c 298 s 3; 1978 c 727 s 5; 1987 c 315 s 5

169.126 CHEMICAL USE ASSESSMENT.

Subdivision 1. **Requirement; form.** A chemical use assessment shall be conducted and an assessment report submitted to the court and to the department of public safety by the county agency administering the alcohol safety program when:

(a) The defendant is convicted of an offense described in section 169.121, 169.1211, 169.129, or 360.0752; or

(b) The defendant is arrested for committing an offense described in section 169.121 or 169.129 but is convicted of another offense arising out of the circumstances surrounding the arrest.

Subd. 2. MS 1988 [Repealed, 1990 c 602 art 2 s 10]

Subd. 2. **Report.** (a) The assessment report shall be on a form prescribed by the commissioner of public safety and shall contain an evaluation of the convicted defendant concerning the defendant's prior traffic record, characteristics and history of alcohol and chemical use problems, and amenability to rehabilitation through the alcohol safety program. The report shall be classified as private data on individuals as defined in section 13.02, subdivision 12.

(b) The assessment report must include:

(1) a recommended level of care for the offender in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3;

(2) recommendations for other appropriate remedial action or care, that may consist of educational programs, one-on-one counseling, a program or type of treatment that addresses mental health concerns, or a combination of them; or

(3) a specific explanation why no level of care or action was recommended.

Subd. 3. [Repealed, 1990 c 602 art 2 s 10]

Subd. 4. **Assessor standards; rules; assessment time limits.** A chemical use assessment required by this section must be conducted by an assessor appointed by the court. The assessor must meet the training and qualification requirements of rules adopted by the commissioner of human services under section 254A.03, subdivision 3. Notwithstanding section 13.82, the assessor shall have access to any police reports, laboratory test results, and other law enforcement data relating to the current offense or previous offenses that are necessary to complete the evaluation. An assessor providing an assessment under this section may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If an independent assessor is not available, the court may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An appointment for the defendant to undergo the assessment shall be made by the court, a court services probation officer, or the court administrator as soon as possible but in no case more than one week after the defendant's court appearance. The assessment must be completed no later than three weeks after the defendant's court appearance. If the assessment is not performed within this time limit, the county where the defendant is to be sentenced shall perform the assessment. The county of financial responsibility shall be determined under chapter 256G.

Subd. 4a. [Repealed, 1990 c 602 art 2 s 10]

Subd. 4b. [Repealed, 1990 c 602 art 2 s 10]

Subd. 4c. [Repealed, 1992 c 570 art 1 s 31]

Subd. 5. [Repealed, 1987 c 315 s 14]

Subd. 6 **Applicability for nonresident.** This section shall not apply to a person who is not a resident of the state of Minnesota at the time of the offense and at the time of the assessment.

History: 1976 c 298 s 4; 1978 c 727 s 6; 1981 c 311 s 39; 1982 c 545 s 24; 1986 c 444; 1987 c 315 s 6-12; 1989 c 290 art 10 s 6; 1989 c 335 art 4 s 63,64; 1990 c 602 art 2 s 3-7; 1991 c 199 art 1 s 57; 1992 c 570 art 1 s 18,19; 1Sp1997 c 2 s 49

169.1261 REINSTATEMENT OF DRIVING PRIVILEGES; NOTICE.

Upon expiration of a period of revocation under section 169.121 or 169.123, the commissioner of public safety shall notify the person of the terms upon which driving privileges can be reinstated, and new registration plates issued, which terms are: (1) successful completion of an examination and proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any; and (2) any other requirements imposed by the commissioner and applicable to that particular case. The commissioner shall notify the owner of a motor vehicle subject to an impoundment order under section 168.041 as a result of the violation of the procedures for obtaining new registration plates, if the owner is not the violator. The commissioner shall also notify the person that if driving is resumed without reinstatement of driving privileges or without valid registration plates and registration certificate, the person will be subject to criminal penalties.

History: 1978 c 727 s 7; 1986 c 444; 1988 c 681 s 4; 1Sp1997 c 2 s 50

169.1265 PILOT PROGRAMS OF INTENSIVE PROBATION FOR REPEAT DWI OFFENDERS.

Subdivision 1. **Grant application.** The commissioners of corrections and public safety, in cooperation with the commissioner of human services, shall jointly administer a program to provide grants to counties to establish and operate programs of intensive probation for repeat violators of the driving while intoxicated laws. The commissioners shall adopt an application form on which a county or a group of counties may apply for a grant to establish and operate a DWI repeat offender program.

Subd. 2. **Goals.** The goals of the DWI repeat offender program are to protect public safety and provide an appropriate sentencing alternative for persons convicted of a violation of section 169.129, or of repeat violations of section 169.121, who are considered to be of high risk to the community.

Subd. 3. **Program elements.** To be considered for a grant under this section, a county program must contain the following elements:

(1) an initial assessment of the offender's chemical dependency, based on the results of a chemical use assessment conducted under section 169.126, with recommended treatment and aftercare, and a requirement that the offender follow the recommended treatment and aftercare;

(2) several stages of probation supervision, including:

(i) a period of incarceration in a local or regional detention facility;

(ii) a period during which an offender is, at all times, either working, on home detention, being supervised at a program facility, or traveling between two of these locations;

(iii) a period of home detention; and

(iv) a period of gradually decreasing involvement with the program;

(3) decreasing levels of intensity and contact with probation officials based on the offender's successful participation in the program and compliance with its rules;

(4) a provision for increasing the severity of the program's requirements when an offender offends again or violates the program's rules;

(5) a provision for offenders to continue or seek employment during their period of intensive probation,

(6) a requirement that offenders abstain from alcohol and controlled substances during the probation period and be tested for such use on a routine basis; and

(7) a requirement that all or a substantial part of the costs of the program be paid by the offenders.

Subd. 4. **Training.** Counties participating in the program shall provide to affected officials relevant training in intensive probation programs.

History: 1991 c 270 s 8; 1992 c 570 art 1 s 20,21; 1993 c 146 art 2 s 11

169.127 [Repealed, 1978 c 727 s 11]

169.128 DWI-RELATED RULES.

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 subject to sections 14.01 to 14.20 and 14.365 to 14.69.

History: 1978 c 727 s 8; 1981 c 253 s 26; 1982 c 424 s 130; 1Sp1985 c 4 s 6; 1996 c 305 art 2 s 34

169.129 AGGRAVATED DWI-RELATED VIOLATIONS; PENALTY.

Subdivision 1. **Crime.** It is a crime for any person to drive, operate, or be in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before the person's driver's license or driving privilege has been reinstated following its cancellation, suspension, revocation, disqualification, or denial under any of the following:

(1) section 169.121, 169.1211, or 169.123;

(2) section 171.04, 171.14, 171.16, 171.17, or 171.18 because of an alcohol-related incident,

(3) section 609.21, subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6).

Subd. 2. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who violates subdivision 1 is guilty of a gross misdemeanor.

(b) A person is guilty of an enhanced gross misdemeanor and may be sentenced to imprisonment in a local correctional facility for not more than two years or to payment of a fine of not more than \$3,000, or both, if the person violates subdivision 1 and the person's driver's license or driving privilege has been suspended, revoked, canceled, denied, or disqualified two or more times within the past ten years under any of the statutes listed in subdivision 1. A person convicted of an enhanced gross misdemeanor under this paragraph is subject to the applicable mandatory penalties provided in section 169.121, subdivision 3d.

Subd. 3. **Prosecution.** The attorney in the jurisdiction in which the violation of this section occurred who is responsible for prosecution of misdemeanor violations of section 169.121 shall also be responsible for prosecution of violations of this section.

History: 1978 c 727 s 9; 1983 c 177 s 2; 1Sp1985 c 4 s 7; 1986 c 444; 1990 c 602 art 3 s 3; 1992 c 570 art 1 s 22; 1993 c 347 s 12; 1994 c 615 s 16; 1996 c 442 s 18; 1Sp1997 c 2 s 51

DRIVING RULES

169.13 RECKLESS OR CARELESS DRIVING.

Subdivision 1. **Reckless driving.** Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.

Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

Subd. 3. **Application.** The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section:

(1) upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or

(2) in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting such a parking lot with a street or highway.

History: (2720–177) 1937 c 464 s 27; 1939 c 430 s 5; 1947 c 428 s 11; 1967 c 569 s 2; Ex1971 c 27 s 7; 1983 c 236 s 1; 1984 c 622 s 15

169.131 [Repealed, 1976 c 103 s 1]

169.132 [Repealed, 1977 c 347 s 29]

169.14 SPEED LIMITS, ZONES; RADAR.

Subdivision 1 **Basic rule; inattentive driving.** No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

Subd. 2. **Speed limits.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district;

(2) 65 miles per hour on non-Interstate freeways and expressways, as defined in section 160.02, subdivision 16;

(3) 55 miles per hour in locations other than those specified in this section;

(4) 70 miles per hour on Interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(5) 65 miles per hour on Interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(6) ten miles per hour in alleys; and

(7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

Subd. 3. **Reduced speed required.** (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) A person who fails to reduce speed appropriately when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on a street or highway shall be assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Subd. 4. **Establishment of zones by commissioner.** On determining upon the basis of an engineering and traffic investigation that any speed set forth in this section is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, the commissioner may erect appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful. On determining upon that basis that a part of the trunk highway system outside a municipality should be a zone of maximum speed limit, the commissioner may establish that part as such a zone by erecting appropriate signs showing the beginning and end of the zone, designating a reasonable and safe speed therefor, which may be different than the speed set forth in this section, and that it is a zone of maximum speed limit. The speed so designated by the commissioner within any such zone shall be a maximum speed limit, and speed in excess of such limit shall be unlawful. The commissioner may in the same manner from time to time alter the boundary of such a zone and the speed limit therein or eliminate such zone.

Subd. 4a. [Repealed, 1997 c 143 s 20]

Subd. 5. **Zoning within local area.** When local authorities believe that the existing speed limit upon any street or highway, or part thereof, within their respective jurisdictions and not a part of the trunk highway system is greater or less than is reasonable or safe under existing conditions, they may request the commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner may authorize the erection of appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of these speed limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner except as provided in subdivision 5a.

Subd. 5a. **Speed zoning in school zone; surcharge.** Local authorities may establish a school speed limit within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation. The establishment of a school speed limit on any trunk highway shall be with the consent of the commissioner of transportation. Such school speed limits shall be in effect when children are present, going to or leaving school during opening or closing hours or during school recess periods. The school speed limit shall not be lower than 15 miles per hour and shall not be more than 20 miles per hour below the established speed limit on an affected street or highway if the established speed limit is 40 miles per hour or greater.

The school speed limit shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the reduced speed zone. Any speed in excess of such posted school speed limit is unlawful. All such signs shall be erected by the local authorities on those streets and highways under their respective jurisdictions and by the commissioner of transportation on trunk highways.

For the purpose of this subdivision, "school zone" means that section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the manual on uniform traffic control devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones shall conform to the manual on uniform control devices.

Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under this subdivision is assessed an additional surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

Subd. 5b. **Segment in urban district.** When any segment of at least a quarter-mile in distance of any city street, municipal state aid street or town road on which a speed limit in excess of 30 miles per hour has been established pursuant to an engineering and traffic inves-

tigation by the commissioner meets the definition of "urban district" as defined in section 169.01, subdivision 59, the governing body of the city or town may by resolution declare the segment to be an urban district and may establish on the segment the speed limit for urban districts prescribed in subdivision 2. The speed limit so established shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established, and any speed in excess of such posted limits shall be unlawful. A copy of the resolution shall be transmitted to the commissioner at least ten days prior to the erection of the signs.

Subd. 5c. **Speed zoning in alleyway.** Local authorities may regulate speed limits for alleyways as defined in section 169.01 based on their own engineering and traffic investigations. Alleyway speed limits established at other than ten miles per hour shall be effective when proper signs are posted.

Subd. 5d. **Speed zoning in work zone; surcharge.** (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b), or who violates any other provision of this section while in a highway work zone, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Subd. 5e. **Speed limit on park road.** The political subdivision with authority over a park may establish a speed limit on a road located within the park. A speed limit established under this subdivision on a trunk highway is effective only with the commissioner's approval. A speed limit established under this subdivision must be based on an engineering and traffic investigation prescribed by the commissioner of transportation and must not be lower than 20 miles per hour, and no speed limit established under this subdivision may reduce existing speed limits by more than 15 miles per hour. A speed limit established under this subdivision is effective on the erection of appropriate signs designating the speed limit and indicating the beginning and end of the reduced speed zone. Any speed in excess of the posted speed is unlawful.

Subd. 6. [Repealed, Ex1971 c 27 s 49]

Subd. 7. **Burden of proof.** The provisions of this chapter declaring speed limitation shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Subd. 8. **Minimum speeds.** On determining upon the basis of an engineering and traffic investigation that a speed at least as great as, or in excess of, a specified and determined minimum is necessary to the reasonable and safe use of any trunk highway or portion thereof, the commissioner may erect appropriate signs specifying the minimum speed on such highway or portion thereof. The minimum speed shall be effective when such signs are erected. Any speeds less than the posted minimum speeds shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

Subd. 9. **Standards of evidence.** In any prosecution in which the rate of speed of a motor vehicle is relevant, evidence of the speed of a motor vehicle as indicated on the speedometer thereof shall be admissible on a showing that a vehicle is regularly used in traffic law enforcement and that the speedometer thereon is regularly and routinely tested for accuracy and

a record of the results of said tests kept on file by the agency having control of said vehicle. Evidence as to the speed indicated on said speedometer shall be prima facie evidence that the said vehicle was, at the time said reading was observed, traveling at the rate of speed so indicated; subject to correction by the amount of error, if any, shown to exist by the test made closest in time to the time of said reading.

Records of speedometer tests kept in the regular course of operations of any law enforcement agency shall be admissible without further foundation, as to the results of said tests. Such records shall be available to the defendant upon demand. Nothing herein shall be construed to preclude or interfere with the cross examination or impeachment of evidence of rate of speed as indicated by speedometer readings, pursuant to the rules of evidence.

Subd. 10. Radar; speed-measuring device; standards of evidence. In any prosecution in which the rate of speed of a motor vehicle is relevant, evidence of the speed as indicated on radar or other speed-measuring device is admissible in evidence, subject to the following conditions:

- (a) the officer operating the device has sufficient training to properly operate the equipment;
- (b) the officer testifies as to the manner in which the device was set up and operated;
- (c) the device was operated with minimal distortion or interference from outside sources; and
- (d) the device was tested by an accurate and reliable external mechanism, method, or system at the time it was set up.

Records of tests made of such devices and kept in the regular course of operations of any law enforcement agency are admissible in evidence without further foundation as to the results of the tests. The records shall be available to a defendant upon demand. Nothing in this subdivision shall be construed to preclude or interfere with cross examination or impeachment of evidence of the rate of speed as indicated on the radar or speed-measuring device.

Subd. 11. Hand-held police traffic radar. Law enforcement agencies that use hand-held radar units shall establish operating procedures to reduce the operator's exposure to microwave radiation. The procedures, at a minimum, must require.

- (1) that the operator turn the unit off when it is not in use;
- (2) if the unit has a stand-by mode, that the operator use this mode except when measuring a vehicle's speed;
- (3) that the operator not allow the antenna to rest against the operator's body while it is in operation; and
- (4) that the operator always point the antenna unit away from the operator and any other person in very close proximity to the unit.

Subd. 12. Radar jammer. For purposes of this section, "radar jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere in any manner with a speed-measuring device operated by a peace officer.

No person shall sell, offer for sale, use, or possess any radar jammer in this state.

History: (2720-178) 1937 c 464 s 28; 1939 c 430 s 6; 1947 c 428 s 12,13; 1955 c 802 s 1,2; 1957 c 580 s 1; 1963 c 843 s 1-4; 1969 c 623 s 1; 1975 c 53 s 1; 1975 c 363 s 1,2; 1976 c 166 s 7; 1979 c 60 s 1; 1980 c 498 s 4; 1984 c 417 s 24,25; 1986 c 444; 1987 c 319 s 1; 1991 c 298 art 4 s 9; 1993 c 26 s 1; 1993 c 61 s 1; 1994 c 635 art 1 s 12; 1994 c 640 s 1; 1994 c 645 s 1; 1995 c 118 s 1; 1995 c 265 art 2 s 18; 1996 c 455 art 1 s 5,6; 1997 c 143 s 9-11; 1997 c 159 art 2 s 20,21

169.141 [Repealed, 1996 c 455 art 1 s 11]

169.145 IMPLEMENT OF HUSBANDRY; SPEED, BRAKES.

No person may:

- (1) drive or tow an implement of husbandry that exceeds 6,000 pounds registered gross weight or gross vehicle weight and is not equipped with brakes; or

(2) tow a vehicle registered as a farm trailer that exceeds 6,000 pounds registered gross weight or gross vehicle weight and is not equipped with brakes, at a speed in excess of 30 miles per hour.

History: 1977 c 397 s 1, 1988 c 636 s 7; 1993 c 187 s 3; 1997 c 7 art 1 s 79; 1997 c 143 s 12

169.15 IMPEDING TRAFFIC.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination of the weight of the vehicle and the grade of the highway.

History: (2720-179) 1937 c 464 s 29; Ex1971 c 27 s 8

169.16 SPEED ON BRIDGE.

No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

The commissioner, upon request from any local authority, shall, or, upon the commissioner's own initiative, may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and on finding that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commissioner shall determine and declare the maximum speed of vehicles which such structure can withstand and cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet before each end of such structure.

Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the commissioner and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

History: (2720-180) 1937 c 464 s 30; 1986 c 444

169.17 EMERGENCY VEHICLE.

The speed limitations set forth in sections 169.14 to 169.17 do not apply to an authorized emergency vehicle responding to an emergency call. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

History: (2720-181) 1937 c 464 s 31; 1947 c 428 s 14; 1997 c 143 s 13; 1997 c 159 art 2 s 22; 1998 c 263 s 1

169.18 DRIVING RULES.

Subdivision 1. **Keep to the right.** Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) when the right half of a roadway is closed to traffic while under construction or repair;
- (3) upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) upon a roadway designated and signposted for one-way traffic as a one-way roadway.

Subd. 2. **Meeting.** Drivers of vehicles proceeding in opposite directions, shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway, as nearly as possible.

Subd. 3. **Passing.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules hereinafter stated:

(1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;

(2) except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible warning, and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle; and

(3) the operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on the roadway shall leave a safe distance, but in no case less than three feet clearance, when passing the bicycle or individual and shall maintain clearance until safely past the overtaken bicycle or individual.

Subd. 4. **Passing on right.** The driver of a vehicle may overtake and pass upon the right of another vehicle only upon the following conditions:

(a) when the vehicle overtaken is making or about to make a left turn;

(b) upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(c) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles;

(d) the driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Subd. 5. **Driving left of roadway center; exception.** (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction;

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or

(3) where official signs are in place prohibiting passing, or a distinctive center line is marked, which distinctive line also so prohibits passing, as declared in the manual of traffic-control devices adopted by the commissioner.

(c) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.

Subd. 6. **One-way traffic.** (a) Upon a roadway designated and signposted for one-way traffic as a one-way roadway, a vehicle shall be driven only in the direction designated;

(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Subd. 7. Laned highway. When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is sign-posted to give notice of such allocation. The left lane of a three-lane roadway which is not a one-way roadway shall not be used for overtaking and passing another vehicle.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(d) Whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway, or to prepare for a turn as provided in section 169.19, subdivision 1.

Subd. 8. Following vehicle too closely. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the conditions of the highway.

(b) The driver of any motor vehicle drawing another vehicle, or the driver of any motor truck or bus, when traveling upon a roadway outside of a business or residence district, shall not follow within 500 feet of another vehicle. The provisions of this clause shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.

(c) The driver of a motor vehicle shall not follow within 500 feet of an authorized emergency vehicle that is traveling in response to an emergency.

Subd. 9. Divided highway; crossovers. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across, or within any such dividing space, barrier section, except through an opening in such physical barrier, or dividing section or space or at a crossover or intersection established by public authority.

Subd. 10. Slow-moving vehicle. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway, or when a specific lane is designated and posted for a specific type of traffic.

History: (2720-182, 2720-183, 2720-184, 2720-185, 2720-186, 2720-187, 2720-188, 2720-189) 1937 c 464 s 32-39; 1939 c 430 s 7; 1947 c 428 s 15; 1951 c 363 s 1; 1959 c 521 s 2; 1963 c 357 s 5; 1963 c 627 s 1; 1971 c 138 s 1; 1973 c 123 art 5 s 7; 1978 c 739 s 7; 1986 c 444; 1993 c 26 s 2,3; 1993 c 187 s 4; 1995 c 72 s 1; 1996 c 456 s 20

169.19 TURNING AND STARTING.

Subdivision 1. Turning at intersection. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection.

(4) A left turn from a one-way roadway into a two-way roadway shall be made from the left hand lane and by passing to the right of the center line of the roadway being entered upon leaving the intersection.

(5) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(6) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(7) Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn, and shall make the turn, yielding the right-of-way to any vehicles approaching so close thereto as to constitute an immediate hazard.

Subd. 2. U-turn. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet, nor shall the driver of a vehicle turn the vehicle so as to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.

Subd. 3. Starting parked car. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Subd. 4. Change of course. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this section, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a highway unless and until the movement can be made with reasonable safety after giving an appropriate signal in the manner hereinafter provided.

Subd. 5. Signal to turn. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

Subd. 6. Signal to stop. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear unless there is a good and sufficient reason for not being able to do so.

Subd. 7. Signaling methods. The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the commissioner of public safety, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight, and at night both to the front and rear of such vehicle, then the signals must be given by such a lamp or device.

Subd. 8. Hand signals. When the signal is given by means of the hand and arm the driver shall indicate intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle in the following manner and these signals shall indicate as follows:

(1) Left turn: hand and arm extended horizontally.

(2) Right turn: hand and arm extended upward, except that a bicyclist or motorcyclist may extend the right hand and arm horizontally to the right side of the bicycle or motorcycle.

(3) Stop or decrease speed; hand and arm extended downward.

History: (2720–190, 2720–191, 2720–192, 2720–193, 2720–194, 2720–195) 1937 c 464 s 40–45; 1939 c 430 s 8; 1947 c 428 s 16, 1959 c 521 s 3; 1971 c 286 s 1; 1978 c 587 s 1; 1978 c 739 s 8,9; 1986 c 444; 1989 c 204 s 1

169.20 RIGHT-OF-WAY.

Subdivision 1. **Approaching intersection.** When two vehicles enter an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

When two vehicles enter an intersection controlled by stop signs or by blinking red traffic signals requiring drivers or vehicles from any direction to stop before proceeding, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

At an uncontrolled approach to a T-shaped intersection, the driver required to turn shall yield to the cross traffic.

The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which the driver might otherwise have hereunder.

The foregoing rules are modified as hereinafter stated in this section.

Subd 2 **Left turn.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Subd. 3 **Through highway; stop sign.** The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicles so proceeding into or across the through highway.

The driver of a vehicle shall likewise stop in obedience to a stop sign, as required herein, at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway, and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

Subd 4. **Vehicle entering roadway.** The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

Subd. 5. **Emergency vehicle.** (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and, except where otherwise not required by law, when the driver is giving audible signal by siren, the driver of each other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. The driver of another vehicle on a one-way roadway shall drive to the closest edge or curb and stop. The driver of an authorized emergency vehicle escorting the movement of a vehicle or load which is oversize or overweight need not sound an audible signal by siren but shall exhibit the light required by this paragraph. The driver of each other vehicle then shall yield the right-of-way, as required by this paragraph, to the emergency vehicle escorting the vehicle or load which is oversize or overweight.

(b) Upon the approach of an authorized emergency vehicle the driver of each street car and the operator of each trackless trolley car shall immediately stop such car clear of any intersection and keep it in this position and keep the doors and gates of the street car or trackless trolley car closed until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(c) A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of paragraph (a) within the four-hour period following the termination of the emergency incident.

(d) This subdivision shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highways.

Subd. 5a. **Citation.** A peace officer may issue a citation in lieu of arrest to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has failed to yield the right-of-way to an emergency vehicle in violation of subdivision 5.

Subd. 5b. **Violation; penalty for owner or lessee.** (a) If a motor vehicle is operated in violation of subdivision 5, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) Paragraph (a) does not apply if (1) a person other than the owner or lessee was operating the vehicle at the time the violation occurred, or (2) the owner presents written evidence that the motor vehicle had been reported to a law enforcement agency as stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 5.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Subd. 6. **Funeral procession.** When any funeral procession identifies itself by using regular lights on all cars and by keeping all cars in close formation, the driver of every other vehicle, except an emergency vehicle, shall yield the right-of-way.

Subd. 7. **Transit bus.** The driver of a vehicle traveling in the right-hand lane of traffic shall yield the right-of-way to any transit bus attempting to enter that lane from a bus stop or shoulder, as indicated by a flashing left turn signal.

History: (2720-196, 2720-197, 2720-198, 2720-199, 2720-200, 2720-201) 1937 c 464 s 46-51; 1939 c 430 s 9; 1947 c 428 s 17; 1955 c 595 s 1; 1965 c 423 s 1; 1967 c 268 s 1; 1978 c 739 s 10; 1985 c 249 s 1; 1986 c 444; 1987 c 383 s 9; 1990 c 503 s 2; 1993 c 83 s 2; 1993 c 304 s 1,2; 1997 c 239 art 3 s 1

169.201 YIELD SIGN.

The driver of a vehicle approaching a YIELD sign shall slow to a speed that is reasonable for conditions of traffic and visibility, and stop if necessary, and yield the right-of-way to any pedestrian legally crossing the roadway, and to all vehicles on the intersecting street or highway which are so close as to constitute an immediate hazard.

History: 1955 c 606 s 1; 1959 c 521 s 4; 1961 c 65 s 1; 1986 c 444

PEDESTRIANS

169.202 BLIND PERSON CARRYING WHITE CANE.

Subdivision 1. **Limitation on carrying.** It shall be unlawful for any person to carry a white painted cane unless said person is a blind person.

Subd. 2. **Blind pedestrian has right-of-way.** Any person operating a motor vehicle in this state shall bring such motor vehicle to a stop and give the right-of-way at any intersection of any street, avenue, alley or other public highway to a blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without red tip, or using a guide dog, when such blind person enters said intersection.

Subd. 3. [Repealed, Ex 1971 c 27 s 49]

History: 1945 c 369 s 1-3; 1949 c 391 s 1-3; 1971 c 70 s 2

169.21 PEDESTRIAN.

Subdivision 1. **Obey traffic-control signals.** Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this chapter, but at all other places

pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this section and section 169.22

Subd. 2. Rights in absence of signal. (a) Where traffic-control signals are not in place or in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within any crosswalk at an intersection but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions as otherwise provided in this subdivision.

(b) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(c) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol or adult crossing guard, while the member of the school safety patrol or adult crossing guard is directing the movement of children across a street or highway and while the school safety patrol member or adult crossing guard is holding an official signal in the stop position. A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this paragraph within the past four hours.

(d) A person who violates this subdivision is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both. A person who violates this subdivision a second or subsequent time within one year of a previous conviction under this subdivision is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both

Subd. 3. Crossing between intersections. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk

Notwithstanding the other provisions of this section every driver of a vehicle shall: (a) exercise due care to avoid colliding with any bicycle or pedestrian upon any roadway and (b) give an audible signal when necessary and exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

Subd. 4. Use right half of crosswalk. Pedestrians shall move when practicable upon the right half of crosswalks

Subd. 5. Walk on left side of roadway. Pedestrians when walking or moving in a wheelchair along a roadway shall, when practicable, walk or move on the left side of the roadway or its shoulder giving way to oncoming traffic. Where sidewalks are provided and are accessible and usable it shall be unlawful for any pedestrian to walk or move in a wheelchair along and upon an adjacent roadway.

History: (2720-202, 2720-203, 2720-204, 2720-205, 2720-207) 1937 c 464 s 52-55, 57; 1939 c 430 s 10; 1947 c 428 s 18; 1973 c 193 s 1; 1974 c 379 s 2; 1978 c 739 s 11; 1982 c 468 s 3; 1986 c 444; 1994 c 647 art 12 s 12; 1Sp1995 c 3 art 2 s 31; 1996 c 333 s 1; 1997 c 159 art 2 s 23

169.215 CROSSING FOR SENIORS OR DISABLED PERSONS.

Subdivision 1. Designation of crossings. Local authorities may designate a crossing for senior citizens or disabled persons on any street or highway in the vicinity of a senior citizen housing project, senior citizen nursing home, or residential care facility for disabled persons on the basis of an engineering and traffic investigation prescribed by the commissioner and subject to the uniform specifications adopted pursuant to subdivision 2. Designation of a crossing for senior citizens or disabled persons on a trunk highway is subject to the written consent of the commissioner.

Subd. 2. **Uniform specifications.** The commissioner shall adopt uniform specifications for crossings for senior citizens or disabled persons. The specifications shall include criteria for determining the need for a crossing and the type and design of traffic control devices or signals that may be used at the crossing. The specifications shall be incorporated as a part of the manual of uniform traffic control devices required pursuant to section 169.06.

History: 1979 c 185 s 1; 1990 c 497 s 10

169.219 PUBLIC SERVICE ANNOUNCEMENTS.

The commissioner of public safety shall include in the department's series of public service announcements information that educates the public about traffic regulations that are frequently violated, including the requirement for a vehicle driver to stop to yield the right-of-way to a pedestrian in a crosswalk. The commissioner shall distribute these announcements for broadcast in this state on radio and television.

History: 1996 c 333 s 3

169.22 HITCHHIKING; SOLICITATION OF BUSINESS.

Subdivision 1. **Soliciting ride.** No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

Subd. 2. **Soliciting employment, business, or contributions.** No person shall stand on a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

History: (2720–206) 1937 c 464 s 56; 1974 c 379 s 3

169.221 [Repealed, 1978 c 739 s 15]

BICYCLES AND MOTORIZED BICYCLES

169.222 OPERATION OF BICYCLE.

Subdivision 1. **Traffic laws apply.** Every person operating a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions of this chapter which by their nature cannot reasonably be applied to bicycles.

Subd. 2. **Manner and number riding.** No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except (a) on a baby seat attached to the bicycle, provided that the baby seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or (b) in a seat attached to the bicycle operator.

Subd. 3. **Clinging to vehicle.** Persons riding upon any bicycle, coaster, roller skates, toboggan, sled, skateboard, or toy vehicle shall not attach the same or themselves to any street car or vehicle upon a roadway.

Subd. 4. **Riding on roadway or shoulder.** (a) Every person operating a bicycle upon a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

- (i) when overtaking and passing another vehicle proceeding in the same direction;
- (ii) when preparing for a left turn at an intersection or into a private road or driveway;
- (iii) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

(b) If a bicycle is traveling on a shoulder of a roadway, the bicycle shall travel in the same direction as adjacent vehicular traffic.

(c) Persons riding bicycles upon a roadway or shoulder shall not ride more than two abreast and shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal

when necessary before overtaking and passing any pedestrian. No person shall ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction.

(e) An individual operating a bicycle or other vehicle on a bikeway shall leave a safe distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

Subd. 5. Carrying articles. No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars or from properly operating the brakes of the bicycle.

Subd. 6. Bicycle equipment. (a) No person shall operate a bicycle at nighttime unless the bicycle or its operator is equipped with a lamp which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector of a type approved by the department of public safety which is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. No person may operate a bicycle at any time when there is not sufficient light to render persons and vehicles on the highway clearly discernible at a distance of 500 feet ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of head lamps on a motor vehicle.

The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches of reflective material on each side of the bicycle or its operator. Any bicycle equipped with side reflectors as required by regulations for new bicycles prescribed by the United States Consumer Product Safety Commission shall be considered to meet the requirements for side reflectorization contained in this subdivision.

A bicycle may be equipped with a rear lamp that emits a red flashing signal.

(b) No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person shall operate upon a highway any bicycle equipped with handlebars so raised that the operator must elevate the hands above the level of the shoulders in order to grasp the normal steering grip area.

(d) No person shall operate upon a highway any bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it with at least one foot on the highway surface and restarting in a safe manner.

Subd. 7. Sale with reflectors and other equipment. No person shall sell or offer for sale any new bicycle unless it is equipped with reflectors and other equipment as required by subdivision 6, clauses (a) and (b) and by the regulations for new bicycles prescribed by the United States Consumer Product Safety Commission.

Subd. 8. Turning, lane change. An arm signal to turn right or left shall be given continuously during the last 100 feet traveled by the bicycle before turning, unless the arm is needed to control the bicycle, and shall be given while the bicycle is stopped waiting to turn.

