

**ATTACHMENT 9 – LETTER TO THE NATIONAL TRANSPORTATION  
SAFETY BOARD FROM THE MINNESOTA DEPARTMENT OF  
TRANSPORTATION DATED SEPTEMBER 21, 2007**  
(40 pages)



Minnesota Department of Transportation

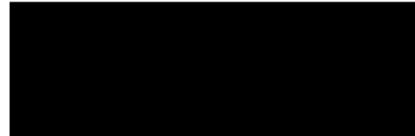
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Office of Bridges & Structures

MS 610, 3485 Hadley Ave. No.

Oakdale, MN 55128

September 21, 2007



Daniel Walsh  
National Transportation Safety Board  
Office of Highway Safety  
624 Six Flags Drive  
Suite 150  
Arlington, TX 76011

Dear Mr. Walsh:

Enclosed, as you requested, are answers to questions you had asked in a September 6 and September 10 email.

Please let me know if you need further information.

Sincerely,



Daniel L. Dorgan  
State Bridge Engineer

DLD:lmg

Enclosures

Q 1) How would a gusset plate that is cracked, corroded, or buckled be coded in the MnDOT Bridge Inspection Report? The MnDOT Pontis Element List does not include an element number or description for gusset plates, although, the NBIS Safety Inspection of In-Service Bridges lists gusset plates as a primary member for inspection for steel trusses.

A) AASHTO Developed the Pontis system, a CoRe element for gusset plates was not included. While Mn/DOT has added some custom elements, we have not added one for gusset plates. Likewise, there is no AASHTO CoRe element for pinned truss connections. Instead, the condition of these truss connections is inspected and considered when rating the AASHTO CoRE truss elements. There are Pontis "smart flags" elements for section loss, fatigue cracking, and impact damage - significant problems with any primary members or connections would be noted in these smart flag elements. Critical findings would be immediately reported. Mn/DOT also prepares supplementary "in-depth" inspection reports for fracture critical bridges (such as trusses). These reports generally include a section with field notes, which identify all of the truss members and connection panel points - any deterioration or damage to a gusset plate would be described in these notes. See the attached example from the Br 9340 2006 report.

Q 2) The December 1995 Bridge Rating and Load Posting Report indicated the south approach spans (spans 1 through 5 with an operating rating of HS 33) governed the safe load capacity. What specific members governed the south approach spans (spans 1 through 5) to arrive at the weakest point within the bridge?

A) This controlling rating is from the SB roadway, beam line G13, at midspan in the fourth of the five continuous spans (107.25 ft). The limit state is tension stress in the bottom flange due to bending moment. The rating program used here, BARS, is a line analysis program. Member G13 would have been selected as a good representative because of its longer length in span one and it is the first interior beam.

Q 3) When did the load ratings account for 4 lanes of traffic in each direction on the bridge? Do you have records of load rating calculations done prior to 1995 for each time the bridge was repaired, upgraded, or overlaid? Do you have a users guide for the computer program that is attached to the Bridge Rating and Load Posting Report?

A) a) The 1964 rating used four lanes each way for a total of eight lanes. The roadway was 52 ft with four - twelve ft lanes. Thus shoulders are designed the same as driving lanes and restriping with driving lanes instead of shoulders will not affect the rating of the bridge. Common design practice is to move these lanes back and forth in the available roadway to obtain worst possible load effects. The AASHTO Specification has been the same for live load distribution for many years.

b) We do not have any old MnDOT load rating records from prior to 1995. We do have the original 1964 Sverdrup ratings which were kept with the design calculations. A copy is attached.

c) We do have old manuals for our rating program, BARS. We suggest it would be best to go over the rating input and output in person and explain them that way. For a new person to read and understand the BARS reports, via the BARS manuals, would be a very difficult and time consuming process. Should a copy of the BARS Manual still be desired, we can certainly provide that. BARS is an old program which is being phased out.

Q 4) Does MnDOT have any requirements for construction loading on bridges? (e.g. overweight construction traffic crossing structures and construction equipment operating on structures)

A) The MnDOT Standard Specifications for Construction contains language on this subject. This is in section 1513, page 49. It states that a contractor shall comply with the same load restrictions as all normal, legal traffic, whether crossing completed structures and those under construction. The Highway Traffic Regulation Act is Chapter 169 of the Minnesota Statutes. A copy is attached.