Subd. 9. Bicycle parking. (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by local authorities. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) A bicycle may be parked on a roadway at any location where parking is allowed if it is parked in such a manner that it does not obstruct the movement of a legally parked motor vehicle.

Subd. 10. Bicycle events. (a) Bicycle events, parades, contests, or racing on a highway shall not be unlawful when approved by state or local authorities having jurisdiction over that highway. Approval shall be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(b) By agreement with the approving authority, participants in an approved bicycle highway event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

Subd. 11. **Peace officer operating bicycle.** The provisions of this section governing operation of bicycles do not apply to bicycles operated by peace officers while performing their duties.

History: 1978 c 739 s 12; 1986 c 444; 1987 c 255 s 14; 1993 c 326 art 4 s 2; art 7 s 2; 1995 c 72 s 2

169.223 MOTORIZED BICYCLE.

Subdivision 1 **Safety equipment; parking.** Except as otherwise provided in this section, section 169.974 relating to motorcycles is applicable to motorized bicycles, except that:

(1) protective headgear includes headgear that meets the American National Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute, Inc.;

(2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours;

(3) except as provided in clause (5), protective headgear is not required for operators 18 years of age or older;

(4) the provisions of section 169.222 governing the parking of bicycles apply to motorized bicycles;

(5) the operator of an electric-assisted bicycle must wear properly fitted and fastened headgear that meets the American National Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute, Inc., when operating the electric-assisted bicycle on a street or highway; and

(6) eye protection devices are not required for operators of electric-assisted bicycles.

Subd. 2. **License or permit.** A motorized bicycle may be operated under either a driver's license or a motorized bicycle permit issued under section 171.02, subdivision 3. A person under the age of 16 operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit, except that:

(1) a parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator if the motorized bicycle is equipped with a seat and foot rests for a second passenger;

(2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours;

(3) protective headgear includes headgear described in subdivision 1; and

(4) protective headgear is required only until the operator reaches the age of 18 years.

Subd. 3. **Sidewalk and passenger prohibitions.** No person shall operate a motorized bicycle upon a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley or building. No person shall operate a motorized bicycle that is carrying any person other than the operator, except as allowed under subdivision 2.

Subd. 4. **Headlight requirement.** The provisions of section 169.974, subdivision 5, clause (i), apply to motorized bicycles that are equipped with headlights. After June 1, 1987, a new motorized bicycle sold or offered for sale in Minnesota must be equipped with a headlight.

Subd. 5. **Other operation requirements and prohibitions.** (a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations:

(1) when overtaking and passing another vehicle proceeding in the same direction;

(2) when preparing for a left turn at an intersection or into a private road or driveway; or

(3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge

(b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane.

(c) This section does not permit the operation of a motorized bicycle on a bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic.

(d) Subject to the provisions of section 160.263, subdivision 3, a person may operate an electric-assisted bicycle on a bicycle lane. A person may operate an electric-assisted bicycle on the shoulder of a roadway if the electric-assisted bicycle is traveling in the same direction as the adjacent vehicular traffic.

History: 1977 c 214 s 8; 1979 c 227 s 1; 1987 c 269 s 5; 1989 c 331 s 22; 1996 c 435 s 15,16

169.23 [Repealed, 1965 c 45 s 73]

169.24 [Repealed, 1961 c 561 s 17]

SAFETY ZONES

169.25 SAFETY ZONE.

No vehicle shall at any time be driven through a safety zone.

History: (2720-210) 1937 c 464 s 60

RAILROAD CROSSINGS

169.26 SPECIAL STOPS AT RAILROAD CROSSING.

Subdivision 1. **Requirements.** (a) When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so. These requirements apply when:

(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train; or

(2) an approaching railroad train is plainly visible and is in hazardous proximity.

(b) The fact that a moving train approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed.

(c) The driver of a vehicle shall stop and remain stopped and not traverse the grade crossing when a human flagger signals the approach or passage of a train or when a crossing gate is lowered warning of the immediate approach or passage of a railroad train. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed or drive a vehicle past a lowered crossing gate.

Subd. 1a. **Violation.** A police officer may arrest the driver of a motor vehicle if the police officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past four hours.

Subd. 2. **Misdemeanor.** (a) A driver who violates subdivision 1 is guilty of a misdemeanor.

(b) The owner or, in the case of a leased vehicle, the lessee of a motor vehicle is guilty of a petty misdemeanor if a motor vehicle owned or leased by that person is operated in violation of subdivision 1. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. This paragraph does not apply if the motor vehicle operator is prosecuted for violating subdivision 1. A violation of this paragraph does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Subd. 3. **Driver training.** All driver education courses approved by the commissioner of children, families, and learning and the commissioner of public safety must include instruction on railroad-highway grade crossing safety. The commissioner of children, families, and learning and the commissioner of public safety shall by rule establish minimum

standards of course content relating to operation of vehicles at railroad-highway grade crossings.

History: (2720–211) 1937 c 464 s 61; 1986 c 444; 1990 c 468 s 2; 1991 c 298 art 2 s 2; 1Sp1995 c 3 art 16 s 13; 1998 c 403 s 13

169.27 [Repealed, 1976 c 166 s 119]

169.28 CERTAIN VEHICLES TO STOP AT RAILROAD CROSSING.

Subdivision 1. **Stop required.** The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus whether carrying passengers or not, or of any vehicle carrying explosive substances or flammable liquids, or liquid gas under pressure as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle not less than ten feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until safe to do so.

A school bus or Head Start bus shall not be flagged across railroad grade crossings except at those railroad grade crossings that the local school administrative officer may designate.

Subd. 2. **Exempt crossing.** The commissioner may designate a crossing as an exempt crossing if the crossing is:

- (1) on a rail line on which service has been abandoned; or
- (2) on a rail line that carries fewer than five trains each year, traveling at speeds of ten miles per hour or less.

The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. The installation or presence of an exempt sign does not relieve a driver of the duty to use due care. A train must not proceed across an exempt crossing unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the train enters the crossing.

A vehicle that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad employee.

History: (2720–213) 1937 c 464 s 63; Ex1937 c 38 s 1; 1961 c 29 s 1; 1969 c 146 s 2; 1982 c 444 s 1; 1986 c 444; 1987 c 397 s 1; 1994 c 603 s 3

169.29 CROSSING RAILROAD TRACKS WITH CERTAIN EQUIPMENT.

No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

Before making any crossing, the person operating or moving any vehicle or equipment set forth in this section shall first stop the same not less than ten, nor more than 50, feet from the nearest rail of the railway, and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

No crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car.

No stop need be made at a crossing on a rail line on which service has been abandoned and where a sign erected in conformance with section 169.06 and bearing the word "Exempt" has been installed, unless directed otherwise by a flagger. The installation or presence of an exempt sign shall not relieve any driver of the duty to use due care.

History: (2720–214) 1937 c 464 s 64; 1982 c 444 s 2; 1986 c 444

CONTROLLED ACCESS AND THROUGH HIGHWAYS**169.30 DESIGNATION OF THROUGH HIGHWAYS.**

The commissioner, with reference to state trunk highways, and local authorities, with reference to other highways under their jurisdiction, may designate through highways by erecting stop signs or yield signs at entrances thereto or may designate any intersection as a stop or yield intersection by erecting like signs at one or more entrances to such intersection; provided, that local authorities, with the consent of the commissioner, may designate through highway or stop or yield intersections on state trunk highways

Every driver of a vehicle shall stop at a stop sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.

History: (2720-215) 1937 c 464 s 65; 1939 c 430 s 11; 1961 c 16 s 1

169.305 CONTROLLED ACCESS RULES AND PENALTIES.

Subdivision 1. Entrance and exit; crossover; use by pedestrian or nonmotorized vehicle; signs; rules. (a) No person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by public authority.

(b) When special crossovers between the main roadways of a controlled access highway are provided for emergency vehicles or maintenance equipment and such crossovers are signed to prohibit "U" turns, it shall be unlawful for any vehicle, except an emergency vehicle, maintenance equipment, or construction equipment including contractor's and state-owned equipment when operating within a marked construction zone, to use such crossover. Vehicles owned and operated by elderly and needy persons under contract with the commissioner of transportation pursuant to section 160.282 for maintenance services on highway rest stop and tourist centers outside the seven-county metropolitan area as defined in section 473.121, may also use these crossovers while those persons are proceeding to or from work in the rest area or tourist center if authorized by the commissioner, and the vehicle carries on its roof a distinctive flag designed and issued by the commissioner. For the purposes of this clause "emergency vehicle" includes a tow truck or towing vehicle if it is on the way to the location of an accident or a disabled vehicle.

(c) The commissioner of transportation may by order, and any public authority may by ordinance, with respect to any controlled access highway under their jurisdictions prohibit or regulate the use of any such highway by pedestrians, bicycles, or other nonmotorized traffic, or by motorized bicycles, or by any class or kind of traffic which is found to be incompatible with the normal and safe flow of traffic.

(d) The commissioner of transportation or the public authority adopting any such prohibitory rules shall erect and maintain official signs on the controlled access highway on which such rules are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Subd. 2. Backing. Except for a driver of an authorized emergency vehicle in the course of performing duties, no driver of a vehicle shall back the same upon the roadway or shoulder of any controlled access highway.

Subd. 3. Petty misdemeanor. Any person violating the provisions of this section or any order or ordinance promulgated or enacted by the commissioner of transportation or a public authority pursuant thereto is guilty of a petty misdemeanor.

History: 1959 c 439 s 1; 1961 c 72 s 1; 1971 c 236 s 1; Ex1971 c 27 s 9; 1974 c 406 s 39; 1976 c 166 s 7; 1977 c 214 s 9; 1978 c 494 s 2; 1980 c 533 s 12, 1985 c 248 s 70, 1986 c 444; 1991 c 112 s 5; 1995 c 186 s 119

OTHER TRAFFIC RULES**169.31 STOP AT SIDEWALK.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or

into the sidewalk area and shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk

History: (2720–216) 1937 c 464 s 66; 1978 c 739 s 13

169.315 OPENING AND CLOSING VEHICLE DOOR.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic. No person shall allow any door on the side of a vehicle adjacent to moving traffic to remain open for a period of time longer than necessary to load or unload passengers.

History: 1978 c 739 s 14

STOPPING, PARKING PROVISIONS

169.32 STOPPING, STANDING, AND PARKING.

Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

This section shall not apply to the driver of a school bus stopped for the purpose of receiving or discharging any school child or school children provided the school bus is equipped and identified as provided in sections 169.441 and 169.442, subdivision 1, and is displaying the flashing red lamps and stop arm required therein.

History: (2720–217) 1937 c 464 s 67; 1969 c 146 s 3; 1991 c 277 s 17

169.33 POLICE MAY MOVE VEHICLE.

When any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 169.32, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

When any police officer finds a vehicle unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety.

History: (2720–218) 1937 c 464 s 68; 1939 c 430 s 12

169.34 PROHIBITIONS; STOPPING, PARKING.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within ten feet of a fire hydrant,
- (5) on a crosswalk;
- (6) within 20 feet of a crosswalk at an intersection;
- (7) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

(8) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(9) within 50 feet of the nearest rail of a railroad crossing;

(10) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted;

(11) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

(12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;

(14) at any place where official signs prohibit stopping.

No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

No person shall, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a camp site.

No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

History: (2720–219) 1937 c 464 s 69; Ex1937 c 38 s 1; 1939 c 430 s 13; 1989 c 342 s 16

169.342 GOOD SAMARITAN; EXCEPTION TO STOPPING AND PARKING.

A person who stops or parks that person's motor vehicle on any highway or street for the sole purpose of aiding another motorist who signals for assistance by raising the hood of the vehicle or displaying a flag, flare or similar signal is not in violation of any law, ordinance, or rule prohibiting the stopping or parking of a motor vehicle, and no peace officer shall issue a traffic ticket therefor if:

(a) the motorist in distress is not already being given aid or assistance;

(b) the person takes reasonable safety precautions in stopping and parking the vehicle, and conforms with other laws regulating the stopping and parking of vehicles;

(c) the person is not in violation of traffic laws or rules other than the prohibition against stopping and parking; and

(d) the person promptly leaves the scene if directed to leave by a peace officer.

This section does not apply to any person who stops or parks a vehicle next to an untended vehicle.

History: 1977 c 167 s 1; 1985 c 248 s 70; 1986 c 444

169.345 PARKING PRIVILEGE FOR PHYSICALLY DISABLED.

Subdivision 1. **Scope of privilege.** A vehicle that prominently displays the certificate authorized by this section or that bears license plates issued under section 168.021, may be parked by or for a physically disabled person:

(1) in a designated parking space for disabled persons, as provided in section 169.346; and

(2) in a metered parking space without obligation to pay the meter fee and without time restrictions unless time restrictions are separately posted on official signs.

For purposes of this subdivision, a certificate is prominently displayed if it is displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the rearview mirror attached to the front windshield of the vehicle. If there is no rearview mirror or if the certificate holder's disability precludes placing the certificate on the mirror, the placard must be displayed on the dashboard on the driver's side of the vehicle. No part of the certificate may be obscured.

Notwithstanding clauses (1) and (2), this section does not permit parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local governmental unit may, by ordinance, prohibit parking on any street or highway to create a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and these ordinances also apply to physically disabled persons.

Subd. 2. **Definitions.** For the purpose of this section, "physically disabled person" means a person who:

- (1) because of disability cannot walk without significant risk of falling;
- (2) because of disability cannot walk 200 feet without stopping to rest;
- (3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
- (4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter;
- (5) has an arterial oxygen tension (PAO₂) of less than 60 mm/Hg on room air at rest;
- (6) uses portable oxygen;
- (7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association;
- (8) has lost an arm or a leg and does not have or cannot use an artificial limb; or
- (9) has a disability that would be aggravated by walking 200 feet under normal environmental conditions to an extent that would be life threatening.

Subd. 2a. **Physician's or chiropractor's statement.** (a) The commissioner shall develop a form for the physician's or chiropractor's statement. The statement must be signed by a licensed physician or chiropractor who certifies that the applicant is a physically disabled person as defined in subdivision 2. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility. The statement that the applicant is a physically disabled person must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician or chiropractor as to the duration of the disability. A physician or chiropractor who fraudulently certifies to the commissioner that a person is a physically disabled person as defined in subdivision 2, and that the person is entitled to the license plates authorized by section 168.021 or to the certificate authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

(b) The commissioner may waive the requirement of providing a statement of a licensed physician or chiropractor, if the applicant has previously filed with the commissioner a statement of a licensed physician or chiropractor certifying that the applicant has a permanent physical disability.

Subd. 3. **Identifying certificate.** (a) The division of driver and vehicle services in the department of public safety shall issue (1) immediately, a temporary permit valid for 30 days, if the person is eligible for the certificate issued under this paragraph, and (2) a special identifying certificate for a motor vehicle when a physically disabled applicant submits proof of physical disability under subdivision 2a. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for six years, if the disability is specified in the physician's or chiropractor's statement as permanent, and is valid for a period not to exceed six months, if the disability is specified as temporary.

(b) When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically disabled persons, the division may issue without charge (1) immediately, a temporary permit valid for 30 days, if the operator is eligible for the certificate issued under this paragraph, and (2) a special identifying certificate for the vehicle. The operator of a vehicle displaying the certificate or temporary permit has the parking privileges provided in subdivision 1 while the vehicle is in use for transporting physically disabled persons. The certificate issued to a person transporting physically disabled persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically disabled persons.

(c) A certificate must be made of plastic or similar durable material and must bear its expiration date prominently on both sides. A certificate issued prior to January 1, 1994, must bear its expiration date prominently on its face and will remain valid until that date or December 31, 2000, whichever shall come first. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under paragraph (a). Each applicant must be provided a summary of the parking privileges and restrictions that apply to each vehicle for which the certificate is used. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate or temporary permit, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate or temporary permit. The commissioner shall not charge a fee for issuing a certificate to a person who has paid a fee for issuance of a temporary permit.

Subd. 4. Unauthorized use; revocation; misdemeanor. If a peace officer or authorized agent of the citizen enforcement program finds that the certificate or temporary permit is being improperly used, the officer or agent shall report the violation to the division of driver and vehicle services in the department of public safety and the commissioner of public safety may revoke the certificate or temporary permit. A person who uses the certificate or temporary permit in violation of this section is guilty of a misdemeanor and is subject to a fine of \$500.

Subd. 5. [Repealed, 1967 c 389 s 2]

History: 1965 c 844 s 1-5; 1967 c 389 s 1; 1969 c 1129 art 1 s 15, Ex 1971 c 27 s 10; 1977 c 22 s 1,2; 1979 c 31 s 1; 1979 c 277 s 4; 1985 c 248 s 70; 1986 c 444; 1987 c 355 s 7; 1988 c 642 s 7,8; 1989 c 209 art 1 s 17; 1989 c 234 s 3-5; 1989 c 301 s 3; 1990 c 497 s 11; 1991 c 301 s 4; 1993 c 98 s 4,5; 1994 c 536 s 20,21; 1995 c 85 s 2-4

169.346 PARKING FOR PHYSICALLY DISABLED; PROHIBITIONS; PENALTIES.

Subdivision 1. Parking criteria. A person shall not:

(1) park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically disabled, on either private or public property;

(2) park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a transfer zone for disabled persons;

(3) exercise the parking privilege provided in section 169.345, unless:

(i) that person is a physically disabled person as defined in section 169.345, subdivision 2, or the person is transporting or parking a vehicle for a physically disabled person, and

(ii) the vehicle visibly displays one of the following: a license plate issued under section 168.021, a certificate issued under section 169.345, a temporary permit valid for 30 days issued under section 168.021 or 169.345, or an equivalent certificate, insignia, or license plate issued by another state, a foreign country, or one of its political subdivisions; or

(4) park a motor vehicle in an area used as a regular route transit stopping point where a transit vehicle that is accessible to the physically disabled regularly stops and a sign that bears the international symbol of access in white on blue is posted. A sign posted under this clause may display other information relating to the regular route transit service. For purposes of this clause, an area used as a regular route transit stopping point consists of the 80 feet immediately preceding the sign described in this clause.

Subd. 2. Signs; parking space free of obstruction; penalty. (a) Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200. These parking spaces are reserved for disabled persons with vehicles displaying the required certificate, license plates, temporary permit valid for 30 days, or insignia. Signs sold after August 1, 1991, must conform to the design requirements in this paragraph. For purposes of this subdivision, a parking space that is clearly identified as reserved for physically disabled persons by a permanently posted sign that does not meet all design standards, is considered designated and reserved for physically disabled persons. A sign posted for the purpose of this section must be visible from inside a vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be nonmovable or only movable by authorized persons.

(b) The owner or manager of the property on which the designated parking space is located shall ensure that the space is kept free of obstruction. If the owner or manager allows the space to be blocked by snow, merchandise, or similar obstructions for 24 hours after receiving a warning from a peace officer, the owner or manager is guilty of a misdemeanor and subject to a fine of up to \$500.

Subd. 3. Misdemeanor; enforcement. A person who violates subdivision 1 is guilty of a misdemeanor and shall be fined not less than \$100 or more than \$200. This subdivision shall be enforced in the same manner as parking ordinances or regulations in the governmental subdivision in which the violation occurs. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of subdivision 1. A physically disabled person, or a person parking a vehicle for a disabled person, who is charged with violating subdivision 1 because the person parked in a parking space for physically disabled persons without the required certificate, license plates, or temporary permit shall not be convicted if the person produces in court or before the court appearance the required certificate, temporary permit, or evidence that the person has been issued license plates under section 168.021, and demonstrates entitlement to the certificate, plates, or temporary permit at the time of arrest or tagging.

Subd. 4. Local ordinance; citizen enforcement program. A statutory or home rule charter city may, by ordinance, establish a program to enforce the parking restrictions of this section or any similar local ordinance, relating to parking spaces for the physically disabled, by using citizen volunteers to issue citations to violators. The ordinance shall contain a process for training program participants in the requirements of the law, the method of issuing citations, and other related matters. Program participants who satisfy the training requirements of the ordinance are authorized to issue citations for violations of this section and are exempt from any other training or licensure requirements imposed on law enforcement officers by chapter 626.

History: 1977 c 205 s 1; 1979 c 31 s 3; 1979 c 277 s 5–7; 1983 c 24 s 1; 1986 c 444; 1987 c 355 s 8; 1990 c 482 s 2; 1990 c 497 s 12; 1991 c 301 s 5,6; 1992 c 424 s 1; 1993 c 83 s 3; 1993 c 98 s 6–8; 1993 c 130 s 1; 1994 c 495 s 1

169.35 PARKING.

Subdivision 1. Parallel to curb. Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb, provided, that such exception shall only apply to a state trunk highway after approval by the commissioner.

Subd. 2. Where no curb. Upon streets and highways not having a curb each vehicle stopped or parked shall be stopped or parked parallel with and to the right of the paved or improved or main traveled part of the street or highway.

Subd. 3. One-way roadway. Local authorities with respect to streets and highways under their jurisdiction and with the consent of the commissioner with respect to state trunk highways may by ordinance permit parking of vehicles with the left hand wheels adjacent to and within 12 inches of the left hand curb of a one-way roadway.

History: (2720–220) 1937 c 464 s 70; Ex1937 c 38 s 1; 1939 c 430 s 14; 1947 c 428 s 21

169.36 PARKING; BRAKE SET AND WHEELS TURNED.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

History: (2720–221) 1937 c 464 s 71

OTHER TRAFFIC RULES

169.37 OBSTRUCTING VIEW OF DRIVER.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or

sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle or street car.

History: (2720–222) 1937 c 464 s 72; 1986 c 444

169.38 DRIVING IN ROUGH TERRAIN.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible, and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle.

History: (2720–223) 1937 c 464 s 73

169.39 COASTING.

The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

The driver of a commercial motor vehicle when traveling upon a downgrade shall not coast with the clutch disengaged.

History: (2720–224) 1937 c 464 s 74

169.40 FIRE TRUCK; FIRE STATION.

Subdivision 1. **Following fire truck; parking at fire scene.** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Subd. 2. **Fire station entrance.** No person shall drive a vehicle within 50 feet of the driveway entrance to any fire station while fire apparatus is being driven into the fire station unless on official business.

History: (2720–225) 1937 c 464 s 75; 1967 c 281 s 1; 1986 c 444

169.41 CROSSING FIRE HOSE.

No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

History: (2720–226) 1937 c 464 s 76

169.42 LITTERING; DROPPING OBJECT ON VEHICLE; MISDEMEANOR.

Subdivision 1. **Dangerous object on highway.** No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any snow, ice, glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

Subd. 2. MS 1969 [Repealed, Ex 1971 c 27 s 49]

Subd. 2. **Dropping dangerous object on highway.** Any person who drops, or permits to be dropped or thrown, upon any highway any of the material specified in subdivision 1, shall immediately remove the same or cause it to be removed.

Subd. 3. **Removing object; responsibility.** Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Subd. 4. **Dropping object on vehicle.** No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle upon any highway or the occupants thereof.

Subd. 5. **Misdemeanor.** Any person violating the provisions of this section is guilty of a misdemeanor. The record of any conviction of or plea of guilty under this section of a person operating a motor vehicle shall be immediately forwarded to the department of public safety for inclusion upon that offender's driving record. Any second or subsequent offense under this section shall require a minimum fine in the amount of \$400. Any judge may, for any violation of this section, order the offender to pick up litter along any public highway or road for four to eight hours under the direction of the department of transportation, with the option of a jail sentence being imposed.

History: (2720-227) 1937 c 464 s 77; 1951 c 663 s 1,2; 1967 c 104 s 1; 1973 c 299 s 1; 1976 c 166 s 7; 1980 c 533 s 13; 1983 c 359 s 11; 1991 c 138 s 1

169.421 CIVIL LIABILITY FOR LITTERING.

Subdivision 1. **Finding.** The legislature finds that the cost of removal and disposal of solid waste, including litter, from vehicles is an onerous burden upon the public, and that the criminal law is not always adequate in dealing with the problem. This requires the imposition of civil liability as provided in this section.

Subd. 2. **Definition.** For purposes of this section, "owner" as to a vehicle means the owner of the vehicle, but in the case of a leased vehicle means the lessee.

Subd. 3. **Civil liability imposed.** If any solid waste, including litter, glass, nails, tacks, wire, cans, bottles, garbage, papers, refuse, trash, or any form of offensive matter is thrown, deposited, placed, or dumped from a vehicle upon any street or highway, public land, or upon private land without the consent of the owner of the land, a violation of this subdivision occurs and civil liability is imposed upon the owner of the vehicle. The driver and passengers riding in a vehicle are constituted as the agents of the owner of the vehicle for purposes of this subdivision. It is a defense to any action brought pursuant to this section that the vehicle was stolen. This section is not applicable to the owner of a vehicle transporting persons for hire or transporting school children.

Subd. 4. **Civil penalty; damages.** A person who violates this section is subject to the civil penalties for littering and an action for damages as specified in section 115A.99.

Subd. 5. **Procedures.** A civil action may be commenced as is any civil action or by the issuance of a citation to the owner of the vehicle by any law enforcement officer who has reason to believe that a violation has occurred. Actions commenced by the issuance of a citation by a law enforcement officer shall be tried by the prosecuting authority responsible for misdemeanor prosecutions in the jurisdiction where a violation occurs. Any damages recovered in an action brought by a public agency shall be deposited in the treasury of the jurisdiction trying the action and distributed as provided in section 487.33. Any district court may establish a separate civil calendar for cases brought under this section.

Subd. 6. **Relationship to criminal law; election of remedy.** If an act is a violation of this section and of a statute or ordinance providing a criminal penalty, a public agency elects its remedy by commencing either an action under this section or a criminal prosecution, and the commencement of one type of action by a public agency is a bar to its bringing of the other.

Subd. 7. **Payment.** Any district court may establish a schedule of costs and civil damages, and procedures for payment, in cases brought by a public agency under which the defendant may consent to default judgment and make payment according to the schedule without making a personal appearance in court.

Subd. 8. **Citation.** This section may be cited as the Civil Litter Act.

History: 1979 c 235 s 1; 1991 c 138 s 2; 1994 c 412 s 3; 1998 c 254 art 2 s 14,15

169.43 SWINGING GATE ON TRUCK.

No truck shall be operated on any highway with gate, loading rack, or partition carried in any manner on any part of the exterior of the truck, unless the top and bottom of such gate,

loading rack or partition is securely attached to the truck, so as to prevent swinging or becoming loose.

No truck shall be driven or parked on any highway with tailgate or tailboard hanging down or projecting from the vehicle except while such vehicle is being loaded or unloaded, and except when a load on the tailboard renders impossible the closing of the tailboard.

History: (2720–228, 2720–229) 1937 c 464 s 78,79; 1947 c 428 s 22; 1949 c 263; 1971 c 320 s 1

SCHOOL BUS SAFETY

169.435 STATE SCHOOL BUS SAFETY ADMINISTRATION.

Subdivision 1. Responsibility; department of public safety. The department of public safety has the primary responsibility for school transportation safety. To oversee school transportation safety, the commissioner of public safety shall establish a school bus safety advisory committee according to subdivision 2. The commissioner or the commissioner's designee shall serve as state director of pupil transportation according to subdivision 3.

Subd. 2. School bus safety advisory committee. (a) The commissioner of public safety shall establish the school bus safety advisory committee. The commissioner shall provide the committee with meeting space and clerical support. The commissioner of public safety or the commissioner's designee shall chair the committee. The members of the committee also shall include:

- (1) the commissioner of children, families, and learning or the commissioner's designee;
- (2) the commissioner of human rights or the commissioner's designee;
- (3) a county or city attorney;
- (4) a representative of the state patrol;
- (5) a school board member;
- (6) a school superintendent;
- (7) two school bus drivers, one representing the metropolitan area and one representing greater Minnesota;
- (8) two school transportation contractors, one representing the metropolitan areas and one representing greater Minnesota;
- (9) two school transportation safety directors, one representing the metropolitan area and one representing greater Minnesota; and
- (10) five public members, including at least four parents of children who ride a school bus, among them a parent of a child with a disability. The public members shall be geographically representative.

The commissioner of public safety, in consultation with the commissioner of children, families, and learning, shall appoint the members listed in clauses (3) to (9). The governor shall appoint the public members in clause (10). Terms, compensation, and removal of committee members shall be according to section 15.059. The committee shall meet quarterly or as required by the chair.

(b) The duties of the committee shall include:

- (1) an annual report by January 15 to the governor and the education committees of the legislature, including recommendations for legislative action when needed, on student bus safety education, school bus equipment requirements and inspection, including seat belts and other occupant restraint systems, bus driver licensing, training, and qualifications, bus operation procedures, student behavior and discipline, rules of the road, school bus safety education for the public, or any other aspects of school transportation safety the committee considers appropriate;
- (2) a quarterly review of all school transportation accidents, crimes, incidents of serious misconduct, incidents that result in serious personal injury or death, and bus driver dismissals for cause; and
- (3) periodic review of school district comprehensive transportation safety policies.

(c) The committee expires June 30, 2001.

Subd. 3. **Pupil transportation safety director.** The commissioner of public safety or the commissioner's designee shall serve as pupil transportation safety director.

The duties of the pupil transportation safety director shall include:

- (1) overseeing all department activities related to school bus safety;
- (2) assisting in the development, interpretation, and implementation of laws and policies relating to school bus safety;
- (3) supervising preparation of the school bus inspection manual;
- (4) in conjunction with the department of children, families, and learning, assisting school districts in developing and implementing comprehensive transportation policies; and
- (5) providing information requested by the school bus safety advisory committee.

History: 1994 c 647 art 12 s 13; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 12 s 6

169.44 [Repealed, 1991 c 277 s 18]

169.441 SCHOOL BUS IDENTIFICATION.

Subdivision 1. **Identification and signal requirements, generally.** For purposes of sections 169.441 to 169.448, school bus means a motor vehicle that is outwardly equipped and identified as a school bus. A motor vehicle that satisfies the identification requirements of this section and the signal equipment requirements of section 169.442 is considered outwardly equipped and identified as a school bus.

Subd. 2. [Repealed, 1994 c 647 art 12 s 43]

Subd. 2a. **Head Start bus; color; identification.** (a) A Head Start bus is exempt from the color requirements of this chapter.

(b) A type A, B, C, or D Head Start bus must bear on its front and rear a plainly visible sign containing the words "Head Start bus" in letters at least eight inches in height.

Subd. 3. **Sign on bus; application of other law.** Sections 169.443, subdivision 2; and 169.444, subdivisions 1, 4, and 5, apply only if the school bus bears on its front and rear a plainly visible sign containing the words "school bus" in letters at least eight inches in height.

Except as provided in section 169.443, subdivision 8, the sign must be removed or covered when the vehicle is being used as other than a school bus.

Subd. 4. **"MN" designation in bus body serial number.** School bus bodies manufactured after December 31, 1991, and Head Start bus bodies manufactured after December 31, 1994, and used on streets and highways in Minnesota must bear the designation "MN" within the bus body identification number. The "MN" designation may be made only by the manufacturer and must not be located on either end of the bus body identification number. The manufacturer of the school bus body certifies by the "MN" designation that the bus body has been manufactured to meet the minimum standards required of school bus bodies and Head Start bus bodies by law. A school bus body manufactured before January 1, 1992, that does not bear a current inspection sticker on July 1, 1992, may not be used on streets and highways in Minnesota after July 1, 1992, unless its manufacturer recertifies that the school bus body meets minimum standards required of school bus bodies by law.

Subd. 5. **Optional markings; rules.** A school district may elect to show on the front and rear of the school buses that it owns or contracts for, a plainly visible, summary message explaining section 169.444, subdivisions 1 and 2. If the school district elects to display the message, it must conform with the rules of the commissioner of children, families, and learning. The commissioner shall adopt rules governing the size, type, design, display, and content of the summary message that may be shown.

History: 1991 c 277 s 3; 1992 c 516 s 1; 1994 c 603 s 4,5; 1994 c 647 art 12 s 15; 1Sp1995 c 3 art 16 s 13; 1996 c 398 s 55

169.442 SCHOOL BUS SIGNALS.

Subdivision 1. **Signals required.** A type A, B, C, or D school bus must be equipped with a stop signal arm, prewarning flashing amber signals, and flashing red signals.

Subd. 2. [Repealed, 1994 c 647 art 12 s 43]

Subd. 3. [Repealed, 1994 c 647 art 12 s 43]

Subd. 4. **Optional warning system.** In addition to equipment required under subdivision 1, and notwithstanding section 169.64, a school bus may be equipped with a driver-activated, exterior student-control, warning system. The driver shall activate this system when the use of the stop signal arm and flashing red signals is required under section 169.443, subdivision 1.

Subd. 5. **White strobe lamps on certain buses transporting children.** Notwithstanding sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b), or other law to the contrary, a school bus that is subject to and complies with the equipment requirements of subdivision 1 and section 169.441, subdivision 1, or a Head Start bus that is not a type III bus defined in section 169.01, subdivision 6, may be equipped with a 360-degree, flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute. The lamp may be used only as provided in this subdivision.

The strobe lamp must 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 must be permanently mounted on the longitudinal center line of the bus roof not less than two feet nor more than seven feet forward of the rear roof edge. It must 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 or Head Start bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus or Head Start bus. A strobe lamp may not be lighted unless the school bus or Head Start bus is actually being used as a school bus or Head Start bus.

History: 1991 c 277 s 4; 1994 c 603 s 6; 1994 c 647 art 12 s 16

169.443 SAFETY OF SCHOOL CHILDREN; BUS DRIVER'S DUTIES.

Subdivision 1. **Using bus signals.** A driver of a school bus shall activate the prewarning flashing amber signals of the bus before stopping to load or unload school children. The driver shall activate and continuously operate the amber signals for a distance of at least 100 feet before stopping in a speed zone of 35 miles per hour or less and at least 300 feet before stopping in a speed zone of more than 35 miles per hour. On stopping for this purpose, the driver shall extend the stop signal arm and activate the flashing red signals. The driver shall not retract the stop signal arm nor extinguish the flashing red signals until loading or unloading is completed, students are seated, and children who must cross the roadway are safely across.

Subd. 2. **Use of stop signal arm.** (a) The stop signal arm of a school bus must be used in conjunction with the flashing red signals only when the school bus is stopped on a street or highway to load or unload school children.

(b) A local authority, including the governing body of an Indian tribe, may by ordinance require that a school bus activate the stop signal arm and flashing red signals while stopped to unload school children at a location other than a location on a street or highway. The ordinance must designate each location where the requirement is imposed. The requirement is effective only if the local authority has erected signs at or near the location to provide adequate notice that other vehicles are required to obey section 169.444, subdivision 1, when those signals are activated.

Subd. 3. **When signals not used.** School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals and shall not use the stop arm signal:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the roadway and where no other motor vehicle traffic is moving or is likely to be moving within 20 feet of the bus;

(2) when directed not to do so, in writing, by the local school board;

(3) when a school bus is being used on a street or highway for purposes other than the actual transportation of school children to or from school or a school-approved activity, except as provided in subdivision 8;

(4) at railroad grade crossings; and

(5) when loading and unloading people while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of this roadway before loading or unloading people.

Subd. 4. **Street crossings.** Where school children must cross a roadway before getting on or after getting off the school bus, the driver of the school bus or a school bus patrol may supervise the crossing, using the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. Before moving the school bus, the driver of the bus shall visually determine that all children have crossed the roadway and that those who are to do so have boarded the school bus.

Subd. 5. **Moving bus after children unloaded.** When children are getting off a school bus or Head Start bus, the driver shall visually determine that they are a safe distance from the bus before moving the bus.

Subd. 6. **Type III buses.** The driver of a type III school bus or type III Head Start bus shall load or unload school children or Head Start passengers only from the right-hand side of the vehicle, provided that on a one-way street the driver shall load or unload school children or Head Start passengers only from the curb side of the vehicle. When loading or unloading school children or Head Start passengers, the driver shall activate the vehicle's four-way hazard lights described in section 169.59, subdivision 4

Subd. 7. **Misdemeanor.** A person who violates this section is guilty of a misdemeanor.

Subd. 8. **Use for recreational or educational activity.** A school bus that transports over regular routes and on regular schedules persons age 18 or under to and from a regularly scheduled recreational or educational activity must comply with subdivisions 1 and 7. Notwithstanding section 169.441, subdivision 3, a school bus may provide such transportation only if (1) the "school bus" sign is plainly visible; (2) the school bus has a valid certificate of inspection under section 169.451; (3) the driver of the school bus possesses a driver's license with a valid school bus endorsement under section 171.10; and (4) the entity that organizes the recreational or educational activity, or the contractor who provides the school buses to the entity, consults with the superintendent of the school district in which the activity is located or the superintendent's designee on the safety of the regular routes used.

History: 1991 c 277 s 5; 1992 c 516 s 2,3; 1993 c 78 s 1; 1994 c 465 art 1 s 25; 1994 c 603 s 7,8; 1994 c 647 art 12 s 17; 1Sp1997 c 4 art 12 s 7

169.444 SAFETY OF SCHOOL CHILDREN; DUTIES OF OTHER DRIVERS.

Subdivision 1. **Children getting on or off school bus.** When a school bus is stopped on a street or highway, or other location where signs have been erected under section 169.443, subdivision 2, paragraph (b), and is displaying an extended stop signal arm and flashing red lights, the driver of a vehicle approaching the bus shall stop the vehicle at least 20 feet away from the bus. The vehicle driver shall not allow the vehicle to move until the school bus stop signal arm is retracted and the red lights are no longer flashing.

Subd. 1a. **Passing on right.** No person may pass or attempt to pass a school bus in a motor vehicle on the right-hand, passenger-door side of the bus when the school bus is displaying the prewarning flashing amber signals as required in section 169.443, subdivision 1.

Subd. 2. **Violations by drivers; penalties.** (a) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty of a misdemeanor punishable by a fine of not less than \$300.

(b) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, and commits either or both of the following acts:

(1) passes or attempts to pass the school bus in a motor vehicle on the right-hand, passenger-door side of the bus; or

(2) passes or attempts to pass the school bus in a motor vehicle when a school child is outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

Subd. 3. **Prosecutor.** The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions under this section from a court, the court must furnish the information without charge.

Subd. 4. Exception for separated roadway. A person driving a vehicle on a street or highway with separated roadways is not required to stop the vehicle when approaching or meeting a school bus that is on a different roadway.

"Separated roadway" means a road that is separated from a parallel road by a safety isle or safety zone.

Subd. 5. Cause for arrest. A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 or 1a within the past four hours.

Subd. 6. Violation; penalty for owner or lessee. (a) If a motor vehicle is operated in violation of subdivision 1 or 1a, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1 or 1a.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Subd. 7. Evidentiary presumption. (a) There is a rebuttable presumption that signals described in section 169.442 were in working order and operable when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation.

(b) There is a rebuttable presumption that a motor vehicle outwardly equipped and identified as a school bus satisfies all of the identification and equipment requirements of section 169.441 when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the applicable school bus bears a current inspection certificate issued under section 169.451.

Subd. 8. Scheduling cases. When necessary or desirable to ensure that a school bus driver who witnessed or otherwise can provide relevant information concerning a violation of this section is available to be present at a court proceeding held to determine an alleged violation of this section, the court administrator shall schedule the proceeding to be held between the hours of 10:00 a.m. and 2:00 p.m.

History: 1991 c 277 s 6; 1993 c 78 s 2; 1Sp1995 c 3 art 2 s 32; 1997 c 159 art 2 s 24-28

169.445 COOPERATION WITH LAW ENFORCEMENT; INFORMATION; RULES; REPORTS.

Subdivision 1. Cooperation of school authorities. The commissioner of public safety shall ensure that local authorities having jurisdiction over school buses shall cooperate with law enforcement and judicial authorities in reporting and prosecuting violators of sections 169.443 and 169.444.

Subd. 2. Information; rules. The commissioner shall compile information regarding violations, prosecutions, convictions or other disposition, and penalties imposed under sections 169.443 and 169.444. At the request of the commissioner, local school authorities shall provide this information. The commissioner may adopt rules governing the content and providing procedures for the school authorities to provide this information.

Subd. 3. [Repealed, 1994 c 647 art 12 s 43]

History: 1991 c 277 s 7; 1994 c 647 art 12 s 18,19

169.446 SAFETY OF SCHOOL CHILDREN; TRAINING AND EDUCATION RULES.

Subdivision 1. **Peace officer training.** The board of peace officer standards and training shall include sections 169.441 to 169.448 and the enforcement of sections 169.443, 169.444, 169.447, and 169.448 in the instruction for the professional peace officer education program. The board shall notify the chief law enforcement officer of each law enforcement agency in the state of these sections.

Subd. 2. **Driver training programs.** The commissioner of public safety shall adopt rules requiring thorough instruction concerning section 169.444 for persons enrolled in driver training programs offered at private and parochial schools and commercial driver training schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Subd. 3 **Driver education programs.** The commissioner of public safety shall adopt rules requiring thorough instruction concerning section 169.444 for persons enrolled in driver education programs offered at public schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

History: 1991 c 277 s 8; 1994 c 647 art 12 s 20

169.447 SCHOOL BUS AND HEAD START BUS SAFETY.

Subdivision 1. **Passenger seating.** (a) The number of pupils or other authorized passengers transported in a school bus or Head Start bus must not be more than the number of pupils or passengers that can be fully seated. Seating capacity must be adjusted according to each passenger's individual physical size, but not more than the manufacturers' rated seating capacity.

(b) No person shall stand in the school bus or Head Start bus when the bus is in motion.

Subd. 2. **Driver seat belt.** New school buses and Head Start buses manufactured after December 31, 1994, must be equipped with driver seat belts and seat belt assemblies of the type described in section 169.685, subdivision 3. School bus drivers and Head Start bus drivers must use these seat belts.

Subd. 3. [Repealed, 1994 c 647 art 12 s 43]

Subd. 4. **Aisle and exit.** The driver of a school bus or Head Start bus shall keep the aisle and emergency exit of a school bus or Head Start bus unobstructed at all times when children are being transported.

Subd. 5. **Trailer behind school bus.** A school bus may pull a trailer, as defined by section 169.01, subdivision 10, only when traveling to or from cocurricular or extracurricular activities, as defined in section 123B.49.

Subd. 6. **Overhead book rack; storage compartment.** School buses may be equipped with padded, permanent overhead book racks that do not hang over the center aisle of the bus. School buses manufactured after January 1, 1998, may also be equipped with interior overhead storage compartments provided they meet the requirements of the 1995 "National Standards for School Buses and School Bus Operations."

History: 1991 c 277 s 9; 1994 c 603 s 9; 1994 c 647 art 12 s 21; 1Sp1997 c 4 art 12 s 8; 1998 c 397 art 11 s 3

169.448 OTHER BUSES.

Subdivision 1. **Restrictions on appearance; misdemeanor.** A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow or Minnesota school bus golden orange.

A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

A violation of this subdivision is a misdemeanor.

This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

Subd. 2. **School motor coach.** (a) A school district may not acquire a motor coach for transportation purposes.

(b) A motor coach acquired by a school district before March 26, 1986, may be used by it only to transport students participating in school activities, their instructors, and supporting personnel to and from school activities. A motor coach may not be outwardly equipped and identified as a school bus. A motor coach operated under this subdivision is not a school bus for purposes of section 123B.92. The state board of education shall implement rules governing the equipment, identification, operation, inspection, and certification of motor coaches operated under this subdivision.

(c) After January 1, 1998, a school district may not own or operate a motor coach for any purpose.

Subd. 3. **Head Start vehicle.** Notwithstanding subdivision 1, a vehicle used to transport passengers under Public Law Number 99-425, the Head Start Act, may be equipped as a school bus or Head Start bus.

History: 1991 c 277 s 10; 1994 c 603 s 10,11; 1996 c 398 s 56; 1998 c 397 art 11 s

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169.449 SCHOOL BUS OPERATION.

Subdivision 1. **Rules.** The commissioner of public safety, in consultation with the school bus safety advisory committee, shall adopt rules governing the operation of school buses used for transportation of school children, when owned or operated by a school or privately owned and operated under a contract with a school, and these rules must be made a part of that contract by reference. Each school, its officers and employees, and each person employed under the contract is subject to these rules.

Subd. 2. **Enforcement.** The operation of a school bus on the public streets or highways in violation of rules concerning the operation of school buses adopted by the commissioner under subdivision 1 is a misdemeanor. The state patrol shall enforce rules adopted under subdivision 1 when a school bus is operated on a public street or highway.

History: 1994 c 647 art 12 s 22

169.45 [Repealed, 1994 c 647 art 12 s 43]

169.4501 SCHOOL BUS EQUIPMENT STANDARDS.

Subdivision 1. **National standards adopted.** Except as provided in sections 169.4502 and 169.4503, the construction, design, equipment, and color of types A, B, C, and D school buses used for the transportation of school children shall meet the requirements of the "bus chassis standards" and "bus body standards" in the 1995 revised edition of the "National Standards for School Buses and School Bus Operations" adopted by the Twelfth National Conference on School Transportation. Except as provided in section 169.4504, the construction, design, and equipment of types A, B, C, and D school buses used for the transportation of students with disabilities also shall meet the requirements of the "specially equipped school bus standards" in the 1995 National Standards for School Buses and School Bus Operations. The "bus chassis standards," "bus body standards," and "specially equipped school bus standards" sections of the 1995 revised edition of the "National Standards for School Buses and School Bus Operations" are incorporated by reference in this chapter.

Subd. 2. **Applicability.** (a) The standards adopted in this section and sections 169.4502 and 169.4503, govern the construction, design, equipment, and color of school buses used for the transportation of school children, when owned and operated by a school or privately owned and operated under a contract with a school, and these standards must be made a part of that contract by reference. Each school, its officers and employees, and each person employed under the contract is subject to these standards.

(b) The standards apply to school buses manufactured after December 31, 1997. Buses complying with these standards when manufactured need not comply with standards established later except as specifically provided for by law.

(c) A school bus manufactured on or before December 31, 1997, must conform to the Minnesota standards in effect on the date the vehicle was manufactured except as specifically provided for in law.

(d) A new bus body may be remounted on a used chassis provided that the remounted vehicle meets state and federal standards for new buses which are current at the time of the remounting. Permission must be obtained from the commissioner of public safety before the remounting is done. A used bus body may not be remounted on a new or used chassis.

Subd. 3 **Inspection manual.** The department of public safety shall develop a school bus inspection manual based on the national standards adopted in subdivision 1 and Minnesota standards adopted in sections 169.4502 to 169.4504. The Minnesota state patrol shall use the manual as the basis for inspecting buses as provided in section 169.451. When appropriate, the school bus safety advisory committee shall recommend to the education committees of the legislature modifications to the standards upon which the school bus inspection manual is based. The department of public safety has no rulemaking authority to alter the standards upon which school buses are inspected.

Subd. 4. **Variance.** The commissioner of public safety may grant a variance to any of the school bus standards to accommodate testing of new equipment related to school buses. A variance from the standards must be for the sole purpose of testing and evaluating new equipment for increased safety, efficiency, and economy of pupil transportation. The variance expires 18 months from the date on which it is granted unless the commissioner specifies an earlier expiration date. The school bus safety advisory committee shall annually review all variances that are granted under this subdivision and consider whether to recommend modifications to the Minnesota school bus equipment standards based on the variances.

History: 1994 c 647 art 12 s 23; 1Sp1997 c 4 art 12 s 9,10

169.4502 ADDITIONAL MINNESOTA SCHOOL BUS CHASSIS STANDARDS.

Subdivision 1. **Relation to national standards.** The bus chassis standards contained in this section are required in addition to those required by section 169.4501. When a Minnesota standard contained in this section conflicts with a national standard adopted in section 169.4501, the Minnesota standard contained in this section is controlling.

Subd. 2 **Brakes.** The braking system must meet federal motor vehicle safety standards in effect at the time of manufacture.

Subd. 3 **Certification.** A chassis manufacturer shall certify that the product meets Minnesota standards. All buses with a certified manufacturing date prior to April 1, 1977, shall not be recertified as a school bus after January 1, 1996.

Subd. 4. **Color.** Fenders may be painted black. The hood may be painted nonreflective black or nonreflective yellow. The grill may be manufacturer's standard color or chrome.

Subd. 5. **Electrical system; battery.** (a) The storage battery, as established by the manufacturer's rating, must be of sufficient capacity to care for starting, lighting, signal devices, heating, and other electrical equipment. In a bus with a gas-powered chassis, the battery or batteries must provide a minimum of 800 cold cranking amperes. In a bus with a diesel-powered chassis, the battery or batteries must provide a minimum of 1050 cold cranking amperes.

(b) In a type B bus with a gross vehicle weight rating of 15,000 pounds or more, and type C and D buses, the battery shall be temporarily mounted on the chassis frame. The final location of the battery and the appropriate cable lengths in these buses must comply with the SBMI design objectives booklet.

(c) All batteries shall be mounted according to chassis manufacturers' recommendations.

(d) In a type C bus, other than are powered by diesel fuel, a battery providing at least 550 cold cranking amperes may be installed in the engine compartment only if used in combination with a generator or alternator of at least 120 amperes.

(e) A bus with a gross vehicle weight rating of 15,000 pounds or less may be equipped with a battery to provide a minimum of 550 cold cranking amperes only if used in combination with an alternator of at least 80 amperes. This paragraph does not apply to those buses with wheelchair lifts or diesel engines.

Subd. 6. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 7 **Exhaust system.** The tailpipe must extend to but not more than two inches beyond the left side of the bus, behind the driver's compartment. No exhaust pipe shall be reduced in size beyond the muffler.

Subd. 8. **Frame.** Installation of a trailer hitch is permitted. A hitch shall be flush mounted.

Subd. 9. **Fuel tank.** If mounted behind the rear wheels, the fuel tank on a vehicle constructed with a power lift unit shall be between the frame rails. Fuel tanks must be manufacturer's standard and must conform with federal motor vehicle safety standard number 301, Code of Federal Regulations, title 49, part 571.

Subd. 10. **Horn.** A bus shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

Subd. 11. **Tire and rim.** The use of multipiece rims or tube-type tires is permitted. Radial and bias ply tires shall not be used on the same axle. Front tire tread depth shall not be less than 4/32 inch in any major tire tread groove. Rear tire tread shall not be less than 2/32 inch. Tires must be measured in three locations around the tire, in two adjoining grooves. No recapped tires shall be used on the front wheels. Recapped tires are permitted on the rear wheels.

Subd. 12. **Transmission.** The transmission shifting pattern must be permanently displayed in the driver's full view.

Subd. 13. **Air cleaner.** The air intake system for diesel buses may have an air cleaner restriction indicator installed.

Subd. 14. **Clutch.** A starter interlock may be installed to prevent actuation of the starter if the clutch is not depressed.

Subd. 15. **Oil filter.** An oil filtration system may be used in lieu of an oil filter.

History: 1994 c 647 art 12 s 36; 1Sp1995 c 3 art 2 s 33; 1Sp1997 c 4 art 12 s 11-17

169.4503 ADDITIONAL MINNESOTA SCHOOL BUS BODY STANDARDS.

Subdivision 1 **Relation to national standards.** The bus body standards contained in this section are required in addition to those required by sections 169.4501 and 169.4502. When a Minnesota standard contained in this section conflicts with a national standard adopted in section 169.4501, the Minnesota standard contained in this section is controlling.

Subd. 2. **Backup warning alarm.** An automatic audible backup alarm may be installed. A spring-loaded button in the driver's compartment that will temporarily disable the backup alarm is allowed for usage in school bus overnight parking lots and repair facilities.

Subd. 3. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 4. **Certification.** A body manufacturer shall certify that the product meets Minnesota standards.

Subd. 5. **Color.** Fenderettes may be black. The belthine may be painted yellow over black or black over yellow. The rub rails shall be black. The reflective material on the sides of the bus body shall be at least one inch but not more than two inches in width. This reflective material requirement and the requirement that "SCHOOL BUS" signs have reflective material as background are effective for buses manufactured after January 1, 1996.

Subd. 6. **Communications.** All buses manufactured after January 1, 1995, shall have a two-way voice communications system.

Subd. 7. **Construction.** The metal floor shall be covered with plywood. The plywood shall be at least 19/32 inches thick, and must equal or exceed properties of exterior-type softwood plywood, grade C-D, as specified in product standard PSI-I83 issued by the United States Department of Commerce. The floor shall be level from front to back, and side to side, except in wheel housing, toe board, and driver's seat platform areas.

Subd. 8. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 9. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 10. **Emergency equipment; fire extinguisher.** The bus must be equipped with at least one UL-approved pressurized, dry-chemical fire extinguisher with a total rating of 2A10BC or greater.

Subd. 10a. **Emergency equipment; first aid kit.** A first aid kit, and a body fluids clean-up kit is required regardless of the age of the vehicle. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment of the school bus and must be marked to indicate their identity and location.

Subd. 11. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 12. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 13. **Identification.** (a) Each bus shall, in the beltline, identify the school district serviced, or company name, or owner of the bus. Numbers necessary for identification must appear on the sides and rear of the bus. Symbols or letters may be used on the outside of the bus near the entrance door for student identification. A manufacturer's nameplate or logo may be placed on the bus.

(b) Effective December 31, 1994, all buses sold must display lettering "Unlawful to pass when red lights are flashing" on the rear of the bus. The lettering shall be in two-inch black letters on school bus yellow background. This message shall be displayed directly below the upper window of the rear door. On rear engine buses, it shall be centered at approximately the same location. Only signs and lettering approved or required by state law may be displayed.

Subd. 14. **Insulation.** (a) Ceilings and wall shall be insulated to a minimum of one and one-half inch fiberglass and installed so the insulation does not compact or sag. Floor insulation must be nominal 19/32 inches thick plywood, or a material of equal or greater strength and insulation R value that equals or exceeds properties of exterior-type softwood plywood, C-D grade as specified in standard issued by the United States Department of Commerce. Type A-II buses must have a minimum of one-half inch plywood. All exposed edges on plywood shall be sealed. Every school bus shall be constructed so that the noise level taken at the ear of the occupant nearest to the primary vehicle noise source shall not exceed 85 dba when tested according to procedures in the 1995 National Standards for School Buses and School Bus Operations.

(b) The underside of metal floor may be undercoated with polyurethane floor insulation, foamed in place. The floor insulation must be combustion resistant. The authorization in this paragraph does not replace the plywood requirement.

Subd. 15. **Interior.** Interior speakers, except in the driver's compartment, must not protrude more than one-half inch from the mounting surface.

Subd. 16. **Lamps and signals.** (a) Each school bus shall be equipped with a system consisting of four red signal lamps designed to conform to SAE Standard J887, and four amber signal lamps designed to that standard, except for color, and except that their candlepower must be at least 2-1/2 times that specified for red turn signal lamps. Both red and amber signal lamps must be installed in accordance with SAE Standard J887, except that each amber signal lamp must be located near each red signal lamp, at the same level, but closer to the centerline of the bus. The system must be wired so that the amber signal lamps are activated only by hand operation, and if activated, are automatically deactivated and the red signal lamps are automatically activated when the bus entrance door is opened. Signal lamps must flash alternately. Each signal lamp must flash not less than 60 nor more than 120 flashes per minute. The "on" period must be long enough to permit filament to come up to full brightness. There must be a pilot lamp which goes on when the respective amber or red system is activated. The pilot lamp must either go out or flash at an alternate rate in the event the system is not functioning normally. The signal lamp system must include a closed control box. The box must be as small as practical, and must be easily dismounted or partially disassembled to provide access for maintenance purposes. The control panel box shall be arranged such that the momentary activating switch for the eight-lamp warning system shall be located on the left, the red (or red and amber) pilot light shall be located in the middle, and the eight-way master switch shall be located on the right. The control box must be securely mounted to the right of the steering wheel, within easy unobstructed reach of the driver. Switches and pilot lamp must be readily visible to the driver. The activating switch may be self-illuminated. Other warning devices or lamp controls must not be placed near the lamp control. The stop arm shall extend automatically whenever the service entrance door is opened and the eight-way lights are activated.

(b) If installed, a white flashing strobe shall be of a double flash type and have minimum effective light output of 200 candelas. No roof hatch can be mounted behind the strobe light

(c) Type B, C, and D buses shall have an amber clearance lamp with a minimum of four candlepower mounted on the right side of the body at approximately seat level rub rail height just to the rear of the service door and another one at approximately opposite the driver's seat on the left side. These lamps are to be connected to operate only with the regular turn signal lamps.

(d) All lamps on the exterior of the vehicle must conform with and be installed as required by federal motor vehicle safety standard number 108, Code of Federal Regulations, title 49, part 571.

(e) A type A, B, C, or D school bus manufactured for use in Minnesota after December 31, 1994, may not be equipped with red turn signal lenses on the rear of the bus.

Subd. 17. **Mirrors.** After January 1, 1995, all school buses must be equipped with a minimum of two crossover mirrors, mounted to the left and right sides of the bus.

Subd. 18. **Overall width.** The overall width limit excludes mirrors, mirror brackets, and the stop arm.

Subd. 19. **Rub rail.** There shall be one rub rail at the base of the skirt of the bus on all type A, excluding van conversions, B, C, and D buses.

Subd. 20. **Seat and crash barriers.** All restraining barriers and passenger seats shall be covered with a material that has fire retardant or fire block characteristics. All seats must face forward. All seat and crash barriers must be installed according to and conform to federal motor vehicle safety standard number 222, Code of Federal Regulations, title 49, part 571.

Subd. 21. **Stop signal arm.** The stop signal arm shall be installed near the front of the bus.

Subd. 22. [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 23. **Windows.** Windshield, entrance, and rear emergency exit doors must be of approved safety glass. Laminated or tempered glass (AS-2 or AS-3) is permitted in all other windows. All glass shall be federally approved and marked as provided in section 169.74. The windshield may be of uniform tint throughout or may have a horizontal gradient band starting slightly above the line of vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. The use of tinted glass, as approved by section 169.71, is permitted on side windows and rear windows except for the entrance door, the first window behind the service door, and the window to the left of the driver. The window to the left of the driver, the upper service door windows, and the window immediately behind the entrance door must be thermal glass. The window to the left of the driver for type A buses need not be thermal glass.

Subd. 24. **Wiring.** If a master cutoff switch is used, it shall not be wired as to kill power to the electric brake system.

Subd. 25. **Driver compartment.** The driver's seat must be a high-back seat.

History: 1994 c 647 art 12 s 37; 1Sp1995 c 3 art 2 s 34; 1Sp1997 c 4 art 12 s 18-27

169.4504 ADDITIONAL MINNESOTA STANDARDS FOR SPECIALLY EQUIPPED SCHOOL BUS.

Subdivision 1. **Relation to national standards.** The specially equipped school bus standards contained in this section are required in addition to those required by section 169.4501. When a Minnesota standard contained in this section conflicts with a national standard adopted in section 169.4501, the Minnesota standard contained in this section is controlling.

Subd. 2. **Communications.** All vehicles used to transport disabled students shall be equipped with a two-way communication system.

Subd. 3. **Restraining devices.** Special restraining devices such as shoulder harnesses, lap belts, and chest restraint systems may be installed to the seats if the devices do not require the alteration in any form of the seat, seat cushion, framework, or related seat components. The restraints must be for the sole purpose of restraining students with disabilities.

Subd. 4. **Securement system for mobile seating.** Wheelchair securement devices must comply with all requirements for wheelchair securement systems contained in federal regulation in effect on the later of the date the bus was manufactured or the date that a wheelchair securement system was added to the bus.

Subd. 5. **Aisle width.** All school buses equipped with a power lift shall provide at least a 12-inch aisle leading from wheelchair position to at least one emergency door and the lift area.

Subd. 6. **Securement and restraint system.** The securement and restraint system must be located and installed so that when an occupied wheelchair or other mobility aid is secured, the installation meets the requirements of the applicable federal motor vehicle safety standard.

History: 1994 c 647 art 12 s 38; 1996 c 412 art 2 s 15; 1Sp1997 c 4 art 12 s 28,29

169.451 SCHOOL BUS AND HEAD START BUS INSPECTION; RULES; MISDEMEANOR.

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

Subd. 2. **Inspection certificate.** No person shall drive, or no owner shall knowingly permit or cause to be driven, any school bus or Head Start 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 state 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.

Subd. 3. **Rules of commissioner.** (a) The commissioner of public safety shall provide by rule for the issuance and display of distinctive inspection certificates.

(b) The commissioner of public safety shall provide by rule a point system for evaluating the effect on safety operation of any variance from law detected during inspections conducted pursuant to subdivision 1.

Subd. 4. **Violation; penalty.** The state patrol shall enforce subdivision 2. A violation of subdivision 2 is a misdemeanor.

Subd. 5. **Random spot inspection.** In addition to the annual inspection, the Minnesota state patrol has authority to conduct random, unannounced spot inspections of any school bus or Head Start bus being operated within the state to ascertain whether it is in compliance with provisions of law, including the Minnesota school bus equipment standards in sections 169.4501 to 169.4504, subject to the procedures approved by the commissioner.

History: 1971 c 327 s 1; 1973 c 80 s 1; 1974 c 332 s 3; 1981 c 37 s 2; 1981 c 357 s 61; 1983 c 216 art 1 s 28; 1991 c 277 s 12; 1994 c 603 s 12; 1Sp1995 c 3 art 2 s 35; 1998 c 398 art 6 s 31

169.4511 SCHOOL BUS ACCIDENT; REINSPECTION.

Subdivision 1. **Postcrash inspection.** A peace officer responding to an accident involving a school bus or Head Start bus must immediately notify the state patrol if the accident results in death or serious personal injury on the school bus, or property damage to the school bus of an apparent extent of more than \$4,400. No person shall drive or knowingly permit or cause to be driven, for the purpose of transporting students, any school bus or Head Start bus after such an accident unless:

- (1) the vehicle has been inspected by the Minnesota state patrol and the state patrol has determined that the vehicle may safely be operated; or
- (2) a waiver has been granted under subdivision 2.

A violation of this section is a misdemeanor

Subd. 2. **Waiver.** A state trooper or designee of the Minnesota state patrol called to the scene of an accident by a responding peace officer under subdivision 1 may waive the inspection requirement of subdivision 1 if the trooper or state patrol designee determines that a

postcrash inspection is not needed or cannot be accomplished without unreasonable delay. The trooper or state patrol designee granting a waiver must provide to the driver of the school bus for which the waiver is granted a written statement that the inspection has been waived. The written statement must include the incident report number assigned to the accident by the state patrol.

History: *1Sp1995 c 3 art 2 s 36*

169.452 [Repealed, 1998 c 398 art 6 s 38]

169.454 TYPE III VEHICLE STANDARDS.

Subdivision 1. **Standards.** This section applies to type III vehicles used for the transportation of school children when owned and operated by a school district or privately owned and operated. All related equipment provided on the vehicle must comply with federal motor vehicle safety standards where applicable. If no federal standard applies, equipment must be manufacture's standard.

Subd. 2. **Age of vehicle.** Vehicles ten years or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.

Subd. 3. **Color.** Vehicles must be painted a color other than national school bus yellow.

Subd. 4. **Fire extinguisher.** A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.

Subd. 5. **First aid kit.** A minimum of a ten-unit first aid kit, and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.

Subd. 6. **Identification.** The vehicle must not have the words "school bus" in any location on the exterior of the vehicle, or in any interior location visible to a motorist.

The vehicle must display to the rear of the vehicle this sign: "VEHICLE STOPS AT RR CROSSINGS."

The lettering (except for "AT," which may be one inch smaller) must be a minimum two-inch "Series D" as specified in standard alphabets for highway signs as specified by the Federal Highway Administration. The printing must be in a color giving a marked contrast with that of the part of the vehicle on which it is placed.

The sign must have provisions for being covered, or be of a removable or fold-down type.

Subd. 7. **Lamps and signals.** Installation and use of the eight-lamp warning system is prohibited.

All lamps on the exterior of the vehicle must conform with and be installed as required by federal Motor Vehicle Safety Standard 108, Code of Federal Regulations, title 49, part 571.

Subd. 8. **Stop signal arm.** Installation and use of a stop signal arm is prohibited.

Subd. 9. **Mirrors.** The interior clear rearview mirror must afford a good view of pupils and roadway to the rear. Two exterior clear rearview mirrors must be provided, one to the left and one to the right of the driver. Each mirror must be firmly supported and adjustable to give the driver clear view past the left rear and the right rear of the bus.

Subd. 10. **Warning device.** A type III bus must contain at least three red reflectorized triangle road warning devices. Liquid burning "pot type" flares are not allowed.

Subd. 11 [Repealed, 1Sp1997 c 4 art 12 s 34]

Subd. 12. **Option.** Passenger cars and station wagons may carry fire extinguisher, first aid kit, and warning triangles in the trunk or trunk area of the vehicle, if a label in the driver and front passenger area clearly indicates the location of these items.

Subd. 13. **Exemption.** When a vehicle otherwise qualifying as a type III vehicle under section 169.01, subdivision 6, paragraph (5), whether owned and operated by a school district or privately owned and operated, is used to transport school children in a nonscheduled situation, it shall be exempt from the vehicle requirements of this section and the licensing requirements of section 171.321, if the vehicle is properly registered and insured and operated by an employee or agent of a school district with a valid driver's license.

History: 1994 c 647 art 12 s 25; 1Sp1995 c 3 art 2 s 38,39

169.4581 LAW ENFORCEMENT POLICY FOR CRIMINAL CONDUCT ON SCHOOL BUS.

By January 1, 1995, each local law enforcement agency shall adopt a written policy regarding procedures for responding to criminal incidents on school buses. In adopting a policy, each law enforcement agency shall consult with local school officials, with representatives of private companies that contract with school districts to provide transportation, and with parents of students. The policy must recognize that responding to reports of criminal conduct on school buses is the responsibility of law enforcement officials.

History: 1994 c 647 art 12 s 26

169.4582 REPORTABLE OFFENSE ON SCHOOL BUS.

Subdivision 1. **Reportable offense; definition.** "Reportable offense" means misbehavior causing an immediate and substantial danger to self or surrounding persons or property under section 121A.45.

Subd. 2. **Duty to report; school official.** Consistent with the school bus safety policy under section 123B.91, subdivision 1, the school principal, the school transportation safety director, or other designated school official shall immediately report to the local law enforcement agency having jurisdiction where the misbehavior occurred and to the school superintendent if the reporting school official knows or has reason to believe that a student has committed a reportable offense on a school bus or in a bus loading or unloading area. The reporting school official shall issue a report to the commissioner of public safety concerning the incident on a form developed by the commissioner for that purpose.

History: 1994 c 647 art 12 s 27; 1998 c 397 art 11 s 3

VEHICLE EQUIPMENT, SAFETY

169.46 HITCHING BEHIND VEHICLE.

No person shall hitch a toboggan, hand sled, bicycle, or other similar device onto any motor vehicle, street car or trackless trolley car while being used on a highway.

History: (2720-232) 1937 c 464 s 82

169.467 MOTOR VEHICLE SAFETY STANDARDS; DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 169.467 to 169.469, the terms defined in this section have the meanings given them.

Subd. 2. **Motor vehicle.** "Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads and highways, except any vehicle operated exclusively on a rail or rails.

Subd. 3. **New motor vehicle; new vehicle.** "New motor vehicle" or "new vehicle" means a motor vehicle as defined herein heretofore unregistered.

Subd. 4. **New item of motor vehicle equipment.** "New item of motor vehicle equipment" or "new equipment" means any option, device, accessory or other equipment in the possession of a retail merchant including an automobile dealer prior to its initial retail sale designed to be attached to a motor vehicle as a part thereof or to be used in conjunction therewith.

Subd. 5. **Motor vehicle safety standard.** "Motor vehicle safety standard" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance

which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

History: 1974 c 21 s 1

169.468 VEHICLE SAFETY RULES; FEDERAL SAFETY STANDARDS.

Subdivision 1. **Federal motor vehicle safety standards.** The commissioner of public safety, pursuant to the Administrative Procedure Act, may adopt and enforce rules in substantial conformity with federal motor vehicle safety standards established by the United States Secretary of Transportation pursuant to the national Traffic and Motor Vehicle Safety Act of 1966 (Public Law Number 89-563) with respect to any new motor vehicle or new item of motor vehicle equipment applicable to the same aspect of performance of such new vehicle or new equipment.

Subd. 2. **Other safety standards; fee for testing and approval.** In the absence of a motor vehicle safety standard adopted pursuant to the national Traffic and Motor Vehicle Safety Act of 1966 or if any such standard is not applicable to new vehicles or new equipment manufactured and first sold in the state of Minnesota, the commissioner of public safety may require new vehicles and specific types of new equipment to be tested and approved for compliance with the requirements of this chapter, or any rule adopted pursuant to this chapter. The commissioner shall approve or disapprove of the vehicle or equipment within a reasonable time after it is submitted. Approval may be based upon a certificate of approval or test report furnished to the commissioner by the American Association of Motor Vehicle Administrators. If such new vehicle or new equipment does not conform to the provisions of this chapter, or to such rules adopted by the commissioner of public safety, no person shall sell, offer for sale, or use any such new vehicle or new equipment. The commissioner of public safety is authorized to set and collect a reasonable fee from the manufacturer or distributor for the testing and approval of all new vehicles and specific types of new equipment upon which approval is required under this section. Such fee may be sufficient in amount to reimburse the department of public safety for all costs connected with such test and approval. The commissioner shall waive the fee for any approval based on a certificate of approval or test report furnished by the American Association of Motor Vehicle Administrators.

Subd. 3. **Conflicts of laws.** A federal motor vehicle safety standard adopted by the commissioner of public safety which conflicts with an equipment provision of this chapter, applicable to the same aspect of performance, shall supersede, on its effective date, the conflicting equipment provision of this chapter, with respect to new motor vehicles.

Subd. 4. **Misdemeanor.** Any person violating the provisions of this section is guilty of a misdemeanor.

History: 1974 c 21 s 2; 1978 c 494 s 3; 1985 c 248 s 70

169.469 INJUNCTION.

Subdivision 1. **Authority of district court.** The district courts of this state have the authority to restrain or enjoin a violation or threatened violation of section 169.468.

Subd. 2. **Injunctive power of attorney general.** Whenever it appears to the satisfaction of the attorney general that any party has sold or offered for sale or is selling or offering for sale any such new motor vehicle or new item of motor vehicle equipment in violation of this section, the attorney general may, in the name of the state, seek injunctive relief in any court of competent jurisdiction against any such violation or threatened violation.

History: 1974 c 21 s 3; 1986 c 444

169.47 UNSAFE EQUIPMENT.

Subdivision 1. **Misdemeanor; exceptions.** (a) It is unlawful and punishable as herein-after provided for any person to drive or for the owner to cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(b) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, or road rollers except as otherwise provided in this chapter.

(c) For purposes of this section, a specialized vehicle resembling a low-slung trailer having a short bed or platform shall be deemed to be an implement of husbandry when such vehicle is used exclusively to transport implements of husbandry, provided, however, that no such vehicle shall operate on the highway before sunrise or after sunset unless proper lighting is affixed to the implement being drawn

Subd. 2. [Repealed, 1978 c 494 s 6]

History: (2720–233) 1937 c 464 s 83; 1939 c 430 s 16; 1969 c 256 s 1; Ex1971 c 27 s 11; 1973 c 730 s 1; 1993 c 187 s 5; 1994 c 600 s 2

169.471 TELEVISION; HEADPHONES.

Subdivision 1. **Television screen in vehicle.** No television screen shall be installed or used in any motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle except:

- (1) video screens installed in law enforcement vehicles;
- (2) closed circuit video systems used exclusively to aid the driver's visibility to the rear or sides of the vehicle; and
- (3) video screens installed as part of a vehicle control system or used in intelligent vehicle highway applications.

Subd. 2. **Use of headphones in vehicle.** No person, while operating a motor vehicle, shall wear headphones or earphones which are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices. This section shall not prohibit the use, however, of hearing aid devices by persons in need thereof.

History: 1949 c 78 s 1,2; Ex1971 c 27 s 12; 1974 c 460 s 1; 1993 c 26 s 4

169.48 VEHICLE LIGHTING.

Subdivision 1. **Lights to be displayed.** Every vehicle upon a highway within this state:

- (1) at any time from sunset to sunrise;
- (2) at any time when it is raining, snowing, sleeting, or hailing; and
- (3) at any other time when visibility is impaired by weather, smoke, fog or other conditions or there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead;

shall display lighted lamps and illuminating devices, as hereinafter, respectively, required for different classes of vehicles, subject to exceptions with respect to parked vehicles and law enforcement vehicles, as hereinafter stated. In addition to the other requirements of this paragraph, every school bus transporting children upon a highway within this state, at any time from a half-hour before sunrise to a half-hour after sunset, shall display lighted lamps and illuminating devices as required by this paragraph, except that the operator shall use the low-est distribution of light specified in section 169.60 unless conditions warrant otherwise.

When requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, these provisions shall apply during the time stated in this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the center of such lamps or devices. Parking lamps shall not be used in lieu of head lamps to satisfy the requirements of this section.

Subd. 2. **Certain violations; negligence.** Notwithstanding section 169.96, a violation of subdivision 1, clause (2), is not negligence per se or prima facie evidence of negligence.

History: (2720–234) 1937 c 464 s 84; 1967 c 218 s 1; 1974 c 134 s 1; 1990 c 482 s 1; 1990 c 555 s 8

169.49 HEAD LAMPS.

Every motor vehicle, other than a motorcycle, shall be equipped with at least two head lamps, with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in sections 169.47 to 169.79.

Every motorcycle shall be equipped with at least one and not more than two head lamps, which shall comply with the requirements and limitations of sections 169.47 to 169.79.

History: (2720-235) 1937 c 464 s 85; 1957 c 754 s 1

169.50 REAR LAMPS.

Subdivision 1. Requirements. Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear. And further, every such above-mentioned vehicle, other than a truck-tractor, registered in this state and manufactured or assembled after January 1, 1960, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as herein required, shall comply with the provisions of this section.

Subd. 2. License plates. Either such rear lamp or separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it legible from a distance of 50 feet to the rear. Any rear lamp or rear lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

Subd. 3. Reflectors. On and after January 1, 1960, each new motor vehicle, trailer, or semitrailer, hereafter sold and each such vehicle hereafter operated on a highway, shall carry at the rear either as a part of the rear lamp, or separately, at least two reflectors. The reflectors shall be of a type approved by the commissioner of public safety and shall be mounted as close as is practicable to the extreme edges of the vehicle at a height not more than 60, nor less than 20 inches above the surface upon which the vehicle stands. Each such reflector shall be so designed and maintained as to be visible at night from all distances within 300 to 50 feet from the vehicle, except that on a commercial vehicle the reflectors shall be visible from all distances within 500 to 50 feet from the vehicle, when directly in front of a motor vehicle displaying lawfully lighted headlamps.

History: (2720-236) 1937 c 464 s 86; 1947 c 428 s 25; 1953 c 201 s 1; 1957 c 754 s 2; 1959 c 215 s 1; 1959 c 521 s 6,7; 1971 c 491 s 15

169.51 CLEARANCE AND MARKER LAMPS.

Every motor vehicle or motor-drawn vehicle designed or used for the transportation of property, or for the transportation of passengers for compensation, shall display lighted lamps, as required in this section.

Every such vehicle having a width, including load thereon, at any part in excess of 80 inches shall be equipped with four clearance lamps, two located on the front at opposite sides and not more than six inches from the extreme outer edge of the vehicle or load, displaying a white or amber light visible from a distance of 500 feet to the front of the vehicle, and two located on the rear on opposite sides not more than six inches from the extreme outer edge of the vehicle or load, displaying a red light visible from a distance of 500 feet to the rear of the vehicle. The front clearance lamps shall be located at a height of not less than 24 inches above the head lamp centers. The rear clearance lamps shall be in addition to the red rear lamp hereinbefore required

Every such vehicle or combination of such vehicles which exceeds 30 feet in overall length shall be equipped with at least four side marker lamps, one on each side near the front and one on each side near the rear. Such lamps shall be at a height of not less than 24 inches above the surface upon which the vehicle stands. The lamps near the front shall display a white or amber light and lamps near the rear shall display a red light, each visible from a distance of 500 feet to the side of the vehicle on which it is located. If the clearance lamps on the right and left sides of the vehicle, as hereinbefore required, display lights visible from a distance of 500 feet at right angles to the right and left side, respectively, of the vehicle, they

shall be deemed to meet the requirements as to marker lamps, provided an additional marker lamp, white or amber, is displayed approximately midway between the above specified marker lamps.

History: (2720-237) 1937 c 464 s 87

169.52 PROJECTING LOAD; LIGHT OR FLAG.

When the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times when lighted lamps on vehicles are required in this chapter, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The light or lantern required under this section shall be in addition to the rear light required upon every vehicle. At any time when no lights are required there shall be displayed at the extreme rear end of such load a red, yellow or orange flag or cloth not less than 16 inches square.

History: (2720-238) 1937 c 464 s 88; 1973 c 56 s 1

169.522 SLOW-MOVING VEHICLE, SIGN REQUIRED.

Subdivision 1. **Displaying emblem; rules.** (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less shall display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area which is marked in accordance with requirements of the manual of uniform traffic control devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than 30 miles per hour without removing the slow-moving vehicle emblem. The emblem shall consist of a fluorescent yellow-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it shall not be necessary to display a similar emblem on the secondary unit. After January 1, 1975, all slow-moving vehicle emblems sold in this state shall be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of head lamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications shall be adopted by rule in accordance with the Administrative Procedure Act. A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

Subd. 2. **Prohibition on use.** The use of this emblem shall be restricted to the slow moving vehicles specified in subdivision 1 and its use on any other type of vehicle or stationary object on the highway is prohibited.

Subd. 3. **Display required.** No person shall sell, lease, rent, or operate any slow moving vehicle, as defined in subdivision 1, except motorized golf carts and except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after July 1, 1967, unless such vehicle is equipped with a slow moving vehicle

emblem mounting device as specified in subdivision 1. Provided however, no slow moving vehicle shall be operated without such slow moving vehicle emblem after January 1, 1968.

History: 1967 c 309 s 1; 1971 c 491 s 16; 1974 c 57 s 1; 1982 c 549 s 3; 1985 c 248 s 70; 1987 c 101 s 1; 1993 c 187 s 6; 1994 c 600 s 3; 1997 c 143 s 14

169.53 LIGHTS FOR PARKED VEHICLES.

When a vehicle is parked or stopped upon a highway or shoulder adjacent thereto during the times when lighted lamps on vehicles are required, it shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon a vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to clearly reveal any person or object within a distance of 500 feet upon the highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

History: (2720-239) 1937 c 464 s 89; 1947 c 428 s 26; 1959 c 96 s 1

169.54 [Repealed, 1951 c 132 s 1]

169.541 LIGHTING EXEMPTION FOR LAW ENFORCEMENT VEHICLE; STANDARDS.

Subdivision 1. **Exemption.** Sections 84.87, 84.928, 86B.511, and 169.48 to 169.65, relating to lighting of vehicles and watercraft, do not apply to a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph (c), while operating a motor vehicle or watercraft owned, leased, or otherwise the property of the state or a political subdivision, in the performance of the officer's law enforcement duties if the officer's conduct is reasonable and is consistent with the standards adopted under subdivision 2, and if the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws, rules, or orders or local laws, ordinances, or regulations.

Subd. 2 **POST board standards.** The peace officer standards and training board shall adopt standards governing situations in which licensed peace officers as defined in section 626.84, subdivision 1, paragraph (c), may operate a vehicle or watercraft without lights as provided in subdivision 1. The board shall report to the legislature on the standards by January 1, 1991.

History: 1990 c 391 art 10 s 3; 1990 c 555 s 9

169.55 LIGHTS ON ALL VEHICLES.

Subdivision 1. **Lights or reflectors required.** At the times when lighted lamps on vehicles are required each vehicle including an animal-drawn vehicle and any vehicle specifically excepted in sections 169.47 to 169.79, with respect to equipment and not hereinbefore specifically required to be equipped with lamps, shall be equipped with one or more lighted lamps or lanterns projecting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear, except that reflectors meeting the maximum requirements of this chapter may be used in lieu of the lights required in this subdivision. It shall be unlawful except as otherwise provided in this subdivision, to project a white light to the rear of any such vehicle while traveling on any street or highway, unless such vehicle is moving in reverse. An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating or rotating red light when responding to emergency calls.

Subd. 2. **Implement of husbandry.** At the times when lighted lamps on vehicles are required:

(1) every self-propelled implement of husbandry must be equipped with at least one lamp displaying a white light to the front, and at least one lamp displaying a red light to the rear;

(2) every self-propelled implement of husbandry must also display two red reflectors visible to the rear;

(3) every combination of a self-propelled and towed implement of husbandry must 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 or amber light to the rear of the self-propelled implement of husbandry; and

(4) the last unit of every combination of implements of husbandry must display two red reflectors visible to the rear.

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

Subd. 3. Implement of husbandry; hazard warning lights. No person may operate a self-propelled implement of husbandry manufactured after January 1, 1970, on a highway unless the implement of husbandry displays vehicular hazard warning lights visible to the front and rear in normal sunlight.

History: (2720-241) 1937 c 464 s 91; 1947 c 428 s 27; 1949 c 574; 1959 c 410 s 1; 1979 c 185 s 2; 1981 c 44 s 1; 1993 c 187 s 7,8

169.56 AUXILIARY LIGHTS.

Subdivision 1. Spotlight. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed on the road surface to the left of the center of the vehicle, nor more than 100 feet ahead of the vehicle upon which such lamps are mounted.

Subd. 2. Fog light. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in section 169.60.

Subd. 3. Auxiliary low beam light. Except as provided in subdivision 5, any motor vehicle may be equipped with not to exceed two auxiliary low beam lamps mounted on the front at a height of not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 169.60 shall apply to any combination of headlamps and auxiliary low beam lamps.

Subd. 4. Auxiliary driving light. Except as provided in subdivision 5, any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 169.60 shall apply to any combination of headlamps and auxiliary driving lamps.

Subd. 5. Exception for light obstructed by snowplow blade. (a) The auxiliary lamps permitted in subdivision 3 may be mounted more than 42 inches high on any truck equipped with a snowplow blade that obstructs the required headlights. The lights may not be illuminated when a snowplow blade is not mounted on the vehicle.

(b) No other vehicle may be operated on a public highway unless the auxiliary lamps permitted in subdivisions 3 and 4 comply with the height requirements or are completely covered with an opaque material.

History: (2720-242) 1937 c 464 s 92; 1945 c 207 s 2; 1959 c 521 s 5; 1993 c 26 s 5-7; 1994 c 600 s 4

169.57 VEHICLE SIGNALS.

Subdivision 1. Stoplights. (a) Any vehicle may be equipped and when required under this chapter, shall be equipped with at least two stop lamps on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may, but need not be, incorporated with the tail lamps and which shall be plainly vis-

ible and understandable from a distance of 100 feet to the rear during normal sunlight and at night.

(b) No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1960, unless it is equipped with at least two stop lamps meeting the requirements of this subdivision, except that a motorcycle, motor-driven cycle, or truck-tractor manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of this subdivision.

Subd. 2. **Turn signal.** (a) Any vehicle may be equipped, and when required under this chapter shall be equipped, with a lamp or lamps or mechanical signal device of such color as may be approved by the commissioner of public safety and capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daytime and nighttime from a distance of 100 feet both to the front and rear.

(b) On or after July 1, 1949, it shall be unlawful for any person to sell or offer for sale any new motor vehicle, excepting motorcycles, motor scooters, and bicycles with motor attached, unless it is equipped with turn signals meeting the requirements of this chapter.

Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps or signal lamps, such lamps shall at all times be maintained in good working condition.

(b) No stop lamps or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times when lighted lamps on vehicles are required.

Subd. 4. **Alteration of stop lamp prohibited.** On a vehicle that must be equipped with a single center high mounted stop lamp under federal motor vehicle safety standards, and on any other vehicle equipped with a similar stop lamp, a person may not alter the stop lamp by the addition of an overlay or other device, or install a replacement lens, if the alteration or installation alters or obscures any portion of the lamp or affects the intensity of light emitted.

History: (2720–243) 1937 c 464 s 93; 1945 c 207 s 3; 1947 c 428 s 28; 1949 c 90 s 2; 1959 c 521 s 8; 1971 c 328 s 1; 1987 c 383 s 13

169.58 IDENTIFICATION LAMPS.

Subdivision 1. **Wide or long vehicle.** Any vehicle or combination of vehicles having a width including load thereon at any part in excess of 80 inches or which exceeds 30 feet in overall length may be equipped with identification lamps on the front displaying three amber or white lights and identification lamps on the rear displaying three red lights, and when so equipped the lights in each such group shall be evenly spaced not less than 6 nor more than 12 inches apart, along a horizontal line as near to the top of the vehicle as practicable, and these lights shall be visible from a distance of 500 feet to the front and rear, respectively, of the vehicle.

Subd. 2. **Red lamp; permit for volunteer emergency responders.** Upon obtaining a permit from the commissioner of public safety, any motor vehicles operated by an active member of a volunteer fire department authorized by or contracting with any city, town, or township in this state, an emergency medical first responder, or an ambulance crew member may be equipped with a lamp emitting a red light to the front of such vehicle. The lens of such lamp shall be not more than three inches in diameter. Such lamp shall be lighted only when the member of the volunteer fire department, ambulance crew member, or emergency medical first responder is responding to an emergency call in connection with duties as a volunteer firefighter, ambulance crew member, or responder. The commissioner of public safety is hereby authorized to issue permits on applications of a member of a volunteer fire department properly certified to by the chief of said volunteer fire department, and on applications for emergency medical first responders or ambulance crew members. The commissioner of public safety must be notified immediately upon the termination of membership in a volunteer fire department or when an ambulance or permitted emergency medical first responder ceases operations.

Subd. 3. **Volunteer ambulance driver.** The commissioner of public safety, upon application therefor, may issue a permit to any certificated volunteer ambulance driver authorizing the driver to equip any privately owned motor vehicle operated by the driver with a

lamp emitting a red light to the front of the vehicle. The lamps shall conform to specifications adopted by the commissioner. The lamp shall be lighted only when the driver is proceeding to the location of an ambulance in response to an emergency call. The application shall be in the form prescribed by the commissioner and shall contain verification satisfactory to the commissioner of the applicant's status as a certificated volunteer ambulance driver. Any permit issued shall expire immediately upon termination of the permittee's employment as a volunteer ambulance driver.

History: (2720-244) 1937 c 464 s 94; 1945 c 207 s 4; 1949 c 349; 1971 c 491 s 17; 1973 c 123 art 5 s 7, 1977 c 429 s 63; 1980 c 404 s 1; 1986 c 444; 1991 c 112 s 2

169.59 WARNING LIGHTS.

Subdivision 1. **Fender lights.** Any vehicle may be equipped with not more than two side cowl or fender lamps, one on each side which shall emit a white light without glare.

Subd. 2. **Running board light.** Any vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or yellow light without glare.

Subd. 3. **Backup light.** Any vehicle may be equipped with not more than two backup lamps, either separately or in combination with another lamp, and not more than two rear cornering lamps, except that the lamps must not be continuously lighted when the vehicle is in forward motion, nor shall it project a glaring light.

Subd. 4. **Flashing warning light.** Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warnings to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneous flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warnings to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Instead of a pair of lamps that flash simultaneously, either one or two strobe lights or rotating beacon lights with an amber or yellow lens may be used both to the front and rear of the vehicle. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

History: (2720-245) 1937 c 464 s 95; 1959 c 521 s 9; 1984 c 549 s 30; 1996 c 456 s 21

169.60 DISTRIBUTION OF LIGHT.

Except as hereinafter provided, the head lamps, the auxiliary low beam lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(3) All road lighting equipment manufactured and installed on and after January 1, 1938, shall be so arranged that when any beam is used which is not in conformity with clause (2), means shall be provided for indicating to the driver when such beams are being used.

History: (2720-246) 1937 c 464 s 96; Ex1937 c 38 s 1; 1955 c 53 s 1; 1993 c 26 s 8

169.61 COMPOSITE BEAM.

When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times when lighted lamps on vehicles are required in this chapter, the driver shall use a

distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

When the driver of a vehicle approaches a vehicle within 1,000 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

When the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 169.60.

History: (2720-247) 1937 c 464 s 97; 1945 c 207 s 5; 1953 c 330 s 1; 1955 c 52 s 1

169.62 CERTAIN LIGHTS PERMITTED ON OLD MOTOR VEHICLES.

Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to January 1, 1938, in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is fully loaded none of the high intensity portion of the lamp beam rises above a horizontal plane passing through the head lamp centers parallel to the level surface upon which the vehicle stands, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 and more feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

History: (2720-248) 1937 c 464 s 98

169.63 NUMBER OF LAMPS.

At all times when lighted lamps on vehicles are required in this chapter, at least two lighted head lamps shall be displayed, one on each side at the front of every motor vehicle, other than a motorcycle; provided, that under adverse weather conditions two lighted auxiliary lamps, one on each side at the front of the vehicle, may be used in lieu of two lighted head lamps, except when such vehicle is parked subject to the rules governing lights on parked vehicles.

When a motor vehicle equipped with head lamps, as herein required, is also equipped with any auxiliary lamps, spot lamps or any other lamps on the front thereof projecting a beam of intensity greater than 300-candle power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway

The maximum beam candle power from any combination of lamps used at any time for road lighting shall not exceed that authorized by the commissioner of public safety.

History: (2720-249) 1937 c 464 s 99; 1939 c 430 s 18; 1971 c 491 s 18; 1985 c 248 s 70

169.64 PROHIBITED LIGHTS; EXCEPTIONS.

Subdivision 1. **Bright light.** Any lighted lamp or illuminating device upon a motor vehicle, other than a head lamp, a spot lamp, or an auxiliary driving lamp, which projects a beam of light of an intensity greater than 300-candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

Subd. 2. **Colored light.** Unless otherwise authorized by the commissioner of public safety, no vehicle shall be equipped, nor shall any person drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light or any colored light other than those required or permitted in this chapter.

Subd. 3. **Flashing lights.** Flashing lights are prohibited, except on an authorized emergency vehicle, school bus, bicycle as provided in section 169.222, subdivision 6, road main-

tenance equipment, tow truck or towing vehicle, service vehicle, farm tractors, self-propelled farm equipment, rural mail carrier vehicle, or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing. All flashing warning lights shall be of the type authorized by section 169.59, subdivision 4, unless otherwise permitted or required in this chapter.

Subd. 4. **Blue light.** (a) Except as provided in paragraph (b), blue lights are prohibited on all vehicles except road maintenance equipment and snow removal equipment operated by or under contract to the state or a political subdivision thereof.

(b) Authorized emergency vehicles may display flashing blue lights to the rear of the vehicle as a warning signal in combination with other lights permitted or required by this chapter.

Subd. 5. **Flashing light on tow truck.** A tow truck or towing vehicle must be equipped with flashing or intermittent red and amber lights of a type approved by the commissioner of public safety. The lights must be placed on the dome of the vehicle at the highest practicable point visible from a distance of 500 feet. The flashing red light must be displayed only when the tow truck or towing vehicle is engaged in emergency service on or near the traveled portion of a highway. The flashing amber light may be displayed when the tow truck or towing vehicle is moving a disabled vehicle.

Subd. 6. **Flashing amber light.** (a) Any service vehicle may be equipped with a flashing amber lamp of a type approved by the commissioner of public safety.

(b) A service vehicle shall not display the lighted lamp authorized under paragraph (a) when traveling upon the highway or at any other time except at the scene of a disabled vehicle or while engaged in snow removal or road maintenance.

(c) A self-propelled implement of husbandry may display the lighted lamp authorized under paragraph (a) at any time.

Subd. 7. [Repealed, 1991 c 277 s 18]

Subd. 8. **Strobe lamp.** (a) Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that 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, if the vehicle is:

(1) a school bus that is subject to and complies with the equipment requirements of sections 169.441, subdivision 1, and 169.442, subdivision 1, or a Head Start bus that is not a type III bus as defined in section 169.01, subdivision 6. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than two 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 or Head Start bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus or Head Start bus. A strobe lamp may not be lighted unless the school bus or Head Start bus is actually being used as a school bus or Head Start bus; or

(2) a road maintenance vehicle owned or under contract to the department of transportation or a road authority of a county, home rule or statutory city, or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

(b) Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits an amber light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is a rural mail carrier vehicle, provided that the strobe lamp is mounted at the highest practicable point on the vehicle. The strobe lamp may only be operated while the vehicle is actually engaged during daylight hours in the delivery of mail to residents on a rural mail route.

(c) A strobe lamp authorized by this section 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.

Subd. 9. **Warning lamp on vehicles collecting solid waste.** A vehicle used to collect solid waste may be equipped with a single amber gaseous discharge warning lamp that meets

the Society of Automotive Engineers standard J 1318, Class 2. The lamp may be operated only when the collection vehicle is in the process of collecting solid waste and is either:

- (1) stopped at an establishment where solid waste is to be collected; or
- (2) traveling at a speed that is at least ten miles per hour below the posted speed limit and moving between establishments where solid waste is to be collected.

Subd. 10. **Cover for lamp or reflector.** (a) Except as provided in paragraph (b), it is prohibited for any person to:

- (1) equip a motor vehicle with any equipment or material that covers a head lamp, tail lamp, or reflector; or
- (2) operate a motor vehicle fitted with or otherwise having equipment or material that covers a head lamp, tail lamp, or reflector.

(b) Paragraph (a) does not apply to:

- (1) any manufacturer's original equipment or material;
- (2) any equipment or material that is clear and colorless; or
- (3) the covering for auxiliary lights required under section 169.56.

History: (2720–250) 1937 c 464 s 100; 1947 c 428 s 29; 1949 c 90 s 3; 1953 c 103 s 1; 1959 c 521 s 10; 1971 c 53 s 1; 1971 c 491 s 19,20; 1976 c 104 s 2,3; 1981 c 191 s 5; 1991 c 112 s 3,5; 1991 c 339 s 7; 1992 c 464 art 2 s 1; 1993 c 187 s 9; 1993 c 281 s 6; 1993 c 326 art 4 s 3; 1994 c 478 s 2,3; 1994 c 603 s 13; 1994 c 635 art 1 s 13; 1994 c 647 art 12 s 28; 1995 c 120 s 1

169.65 SPECIFICATIONS FOR LIGHTING AND OTHER DEVICES.

The commissioner of public safety is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted or reflected by lighting devices and as to the general construction and mounting on the vehicle for compliance with the requirements and limitations of this chapter.

No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semitrailer, or use upon any such vehicle, any head lamp, auxiliary driving lamp, rear lamp, signal lamp, spot lamp, clearance lamp, marker lamp or reflector, or parts of any of the foregoing, unless of a type which has been submitted to and approved by the commissioner of public safety.

No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semitrailer, or bicycle, or use upon any such vehicle, any lamp or device mentioned in this section, which has been approved by the commissioner of public safety unless such lamp or device bears thereon the trademark or name and model designation all permanently marked under which it is approved so as to be legible when installed.

No person shall use upon any vehicle, trailer or semitrailer or bicycle any lamps mentioned in this section unless such lamps are equipped with bulbs of a type approved by the commissioner of public safety, having a rated candle power, and are mounted and adjusted as to focus and aim in accordance with instructions of the commissioner of public safety.

The commissioner of public safety is hereby authorized to approve or disapprove lighting devices.

The commissioner of public safety is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

The commissioner of public safety is further authorized to set up a procedure which shall be followed when any device is submitted for approval.

The commissioner of public safety is authorized to set and collect a reasonable fee for the testing and approval of all types of devices upon which approval is required in this chapter. Such fee may be sufficient in amount to reimburse the department of public safety for all costs connected with such test and approval.

The commissioner of public safety, upon approving any such lamp or device, shall issue to the applicant a certificate of approval, together with any instructions determined by the commissioner of public safety.

The commissioner of public safety shall publish lists of all lamps and devices by name and type which have been approved by the commissioner of public safety, together with instructions as to the permissible candlepower rating of the bulbs which the commissioner of public safety has determined for use therein and such other instructions as to adjustment as the commissioner of public safety may deem necessary. No person shall sell for use or use on any vehicle any reconverted lamp or any device redesigned for a use other than for which it was originally approved unless authorized by the commissioner of public safety.

History: (2720–251, 2720–252, 2720–253) 1937 c 464 s 101–103; 1945 c 207 s 6; 1971 c 491 s 21; 1978 c 494 s 4; 1986 c 444

169.66 HEARING ON SPECIFICATIONS.

With reason to believe that an approved device which is being sold commercially does not comply with the requirements of this chapter, the commissioner of public safety may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of the approved device. After the hearing the commissioner of public safety shall determine whether the approved device meets the requirements of this chapter. If it does not meet the requirements of this chapter, the commissioner of public safety shall give notice to the person holding the certificate of approval for such device in this state.

If, at the expiration of 90 days after such notice, the person holding the certificate of approval for such device has failed to satisfy the commissioner of public safety that the approved device as thereafter to be sold meets the requirements of this chapter, the commissioner of public safety shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all such devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The commissioner of public safety may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the commissioner of public safety may refuse to renew the certificate of approval of such device.

History: (2720–254) 1937 c 464 s 104; 1971 c 491 s 22; 1986 c 444

169.67 BRAKES.

Subdivision 1. Motor vehicle. Every motor vehicle, other than a motorcycle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. The requirement in this subdivision for separate braking systems does not apply to a commercial motor vehicle described in section 169.781, subdivision 5, paragraph (d).

Subd. 2. Motorcycle and bicycle. Every motorcycle, and bicycle with motor attached, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

Subd. 3. Trailer, semitrailer. (a) No trailer or semitrailer with a gross weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer.

(b) No trailer or semitrailer that is required to have brakes and that has a gross weight of more than 6,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.

(c) Except as provided in paragraph (d), paragraph (a) does not apply to:

(1) a trailer used by a farmer while transporting farm products produced on the user's farm, or supplies back to the farm of the trailer's user;

(2) a towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour;

(3) a trailer or semitrailer operated or used by retail dealers of implements of husbandry while engaged exclusively in the delivery of implements of husbandry;

(4) a motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the standards of subdivision 5;

(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous fertilizer under pressure;

(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and

(7) a disabled vehicle while being towed to a place of repair.

(d) Vehicles described in paragraph (c), clauses (1), (3), and (4), may be operated without complying with paragraph (a) only if the trailer or semitrailer does not exceed the following gross weights:

(1) 3,000 pounds while being drawn by a vehicle registered as a passenger automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

(2) 12,000 pounds while being drawn by any other motor vehicle except a self-propelled implement of husbandry.

Subd. 4. Service brakes on wheels; exceptions. (a) All motor vehicles, trailers, and semitrailers manufactured after June 30, 1988, must be equipped with foot brakes on all wheels.

(b) Paragraph (a) does not apply to:

(1) a mobile crane that is not operated at a speed of more than 45 miles per hour and is capable of stopping within the performance standards of subdivision 5;

(2) a motorcycle;

(3) a trailer or semitrailer with a gross weight of less than 3,000 pounds;

(4) a swivel-type third wheel on a travel trailer; and

(5) a temporary auxiliary axle attached to a motor vehicle during a period of vehicle weight restrictions for the purpose of relieving the weight on another axle, if the combined gross weight on the temporary axle and the axle being relieved does not exceed 18,000 pounds and the motor vehicle meets all brake requirements under this section.

(c) Paragraph (a) does not require brakes on the front wheels of a vehicle having three or more axles and manufactured before July 1, 1988, if the brakes on the other wheels of the vehicle meet the standards of subdivision 5.

Subd. 5. Performance standards. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service (foot) brake, shall be capable of (a) developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification, (b) decelerating in a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and (c) stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

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Deceleration Table			
1 Classification of Vehicles and Combinations	2 Braking Force as a Percentage of Gross Vehicle or Combination Weight	3 Deceleration in Feet Per Second Per Second	4 Brake System Application and Braking Distance in Feet
Passenger vehicles, not including buses	52.8 percent	17	25
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds	43.5 percent	14	30
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds, and buses not having a manufacturer's gross vehicle weight rating	43.5 percent	14	40
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	43.5 percent	14	50

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Subd. 6. Implement of husbandry. An implement of husbandry that (1) is not self-propelled, (2) has a manufacturer's recommended capacity of more than 24,000 pounds, and (3) is manufactured and sold after January 1, 1994, must be equipped with brakes adequate to control the movement of and to stop and hold the towed vehicle.

History: (2720–255, 2720–256) 1937 c 464 s 105,106; Ex1937 c 38 s 2; 1939 c 430 s 19; 1945 c 207 s 7; 1953 c 423 s 1; 1955 c 452 s 1; 1959 c 277 s 1; 1961 c 89 s 1; 1963 c 747 s 1; 1967 c 272 s 1; 1976 c 205 s 1; 1988 c 636 s 8,9; 1989 c 342 s 17; 1990 c 416 s 2,3; 1992 c 581 s 12; 1993 c 187 s 10–12; 1995 c 120 s 2

169.672 [Repealed, 1984 c 549 s 34]

169.68 HORN.

Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn, but shall not otherwise use such horn when upon a highway.

No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible, but not required, that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. All authorized emergency vehicles shall be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department of public safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of such vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach thereof.

History: (2720–257) 1937 c 464 s 107; 1971 c 491 s 24; 1986 c 444

169.684 SEAT BELT; DECLARATION OF POLICY.

It is the policy of this state that enactment of a mandatory automobile seat belt usage law is intended to be compatible with support for federal safety standards requiring automatic crash protection and should not be used in any manner to rescind federal automatic crash protection system requirements for new vehicles.

History: 1986 c 310 s 2

169.685 SEAT BELT; PASSENGER RESTRAINT SYSTEM FOR CHILDREN.

Subdivision 1. **Requirement; exemptions.** After January 1, 1964, all new motor vehicles, not exempt from Minnesota license fees, other than a bus, school bus, motorcycle, motorized bicycle, farm tractor, road tractor, and truck, sold or offered for sale or registered in Minnesota shall be equipped to permit the installation of seat belts in the front seat thereof.

Subd. 2. **Required after registration.** Within 30 days after the registration of such motor vehicle, it shall be equipped with seat belts installed for use in the left front and right front seats thereof.

Subd. 3. **Standards.** The specifications and requirements for seat belts or seat belt assemblies shall conform with the minimum standards for seat belts or seat belt assemblies heretofore adopted by the society of automotive engineers and in effect on January 1, 1963.

Subd. 4. **Admissibility into evidence.** 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. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when transporting a child under the age of four on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, 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.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and highways of this state may transport a child under the age of four in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system. Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine may be waived or the amount reduced if the motor vehicle operator produces evidence

that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator

(c) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

Subd. 6. Exceptions; rental vehicle. (a) This section does not apply to:

(1) a person transporting a child in an emergency medical vehicle while in the performance of official duties and when the physical or medical needs of the child make the use of a child passenger restraint system unreasonable or when a child passenger restraint system is not available;

(2) a peace officer transporting a child while in the performance of official duties and when a child passenger restraint system is not available, provided that a seat belt must be substituted, and

(3) a person while operating a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle.

(b) A child passenger restraint system is not required for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system because of a medical condition, body size, or physical disability. A motor vehicle operator claiming exemption for a child under this paragraph must possess a typewritten statement from the physician stating that the child cannot be safely transported in a child passenger restraint system. The statement must give the name and birth date of the child, be dated within the previous six months, and be made on the physician's letterhead or contain the physician's name, address, and telephone number. A person charged with violating subdivision 5 may not be convicted if the person produces the physician's statement in court or in the office of the arresting officer.

(c) A person offering a motor vehicle for rent or lease shall provide a child passenger restraint device to a customer renting or leasing the motor vehicle who requests the device. A reasonable rent or fee may be charged for use of the child passenger restraint device.

Subd. 7. Appropriation; special account; legislative report. The Minnesota child passenger restraint and education account is created in the state treasury, consisting of fines collected under subdivision 5 and other money appropriated or donated. The money in the account is annually appropriated to the commissioner of public safety, to be used to provide child passenger restraint systems to families in financial need and to provide an educational program on the need for and proper use of child passenger restraint systems. The commissioner shall report to the legislature by February 1 of each odd-numbered year on the commissioner's activities and expenditure of funds under this section.

History: 1963 c 93 s 1; 1979 c 227 s 2; 1981 c 37 s 2; 1981 c 56 s 1,2; 1983 c 261 s 1; 1986 c 444; 1987 c 73 s 1,2; 1988 c 415 s 1; 1993 c 74 s 1; 1994 c 635 art 1 s 14,15

169.686 SEAT BELT USE REQUIRED; PENALTY.

Subdivision 1. Seat belt requirement. A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

A person who is 15 years of age or older and who violates clause (1) or (2) is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of clause (2) or (3) by a child of the driver under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The department of public safety shall not record a violation of this subdivision on a person's driving record.

Subd. 2. **Seat belt exemptions.** This section shall not apply to:

- (1) a person driving a passenger vehicle in reverse;
- (2) a person riding in a seat in which all the seating positions equipped with safety belts are occupied by other persons;
- (3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;
- (4) a person who is actually engaged in work that requires the person to alight from and reenter a passenger vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;
- (5) a rural mail carrier of the United States Postal Service while in the performance of duties;
- (6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and
- (7) a person driving or riding in a pickup truck, as defined in section 168.011, subdivision 29, while engaged in normal farming work or activity.

Subd. 3. **Appropriation; special account.** The fines collected for a violation of subdivision 1 must be deposited in the state treasury and credited to a special account to be known as the emergency medical services relief account. Ninety percent of the money in the account shall be distributed to the eight regional emergency medical services systems designated by the emergency medical services regulatory board under section 144E.50, for personnel education and training, equipment and vehicle purchases, and operational expenses of emergency life support transportation services. The board of directors of each emergency medical services region shall establish criteria for funding. Ten percent of the money in the account shall be distributed to the commissioner of public safety for the expenses of traffic safety educational programs conducted by state patrol troopers.

History: 1986 c 310 s 3; 1986 c 444; 1988 c 648 s 1,2; 1989 c 288 s 1; 1991 c 204 s 1,2; 1993 c 26 s 9; 1994 c 600 s 5; 1996 c 324 s 4; 1997 c 199 s 14

169.69 MUFFLER.

Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound. Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle.

No person shall have for sale, sell or offer for sale or use on any motor vehicle any muffler that fails to comply with the specifications as required by the commissioner of public safety.

History: (2720-258) 1937 c 464 s 108; 1939 c 430 s 20; 1953 c 306 s 1; 1971 c 491 s 25

169.691 [Repealed, 1974 c 500 s 2]

169.692 [Repealed, 1974 c 500 s 2]

169.693 MOTOR VEHICLE NOISE LIMITS.

It is unlawful to operate a motor vehicle in violation of motor vehicle noise rules adopted by the pollution control agency.

History: 1974 c 500 s 1; 1985 c 248 s 70

169.70 REAR VIEW MIRROR.

Every motor vehicle which is so constructed, loaded or connected with another vehicle as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped

with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

History: (2720–259) 1937 c 464 s 109

169.71 WINDSHIELD.

Subdivision 1. **Prohibitions generally.** No person shall drive or operate any motor vehicle with a windshield cracked or discolored to an extent to limit or obstruct proper vision, or, except for law enforcement vehicles, with any objects suspended between the driver and the windshield, other than sun visors and rear vision mirrors, or with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle, other than a certificate or other paper required to be so displayed by law, or authorized by the state director of the division of emergency management, or the commissioner of public safety.

Subd. 2 **Windshield wiper.** The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

Subd. 3. **Defrosting requirement.** No person shall drive any motor vehicle with the windshield or front side windows covered with steam or frost to such an extent as to prevent proper vision.

Subd. 4. **Glazing material; prohibitions and exceptions.** No person shall drive or operate any motor vehicle required to be registered in the state of Minnesota upon any street or highway under the following conditions:

(a) when the windshield is composed of, covered by, or treated with any material which has the effect of making the windshield more reflective or in any other way reducing light transmittance through the windshield;

(b) when any window on the vehicle is composed of, covered by, or treated with any material that has a highly reflective or mirrored appearance;

(c) when any side window or rear window is composed of or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than 50 percent plus or minus three percent in the visible light range or a luminous reflectance of more than 20 percent plus or minus three percent; or

(d) when any material has been applied after August 1, 1985, to any motor vehicle window without an accompanying permanent marking which indicates the percent of transmittance and the percent of reflectance afforded by the material. The marking must be in a manner so as not to obscure vision and be readable when installed on the vehicle.

This subdivision does not apply to glazing materials which:

(a) have not been modified since the original installation, nor to original replacement windows and windshields, that were originally installed or replaced in conformance with Federal Motor Vehicle Safety Standard 205;

(b) are required to satisfy prescription or medical needs of the driver of the vehicle or a passenger if the driver or passenger is in possession of the prescription or a physician's statement of medical need; or

(c) are applied to:

(1) the rear windows of a pickup truck as defined in section 168.011, subdivision 29;

(2) the rear windows or the side windows on either side behind the driver's seat of a van as defined in section 168.011, subdivision 28;

(3) the side and rear windows of a vehicle used to transport human remains by a funeral establishment holding a license under section 149A.50; or

(4) the side and rear windows of a limousine as defined in section 168.011, subdivision 35.

History: (2720–260) 1937 c 464 s 110; 1939 c 430 s 21; 1947 c 428 s 30; 1953 c 745 s 4; 1959 c 174 s 1; 1959 c 521 s 11; 1961 c 34 s 1; 1971 c 491 s 26; 1974 c 428 s 5; 1983 c 234 s 1; 1987 c 71 s 2; 1988 c 636 s 10; 1991 c 301 s 7; 1993 c 26 s 10; 1997 c 215 s 44

169.72 TIRE SURFACE; METAL STUDS.

Subdivision 1. Solid rubber, metal, and studded tires; exceptions; permits. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer, having any metal tire in contact with the roadway, except in case of emergency.

Except as provided in this section, no tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire. It shall be permissible to use any of the following on highways: implements of husbandry with tires having protuberances which will not injure the highway, and tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

The commissioner and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

Subd. 2. [Repealed, 1973 c 378 s 3]

Subd. 3. [Repealed, 1996 c 310 s 1]

Subd. 4. Occasional use of studded tires by nonresidents. Notwithstanding the provisions of subdivision 1, a person, operating a motor vehicle properly licensed and registered in another state or province of a foreign country which authorizes the use of tires with metal studs or wire embedded tires on its highways, may operate the motor vehicle with tires having metal type studs or with tires having wire embedded therein on the highways of this state while occasionally within the state, and such use while occasionally within the state is not unlawful; provided that, the metal type studs shall not exceed 5/16 of an inch in diameter inclusive of the stud casing with an average protrusion beyond the tread surface of not more than 7/64 of an inch, and the number of studs in a tire shall not exceed two percent of the total net contact area. Use of a vehicle in this state on more than 30 days in any consecutive six-month period is not occasionally. Except, a person whose regular place of employment is within the state or who is a student at an educational institution located within the state, shall not operate a vehicle, regardless of its place of registration, upon any highway within the state if such vehicle is equipped with tires which would be unauthorized were the vehicle registered in this state.

Subd. 5. Rural postal carrier. (a) A rural mail carrier of the United States postal service may apply to the commissioner for a permit to operate a rural mail delivery vehicle with tires having metal studs. An applicant must submit with the application for the permit (1) verification that the applicant is employed as a United States postal carrier, (2) a map showing the applicant's mail delivery route, and (3) identification of the vehicle the applicant uses on that mail delivery route.

(b) If the commissioner determines that (1) the applicant is employed as a United States postal carrier, and (2) less than 25 percent of the total mileage on the applicant's mail delivery route is paved, the commissioner may issue the permit. A permit under this subdivision is valid beginning November 1 of a calendar year and expires on April 15 of the following calendar year.

(c) A permit under this subdivision authorizes the permit holder to operate a motor vehicle equipped with tires having metal studs that meet the limitations in subdivision 4, while (1) traveling between the permit holder's residence and a mail pickup station, and (2) delivering United States mail on the permit holder's delivery route as shown in the map accompanying the permit application. The permit is valid only for the vehicle identified in the permit.

(d) The commissioner may amend a permit under this subdivision when (1) the permit holder submits evidence of a change in the permit holder's mail delivery route, or (2) the permit holder changes vehicles used in the route.

(e) The commissioner may revoke a permit when the commissioner determines that (1) the vehicle named in the permit is or has been operated in violation of this subdivision or the

terms of the permit, or (2) the commissioner determines that more than 25 percent of the total mileage of the permit holder's mail delivery route is paved.

(f) Operation of a motor vehicle identified in a permit in violation of this subdivision or the terms of a permit issued under this subdivision is a misdemeanor.

(g) A permit holder under this subdivision must remove tires having metal studs from the vehicle identified in the permit (1) by 12:01 a.m. on April 16 of each year, and (2) whenever the permit holder transfers ownership of the vehicle or ceases employment as a United States postal carrier.

History: (2720-261) 1937 c 464 s 111; 1965 c 168 s 1; 1967 c 13 s 1, 1969 c 245 s 1; Ex1971 c 43 s 1; 1973 c 378 s 1,2; 1974 c 389 s 1; 1976 c 166 s 7; 1986 c 444; 1993 c 187 s 13; 1994 c 486 s 1

169.721 UNSAFE TIRES; DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 169.721 to 169.727, the terms defined in this section have the meanings given them.

Subd. 2. **Passenger automobile.** "Passenger automobile" means any motor vehicle designed and used for the carrying of not more than nine persons, excluding motorcycles and motor scooters, but including within its meaning station wagons or other highway use motor vehicles using passenger automobile type tires.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

History: 1976 c 35 s 1

169.722 RULES FOR TIRE SAFETY.

The commissioner shall promulgate rules pursuant to chapter 14 providing for the safe operating conditions of tires for use on passenger automobiles. The rules shall be so promulgated that a law enforcement officer may determine whether or not a tire is in compliance by visual inspection or by the use of simple measuring gauges. The rules shall be based on and include effects of tread wear and depth of tread, and shall incorporate all of the provisions of section 169.723.

History: 1976 c 35 s 2; 1982 c 424 s 130

169.723 TIRES CONSIDERED UNSAFE.

A tire shall be considered unsafe if it has:

- (1) any part of the ply or cord exposed; or
- (2) any bump, bulge or separation; or
- (3) a tread design depth of less than $\frac{2}{32}$ ($\frac{1}{16}$) of an inch measured in the tread-groove nearest the center of the tire at three locations equally spaced around the circumference of the tire, exclusive of tie bars or for those tires with tread wear indicators; or
- (4) been worn to the level of the tread wear indicators in any two tread grooves at three locations; or
- (5) a marking "not for highway use," or "for racing purposes only," or "unsafe for highway use;" or
- (6) tread or sidewall cracks, cuts or snags deep enough to expose the body cords; or
- (7) been regrooved or recut below the original tread design depth, except special taxicab tires which have extra undertread rubber and are identified as such.

History: 1976 c 35 s 3

169.724 PROHIBITION; OPERATING AUTOMOBILE WITH UNSAFE TIRES.

No person shall drive, move or cause to be driven or moved any passenger automobile upon the highways of this state, unless such passenger automobile is equipped with tires in safe operating condition in accordance with rules promulgated by the commissioner.

History: 1976 c 35 s 4

169.725 TIRE SAFETY ENFORCEMENT.

If a peace officer has reasonable cause to believe that a passenger automobile is equipped with tires in violation of sections 169.721 to 169.727, or of the rules adopted under

section 169.722, the officer may require the operator of the passenger automobile to stop and submit the passenger automobile to an inspection. If the inspection discloses that the tires of the passenger automobile are in violation, the officer may issue a citation for the violation, and the defect must be corrected as soon as possible. For purposes of this section, "peace officer" means a state trooper, a county sheriff, a deputy sheriff, and a municipal police officer.

History: 1976 c 35 s 5; 1981 c 37 s 2; 1987 c 112 s 1

169.726 CERTAIN AUTOMOBILE SALES PROHIBITED UNLESS TIRES ARE SAFE.

No person or organization shall sell or offer for sale, other than to a motor vehicle dealer, any passenger automobile for use on the public highways of this state, unless the passenger automobile is equipped with tires that are in compliance with the rules promulgated by the commissioner under authority of section 169.722. If the tires are not in compliance with the rules, the person or organization selling or offering to sell the passenger automobile shall cause, prior to sale, the tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the rules; unless the vehicle is towed or hauled away. No person, firm, corporation or organization shall sell or offer for sale, other than to a tire dealer, tires for highway use not in compliance with these rules.

History: 1976 c 35 s 6

169.727 UNSAFE TIRES; MISDEMEANOR.

Any person who violates the provisions of sections 169.721 to 169.727 or any rule promulgated pursuant thereto is guilty of a petty misdemeanor.

History: 1976 c 35 s 7

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, subdivision 7; a van as defined in section 168.011, subdivision 28, a pickup truck as defined in section 168.011, subdivision 29; and a jeep-type automobile or other multipurpose vehicle. "Private passenger vehicle" does not include a collector vehicle or collector military vehicle as defined in section 168.10.

"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, except that pickup trucks and vans shall be equipped with front bumpers and with either rear bumpers or reflectors.

Subd. 3. MS 1978 [Repealed, 1980 c 498 s 7]

Subd. 3 **Bumper restrictions.** No person shall operate a private passenger vehicle 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 the vehicle or any bumpers varies more than six inches from the original-manufactured height for the vehicle.

Subd. 4. MS 1978 [Repealed, 1980 c 498 s 7]

Subd. 4. **Maximum bumper height.** Notwithstanding the restrictions contained in subdivision 3, bumpers required under this section shall not exceed a height of (1) 20 inches on any passenger automobile or station wagon or (2) 25 inches on any four-wheel drive multipurpose type vehicle, van as defined in section 168.011, subdivision 28, or pickup truck as defined in section 168.011, subdivision 29, when the vehicle is being operated on a public highway. The height of the bumper shall be determined by measuring from the bottom of the bumper, excluding any vertical bumper attachments, to the ground. A vehicle which has an original bumper which does not exceed a height of 30 inches may be modified by attaching a full width bumper to the regular bumper to meet the height requirement. The attached bumper must be at least 4.5 inches in vertical height, be centered on the vehicle's centerline, extend at least ten inches on either side of the frame, and be attached to the frame in at least four

places with angle braces at no less than 45 degrees so that it effectively transfers impact to an extent equal to or greater than the original bumper.

Competent evidence that a vehicle was originally manufactured with bumpers higher than prescribed in this subdivision shall be an affirmative defense in any action under this section.

Subd. 4a. Rear-end protection for other vehicles. (a) Vehicles other than private passenger vehicles, collector vehicles, collector military vehicles, and other vehicles specifically exempted by law from such requirements must meet the rear-end protection requirements of federal motor carrier regulations, Code of Federal Regulations, title 49, section 393.86.

(b) Notwithstanding contrary regulations cited in paragraph (a), a truck-tractor and semitrailer combination with a semitrailer length longer than 50 feet whose frame or body extends more than 36 inches beyond the rear of its rearmost axle must not be operated on the highways of this state unless equipped with a bumper or underride guard on the extreme rear of the frame or body. The bumper or underride guard must:

(1) provide a continuous horizontal beam having a maximum ground clearance of 22 inches, as measured with the vehicle empty and on level ground; and

(2) extend to within four inches of the lateral extremities of the semitrailer on both left and right sides.

Subd. 5 MS 1978 [Repealed, 1980 c 498 s 7]

Subd. 5. Misdemeanor. Any person who violates this section is guilty of a misdemeanor.

History: (2720–262) 1937 c 464 s 112; 1939 c 430 s 22; 1955 c 647 s 1; 1971 c 203 s 1, 1980 c 498 s 5, 6; 1981 c 199 s 2; 1983 c 170 s 1; 1984 c 549 s 29; 1986 c 336 s 6; 1989 c 204 s 4; 1991 c 333 s 15

169.733 WHEEL FLAPS ON TRUCK AND TRAILER.

Subdivision 1. Vehicles generally. Every truck, truck-tractor, trailer, semitrailer, pole trailer, and rear-end dump truck, excepting rear-end dump farm trucks and military vehicles of the United States, shall be provided with wheel flaps or other suitable protection above and behind the rearmost wheels of the vehicle or combination of vehicles to prevent, as far as practicable, such wheels from throwing dirt, water, or other materials on the windshields of vehicles which follow. Such flaps or protectors shall be at least as wide as the tires they are protecting and shall have a ground clearance of not more than one-fifth of the horizontal distance from the center of the rearmost axle to the flap under any conditions of loading or operation of the motor vehicle.

Subd. 2. Vehicle with conveyor belt. For a dump truck or truck with a rigid box fastened to its frame and having a conveyor belt or chain in the bottom of the vehicle which moves the cargo to the rear end of the vehicle, the flaps shall be mounted as far to the rear of the vehicle as practicable and shall have a ground clearance of not more than 18 inches when the vehicle is loaded.

Subd. 3. Bottom-dump vehicle. A bottom-dump cargo vehicle transporting sand, gravel, aggregate, dirt, lime rock, silica, or similar material must be equipped with flaps that are mounted to the rear of the axles, cover the entire width of the vehicle, and have a ground clearance of six inches or less when the vehicle is fully loaded.

Subd. 4. Alternative requirements. If the motor vehicle is so designed and constructed that the above requirements are accomplished by means of body construction or other means of enclosure, then no such protectors or flaps shall be required.

Subd. 5. Extended flaps. If the rear wheels are not covered at the top by fenders, body or other parts of the vehicle, the flap or other protective means shall be extended at least to a point directly above the center of the rearmost axle

Subd. 6. Lamps or wiring. Lamps or wiring shall not be attached to fender flaps.

History: 1951 c 640 s 1; 1953 c 619 s 1; 1976 c 136 s 1; 1978 c 498 s 1; 1990 c 548 s 1; 1998 c 372 art 1 s 7

169.734 AUTOMOBILE FENDERS.

Every passenger automobile shall have fenders, or other devices, that are designed to prevent, as far as practicable, water, dirt, or other material being thrown up and to the rear by the wheels of the vehicle.

History: 1975 c 68 s 2

169.74 SAFETY GLASS.

Subdivision 1. **Required.** No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered thereafter unless the vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

Subd. 2. **Definition.** "Safety glass" means any product composed of glass, or other material, as may be approved by the commissioner of public safety, as safety glass.

Subd. 3. **Replacement.** All glass replacement in doors, windows, and windshields or partitions of motor vehicles shall be made with materials meeting the requirements of this chapter for safety glass if glass is used therefor.

Subd. 4. **Other material prohibited.** No glazing material other than of a type meeting the requirements of this chapter shall be sold, offered for sale, offered for use, or used for installation in doors, windows or windshields of motor vehicles or of passenger-carrying trailers or semitrailers

Subd. 5. **Frostshield.** Nothing in this section shall be construed to include frostshields

History: (2720–263) 1937 c 464 s 113; 1947 c 428 s 31; 1971 c 491 s 27

169.743 BUG DEFLECTOR.

Bug deflectors shall be permitted but not required on motor vehicles. No bug deflector shall be sold, offered for sale, or used which is composed of other than nonilluminated material. No person shall operate any motor vehicle equipped with a bug deflector of nontransparent material having more than one inch of material extending above the highest part of the hood, excluding any decorative ornament, and no person shall operate any motor vehicle equipped with a bug deflector of transparent material having more than three inches of material extending above the highest part of the hood, excluding any decorative ornament; provided that trucks and truck-tractors of 12,000 pounds gross vehicle weight or larger may be operated with a clear, uncolored bug deflector extending no more than six inches above the highest part of the hood, excluding any decorative ornament.

History: 1953 c 304 s 1; 1975 c 68 s 1; 1982 c 400 s 1; 1984 c 549 s 31, 1994 c 600 s 6

169.75 FLARES, FLAGS, OR REFLECTORS REQUIRED.

Subdivision 1. **Number required.** No person shall operate any motor vehicle towing a travel trailer, any passenger bus, or any other motor vehicle or combination of vehicles of an actual gross weight or manufacturer's rated gross weight of more than 10,000 pounds at any location upon an interstate highway or freeway or upon any other highway outside of a business or residence district at any time from a half-hour after sunset to a half-hour before sunrise, unless there shall be carried in such vehicle the following equipment except as otherwise provided in subdivision 2.

At least three flares or three red electric lanterns or three emergency reflective triangles or three portable red reflector devices, each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime.

Subd. 2. **Flammables.** No person shall at any time operate a motor vehicle transporting flammable liquids in bulk or compressed flammable gases as cargo or part of cargo upon a highway unless it carries three electric lanterns or three emergency reflective triangles or three portable reflector units to be used in lieu of flares and no open burning flares shall be carried on or placed adjacent to such vehicle.

Subd. 3. **Flags and reflectors.** No person shall operate any motor vehicle towing a travel trailer, any passenger bus, or any other motor vehicle or combination of vehicles of an actu-

al gross weight or manufacturer's rated gross weight of more than 10,000 pounds at any location upon any interstate highway or freeway or upon any other highway outside of a business or residence district unless there shall be carried in such vehicle at least three emergency reflective triangles or two red, yellow, or orange flags not less than 12 inches square which shall be displayed at any time from one-half hour before sunrise to one-half hour after sunset under circumstances which would require the use of warning lights at night and in the manner and position governing the use of warning lights as prescribed in subdivision 5, except a flag or reflector is not required to be displayed at the ten-foot distance.

Subd. 4. **Approved type.** Every flare, lantern, signal, reflective triangle or reflector required in this section shall be of a type approved by the commissioner of public safety.

Subd. 5. **When used.** When any vehicle subject to the provisions of subdivision 1 or 3 is disabled upon the roadway or shoulder at any location upon an interstate highway or freeway, or upon any other highway outside of a business or residence district during the period when lighted lamps must be displayed on vehicles and such motor vehicle cannot immediately be removed from the main traveled portion of the highway or from the shoulder, the driver or other person in charge of the vehicle shall promptly cause flares, lanterns, or other signals to be lighted and placed as warning lights upon the highway, one at the traffic side of the standing vehicle approximately ten feet rearward or forward thereof in the direction of greatest hazard to traffic, one at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by such vehicle, and one at a distance of approximately 100 feet to the front of the vehicle in the center of the traffic lane occupied by such vehicle, except:

(a) If disablement of any vehicle occurs within 500 feet of a curve, crest of a hill or other obstruction to view, the driver or other person in charge shall so place the warning signal in that direction so as to offer ample warning to other users of the highway but in no case less than 100 feet nor more than 500 feet from the disabled vehicle;

(b) If disablement of the vehicle occurs upon the roadway or shoulder of any one-way roadway of any highway, the driver or other person in charge shall place one warning signal at the traffic side of the vehicle not more than ten feet to the rear of the vehicle, one placed 100 feet to the rear of the vehicle in the center of the lane occupied by the standing vehicle, and one such signal at a distance of approximately 200 feet to the rear of the vehicle.

History: (2720–264) 1937 c 464 s 114; 1939 c 430 s 23; 1947 c 428 s 32; 1949 c 656; 1967 c 383 s 1–3; 1971 c 491 s 28, 1978 c 494 s 5, 1989 c 342 s 18,19

FIRST AID EQUIPMENT IN POLICE VEHICLES

169.751 DEFINITIONS.

For the purposes of sections 169.751 to 169.754 the following words shall have the meaning ascribed to them in this section:

(a) "First aid equipment" shall mean equipment for the purpose of rendering first aid to sick or injured persons as prescribed by the department of public safety for its state patrol vehicles, such equipment to include materials for the application of splints to fractures.

(b) "Patrol motor vehicles" shall mean the state patrol motor vehicles used in law enforcement of the department of public safety, the county sheriffs, and the various city, town, and other local police departments.

History: 1953 c 651 s 1; 1971 c 491 s 29; 1973 c 123 art 5 s 7; 1980 c 509 s 59; 1981 c 37 s 2

169.752 PATROL MOTOR VEHICLES, FIRST AID EQUIPMENT.

Every patrol motor vehicle shall be equipped with and carry first aid equipment.

History: 1953 c 651 s 2

169.753 LAW ENFORCEMENT OFFICERS TRAINED IN FIRST AID.

Law enforcement officers operating patrol motor vehicles shall be trained in the use and application of first aid equipment.

History: 1953 c 651 s 3

169.754 APPROPRIATIONS AUTHORIZED.

The various municipalities and political subdivisions of the state of Minnesota may for their fiscal years beginning after the enactment hereof appropriate such funds as are necessary for the purchase of first aid equipment for their patrol motor vehicles.

History: 1953 c 651 s 4

169.755 [Repealed, 1984 c 549 s 34]

169.76 [Repealed, 1984 c 520 s 26]

TRANSPORTING PRESSURIZED GAS**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 subdivision 1 or 2 is guilty of a misdemeanor.

History: 1982 c 617 s 8

VEHICLE INSPECTIONS

169.77 [Repealed, 1993 c 26 s 11]

169.771 SPOT CHECK OF MOTOR VEHICLE.

Subdivision 1. **Inspection program.** The intent of this section is to establish a motor vehicle inspection program administered by the commissioner of public safety evidencing substantial compliance with the Federal Highway Safety Act.

Subd. 2. **Inspection by state trooper.** The commissioner of public safety is directed to accelerate spot check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the state patrol.

Subd. 3. **Rules.** The commissioner of public safety may establish such reasonable rules as are necessary to carry out the provisions of this section, but all spot check inspections shall be held in such a manner that the motor vehicle operators, either private or commercial, shall not be unnecessarily inconvenienced either by extended detours, unnecessary delays, or any other unreasonable cause.

Subd. 4. **Implied consent to inspection.** Use of the highways and streets of this state shall constitute consent to spot check inspections as provided herein.

History: 1967 c 887 s 6 subd 1-4; 1969 c 1129 art 1 s 4; 1971 c 491 s 32; 1981 c 37 s 2; 1985 c 248 s 70

169.78 MUNICIPAL INSPECTION STATION.

Every municipality in the state shall have the power to acquire, erect, establish, equip, operate, and maintain motor vehicle testing stations, for the purpose of testing and inspecting motor vehicles using the public streets of any such municipality, and to finance and pay for the same out of the proceeds of the collection of fees charged for such inspection. Any municipality may pass, and by proper penalties enforce, ordinances for these purposes, and by such ordinances:

(1) Require the attendance of such motor vehicles at such testing station for the purpose of inspection, at such time as shall be deemed reasonable, after due notice thereof shall first have been given to the owner of such motor vehicle or the owner's agent; provided, that any owner of five or more commercial vehicles having testing equipment and facilities meeting the requirements of the municipality may be exempted from the requirements of attendance at such testing station;

(2) Require the payment of inspection fees, but such fees shall not exceed the amount of 50 cents for any one inspection, or \$1 for any one year;

(3) Provide free inspections as often as the owner desires between compulsory inspection periods;

(4) Provide for the issuance of an inspection certificate and require the same to be displayed on the windshield of such motor vehicle in the lower right corner thereof, and in such manner as not to obstruct the driver's view;

(5) Prohibit the operation on the public streets of such municipality of any motor vehicle which shall not have been submitted for inspection within a reasonable time after notice of such required inspection shall have been given to the owner of such motor vehicle or the owner's agent, or any motor vehicle which shall be found to be in a faulty or unsafe condition or in violation of any city ordinance or state law, and now having a proper inspection certificate properly displayed.

No such inspection shall be required of the owner of a vehicle who is not a resident of the municipality operating and maintaining the motor vehicle testing station.

In making such inspection or tests, no additional or different mechanical requirements than those provided by state law shall be imposed upon or against a motor vehicle or the owner thereof, or the owner's agent, in order to entitle such vehicle to an inspection certificate, but no such certificate shall be issued or attached to any vehicle until and unless such vehicle shall, upon such inspection, be found to comply with the terms of the state law.

History: (2720-267) 1937 c 464 s 117; 1986 c 444

169.781 ANNUAL INSPECTION OF COMMERCIAL MOTOR VEHICLE.

Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle" means:

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and

(2) each vehicle in a combination of more than 26,000 pounds.

"Commercial motor vehicle" does not include (1) a school bus or Head Start bus displaying a certificate under section 169.451, (2) a bus operated by the metropolitan council or by a local transit commission created in chapter 458A, or (3) a motor vehicle with a gross weight of not more than 26,000 pounds, carrying in bulk tanks a total of not more than 200 gallons of petroleum products or liquid fertilizer or pesticide.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.

(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.

Subd. 2. Inspection required. It is unlawful for a person to operate or permit the operation of a commercial motor vehicle registered in Minnesota unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner, or the vehicle carries (1) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (2) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

Subd. 3. Inspector certification; suspension and revocation; hearing. (a) An inspection required by this section may be performed only by:

(1) an employee of the department of public safety or transportation who has been certified by the commissioner after having received training provided by the state patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the state patrol or other training approved by the commissioner.

(b) A person who is not an employee of the department of public safety or transportation may be certified by the commissioner if the person is: (1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units; (2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; or (3) engaged in the business of repairing and servicing commercial motor vehicles. Certification of persons described in clauses (1) to (3) is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under this paragraph as a condition of renewal of the certificate. The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed. A certified person described in clauses (1) to (3) may charge a fee of not more than \$50 for each inspection of a vehicle not owned by the person or the person's employer.

(c) Except as otherwise provided in subdivision 5, the standards adopted by the commissioner for commercial motor vehicle inspections under sections 169.781 to 169.783 shall be the standards prescribed in Code of Federal Regulations, title 49, section 396.17, and in chapter III, subchapter B, appendix G. The commissioner may classify types of vehicles for inspection purposes and may issue separate classes of inspector certificates for each class.

The commissioner shall issue separate categories of inspector certificates based on the following classifications:

(1) a class of certificate that authorizes the certificate holder to inspect commercial motor vehicles without regard to ownership or lease; and

(2) a class of certificate that authorizes the certificate holder to inspect only commercial motor vehicles the certificate holder owns or leases.

The commissioner shall issue a certificate described in clause (1) only to a person described in paragraph (b), clause (2) or (3).

(d) The commissioner, after notice and an opportunity for a hearing, may suspend a certificate issued under paragraph (b) for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance with inspection procedures established by the state patrol. The commissioner shall revoke a certificate issued under paragraph (b) if the commissioner determines after notice and an opportunity for a hearing that the certified person issued an inspection decal for a commercial motor vehicle when the person knew or reasonably should have known that the vehicle was in such a state of repair that it would have been declared out of service if inspected by an employee of the state patrol. Suspension and revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69.

Subd. 4. Inspection report. (a) A person performing an inspection under this section shall issue an inspection report to the owner of the commercial motor vehicle inspected. The report must include:

(1) the full name of the person performing the inspection, and the person's inspector certification number;

(2) the name of the owner of the vehicle and, if applicable, the United States Department of Transportation carrier number issued to the owner of the vehicle, or to the operator of the vehicle if other than the owner,

(3) the vehicle identification number and, if applicable, the license plate number of the vehicle;

(4) the date and location of the inspection;

(5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and

(6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section.

(b) The owner must retain a copy of the inspection report for at least 14 months at a location in the state where the vehicle is domiciled or maintained. The inspector must maintain a copy of the inspection report for a period of 14 months following the inspection in a location in the state where the inspector conducts business. During this period the report must be available for inspection by an authorized federal, state, or local official.

(c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the Administrative Procedure Act.

Subd. 5. Inspection decal. (a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

(b) Minnesota inspection decals may be affixed only to commercial motor vehicles bearing Minnesota-based license plates.

(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the federal highway administration and the commercial motor vehicle safety alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.

(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.

Subd. 6. Record review; random inspection; audit. Employees of the state patrol and motor transportation representatives of the department of transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

Subd. 7. Disposition of revenues. The commissioner shall pay all revenues received under this section to the state treasurer for deposit in the trunk highway fund.

Subd. 8. Violation; misdemeanor. A violation of this section is a misdemeanor.

Subd. 9. Proof of federal inspection. An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, paragraph (a), the commissioner shall issue the certificate to the applicant.

History: 1990 c 563 s 1; 1991 c 174 s 1-6; 1992 c 578 s 5,6; 1992 c 581 s 13; 1993 c 187 s 14; 1994 c 603 s 14; 1994 c 628 art 3 s 12; 1995 c 120 s 3

169.782 DAILY INSPECTION OF COMMERCIAL MOTOR VEHICLE.

Subdivision 1. Driver; daily inspection report. (a) The driver of a commercial motor vehicle shall report in writing at the completion of each day's work on each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to report as required in this section. The report must cover the following parts and accesso-

ries: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers, rear vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

(b) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safe operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. The driver must sign the report after completing it. In the case of a commercial motor vehicle operated by two drivers, the signature of one of the drivers satisfies the requirements of this subdivision if both drivers agree concerning the defects or deficiencies. If a driver operates more than one commercial motor vehicle during a day's work, a report must be prepared for each vehicle operated.

(c) Before operating or allowing the operation of a commercial motor vehicle on which a report has been prepared under this subdivision, the owner of the vehicle or the owner's agent must repair defects or deficiencies listed on the report that would be sufficient under inspection procedures established by the state patrol to require the vehicle to be declared out of service. Before allowing the commercial motor vehicle to be operated again, the owner or the owner's agent must certify, on the report listing the defect or deficiency, that the defect or deficiency has been corrected or that correction is unnecessary. A motor carrier must keep the original vehicle inspection report for at least three months after the date of inspection. The report must be available for inspection by an authorized federal, state, or local official at any time during this period.

(d) A copy of the vehicle inspection report, including a certification of corrections resulting from the report, must be carried in the commercial motor vehicle, or in the power unit of a commercial motor vehicle combination, at all times when the vehicle or power unit is operated until the next inspection report is completed under this subdivision. The copy must be made available on demand to: (1) a peace officer; (2) a person authorized under section 221.221; and (3) a person described in section 299D.06.

Subd. 2. Driver; pretrip inspection. (a) Before driving a commercial motor vehicle, a driver must:

- (1) review the most recent vehicle inspection report on the vehicle,
- (2) determine that the vehicle is in safe operating condition; and
- (3) sign the inspection report in the vehicle.

The driver shall sign the report only if all defects and deficiencies listed in the report have been certified as having been corrected or as not requiring correction.

(b) If the commercial motor vehicle does not contain the previous day's inspection report, the driver must make the inspection and complete the report required under subdivision 1.

Subd. 3. Operation prohibited. It is a misdemeanor to drive or to cause another person to drive a commercial motor vehicle that does not contain a copy of an inspection report complying with this section.

Subd. 4. Exceptions. (a) With the exception of subdivision 2, paragraph (a), clause (2), this section does not apply to a commercial motor vehicle that is a farm truck that may be operated by a person not holding a commercial driver's license.

(b) This section does not apply to a commercial motor vehicle held for resale by a motor vehicle dealer licensed under section 168.27.

History: 1990 c 563 s 2

169.783 COMMERCIAL VEHICLE ACCIDENT; REINSPECTION.

Subdivision 1. Postcrash inspection. A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the state patrol if the accident results in death, personal injury, or property damage to an apparent extent of more than \$4,400. It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle: (1) has been inspected by a state trooper or other person authorized to conduct inspections under section 169.781, subdivision 3, paragraph

(a), who is an employee of the department of public safety or transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or (2) a waiver has been granted under subdivision 2.

Subd. 2. **Waiver.** A state trooper or other authorized person called to the scene of an accident by a responding peace officer under subdivision 1 may waive the inspection requirement of that subdivision if the person determines that a postcrash inspection is not needed or cannot be accomplished without unreasonable delay. A person who grants a waiver must provide to the driver of the commercial motor vehicle for which the waiver is granted a written statement that the inspection has been waived. The written statement must include the incident report number assigned to the accident by the state patrol.

History: 1990 c 563 s 3; 1991 c 174 s 7

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, except as provided in sections 168.10 and 168.12, subdivision 2f, 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 semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the certificate of title documentation on file with the department and shall not display a year indicator. If the vehicle is a motorcycle; motor scooter; motorized bicycle; motorcycle sidecar; trailer, semitrailer; collector's vehicle with a pioneer, classic car, collector, or street rod license; vehicle that meets the requirements of a pioneer, classic, or street rod vehicle except that the vehicle is used for general transportation purposes; vehicle that is of model year 1968 or earlier, is not registered under section 168.10, subdivision 1c, and is used for general transportation purposes; 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. It is unlawful to cover any assigned letters and numbers or the name of the state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity. License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner as viewed facing the plate and the year of expiration in the lower right corner as viewed facing the plate. License plates issued to vehicles registered under section 168.127 must display either fleet registration validation stickers in the lower right corner as viewed facing the plates or distinctive license plates, issued by the registrar, with "FLEET REG" embossed on the bottom center portion of the plate.

History: (2720-268) 1937 c 464 s 118; 1961 c 622 s 1; 1967 c 464 s 2; 1977 c 248 s 4; 1981 c 357 s 62; 1981 c 363 s 27; 1985 c 291 s 18; 1995 c 120 s 4; 1995 c 145 s 2; 1997 c 240 s 5; 1997 c 250 s 6

VEHICLE INSURANCE

169.791 CRIMINAL PENALTY FOR FAILURE TO PRODUCE PROOF OF INSURANCE.

Subdivision 1. **Terms defined.** (a) For purposes of this section and sections 169.792 to 169.799, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of public safety.

(c) "District court administrator" or "court administrator" means the district court administrator or a deputy district court administrator of the district court that has jurisdiction of a violation of this section.

(d) "Insurance identification card" means a card issued by an obligor to an insured stating that security as required by section 65B.48 has been provided for the insured's vehicle.

(e) "Law enforcement agency" means the law enforcement agency that employed the peace officer who demanded proof of insurance under this section or section 169.792.

(f) "Peace officer" or "officer" means an employee of a political subdivision or state law enforcement agency, including the Minnesota state patrol, who is licensed by the Minnesota board of peace officer standards and training and is authorized to make arrests for violations of traffic laws.

(g) "Proof of insurance" means an insurance identification card, written statement, or insurance policy as defined by section 65B.14, subdivision 2.

(h) "Vehicle" means a motor vehicle as defined in section 65B.43, subdivision 2, or a motorcycle as defined in section 65B.43, subdivision 13.

(i) "Written statement" means a written statement by a licensed insurance agent stating the name and address of the insured, the vehicle identification number of the insured's vehicle, that a plan of reparation security as required by section 65B.48 has been provided for the insured's vehicle, and the dates of the coverage.

(j) The definitions in section 65B.43 apply to sections 169.792 to 169.799.

Subd. 2. Requirement for driver, whether or not owner. Every driver shall have in possession at all times when operating a vehicle and shall produce on demand of a peace officer proof of insurance in force at the time of the demand covering the vehicle being operated. If the driver does not produce the required proof of insurance upon the demand of a peace officer, the driver is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.797, or a statute or ordinance in conformity with one of those sections. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. A driver who is not the owner of the vehicle may not be convicted under this section unless the driver knew or had reason to know that the owner did not have proof of insurance required by this section, provided that the driver provides the officer with the name and address of the owner at the time of the demand or complies with subdivision 3.

Subd. 2a. Later production of proof by driver who is owner. A driver who is the owner of the vehicle may, no later than the date and time specified in the citation for the driver's first court appearance, produce proof of insurance stating that security had been provided for the vehicle that was being operated at the time of the demand to the court administrator. The required proof of insurance may be sent by mail by the driver as long as it is received no later than the date and time specified in the citation for the driver's first court appearance. If a citation is issued, no person shall be convicted of violating this section if the court administrator receives the required proof of insurance no later than the date and time specified in the citation for the driver's first court appearance. If the charge is made other than by citation, no person shall be convicted of violating this section if the person presents the required proof of insurance at the person's first court appearance after the charge is made.

Subd. 3. Later production of information by driver who is not owner. If the driver is not the owner of the vehicle, the driver shall, no later than the date and time specified in the citation for the driver's first court appearance, provide the district court administrator with proof of insurance or the name and address of the owner. Upon receipt of the name and address of the owner, the district court administrator shall communicate the information to the law enforcement agency.

Subd. 4. Requirement for owner who is not driver. If the driver is not the owner of the vehicle, the officer may send or provide a notice to the owner of the vehicle requiring the owner to produce proof of insurance for the vehicle that was being operated at the time of the demand. Notice by mail is presumed to be received five days after mailing and shall be sent to the owner's current address or the address listed on the owner's driver's license. Within ten days after receipt of the notice, the owner shall produce the required proof of insurance to the place stated in the notice received by the owner. The required proof of insurance may be sent by mail by the owner as long as it is received within ten days. Any owner who fails to produce proof of insurance within ten days of an officer's request under this subdivision is guilty of a misdemeanor. The peace officer may mail the citation to the owner's current address or address stated on the owner's driver's license. It is an affirmative defense to a charge against the

owner that the driver used the owner's vehicle without consent, if insurance would not have been required in the absence of the unauthorized use by the driver. It is not a defense that a person failed to notify the department of public safety of a change of name or address as required under section 171.11. The citation may be sent after the ten-day period.

Subd. 5. Exemptions. Buses or other commercial vehicles operated by the metropolitan council, commercial vehicles required to file proof of insurance pursuant to chapter 221, and school buses as defined in section 171.01, subdivision 21, are exempt from this section.

Subd. 5a. Consecutive sentences. The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

Subd. 6. Penalty. In addition to any sentence of imprisonment that the court may impose, the court shall impose a fine of not less than \$200 nor more than the maximum fine applicable to misdemeanors upon conviction under this section. The court may allow community service in lieu of any fine imposed if the defendant is indigent. In addition to criminal penalties, a person convicted under this section is subject to revocation of a driver's license or permit to drive under section 169.792, subdivision 7, and to revocation of motor vehicle registration under section 169.792, subdivision 12.

Subd. 7. False information; penalty. Any person who knowingly provides false information to an officer or district court administrator under this section is guilty of a misdemeanor.

History: 1989 c 321 s 10; 1992 c 571 art 14 s 2,13; 1994 c 615 s 17; 1994 c 628 art 3 s 13; 1996 c 408 art 3 s 2-4; 1996 c 442 s 19

169.792 REVOCATION OF LICENSE FOR FAILURE TO PRODUCE PROOF OF INSURANCE.

Subdivision 1. Implied consent. Any driver or owner of a vehicle consents, subject to the provisions of this section and section 169.791, to the requirement of having possession of proof of insurance, and to the revocation of the person's license if the driver or owner does not produce the required proof of insurance no later than the date and time specified in the citation for the driver's first court appearance, if a citation is issued, or within ten days of receipt of a written notice, if a written notice is sent or given. Any driver of a vehicle who is not the owner of the vehicle consents, subject to the provisions of this section and section 169.791, to providing to the officer the name and address of the owner of the vehicle.

Subd. 2. Requirement for driver whether or not owner. Except as provided in subdivision 3, every driver of a vehicle shall, upon the demand of a peace officer, produce proof of insurance in force for the vehicle that was being operated at the time of the demand, to the district court administrator no later than the date and time specified in the citation for the driver's first court appearance. The required proof of insurance may be sent by the driver by mail as long as it is received no later than the date and time specified in the citation for the driver's first court appearance. A driver who is not the owner does not violate this section unless the driver knew or had reason to know that the owner did not have proof of insurance required by this section, provided that the driver provides the officer with the owner's name and address at the time of the demand or complies with subdivision 3.

Subd. 3. Requirement for driver who is not owner. If the driver is not the owner of the vehicle, then the driver shall provide the officer with the name and address of the owner at the time of the demand or shall, no later than the date and time specified in the citation for the driver's first court appearance, provide the district court administrator with proof of insurance or the name and address of the owner. Upon receipt of the owner's name and address, the district court administrator shall forward the information to the law enforcement agency. If the name and address received from the driver do not match information available to the district court administrator, the district court administrator shall notify the law enforcement agency of the discrepancy.

Subd. 4. Requirement for owner who is not driver. If the driver is not the owner of the vehicle, the officer may send or provide a notice to the owner requiring the owner to produce proof of insurance in force at the time of the demand covering the vehicle being operated. The notice shall be sent to the owner's current address or the address listed on the owner's driver's

license. Within ten days after receipt of the notice, the owner shall produce the required proof of insurance to the place stated in the notice received by the owner. Notice to the owner by mail is presumed to be received within five days after mailing. It is not a defense that a person failed to notify the department of public safety of a change of name or address as required under section 171.11.

Subd. 5. Written notice. (a) When proof of insurance is demanded and none is in possession, the law enforcement agency may send or give the driver written notice as provided in this subdivision, unless the officer issues a citation to the driver under section 169.791 or 169.797. If the driver is not the owner and does not produce the required proof of insurance within ten days of the demand, the law enforcement agency may send or give written notice to the owner of the vehicle.

(b) Within ten days after receipt of the notice, if given, the driver or owner shall produce the required proof of insurance to the place stated in the notice. Notice to the driver or owner by mail is presumed to be received within five days after mailing. It is not a defense that a person failed to notify the department of public safety of a change of name or address as required under section 171.11.

(c) The department of public safety shall prescribe a form setting forth the written notice to be provided to the driver or owner. The department shall, upon request, provide a sample of the form to any law enforcement agency. The notice shall provide that the driver or owner must produce the proof of insurance to the law enforcement agency, at the place specified in the notice. The notice shall also state:

(1) that Minnesota law requires every driver and owner to produce an insurance identification card, insurance policy, or written statement indicating that the vehicle had insurance at the time of an officer's demand, no later than the date and time specified in the citation for the driver's first court appearance, if a citation is issued, or within ten days of receipt of the written notice if a written notice is sent or given, provided, however, that a driver who does not own the vehicle shall provide the name and address of the owner;

(2) that if the driver fails to produce the information within the required time or if the owner fails to produce the information within ten days of receipt of the notice from the peace officer, the commissioner of public safety shall revoke the person's driver's license or permit to drive for a minimum of 30 days, and shall revoke the registration of the vehicle;

(3) that any person who displays or causes another to display an insurance identification card, insurance policy, or written statement, knowing that the insurance is not in force, is guilty of a misdemeanor; and

(4) that any person who alters or makes a fictitious identification card, insurance policy, or written statement, or knowingly displays an altered or fictitious identification card, insurance policy, or written statement, is guilty of a misdemeanor.

Subd. 6. Report to commissioner of public safety. If a driver fails to produce the required proof of insurance or name and address of the owner no later than the date and time specified in the citation for the driver's first court appearance, the district court administrator shall report the failure to the commissioner. If an owner who is not the driver fails to produce the required proof of insurance, or if a driver to whom a citation has not been issued does not provide proof of insurance or the owner's name and address, within ten days of receipt of the notice, the law enforcement agency shall report the failure to the commissioner. Failure to produce proof of insurance or the owner's name and address as required by this section must be reported to the commissioner promptly regardless of the status or disposition of any related criminal charges.

Subd. 7. License revocation. Upon receiving the notification under subdivision 6 or notification of a conviction for violation of section 169.791, the commissioner shall revoke the person's driver's license or permit to drive. The revocation shall be effective beginning 14 days after the date of notification by the district court administrator or officer to the department of public safety. In order to be revoked, notice must have been mailed to the person by the commissioner at least ten days before the effective date of the revocation. If the person, before the effective date of the revocation, provides the commissioner with the proof of insurance or other verifiable insurance information as determined by the commissioner, establishing that the required insurance covered the vehicle at the time of the original demand, the

revocation must not become effective. Revocation based upon receipt of a notification under subdivision 6 must be carried out regardless of the status or disposition of any related criminal charge. The person's driver's license or permit to drive shall be revoked for the longer of: (i) the period provided in section 169.797, subdivision 4, paragraph (c), including any rules adopted under that paragraph, or (ii) until the driver or owner files proof of insurance with the department of public safety satisfactory to the commissioner of public safety. A license must not be revoked more than once based upon the same demand for proof of insurance.

Subd. 7a. Early reinstatement. A person whose license or permit has been revoked under subdivision 7 may obtain a new license or permit before the expiration of the period specified in subdivision 7 if the person provides to the department of public safety proof of insurance or other verifiable insurance information as determined by the commissioner, establishing that insurance covered the vehicle at the time of the original demand and that any required insurance on any vehicle registered to the person remains in effect. The person shall pay the fee required by section 171.29, subdivision 2, paragraph (a), before reinstatement. The commissioner shall make a notation on the person's driving record indicating that the person satisfied the requirements of this subdivision. A person who knowingly provides false information for purposes of this subdivision is guilty of a misdemeanor.

Subd. 8. Administrative and judicial review. At any time during a period of revocation imposed under this section, a driver or owner may request in writing a review of the order of revocation by the commissioner. Upon receiving a request, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request, the commissioner shall send the results of the review in writing to the person requesting the review. The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act in sections 14.001 to 14.69.

The availability of administrative review for an order of revocation shall have no effect upon the availability of judicial review under section 171.19.

Subd. 9. [Repealed, 1992 c 571 art 14 s 14]

Subd. 10. Termination of revocation period. Before reinstatement of a driver's license or permit to drive, the driver or owner shall produce proof of insurance, or other form of verifiable insurance information as determined by the commissioner, indicating that the driver or owner has insurance coverage satisfactory to the commissioner. The commissioner may require the insurance identification card provided to satisfy this subdivision be certified by the insurance carrier to be noncancelable for a period not to exceed 12 months. The commissioner of public safety may also require an insurance identification card to be filed with respect to any and all vehicles required to be insured under section 65B.48 and owned by any person whose driving privileges have been revoked as provided in this section before reinstating the person's driver's license. A person who knowingly provides false information for purposes of this subdivision is guilty of a misdemeanor.

Subd. 11. Exemptions. Buses or other commercial vehicles operated by the metropolitan council, commercial vehicles required to file proof of insurance pursuant to chapter 221, and school buses as defined in section 171.01, subdivision 21, are exempt from this section.

Subd. 12. Vehicle registration revocation. If a person whose driver's license or permit is revoked under subdivision 7 is also the owner of the vehicle, the commissioner shall revoke the registration of the vehicle at the same time. If the owner of the vehicle does not have a driver's license or permit to drive, the commissioner shall revoke the registration of the vehicle. The commissioner shall reinstate registration of the vehicle only upon receiving proof of insurance or other verifiable insurance information as determined by the commissioner, and proof of compliance with all other requirements for reinstatement of motor vehicle registration, including payment of required fees.

History: 1989 c 321 s 11; 1990 c 422 s 10; 1992 c 571 art 14 s 3; 1994 c 628 art 3 s 14; 1996 c 408 art 3 s 5-9; 1998 c 254 art 1 s 60

169.793 VEHICLE INSURANCE; UNLAWFUL ACTS, PENALTIES.

Subdivision 1. Acts. It shall be unlawful for any person:

(1) to issue, to display, or cause or permit to be displayed, or have in possession, an insurance identification card, policy, or written statement knowing or having reason to know that the insurance is not in force or is not in force as to the vehicle in question;

(2) to alter or make a fictitious insurance identification card, policy, or written statement; and

(3) to display an altered or fictitious insurance identification card, insurance policy, or written statement knowing or having reason to know that the proof has been altered or is fictitious.

Subd. 2. **Penalty.** Any person who violates any of the provisions of subdivision 1 is guilty of a misdemeanor. In addition to any sentence of imprisonment that the court may impose, the court shall impose a fine of not less than \$200 nor more than the maximum fine applicable to misdemeanors. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

History: 1989 c 321 s 12; 1992 c 571 art 14 s 4

169.794 APPLICATION OF OTHER LAW.

The provisions of section 45.027 do not apply to license revocations under section 169.792.

History: 1989 c 321 s 13

169.795 VEHICLE INSURANCE RULES.

The commissioner of public safety shall adopt rules necessary to implement sections 168.041, subdivision 4; 169.09, subdivision 14; and 169.791 to 169.796.

History: 1989 c 321 s 14; 1991 c 301 s 8; 1992 c 571 art 14 s 5

169.796 VERIFICATION OF INSURANCE COVERAGE.

Subdivision 1. **Release of information.** An insurance company shall release information to the department of public safety or the law enforcement authorities necessary to the verification of insurance coverage. An insurance company or its agent acting on its behalf, or an authorized person who releases the above information, whether oral or written, acting in good faith, is immune from any liability, civil or criminal, arising in connection with the release of the information.

Subd. 2. **Receipt of data by electronic transfer.** The commissioner may, in the commissioner's discretion, agree to receive by electronic transfer any information required by this chapter to be provided to the commissioner by an insurance company.

History: 1989 c 321 s 15; 1992 c 571 art 14 s 6

169.797 PENALTIES FOR FAILURE TO PROVIDE VEHICLE INSURANCE.

Subdivision 1. **Tort liability.** Every owner of a vehicle for which security has not been provided as required by section 65B.48, shall not by the provisions of chapter 65B be relieved of tort liability arising out of the operation, ownership, maintenance, or use of the vehicle.

Subd. 2. **Violation by owner.** Any owner of a vehicle with respect to which security is required under sections 65B.41 to 65B.71 who operates the vehicle or permits it to be operated upon a public highway, street, or road in this state and who knows or has reason to know that the vehicle does not have security complying with the terms of section 65B.48 is guilty of a crime and shall be sentenced as provided in subdivision 4.

Subd. 3. **Violation by driver.** Any person who operates a vehicle upon a public highway, street, or road in this state who knows or has reason to know that the owner does not have security complying with the terms of section 65B.48 in full force and effect is guilty of a crime and shall be sentenced as provided in subdivision 4.

Subd. 3a. **False statements.** Any owner of a vehicle who falsely claims to have a plan of reparation security in effect at the time of registration of a vehicle pursuant to section 65B.48 is guilty of a crime and shall be sentenced as provided in subdivision 4.

Subd. 4 **Penalty.** (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

(b) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

(c) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

(d) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security.

Subd. 4a. **Registration revocation and license suspension.** The commissioner of public safety shall revoke the registration of any vehicle and may suspend the driver's license of any operator, without preliminary hearing upon a showing by department records, including accident reports required to be submitted by section 169.09, or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of the registration, there shall be filed with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in the state stating that security has been provided as required by section 65B.48. The commissioner of public safety may require the certificate of insurance provided to satisfy this subdivision to be certified by the insurance carrier to be noncancelable for a period not to exceed one year. The commissioner of public safety may also require a certificate of insurance to be filed with respect to all vehicles required to be insured under section 65B.48 and owned by any person whose driving privileges have been suspended or revoked as provided in this section before reinstating the person's driver's license.

Subd. 5. **Nonresident.** When a nonresident's operating privilege is suspended pursuant to this section, the commissioner of public safety or a designee shall transmit a copy of the record of the action to the official in charge of the issuance of licenses in the state in which the nonresident resides.

Subd. 6. **License suspension.** Upon receipt of notification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a vehicle accident, or for failure to provide security covering a vehicle if required by the laws of that state, the commissioner of public safety shall suspend the operator's license of the resident until the resident furnishes evidence of compliance with the laws of this state and if applicable the laws of the other state.

Subd. 7. **Notice of suspension.** A driver's license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

History: 1992 c 571 art 14 s 7; 1993 c 13 art 1 s 30; 1996 c 346 s 1; 1996 c 442 s 20; 1997 c 239 art 3 s 2

169.798 RULES OF COMMISSIONER OF PUBLIC SAFETY.

Subdivision 1. **Authority.** The commissioner of public safety shall have the power and perform the duties imposed by sections 65B.41 to 65B.71, this section, and sections 169.797

and 169.799, and may adopt rules to implement and provide effective administration of the provisions requiring security and governing termination of security.

Subd. 2. Evidence of security required. The commissioner of public safety may by rule provide that vehicles owned by certain persons may not be registered in this state unless satisfactory evidence is furnished that security has been provided as required by section 65B.48. If a person who is required to furnish evidence ceases to maintain security, the person shall immediately surrender the registration certificate and license plates for the vehicle. These requirements may be imposed if.

- (1) the registrant has not previously registered a vehicle in this state, or
- (2) an owner or operator of the vehicle has previously failed to comply with the security requirements of sections 65B.41 to 65B.71 or of prior law; or
- (3) the driving record of an owner or operator of the vehicle evidences a continuing disregard of the laws of this state enacted to protect the public safety; or
- (4) other circumstances indicate that action is necessary to effectuate the purposes of sections 65B.41 to 65B.71.

Subd. 3. Security not required. No owner of a boat, snowmobile, or utility trailer registered for a gross weight of 3,000 pounds or less shall be required by the commissioner of public safety to furnish evidence that the security required by section 65B.48 has been provided.

History: 1992 c 571 art 14 s 8

169.799 OBLIGOR'S NOTIFICATION OF LAPSE, CANCELLATION, OR FAILURE TO RENEW POLICY OF COVERAGE.

If the required plan of reparation security of an owner or named insured is canceled, and notification of such fact is given to the insured as required by section 65B.19, a copy of such notice shall within 30 days after coverage has expired be sent to the commissioner of public safety. If, on or before the end of that 30-day period, the insured owner of a vehicle has not presented the commissioner of public safety or an authorized agent with evidence of required security which shall have taken effect upon the expiration of the previous coverage, or if the insured owner or registrant has not instituted an objection to the obligor's cancellation under section 65B.21, within the time limitations therein specified, the insured owner or registrant shall immediately surrender the registration certificate and vehicle license plates to the commissioner of public safety and may not operate or permit operation of the vehicle in this state until security is again provided and proof of security furnished as required by sections 65B.41 to 65B.71.

History: 1992 c 571 art 14 s 9

169.7995 CRIMINAL PENALTY FOR FAILURE TO PRODUCE RENTAL OR LEASE AGREEMENT.

Subdivision 1. Definitions. As used in this section:

- (1) "rental or lease agreement" means a written agreement to rent or lease a motor vehicle that contains the name, address, and driver's license number of the renter or lessee; and
- (2) "person" has the meaning given the term in section 645.44, subdivision 7.

Subd. 2. Requirement. Every person who rents or leases a motor vehicle in this state for a time period of less than 180 days shall have the rental or lease agreement covering the vehicle in possession at all times when operating the vehicle and shall produce it upon the demand of a peace officer. If the person is unable to produce the rental or lease agreement upon the demand of a peace officer, the person shall, within 14 days after the demand, produce the rental or lease agreement to the place stated in the notice provided by the peace officer. The rental or lease agreement may be mailed by the person as long as it is received within 14 days.

Subd. 3. Penalty. A person who fails to produce a rental or lease agreement as required by this section is guilty of a misdemeanor. The peace officer may mail the citation to the address given by the person or to the address stated on the driver's license, and this service by mail is valid notwithstanding section 629.34. It is not a defense that the person failed to notify the department of public safety of a change of name or address as required under section 171.11. The citation may be sent after the 14-day period.

Subd. 4. **False or fictitious rental or lease agreement.** It is a misdemeanor for any person to alter or make a fictitious rental or lease agreement, or to display an altered or fictitious rental or lease agreement knowing or having reason to know the agreement is altered or fictitious.

History: 1992 c 571 art 15 s 1

SIZE, WEIGHT, AND LOAD RESTRICTIONS AND PERMITS

169.80 SIZE, WEIGHT, LOAD.

Subdivision 1. **Limitations; misdemeanor.** 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, other than section 169.81, subdivision 5a, 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 a vehicle operated under the terms of a special permit issued as provided by law.

Subd. 2. **Outside width.** The total outside width of a vehicle exclusive of rear view mirrors or load securement devices which are not an integral part of the vehicle and not exceeding three inches on each side, or the load may not exceed 102 inches except that the outside width of a vehicle owned by a political subdivision and used exclusively for the purpose of handling sewage sludge from sewage treatment facilities to farm fields or disposal sites, may not exceed 12 feet, and except as otherwise provided in this section.

A vehicle exceeding 102 inches in total outside width, owned by a political subdivision and used for the purpose of transporting or applying sewage sludge to farm fields or disposal sites may not transport sludge for distances greater than 15 miles, nor may it be used for transportation of sewage sludge or return travel between the hours of sunset and sunrise, or at any other time when visibility is impaired by weather, smoke, fog, or other conditions rendering persons and vehicles not clearly discernible on the highway at a distance of 500 feet.

The total outside width of a low bed trailer or equipment dolly, and the load, used exclusively for transporting farm machinery and construction equipment may not exceed nine feet in width except that a low bed trailer or equipment dolly with a total outside width, including the load, in excess of 102 inches may not be operated on any interstate highway without first having obtained a permit for the operation under section 169.86. The vehicle must display 12-inch square red flags as markers at the front and rear of the left side of the vehicle.

The total outside width of a trackless trolley car or passenger motor bus, operated exclusively in a city or contiguous cities in this state, may not exceed nine feet.

Subd. 2a. [Repealed, 1983 c 198 s 15]

Subd. 3. **Load on passenger vehicle.** No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the

left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

History: (2720–269, 2720–271) 1937 c 464 s 119–121; Ex1937 c 45 s 1; 1939 c 23 s 1,2; 1939 c 430 s 24; 1951 c 49 s 1; 1951 c 394 s 1; 1955 c 280 s 1; 1967 c 190 s 1; 1967 c 738 s 1; 1969 c 256 s 2; 1969 c 1054 s 1; Ex1971 c 27 s 14; Ex1971 c 48 s 30; 1973 c 123 art 5 s 7; 1973 c 148 s 1; 1976 c 294 s 1; 1977 c 150 s 1; 1978 c 568 s 2; 1980 c 438 s 1; 1982 c 444 s 3,4; 1982 c 617 s 7; 1983 c 198 s 5; 1986 c 398 art 13 s 3; 1988 c 518 s 1; 1993 c 187 s 15,16

169.801 IMPLEMENT OF HUSBANDRY.

Subdivision 1. **Exemption from size, weight, load provisions.** Except as provided in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern size, weight, and load do not apply to:

- (1) a horse-drawn wagon while carrying a load of loose straw or hay;
- (2) a specialized vehicle resembling a low-slung trailer having a short bed or platform, while transporting one or more implements of husbandry; or
- (3) an implement of husbandry while being driven or towed at a speed of not more than 30 miles per hour; provided that this exemption applies to an implement of husbandry owned, leased, or under the control of a farmer or implement dealer only while the implement of husbandry is being operated on noninterstate roads or highways within 75 miles of any farmland or implement dealership: (i) owned, leased, or operated by the farmer or implement dealer and (ii) on which the farmer or implement dealer regularly uses or sells or leases the implement of husbandry.

Subd. 2. **Weight per inch of tire width.** An implement of husbandry that is not self-propelled and is equipped with pneumatic tires may not be operated on a public highway with a maximum wheel load that exceeds 600 pounds per inch of tire width before August 1, 1996, and 500 pounds per inch of tire width on and after August 1, 1996.

Subd. 3. **Hitches.** A towed implement of husbandry must be equipped with (1) safety chains that meet the requirements of section 169.82, subdivision 3, paragraph (b); (2) a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety; or (3) a hitch pin or other hitching device with a retainer that prevents accidental unhitching.

History: 1993 c 187 s 17; 1997 c 143 s 15

169.81 HEIGHT AND LENGTH LIMITATIONS.

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 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.

Subd. 2. **Length of single vehicle; exceptions.** (a) Statewide, no single vehicle may exceed 40 feet in overall length, including load and front and rear bumpers, except:

- (1) mobile cranes, which may not exceed 48 feet in overall length; and
- (2) buses, which may not exceed 45 feet in overall length.

(b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air compressors, necessary for safe and efficient operation and located on the end of the semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet.

Statewide, no single trailer may have an overall length exceeding 45 feet, including the tow bar assembly but exclusive of rear bumpers that do not increase the overall length by more than six inches.

For determining compliance with this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet, exclusive of:

(1) non-cargo-carrying accessory equipment, including refrigeration units or air compressors and upper coupler plates, necessary for safe and efficient operation, located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

(2) the tow bar assembly; and

(3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer or trailer.

Subd. 2a. **Number of units in vehicle combination; generally, exceptions.** (a) Statewide, no combination of vehicles coupled together may consist of more than two units, except as provided in paragraph (b).

(b) Three-unit combinations may only be used as provided for in subdivisions 3, paragraph (c); 3c; 8; and 10. Further, vehicles transporting milk from the point of production to the point of first processing may consist of no more than three units. Mount combinations, consisting of a truck or truck-tractor transporting similar vehicles by having the front axle of the transported vehicle mounted onto the center of the rear part of the preceding vehicle, may be used.

Subd. 3. **Length of vehicle combinations.** (a) Statewide, except on the highways identified under provisions in paragraph (c), no combination of vehicles may exceed a total length of 75 feet.

(b) However, the total length limitation does not apply to combinations of vehicles transporting:

(1) telephone poles, electric light and power poles, piling, or pole length pulpwood; or

(2) 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 section 169.86

These combinations of vehicles must be equipped with sufficient clearance markers, or lamps for night transportation, on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load.

(c) The following combination of vehicles regularly engaged in the transportation of commodities 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 reasonable access between the divided highways of four or more lanes of travel and terminals, facilities for food, fuel, repair, and rest, and points of loading and unloading for household goods carriers, livestock carriers, or for the purpose of providing continuity of route:

(1) a truck-tractor and semitrailer exceeding 75 feet in length;

(2) a combination of vehicles including a truck-tractor and semitrailer drawing one additional semitrailer which may be equipped with an auxiliary dolly;

(3) a combination of vehicles including a truck-tractor and semitrailer drawing one full trailer;

(4) a truck-tractor and semitrailer designed and used exclusively for the transportation of motor vehicles or boats and exceeding an overall length of 75 feet including the load; and

(5) a truck or truck-tractor transporting similar vehicles by having the front axle of the transported vehicle mounted onto the center or rear part of the preceding vehicle, defined in Code of Federal Regulations, title 49, sections 390.5 and 393.5 as drive-away saddlemount combinations or drive-away saddlemount vehicle transporter combinations, when the overall length exceeds 75 feet.

Vehicles operated under the provisions of this section must conform to the standards for those vehicles prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, as amended.

Subd. 3a. [Repealed, 1983 c 198 s 15]

Subd. 3b. [Repealed, 1983 c 198 s 15]

Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

- (1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;
- (2) the combination does not exceed 60 feet in length;
- (3) the camper-semitrailer in the combination does not exceed 28 feet in length;
- (4) the operator of the combination is at least 18 years of age;
- (5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle meets all requirements of law;
- (6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and
- (7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

Subd. 3d. **Combination including automobile tow dolly.** Notwithstanding subdivisions 2a and 3, a combination consisting of a single unit truck or a pickup truck and not more than two two-wheeled automobile tow dollies may be operated without a permit when:

- (1) the combination is operated by an employee or agent of an automobile tow dolly manufacturer or a truck rental company;
- (2) no vehicle is being transported on either dolly; and
- (3) the combination does not exceed 50 feet in length.

Subd. 4. **Projecting loads.** The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper.

Subd. 5. **Manner of loading.** No vehicle shall be driven or moved on any highway unless such vehicle is so constructed, loaded, or the load securely covered as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. This subdivision shall not apply to motor vehicles operated by a farmer or the farmer's agent when transporting produce such as small grains, shelled corn, soybeans, or other farm produce of a size and density not likely to cause injury to persons or damage to property on escaping in small amounts from a vehicle. Violation of this subdivision by a vehicle that is carrying farm produce and that is not exempted by the preceding sentence is a petty misdemeanor.

Subd. 5a. **Firewood load.** No vehicle that has a cargo area without a rear wall may be driven or moved on a trunk highway with a load of cut firewood of less than three feet in length unless the rear of the cargo area is covered with a material of sufficient strength to prevent any part of the load from escaping from the rear. No person shall transport firewood in any vehicle in an unsafe manner. Violation of this subdivision is a petty misdemeanor except that a peace officer may issue a citation that amounts to a warning (1) for a first offense, and (2) if, in the judgment of the citing peace officer at the site, the load of firewood is made safe for transport.

Subd. 5b. **Securing load; exceptions.** (a) The driver of a vehicle transporting sand, gravel, aggregate, dirt, lime rock, silica, or similar material shall ensure that the cargo compartment of the vehicle is securely covered if:

- (1) the vertical distance from the top of an exterior wall of the cargo compartment to the load, when measured downward along the inside surface of the wall, is less than six inches; or
- (2) the horizontal distance from the top of an exterior wall of the cargo compartment to the load is less than two feet.

(b) The driver shall not operate a vehicle to transport sand, gravel, aggregate, dirt, lime rock, silica, or similar material in or on any part of the vehicle other than in the cargo container. The driver shall clean the vehicle of loose sand, gravel, aggregate, dirt, lime rock, silica, or

similar material before the vehicle is moved on a road, street, or highway following loading or unloading.

(c) A driver of a vehicle used to transport garbage, rubbish, trash, debris, or similar material is not required to cover the transported material as long as (1) the vehicle is being operated at a speed less than 30 miles per hour, (2) the vehicle is not being operated on an interstate highway, and (3) no part of the load escapes from the vehicle. A driver shall immediately retrieve material that escapes from the vehicle, when safe to do so.

Subd. 6. [Repealed, 1967 c 215 s 2]

Subd. 7. [Repealed, 1983 c 198 s 15]

Subd. 8. **Livestock or poultry loading chute trailer.** Notwithstanding the provisions of subdivisions 2 and 3, a farm truck as defined in section 168 011, subdivision 17, including a single unit truck or a combination of vehicles of no more than two units and otherwise not exceeding the size and weight limitations prescribed by law, and a livestock or poultry truck, including a single unit truck or a combination of vehicles of no more than two units and not otherwise exceeding the size and weight limitations prescribed by law, owned or operated by a livestock or poultry carrier and used primarily for transporting livestock or poultry for hire, may draw one additional two-wheel trailer, the loaded weight of which does not exceed 3,000 pounds, for the sole purpose of transporting a livestock or poultry loading chute; provided that such two-wheel trailer shall not be drawn by a two-unit combination on the public highways of this state beyond a ten-mile radius of the home post office of the owner or operator of the two-unit combination. The two-wheel trailer used solely for transporting a livestock or poultry chute is special mobile equipment.

Subd. 9. **Application of subdivision 8.** Subdivision 8 shall not apply to the seven-county metropolitan area.

Subd. 10. **Pickup truck; limitation on drawing trailer.** 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: (2720–272, 2720–273) 1937 c 464 s 122,123; 1943 c 226 s 1, 1953 c 731 s 1; 1955 c 399 s 1; 1957 c 270 s 1; 1957 c 923 s 2; 1959 c 143 s 1; 1959 c 276 s 1; 1963 c 770 s 1; 1965 c 401 s 1; 1967 c 215 s 1; 1967 c 271 s 1; 1973 c 17 s 1; 1973 c 123 art 5 s 7; 1973 c 546 s 4; 1973 c 666 s 1; 1973 c 707 s 1,2; 1974 c 52 s 1; 1974 c 343 s 2,3; 1974 c 358 s 1,2; 1977 c 113 s 1; 1980 c 491 s 1; 1980 c 513 s 1,2; 1981 c 214 s 20; 1981 c 348 s 1; 1982 c 617 s 9,10; 1983 c 198 s 7,8; 1984 c 654 art 3 s 62; 1986 c 398 art 13 s 4,5; 1986 c 444; 1988 c 518 s 2; 1988 c 544 s 2, 1989 c 250 s 2; 1990 c 548 s 2,3; 1991 c 333 s.16,17; 1993 c 111 s 2,3; 1993 c 117 s 6; 1993 c 182 s 1; 1995 c 3 s 1; 1995 c 223 s 1,2; 1996 c 289 s 4–6; 1997 c 159 art 2 s 29; 1997 c 250 s 7; 1998 c 403 s 14,15

169.82 TRAILER EQUIPMENT.

Subdivision 1. **Connection to towing vehicle.** (a) When one vehicle is towing another the drawbar or other connection must be of sufficient strength to pull the weight being towed.

(b) The drawbar or other connection may not exceed 15 feet from one vehicle to the other. This paragraph does not apply to the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

Subd. 2. **Marking.** When one vehicle is towing another and the connection consists of a chain, rope, or cable, the connection must display a white, red, yellow, or orange flag or cloth not less than 12 inches square.

Subd. 3. **Hitch, chain, or cable.** (a) Every trailer or semitrailer must be hitched to the towing motor vehicle by a device approved by the commissioner of public safety.

(b) Every trailer and semitrailer must be equipped with safety chains or cables permanently attached to the trailer except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety. In towing, the chains or cables must be attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles. A minimum fine of \$25 must be imposed for a violation of this paragraph.

(c) This subdivision does not apply to towed implements of husbandry.

No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section 169.145 or 169.67.

History: (2720–274) 1937 c 464 s 124; 1939 c 430 s 26; 1943 c 226 s 2; 1945 c 207 s 8; 1971 c 491 s 33; 1973 c 10 s 1; 1988 c 636 s 11; 1993 c 187 s 18; 1996 c 455 art 3 s 20; 1998 c 403 s 16

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. 3a. **Tandem.** “Tandem axles” means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart.

Subd. 4. **Single wheel.** “Single wheel” includes two or more wheels with centers less than 48 inches apart on an axle.

Subd. 5. **Tire width.** “Tire width” means the manufacturer’s width as shown on the tire or the width at the widest part of the tire excluding protective side ribs, bars and decorations.

Subd. 6. **Tridem axles.** “Tridem axles” mean three axles spaced within 9 feet or less.

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

Subd. 8. **Pneumatic-tired vehicle.** 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 local routes and state trunk highways 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 local routes and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds.

(c) Where the maximum wheel load:

(1) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer’s recommended load, whichever is less; or

(2) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer’s recommended load, whichever is less. Clause (2) applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer’s recommended load, whichever is less, until August 1, 1996. After July 31, 1996, clause (2) applies to all vehicles regardless of date of manufacture.

(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 may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 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 with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Subd. 9. **Vehicle 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; unless otherwise noted, 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 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	4 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		
6	34,000		
7	34,000	37,000	
8	34,000	38,500	
8 plus	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

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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
46		72,500
47		(73,500)
48		(74,000)
49		(74,500)
50		(75,500)
51		(76,000)

The maximum gross weight on a group of three consecutive axles where the distance between centers of foremost and rearmost axles is listed as seven feet or eight feet applies only to vehicles manufactured before August 1, 1991.

"8 plus" refers to any distance greater than eight feet but less than nine feet.

Distances in feet between centers of fore- most and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	5	6	7
	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

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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 state trunk highways and 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:

(1) 80,000 pounds for any vehicle or combination of vehicles on all state trunk highways as defined in section 160.02, subdivision 2, and for all 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, other than state trunk highways and routes that are 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, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.

(d) [Repealed, 1991 c 333 s 39]

(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 are 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 Minnesota–North Dakota border; thence northerly along that border to the Minnesota–Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets and potatoes within an area having a 75-mile radius from the field of harvest to the point of the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state. .

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

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

(f) The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under paragraph (a), clause (2).

Subd. 12. [Repealed, 1982 c 617 s 27]

Subd. 12a **Gross weight reduction on restricted route.** 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 nondesignated routes.

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 axle.** 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. This subdivision does not apply to rear-loading refuse compactor vehicles, except that any refuse compactor vehicle having a tridem rear axle must comply with this subdivision before being issued a special permit under section 169.86, subdivision 5, paragraph (h).

Subd. 15. **Application to city vehicle, trunk highway.** 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.

Subd. 16. **Application to tow truck.** This section does not apply to a tow truck or towing vehicle when towing a disabled vehicle damaged in such manner that the towed vehicle

cannot be towed from the rear and when the movement is temporary for the purpose of taking the disabled vehicle to a place of repair.

History: 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18,19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8

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]

169.831 [Repealed, 1976 c 343 s 6]

169.832 WEIGHT LIMITATIONS ON 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 route.** 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]

Subd. 13. **Restrictions on trunk highway; rules.** (a) For purposes of this section a "market artery" is a trunk highway or segment thereof that:

(i) connects significant centers of population or commerce;

- (ii) connects highways described in clause (i);
- (iii) provides access to a transportation terminal; or
- (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery

(b) The commissioner may impose seasonal load restrictions under section 169.87 on a market artery only after giving 30 days' notice to the chairs of the transportation and appropriations committees of the house of representatives, and the chairs of the transportation and finance committees of the senate. The commissioner shall provide with each notice a plan to improve the market artery within the next three years so that seasonal load restrictions will not be necessary on it.

(c) The commissioner shall adopt rules under chapter 14 defining "significant centers of population and commerce" and "temporary emergency service" for purposes of this section. In drafting the rules, the commissioner shall consult with major highway users, representatives of manufacturing, retail trade and agriculture, local government and regional development commissions. The commissioner shall consider the importance of manufacturing, retailing, agriculture and natural resources in promulgating the rule, and shall hold at least four public meetings in various parts of the state prior to preparing the final draft of the rule. Between July 1, 1986, and the effective date of the rule, "significant centers of population and commerce" means all home rule charter or statutory cities that had total retail sales of at least \$50,000,000 as reported in the 1982 census of retail trade of the United States Department of Commerce.

History: 1977 c 248 s 7; 1981 c 81 s 1; 1981 c 321 s 5; 1986 c 398 art 13 s 10

169.833 [Repealed, 1991 c 339 s 12]

169.834 [Repealed, 1981 c 321 s 12]

169.835 FEDERAL QUALIFYING HIGHWAY.

The commissioner of transportation may not add routes to the system of federal qualifying highways submitted to the federal highway administration in accordance with the Surface Transportation Assistance Act of 1982, United States Code, title 49, section 2311, except in compliance with the criteria established by the commissioner for the addition of routes.

History: 1983 c 198 s 10

169.84 LOAD LIMIT ON BRIDGE.

Subject to the limitations upon wheel and axle loads prescribed in this chapter, the gross weight of any vehicle or combination of vehicles driven onto or over a bridge on any highway shall not exceed the safe capacity of the bridge, as may be indicated by warning posted on the bridge or the approaches thereto.

History: (2720-276) 1937 c 464 s 126; 1953 c 22 s 1

169.85 WEIGHING; PENALTY.

Subdivision 1. Driver to stop for weighing. The driver of a vehicle which has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales, and the officer may require that the vehicle be driven to the nearest available scales if the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

Subd. 2. Unloading. 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 suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance. 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 an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a 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 an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

Subd. 3. **Misdemeanor.** A driver of a vehicle who (1) fails or refuses to stop and submit the vehicle and load to a weighing as required in this section, (2) 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, or (3) fails to comply with an official traffic control device as authorized by section 169.06 that directs the driver to the nearest scale is guilty of a misdemeanor.

Subd. 4. **Arrest.** A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 3 within the past four hours.

Subd. 5. **Identification of driver.** A person who owns or leases a motor vehicle that a peace officer has probable cause to believe has been operated in violation of subdivision 3 must identify the driver of the motor vehicle upon request of the peace officer. Violation of this subdivision is a petty misdemeanor.

Subd. 6. **Officer defined.** When used in this section, the word "officer" means a peace officer or an employee of the department of public safety described in section 299D.06.

History: (2720–277) 1937 c 464 s 127; 1951 c 212 s 1; 1953 c 719 s 1; 1975 c 68 s 3; 1977 c 248 s 9; 1981 c 321 s 6; 1983 c 198 s 11; 1996 c 455 art 3 s 21; 1997 c 159 art 2 s 30; 1997 c 230 s 3

169.851 WEIGHT RECORD.

Subdivision 1. **Definitions.** For the purposes of this section and sections 169.862, 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 for farm and forest products.** The maximum weight 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 when the prescribed maximum weight limitation is not exceeded by more than ten percent.

History: 1980 c 485 s 1; 1981 c 321 s 7; 1994 c 600 s 7; 1995 c 174 s 1

169.86 SPECIAL PERMIT TO EXCEED HEIGHT, WIDTH, OR LOAD.

Subdivision 1. **Permit authorities; restrictions.** (a) The commissioner, with respect to highways under the commissioner's jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter, upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which such party is responsible.

(b) Permits relating to over-width, over-length manufactured homes shall not be issued to persons other than manufactured home dealers or manufacturers for movement of new units owned by the manufactured home dealer or manufacturer, until the person has presented a statement from the county auditor and treasurer where the unit is presently located, stating that all personal and real property taxes have been paid. Upon payment of the most recent single year delinquent personal property or current year taxes only, the county auditor or treasurer must issue a taxes paid statement to a manufactured home dealer or a financial institution desiring to relocate a manufactured home that has been repossessed. This statement must be dated within 30 days of the contemplated move. The statement from the county auditor and treasurer where the unit is presently located, stating that all personal and real property taxes have been paid, may be made by telephone. If the statement is obtained by telephone, the permit shall contain the date and time of the telephone call and the names of the persons in the auditor's office and treasurer's office who verified that all personal and real property taxes had been paid.

(c) The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that the commissioner (1) may renew a permit that was granted before April 16, 1984, for the movement of a semitrailer or trailer that exceeds the length limitation in section 169.81, subdivision 2, or (2) may grant a permit authorizing the transportation of empty trailers that exceed 28-1/2 feet when using a B-train hitching mechanism as defined in Code of Federal Regulations, title 23, section 658.5, paragraph (o), from a point of manufacture in the state to the state border.

(d) The state as to state trunk highways, a statutory or home rule charter city as to streets in the city, or a town as to roads in the town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in section 169.81, subdivisions 2a and 3, over highways, streets, or roads within its boundaries. Combinations of vehicles authorized by this paragraph may be restricted as to the use of state trunk highways by the commissioner, to the use of streets by the city road authority, and to the use of roads by the town road authority. Nothing in this paragraph or section 169.81, subdivisions 2a and 3, alters or changes the authority vested in local authorities under section 169.04.

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.

Subd. 1b. **Permit for snowplowing vehicle.** The commissioner or a local authority may issue an annual permit to a person that authorizes the person to operate on any highway under the jurisdiction of the grantor of the permit, a motor vehicle bearing a snowplow blade that when deployed does not exceed ten feet in width. The permit authorizes operation of the vehicle between October 1 and April 1.

Subd. 2. **Required information.** The application for a permit shall specifically describe in writing the vehicle or vehicles and loads to be moved and the particular highways and period of time for which a permit is requested.

Subd. 3. **Discretion to issue or withhold; conditions of operation; liability insurance.** The commissioner or local authority may issue or withhold such permit; or, if such permit is issued, limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury or damage to any roadway or road structure, and in addition may require that the operator or owner of such vehicle or vehicles have in effect with respect to the operation of such vehicle or vehicles a policy of liability insurance or bond affording substantially the same coverage with respect to injury to persons and damage to property as is required for proof of financial responsibility under the No-Fault Automobile Insurance Act, sections 65B.14 and 65B.41 to 65B.71.

Subd. 3a. **Denial of permit; manufactured home frames.** The commissioner or local authority may not deny a permit for the transport to a manufacturing plant of manufactured home frames not more than 15-1/2 feet in width during periods of seasonal weight restrictions unless the load exceeds the weight restrictions.

Subd. 4. **Display and inspection of permit.** Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

Subd. 5. **Fee; proceeds to trunk highway fund.** The commissioner, with respect to highways under the commissioner's 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) \$15 for each single trip permit.

(b) \$36 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) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

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

(3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3);

(4) special pulpwood vehicles described in section 169.863; and

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0- 2,000	.12	.05	.04
2,001- 4,000	.14	.06	.05
4,001- 6,000	.18	.07	.06
6,001- 8,000	.21	.09	.07
8,001- 10,000	.26	.10	.08
10,001- 12,000	.30	.12	.09
12,001- 14,000	Not permitted	.14	.11
14,001- 16,000	Not permitted	.17	.12
16,001- 18,000	Not permitted	.19	.15
18,001- 20,000	Not permitted	Not permitted	.16
20,001- 22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 -100,000	\$300
100,001 -110,000	\$400
110,001 -120,000	\$500
120,001 -130,000	\$600
130,001 -140,000	\$700
140,001 -145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear 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 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

Subd. 6. Articulated bus. Articulated buses operated by public transit operators may exceed the length and weight limitations of this chapter, subject only to an annual permit from the commissioner for such operation, and shall not be subject to any city ordinance or to any permit from any local road authority. The application for a permit shall contain such information as may be required by the commissioner.

Subd. 7. Agreement with other state. (a) On behalf of the state of Minnesota, the commissioner may enter into agreements with authorized representatives of other states for the reciprocal administration and granting of permits to allow the movement of vehicles of sizes and weights that do not conform to Minnesota law. The agreement may authorize representatives of other states to issue permits to allow vehicles that do not conform to the size and weight provisions of this chapter to travel on highways under the jurisdiction of the commissioner.

(b) An agreement entered into under paragraph (a), and all amendments to it, must be in writing and may provide for exchanging information for audit and enforcement activities, collecting fees established under this chapter, and distributing fees collected under the agreement. It must state that no permit issued under the agreement excuses a vehicle operator from compliance with a law of this state other than the laws governing size and weight of vehicles.

(c) For purposes of paragraphs (a) and (b), "state" means a state, territory, or possession of the United States, the District of Columbia, a foreign country, and a state or province of a foreign country.

(d) Fees collected under authority of the agreement must be deposited in the Minnesota state treasury and credited to the trunk highway fund.

History: (2720–278) 1937 c 464 s 128; 1943 c 226 s 4; 1953 c 307 s 1; 1967 c 262 s 1; 1973 c 549 s 3; 1974 c 110 s 1; 1974 c 408 s 32 subd 4; 1976 c 166 s 7; 1976 c 343 s 1; 1977 c 248 s 10; 1977 c 454 s 17; 1981 c 321 s 8; 1981 c 348 s 2; 1981 c 365 s 9; 1982 c 617 s 14; 1983 c 198 s 6; 1983 c 293 s 67; 1984 c 523 s 1; 1985 c 132 s 1; 1986 c 398 art 13 s 11,12; 1986 c 444; 1988 c 544 s 3; 1989 c 250 s 3; 1989 c 299 s 1; 1990 c 604 art 3 s 6; 1991 c 333 s 20; 1992 c 578 s 11; 1993 c 182 s 2; 1993 c 187 s 19; 1996 c 289 s 7; 1997 c 114 s 1,2; 1998 c 254 art 1 s 61

169.861 [Repealed, 1982 c 617 s 27]

169.862 PERMIT FOR WIDE LOAD OF BALED AGRICULTURAL PRODUCT.

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle, having a maximum width of 102 inches, carrying a first haul of square bales of straw, each bale having a minimum size of four feet by four feet by eight feet, with a total outside width of the load not exceeding 12 feet, to be operated on public streets and highways between August 1 and March 1 within 35 miles of the border between this state and the state of North Dakota. The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle carrying square bales of hay, each with an outside dimension of not less than three feet by four feet by seven feet, with a total height of the loaded vehicle not exceeding 15 feet, to be operated on those public streets and highways designated in the permit. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, 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 Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(e) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(f) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting round baled hay.

The fee for the permit is \$24.

History: 1979 c 44 s 1; 1983 c 198 s 12; 1983 c 293 s 68; 1985 c 299 s 11; 1986 c 398 art 13 s 13; 1995 c 174 s 2; 1996 c 455 art 3 s 22

169.863 SPECIAL PULPWOOD VEHICLE PERMIT.

Subdivision 1. **Special vehicle.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(a) There must be no more than two support points for the vehicle or for each vehicle of a vehicle combination. The support point of each axle group must be capable of distributing the load equally to each axle of the group with a variance of no more than 3,000 pounds between any two axles of the group.

(b) The maximum wheel load may not exceed the tire manufacturer's recommended load or the following weight limits, whichever is less:

- (1) front steering axles, 550 pounds per inch;
- (2) other single axles, 500 pounds per inch;
- (3) tandem axles, 450 pounds per inch; and
- (4) tridem or quad axle groups, 425 pounds per inch.

(c) The axle group weights must comply with the limitations of section 169.825, subdivision 10.

(d) The vehicle may not be equipped with a variable load axle, unless the variable load axle cannot be operated from the cab of the vehicle.

(e) The vehicle transports pole-length pulpwood, carries a gross vehicle weight of not more than 82,000 pounds, and has six axles.

Subd. 2. **Permit restrictions.** A vehicle operating under a permit issued under this section may not travel on an interstate highway. The permit does not authorize the vehicle to exceed allowable gross weights that restrict travel on a highway or bridge under the authority of the commissioner or a local road authority.

History: 1989 c 299 s 2

169.87 SEASONAL LOAD RESTRICTIONS; DESIGNATION OF TRUCK ROUTE.

Subdivision 1. **Optional power.** Local authorities, with respect to highways under their jurisdiction, may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained

Municipalities, with respect to highways under their jurisdiction, may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action.

When a local authority petitions the commissioner to establish a truck route for travel into, through, or out of the territory under its jurisdiction, the commissioner shall investigate the matter. If the commissioner determines from investigation that the operation of trucks into, through, or out of the territory involves unusual hazards because of any or all of the following factors; load carried, type of truck used, or topographic or weather conditions, the commissioner may, by order, designate certain highways under the commissioner's jurisdiction as truck routes into, through, or out of such territory. When these highways have been marked as truck routes pursuant to the order, trucks traveling into, through, or out of the territory shall comply with the order.

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.

Subd. 3. School bus and Head Start bus. Weight restrictions imposed pursuant to subdivisions 1 and 2 do not apply to a school bus or Head Start bus transporting students, Head Start children, or Head Start parents when the gross weight on a single axle of the school bus or Head Start bus does not exceed 14,000 pounds; provided that, road authorities may restrict any highway under their jurisdiction to a lesser axle weight by written order to school boards and Head Start grantees 24 hours in advance of required compliance with such reduced axle weight.

History: (2720–279) 1937 c 464 s 129; 1947 c 505 s 1; 1949 c 695 s 1; 1951 c 445 s 1; 1967 c 12 s 1; 1967 c 467 s 1; 1973 c 85 s 1; 1981 c 321 s 9; 1982 c 617 s 15; 1986 c 444; 1994 c 603 s 15

169.871 EXCESS WEIGHT; CIVIL PENALTY.

Subdivision 1. Civil liability. 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 169.851 and 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 169.851 and 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit;

(b) If the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;

(c) If the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;

(d) If the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;

(e) If the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.

Any penalty imposed upon a defendant under this subdivision shall not exceed the 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 under this subdivision. A peace officer or department of public safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

Subd. 1a. **Special permit violations.** The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed by permit under sections 169.86 and 169.862 and a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit permitted under sections 169.86 or 169.862 is liable for a civil penalty at a rate of five cents per pound for each pound in excess of the weight permitted under section 169.86 or 169.862, or \$100, whichever is greater.

Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty under this subdivision. A peace officer or department of public safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by permit pursuant to section 169.86 or 169.862 shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings.

Subd. 1b. **Civil penalty for first two violations.** Notwithstanding subdivision 1, clauses (a) to (e), a civil penalty under subdivision 1 for a violation in a motor vehicle in the course of a first haul as defined in section 168.013, subdivision 3, clause (3), of a weight limit imposed under sections 169.825, 169.832 to 169.851, and 169.87 that is not preceded by two or more violations of the gross weight limits in those sections in that motor vehicle within the previous 12 months, may not exceed \$150.

Subd. 2. **Jurisdiction.** The district court 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 pretrial 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. **Appearance.** Notwithstanding the provisions of section 8.01, county or city attorneys may appear in civil actions commenced under this section at the request of the attorney general.

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; proceeds allocated.** 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, and the county attorney appears in the action, 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.

(c) Except as provided in paragraph (d), when the attorney general appears in the action, all penalties imposed and fines collected shall be credited to the highway user tax distribution fund.

(d) If the violation occurs in Hennepin county, and the arrest or apprehension is made by the county sheriff, three-eighths of the civil penalty shall be credited to the general revenue fund of the county and the remaining five-eighths shall be credited 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.

Subd. 7. **Shipper's good faith exception.** The penalty imposed by subdivision 1 shall not be imposed on a shipper who in good faith ships goods or tenders goods for shipment in a vehicle that does not exceed the maximum gross weight for which the truck is licensed under section 168.013, subdivision 1e.

For purposes of this section, "good faith" means that (1) the vehicle is licensed pursuant to section 168.013, subdivision 1e, (2) the operator of the vehicle is not under the control of the shipper, (3) the operator has requested that the vehicle be loaded to the maximum gross weight for which the vehicle is licensed, and (4) the road leading from the shipper's immediate place of shipment may be legally used for the allowed gross weight of the vehicle with its legally maximum load.

History: 1980 c 485 s 2; 1980 c 618 s 10; 1981 c 321 s 10; 3Sp1981 c 2 art 1 s 14,15; 1983 c 198 s 13,14; 1985 c 299 s 12; 1986 c 444; 1988 c 606 s 1,2; 1996 c 455 art 3 s 23; 1997 c 230 s 4,5; 1998 c 254 art 2 s 16

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, except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods, or to a person weighing raw and unfinished farm products transported in a single unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product.

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. **Misdemeanor.** 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: 1980 c 485 s 3; 1981 c 321 s 11; 3Sp1981 c 2 art 1 s 16; 1985 c 299 s 13

169.88 DAMAGES; LIABILITY.

Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or highway structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in sections 169.80 to 169.88.

When such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

Any person who by willful acts or failure to exercise due care, damages any road, street, or highway or highway structure shall be liable for the amount thereof.

Damages under this section may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

History: (2720-280) 1937 c 464 s 130; 1967 c 509 s 1; 1986 c 444

OFFENSES, PENALTIES, AND JUDICIAL PROVISIONS

169.89 PENALTIES.

Subdivision 1. **Violation.** Unless otherwise declared in this chapter with respect to particular offenses, it is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter; except that: (a) a violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or (b) exclusive of violations relating to the standing or parking of an unattended vehicle, a violation of any of the provisions of this chapter, classified therein as a petty misdemeanor, when preceded by two or more petty misdemeanor convictions within the immediate preceding 12-month period; is a misdemeanor to which the provisions of subdivision 2 shall not apply.

Subd. 2. **Petty misdemeanor penalty; no jury trial.** A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than \$200.

Subd. 3. **Retroactivity.** The provisions of this section and section 609.04, defining a petty misdemeanor, shall operate not only prospectively but retroactively to include therein all acts and violations, committed prior to August 4, 1971, which are pending before the courts of this state but not to include any matter which has been heard, tried and determined by the courts.

Subd. 4. **Driver's record.** When a person is arrested for a violation of any provision of this chapter, or a violation of any provision of a city ordinance regulating traffic, the court before whom the matter is heard shall determine the driver's record of the person from the commissioner of public safety before pronouncing sentence and the expense incident to the procurement of this information is taxable as costs upon the conviction.

Subd. 5. **Driver improvement clinic; attendance.** In conjunction with or in lieu of other penalties provided by law for violation of this chapter or a municipal ordinance enacted in conformance thereto, the trial court may in its judgment of conviction order the convicted person to attend and satisfactorily complete a course of study at an approved driver improvement clinic or youth-oriented driver improvement clinic. The commissioner of public safety may, upon the motion of the commissioner of public safety or upon recommendation of the court, suspend, for a period of not to exceed 30 days, the operator's license, provisional license, permit, or nonresident operating privilege of any person who fails or refuses to comply with an order to attend an approved driver improvement clinic or youth-oriented driver improvement clinic. The requirement of attendance at an approved driver improvement clinic or youth-oriented driver improvement clinic is not a fine, imprisonment, or sentence within the meaning of section 609.02. The court may not order a convicted person to attend any driver improvement clinic or youth-oriented driver improvement clinic which is located more than 35 miles from the person's residence. For the purposes of this section "an approved driver improvement clinic or youth-oriented driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner of public safety.

History: (2720-281) 1937 c 464 s 131; 1939 c 430 s 27; 1947 c 428 s 34; 1965 c 27 s 711 s 5; 1969 c 118 s 1; 1969 c 1129 art 1 s 18; Ex1971 c 27 s 15; 1973 c 123 art 5 s 7; 1973 c 421 s 2; 1979 c 233 s 1; 1980 c 520 s 2; 1986 c 444; 1994 c 636 art 2 s 3; 1998 c 388 s 2

169.891 JURISDICTION; LIMITATION OF ACTIONS.

Subdivision 1. **Petty misdemeanors.** Courts which heretofore have had jurisdiction over misdemeanors have the same jurisdiction over petty misdemeanors.

Subd. 2. **Limitation.** The period for commencing an action against any person for a petty misdemeanor shall be the same as that for a misdemeanor.

History: Ex1971 c 27 s 16

169.90 OFFENSES.

Subdivision 1. **Attempt, conspire, aid, cause, or permit offense.** Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be an offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter, is likewise guilty of such offense.

Subd. 2. **Require or permit offense by another.** It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Subd. 3. MS 1969 [Renumbered 169.42 subd 2]

History: (2720–282, 2720–283) 1937 c 464 s 132,133; Ex1971 c 27 s 17

169.901 EMPLOYMENT OF INTEMPERATE DRIVER.

No person owning or having control of a coach or vehicle traveling upon any road for the conveyance of passengers shall employ any person to drive the same who is addicted to the excessive use of intoxicating liquors.

Every person who violates any provision of this section shall forfeit for each offense such sum as the court shall fix, not exceeding \$50 and be liable to any party injured for all damages sustained by reason of such offense; provided, that complaint for such violation be made within three months, and every action for damages shall be begun within one year, thereafter.

History: (2622) 1913 c 235 s 66

ARREST AND APPEARANCE PROCEDURES**169.91 ARREST.**

Subdivision 1. **Procedure.** When any person is arrested for any violation of any law or ordinance relating to the operation or registration of vehicles punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction over the offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

- (1) when a person arrested demands an immediate appearance before a judge;
- (2) when a person is arrested and charged with an offense under this chapter causing or contributing to an accident resulting in injury or death to any person;
- (3) when the person is arrested upon a charge of negligent homicide;
- (4) when the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;
- (5) when the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
- (6) when there is reasonable cause for believing that the person arrested may leave the state, except as provided in subdivision 4.

Subd. 2. [Repealed, Ex1971 c 27 s 49]

Subd. 3. **Notice to appear.** When a person is arrested for any violation of any law or ordinance relating to motor vehicles, their registration or their operation, or the use of the highways, the arresting officer shall prepare a written notice to appear in court. This place must be before a judge within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest. If the offense is a petty misdemeanor, the notice to appear must include a statement that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Subd. 4. **Reciprocal agreements.** The commissioner of public safety is empowered to enter into and carry out reciprocal agreements with duly authorized representatives of other states, districts, territories and possessions of the United States and provinces of foreign countries having laws or compacts authorizing the release of residents of party jurisdictions upon personal recognizance following arrest for violation of a law or ordinance relating to the operation of a motor vehicle.

(a) When a reciprocal agreement is in effect, a law enforcement officer observing a violation of any traffic rule by a resident of a party jurisdiction shall issue an appropriate citation and shall not, subject to the provisions of clause (b), require the nonresident to post bond or collateral to secure appearance for trial but shall accept the nonresident's personal recognizance, except the nonresident has the right upon request to post bond or collateral in a manner provided by law and in that case the provisions of this subdivision do not apply.

(b) A nonresident shall not be entitled to be released on personal recognizance if immediate appearance before a judge is required by subdivision 1 or the offense is:

- (1) One which, upon conviction, would result in the revocation of a person's driver's license under the laws of this state; or
- (2) A violation of a highway weight limitation; or
- (3) A violation of a law governing transportation of hazardous materials; or
- (4) Driving a motor vehicle without a valid driver's license.

History: (2720–284, 2720–285) 1937 c 464 s 134,135; 1939 c 430 s 28,29, 1947 c 428 s 35; 1955 c 845 s 1; Ex1961 c 19 s 4; Ex1971 c 27 s 18; 1978 c 783 s 1–3; 1983 c 359 s 12; 1985 c 248 s 70; 1986 c 444; 1988 c 681 s 9,10; 1989 c 333 s 1

169.92 FAILURE TO APPEAR.

Subdivision 1. **Appearance by counsel.** A person may appear in court either in person or through an appearance by counsel. A person is not required to sign a written promise to appear.

Subd. 2. **Notice to commissioner.** When a person fails to appear in court in response to a notice to appear prepared under section 169.91, subdivision 3, or fails to comply with other orders of the court regarding the appearance or proceedings, the court shall notify the commissioner of public safety of the nonappearance or noncompliance upon a form provided by the commissioner.

Subd. 3. **Nonappearance by nonresident.** Upon receipt of notice from the court that a nonresident did not appear in court, the commissioner of public safety shall forward a copy of the report to the driver licensing authority of the state, district, territory, possession, or province of residence of the person.

Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or from the driver licensing authority of a state, district, territory, or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91, that a resident of this state or a person licensed as a driver in this state did not appear in court in compliance with the terms of a citation, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court or, if the offense is a petty misdemeanor for which a guilty plea was entered under section 609.491, that the person has paid any fine imposed by the court. If the commissioner does not receive notice of the appearance in the appropriate court or payment of the fine within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the driver's license, subject to the notice requirements of section 171.18, subdivision 2.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license shall remain suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, specifying the section of the traffic

law, ordinance or rule violated, indicates the location and date of the offense; and describes the vehicle involved and its registration number.

History: (2720–286) 1937 c 464 s 136; 1978 c 783 s 4; 1985 c 248 s 70; 1986 c 444; 1988 c 681 s 11; 1989 c 228 s 1; 1989 c 333 s 6; 1996 c 346 s 2

169.93 ARREST WITHOUT WARRANT.

The provisions of sections 169.90 to 169.95 shall govern all police officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

History: (2720–287) 1937 c 464 s 137

RECORDS

169.94 RECORD OF CONVICTION.

Subdivision 1. **Not admissible as evidence.** No record of the conviction of any person for any violation of this chapter shall be admissible as evidence in any court in any civil action.

Subd. 2. **Not to affect credibility as witness.** The conviction of a person upon a charge of violating any provision of this chapter or other traffic rule less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

History: (2720–288, 2720–289) 1937 c 464 s 138, 139; 1985 c 248 s 70

169.95 COURT TO KEEP SEPARATE RECORDS OF VIOLATIONS.

Every court administrator shall keep a full record of every case in which a person is charged with a violation of any law or 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 any law or ordinance, regulating the operation of vehicles on highways, the court administrator of the court in which the conviction was had or bail was forfeited, shall immediately forward to the department of public safety an abstract of the record of the court covering the case in which the person was convicted or forfeited bail. The abstract must be certified by the person required to prepare it 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 was forfeited, and the amount of the fine or forfeiture, as the case may be.

Every court shall also forward a report to the department of public safety reporting 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 judicial officer to comply with any of the requirements of this section shall constitute misconduct in the office and shall be grounds for removal.

History: (2720–290) 1937 c 464 s 140; 1969 c 1129 art 1 s 18; 1973 c 123 art 5 s 7; 1981 c 363 s 28; 1983 c 359 s 13; 1Sp1986 c 3 art 1 s 82

UNIFORM INTERPRETATION

169.96 INTERPRETATION AND EFFECT.

This chapter shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

In all civil actions, a violation of any of the provisions of this chapter, by either or any of the parties to such action or actions shall not be negligence per se but shall be prima facie evidence of negligence only.

History: (2720–291) 1937 c 464 s 141; 1939 c 430 s 30

UNIVERSITY TRAFFIC RULES

169.965 REGENTS OF UNIVERSITY TO REGULATE TRAFFIC AND PARKING.

Subdivision 1. **Authority.** The regents of the University of Minnesota may, from time to time, make, adopt and enforce such rules, regulations or ordinances as it may find expedient or necessary relating to the regulation of traffic and parking, upon parking facilities, highways, streets, private roads and roadways situated on property owned, leased or occupied by the regents of the University of Minnesota or the University of Minnesota.

Subd. 2. **Petty misdemeanor.** Any person violating such rule, regulation or ordinance shall be guilty of a petty misdemeanor and subject to the provisions of sections 169.891 and 169.90, subdivision 1.

Subd. 3. **Prosecution.** The prosecution may be before a district court having jurisdiction over the place where the violation occurs.

Subd. 4. **Enforcement.** Every sheriff, constable, police officer or other peace officer shall see that all rules, regulations and ordinances are obeyed, and shall arrest and prosecute offenders.

Subd. 5. **Enforcement powers.** The regents of the University of Minnesota are hereby authorized to appoint and employ, and fix the compensation to be paid out of funds of the regents of the University of Minnesota, persons who shall have and may exercise on property owned, leased or occupied by the regents of the University of Minnesota or the University of Minnesota the same powers of arrest for violation of rules, regulations or ordinances adopted by the regents of the University of Minnesota pursuant to the Highway Traffic Regulation Act, chapter 169, as amended, as possessed by a sheriff, constable, police officer or peace officer.

Subd. 6. **Judicial notice.** All persons shall take notice of such rules, regulations, and ordinances without pleading and proof of the same.

Subd. 7. **Notice, hearing, filing, and effect.** The regents of the University of Minnesota shall fix a date for a public hearing on the adoption of any such proposed rule, regulation or ordinance. Notice of such hearing shall be published in a legal newspaper in the county in which the property affected by the rule, regulation or ordinance is located. The publication shall be at least 15 days and not more than 45 days before the date of the hearing.

If, after the public hearing, the proposed rule, regulation or ordinance shall be adopted by a majority of the members of the board of regents of the University of Minnesota, the same shall be considered to have been enacted by the regents of the University of Minnesota. A copy of the same shall be signed by the president, attested by the secretary and filed with the secretary of state of the state of Minnesota, together with proof of publication. Upon such filing, the rule, regulation or ordinance, as the case may be, shall thenceforth be in full force and effect.

Subd. 8. **Allocation of fines.** The fines collected in Hennepin, St. Louis, and Stevens counties shall be paid into the treasury of the University of Minnesota, except that the portion of the fines necessary to cover all costs and disbursements incurred in processing and prosecuting the violations in the court shall be retained by the court administrator in Hennepin and St. Louis counties and by the city of Morris in Stevens county.

History: 1957 c 456 s 1-7; Ex1971 c 27 s 19; 1977 c 82 s 3; 1983 c 359 s 14, 1992 c 513 art 1 s 21; 1992 c 603 s 3; 1998 c 254 art 2 s 17

169.966 STATE UNIVERSITY BOARD TO REGULATE TRAFFIC.

Subdivision 1. **Authority.** The state university board may from time to time make, adopt, and enforce such rules or ordinances not inconsistent with this chapter, as it may find expedient or necessary relating to the regulation of traffic and parking upon parking facilities and private roads and roadways situated on property owned, leased, occupied or operated by state universities.

Subd. 1a. **Parking facilities.** The state university board may establish rents, charges or fees for the use of parking facilities owned, leased, occupied, or operated by the state university board. The money collected by the board as rents, charges or fees in accordance with this

subdivision shall be deposited in the university activity fund and is annually appropriated to the state university board for state university purposes and to maintain and operate parking lots and parking facilities.

Subd. 2. **Petty misdemeanor.** Any person violating such rule or ordinance shall be guilty of a petty misdemeanor and subject to the provisions of sections 169.891 and 169.90, subdivision 1.

Subd. 3. **Prosecution.** The prosecution may be before a district court having jurisdiction over the place where the violation occurs.

Subd. 4. **Enforcement.** Every sheriff, constable, police officer, or other peace officer shall see that all rules and ordinances are obeyed and shall arrest and prosecute offenders.

Subd. 5. **Enforcement powers.** The state university board may appoint and employ, and fix the compensation to be paid out of funds which may be available for such purposes, persons who shall have and may exercise on property owned, leased, or occupied by the state universities the same powers of arrest for violation of rules or ordinances adopted by the board as possessed by a sheriff, constable, police officer, or peace officer.

Subd. 6. **Judicial notice.** All persons shall take notice of such rules and ordinances without pleading and proof of the same.

Subd. 7. **Notice, hearing, filing, and effect.** The state university board shall fix a date for a public hearing on the adoption of any such proposed rule or ordinance. Notice of such hearing shall be published in a legal newspaper in the county in which the property affected by the rule or ordinance is located. The publication shall be at least 15 days and not more than 45 days before the date of the hearing.

If, after the public hearing, the proposed rule or ordinance shall be adopted by a majority of the members of the board, the same shall be considered to have been enacted by the board. A copy of the same shall be signed by the president and filed with the county recorder of each county where the rule or ordinance shall be in effect, together with proof of publication. Upon such filing, the rule or ordinance, as the case may be, shall thenceforth be in full force and effect.

Subd. 8. **Delegation.** The state university board may delegate its responsibilities under this section to a state university president. Actions of the president shall be presumed to be those of the board. The university president shall file with the board president the results of any public hearings and the subsequent adoption of any proposed rule or ordinance enacted pursuant thereto.

History: 1961 c 278 s 1; 1969 c 701 s 2,3; 1971 c 23 s 16; Ex1971 c 27 s 20; 1975 c 321 s 2; 1983 c 359 s 15; 1984 c 618 s 6; 1984 c 654 art 4 s 25,26; 1985 c 248 s 70; 1998 c 254 art 2 s 18

CITATION

169.97 CITATION; HIGHWAY TRAFFIC REGULATION ACT.

This chapter shall be cited as the Highway Traffic Regulation Act.

History: (2720–292) 1937 c 464 s 142

DRIVER IMPROVEMENT CLINICS

169.971 DRIVER IMPROVEMENT CLINICS; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 169.971 to 169.973, the terms defined in this section have the meanings given them.

Subd. 2. **Driver improvement clinic.** “Driver improvement clinic” means a formal course of study established under section 169.972, designed primarily to assist persons convicted of traffic violations in correcting improper driving habits and to familiarize them with the provisions of the Highway Traffic Regulation Act.

Subd. 2a. **Youth-oriented driver improvement clinic.** “Youth-oriented driver improvement clinic” means a driver improvement clinic designed for traffic violators age 18

and under to assist them in correcting improper driving practices and review provisions of traffic law with a focus on driving problems common to young and novice drivers.

Subd. 3. **Municipality.** "Municipality" means any city, however organized, and any county or town.

Subd. 4. **Court.** "Court" means a district court.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of public safety.

History: 1965 c 711 s 1; 1969 c 1129 art 1 s 18; 1973 c 123 art 5 s 7; 1983 c 359 s 16; 1998 c 254 art 2 s 19; 1998 c 388 s 3,4

169.972 ESTABLISHMENT OF DRIVER IMPROVEMENT CLINIC; FEES.

Subdivision 1. **Authority to establish clinic.** Subject to sections 169.971 to 169.973 and 171.20, subdivision 3, any court, municipality, association of municipalities, or any regularly established safety organization may establish and conduct a driver improvement clinic or a youth-oriented driver improvement clinic.

Subd. 2. **Fees.** The court, municipality or organization conducting a driver improvement clinic or a youth-oriented driver improvement clinic may establish reasonable tuition fees not to exceed \$50, but not to exceed the actual cost of the course.

History: 1965 c 711 s 2; 1973 c 194 s 1; 1984 c 385 s 1; 1998 c 388 s 5

169.973 REGULATION OF CLINIC; DIRECTOR.

Subdivision 1. **Commissioner's authority; rules; curriculum.** The commissioner of public safety shall supervise the administration and conduct of driver improvement clinics and youth-oriented driver improvement clinics. The commissioner of public safety shall promulgate rules setting forth standards for the curriculum and mode of instruction of driver improvement clinics and youth-oriented driver improvement clinics and such other matters as the commissioner of public safety considers necessary for the proper administration of such clinics. In the preparation of such standards the commissioner of public safety shall consult with the commissioner of children, families, and learning and state associations of judges. A driver improvement clinic established under sections 169.971 to 169.973 and 171.20, subdivision 3, shall conform to the standards promulgated by the commissioner of public safety. The course of study at a driver improvement clinic and youth-oriented driver improvement clinic may not exceed a cumulative total of nine hours with no single class session lasting more than three hours. The course of study at a driver improvement clinic and youth-oriented driver improvement clinic shall include instruction in railroad crossing safety.

Subd. 2. **Director.** The commissioner of public safety may appoint a driver improvement clinic director within the department of public safety and such other employees as are necessary to accomplish the purposes of Laws 1965, chapter 711.

History: 1965 c 711 s 3; 1969 c 1129 art 1 s 18; 1971 c 491 s 34; 1985 c 248 s 70; 1986 c 444; 1990 c 468 s 3; 1Sp1995 c 3 art 16 s 13, 1998 c 388 s 6

MISCELLANEOUS PROVISIONS

169.974 MOTORCYCLE, MOTOR SCOOTER AND MOTOR BIKE.

Subdivision 1. **Definition.** Motorcycles as used herein shall mean the vehicles defined in section 169.01, subdivision 4.

Subd. 2. **License requirements.** No person shall operate a motorcycle on any street or highway without having 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 accord-

ance with rules promulgated by the state board of education for courses offered through the public schools, or rules promulgated by the commissioner of public safety for courses offered by a private or commercial school or institute. The commissioner of public safety may waive the road test for any applicant on determining 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 permit shall be effective for one year, 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 the person is operating;

(b) drive the motorcycle at nighttime;

(c) drive the motorcycle on any highway marked by the commissioner as an interstate highway pursuant to title 23 of the United States Code; or

(d) drive the motorcycle without wearing protective headgear that complies with standards established 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 the commissioner of public safety shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

Subd. 3. Vehicle equipment. (a) No person shall operate any motorcycle equipped with handlebars if any part of such handlebars extend above the shoulders of the operator while seated with both feet on the ground.

(b) Any motorcycle with a seat designed or suited for use by a passenger shall be equipped with foot rests for the passenger. No person shall operate any motorcycle on the streets and highways after January 1, 1971, unless such motorcycle is equipped with at least one rear view mirror so attached and adjusted as to reflect to the operator a view of the roadway for a distance of at least 200 feet to the rear of the motorcycle and is equipped with not less than one horn which shall be audible at a distance of at least 200 feet under normal conditions.

(c) All other applicable provisions of this chapter pertaining to motorcycle and other motor vehicle equipment shall apply to motorcycles, except those which by their nature have no application.

Subd. 4. Equipment for operator and passenger. (a) No person under the age of 18 shall operate or ride a motorcycle on the streets and highways of this state without wearing protective headgear that complies with standards established by the commissioner of public safety; and no person shall operate a motorcycle without wearing an eye-protective device.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade for which parade permit or other official authorization has been granted by a local governing body or other governmental authority or to persons riding with an enclosed cab.

Subd. 5. Driving rules. (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for that purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon a motorcycle as a passenger unless, when sitting astride the seat, the person can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying animals, packages, bundles, or other cargo which prevent the person from keeping both hands on the handlebars.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle may be driven or operated in a manner so as to deprive a motorcycle of the full use of a traffic lane.

(g) A person operating a motorcycle upon a roadway must be granted the rights and is subject to the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Clause (e) of this subdivision does not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated.

Subd. 6. Negligence; damages without protective headgear. In an action to recover damages for negligence resulting in any head injury to an operator or passenger of a motorcycle, evidence of whether or not the injured person was wearing protective headgear that complied with standards established by the commissioner of public safety shall be admissible only with respect to the question of damages for head injuries. Damages for head injuries of any person who was not wearing protective headgear shall be reduced to the extent that those injuries could have been avoided by wearing protective headgear that complied with standards established by the commissioner of public safety. For the purposes of this subdivision "operator or passenger" means any operator or passenger regardless of whether that operator or passenger was required by law to wear protective headgear that complied with standards established by the commissioner of public safety.

Subd. 7. Noise limits. After December 31, 1978, noise rules adopted by the pollution control agency for motor vehicles pursuant to section 169.693 shall also apply to motorcycles.

History: 1967 c 875 s 1-5; 1969 c 1123 s 1-3; 1969 c 1129 art 1 s 18; 1971 c 226 s 1; 1971 c 491 s 35; 1974 c 133 s 1; 1975 c 29 s 3-5; 1976 c 295 s 1; 1977 c 17 s 1-4; 1977 c 134 s 1; 1981 c 357 s 63; 1982 c 548 art 4 s 13; 1983 c 216 art 1 s 29,30; 1983 c 345 s 8; 1984 c 549 s 32,33; 1985 c 248 s 70; 1986 c 444; 1995 c 40 s 1; 1997 c 159 art 2 s 31

169.98 POLICE, PATROL, OR SECURITY GUARD VEHICLE.

Subdivision 1. Colors and markings. Except as provided in subdivisions 2 and 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules by the state patrol or for general uniform patrol assignment by any municipal police department or other law enforcement agency, except conservation officers, shall have uniform colors and markings as provided herein. Motor vehicles of:

(a) Municipal police departments, including the University of Minnesota police department and park police units, and constables shall be predominantly blue, brown, green or white;

(b) The state patrol shall be predominantly maroon; and

(c) The county sheriffs' office shall be predominantly brown or white.

The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police," "sheriff," or the words "state patrol" or "conservation officer," as appropriate, with letters not less than 2-1/2 inches high, one-inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the back-

ground color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

Subd. 1a. **Vehicle stop authority.** Only a person who is licensed as a peace officer, constable, or part-time peace officer under sections 626.84 to section 626.863 may use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.01, subdivision 2. In addition, a hazardous materials specialist employed by the department of transportation may, in the course of responding to an emergency, use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.01, subdivision 2.

Subd. 1b. **Operation of marked vehicle.** Except as otherwise permitted under sections 221.221 and 299D.06, a motor vehicle governed by subdivision 1 may only be operated by a person licensed as a peace officer, constable, or part-time peace officer under sections 626.84 to section 626.863. This prohibition does not apply to the following:

- (1) a marked vehicle that is operated for maintenance purposes only;
- (2) a marked vehicle that is operated during a skills course approved by the peace officers standards and training board;
- (3) a marked vehicle that is operated to transport prisoners or equipment; or
- (4) a marked vehicle that is operated by a reserve officer providing supplementary assistance at the direction of the chief law enforcement officer or the officer's designee, when a licensed peace officer as defined in section 626.84, subdivision 1, paragraph (c), who is employed by that political subdivision, is on duty within the political subdivision.

Subd. 2 **Specially marked patrol vehicle.** The commissioner of public safety may authorize the use of specially marked state patrol vehicles, that have only a marking composed of a shield on the right door with the words inscribed thereon "Minnesota State Patrol" for primary use in the enforcement of highway traffic rules when in the judgment of the commissioner of public safety the use of specially marked state patrol vehicles will contribute to the safety of the traveling public. The number of such specially marked state patrol vehicles used in the enforcement of highway traffic rules shall not exceed ten percent of the total number of state patrol vehicles used in traffic law enforcement. All specially marked state patrol vehicles shall be operated by uniformed members of the state patrol and so equipped and operated as to clearly indicate to the driver of a car which is signaled to stop that the specially marked state patrol vehicle is being operated by the state patrol.

Subd. 2a. **Specially marked police or sheriff vehicle.** The chief of police of a home rule or statutory city, and the sheriff of a county, may authorize within the jurisdiction the use of specially marked police or sheriff's vehicles for primary use in the enforcement of highway traffic laws and ordinances when in the judgment of the chief of police or sheriff the use of specially marked vehicles will contribute to the safety of the traveling public. A specially marked vehicle is a vehicle that is marked only with the shield of the city or county and the name of the proper authority on the right front door of the vehicle. The number of specially marked vehicles owned by a police department of a city of the first class may not exceed ten percent of the total number of vehicles used by that police department in traffic law enforcement, and a city or county that uses fewer than 11 vehicles in traffic law enforcement may not own more than one specially marked vehicle. A specially marked vehicle may be operated only by a uniformed officer and must be equipped and operated to indicate clearly to the driver of a vehicle signaled to stop that the specially marked vehicle is being operated by a police department or sheriff's office.

Subd. 3. **Security guard vehicle.** All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles.

Subd. 4. **Effective date.** Subdivisions 1 to 3 shall apply to those motor vehicles purchased subsequent to January 1, 1981.

Subd. 5. **Vehicle security barrier; exemption.** Marked state patrol vehicles are exempt from compliance with any rule requiring a security barrier between the front and rear seats of

the vehicle. A state patrol vehicle shall be equipped with a security barrier at the option of the officer assigned the vehicle.

History: 1959 c 554 s 1,2; 1961 c 458 s 1; 1969 c 1129 art 1 s 4; 1971 c 491 s 36; 1980 c 578 s 10; 1981 c 37 s 2, 1985 c 248 s 70; 1986 c 444; 1987 c 162 s 1,2; 1987 c 334 s 1,2; 1989 c 17 s 1; 1993 c 326 art 7 s 3

169.983 SPEEDING VIOLATION; CREDIT CARD PAYMENT OF FINE.

The officer who issues a citation for a violation by a person who does not reside in Minnesota of section 169.14 shall give the defendant the option to plead guilty to the violation upon issuance of the citation and to pay the fine to the issuing officer with a credit card.

The commissioner of public safety shall adopt rules to implement this section, including specifying the types of credit cards that may be used.

History: 1991 c 204 s 3; 1992 c 464 art 1 s 22; 1996 c 455 art 1 s 7

TRAFFIC CITATIONS

169.985 TRAFFIC CITATION QUOTA PROHIBITED.

A law enforcement agency may not order, mandate, require, or suggest to a peace officer a quota for the issuance of traffic citations on a daily, weekly, monthly, quarterly, or yearly basis.

History: 1990 c 482 s 3

169.99 UNIFORM TRAFFIC TICKET.

Subdivision 1. **Form.** (a) Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint. Except as provided in paragraph (b), the uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued. The uniform traffic ticket shall consist of four parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

(1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper;

(2) the abstract of court record for the department of public safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper;

(4) the summons, with, on the reverse side, such information as the court may wish to give concerning the traffic violations bureau, and a plea of guilty and waiver, printed on off-white tag stock.

(b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Subd. 1a **Endangerment.** In every charge of a violation of any provision of this chapter, the uniform traffic ticket shall contain a blank or space wherein the officer shall specify the officer's opinion as to whether or not an offense which is otherwise a petty misdemeanor was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property.

Subd. 1b. **Speed.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed.

Subd. 2. **Commissioner prescribes form.** The commissioner of public safety shall prescribe the detailed form of the uniform traffic ticket, and shall revise the uniform ticket on

such subsequent occasions as necessary and proper to keep the uniform ticket in conformity with state and federal law.

Subd 3. **Alteration by local government.** Any city of the first class, through its governing body, may alter by deletion or addition the uniform traffic ticket in such manner as it deems advisable for use in such city, provided that it includes the notice required by subdivision 1, paragraph (b). In respect to any public corporation organized and existing pursuant to sections 473.601 to 473.679, whose ordinances and regulations for the control of traffic are enforced through prosecution in the district court having jurisdiction in one or the other of the cities of the first class included within such public corporation, the traffic ticket used in such enforcement shall conform to that used by the city of the first class in the district court having jurisdiction where its ordinances and regulations are enforced, except as to color and as to information uniquely applying to such public corporation and to its ordinances and regulations.

History: *Ex1961 c 19 s 1-3; 1963 c 3 s 1; 1971 c 491 s 37; Ex1971 c 27 s 21; 1980 c 509 s 60; 1983 c 216 art 1 s 31; 1985 c 248 s 70; 1986 c 444; 1986 c 454 s 20; 1988 c 681 s 12,13; 1989 c 333 s 2,3; 1996 c 455 art 1 s 8; 1997 c 187 art 2 s 8; 1998 c 254 art 2 s 20*

169.991 [Expired]

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