Q 5) What was the capacity of the overall truss under full loads (HS20 vehicle in each lane, side by side)? I know that the FHWA finite element analysis model will be addressing this issue. Can you give me a preliminary indication that may be contained in the University of Minnesota or URS Corp. reports that showed the capacity of the overall truss under full loads?

A) a) The original dead load and live load values were obtained from the table on sheet 20 of the plan and the capacity values were obtained from the Sverdrup rating tables. The dead load was increased by 19.5%, uniformly in all members. The capacity for Load Factor method was calculated by dividing the original capacity by 0.55. Ratings were calculated as originally designed, i.e. with all lanes loaded and with a multi lane reduction of 0.75.

By the Allowable Stress method, the lowest rating factor, operating level, is 1.56, in member U4U6. By the Load Factor method, the lowest rating factor, operating level is 1.63, for the same member. Repeating this last calculation without this multi lane reduction factor gives a rating factor of 1.22. A rating factor greater than one indicates the bridge is adequate for the loads analyzed.

Rating for MnDOT Standard Rating Vehicles, rating factors are greater than 1 with the rating vehicle in one lane and all adjacent lanes loaded with (HS20 x 0.75 (multi lane reduction)).

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## 1513

**Restrictions on Movement of Heavy Loads and Equipment**

The hauling of materials and the movement of equipment to and from the Project and over completed structures, base courses, and pavements within the Project that are open for use by traffic and are to remain a part of the permanent improvement, shall comply with the regulations governing the operation of vehicles on the highways of Minnesota, as prescribed in the Highway Traffic Regulation Act.

The Contractor shall comply with legal load restrictions, and with any special restrictions imposed by the Contract, in hauling materials and moving equipment over structures, completed subgrades, base courses, and pavements within the Project that are under construction, or have been completed but have not been accepted and opened for use by traffic.

The Contractor shall have a completed Weight Information Card in each vehicle used for hauling bituminous mixture, aggregate, batch concrete, and grading material (including borrow and excess) prior to starting work. This card shall identify the truck or tractor and trailer by Minnesota or prorated license number and shall contain the tare, maximum allowable legal gross mass, supporting information, and the signature of the owner. The card shall be available to the Engineer upon request. All Contractor-related costs in providing, verifying, and spot checking the card information (including weighing trucks on certified commercial scales, both empty and loaded) will be incidental, and no compensation other than for Plan pay items will be made.

Equipment mounted on crawler tracks or steel-tired wheels shall not be operated on or across concrete or bituminous surfaces without specific authorization from the Engineer. Special restrictions may be imposed by the Contract with respect to speed, load distribution, surface protection, and other precautions considered necessary.

Should construction operations necessitate the crossing of an existing pavement or completed portions of the pavement structure with equipment or loads that would otherwise be prohibited, approved methods of load distribution or bridging shall be provided by the Contractor at no expense to the Department.

Neither by issuance of a special permit, nor by adherence to any other restrictions imposed, shall the Contractor be relieved of liability for damages resulting from the operation and movement of construction equipment.

**Panel Point #9 (East Truss):**

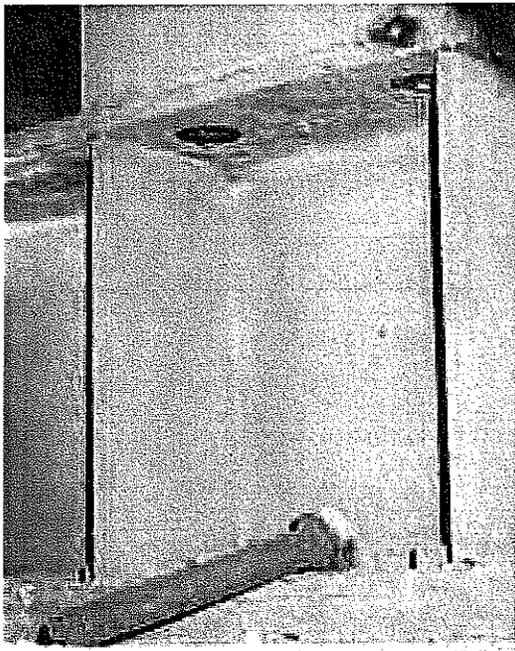
[2003] Floorbeam bottom chord connection plate has a cracked tack weld on the south side. Underside of the deck has 20 SF of water saturation.

**Panel Point #10 (East Truss):**

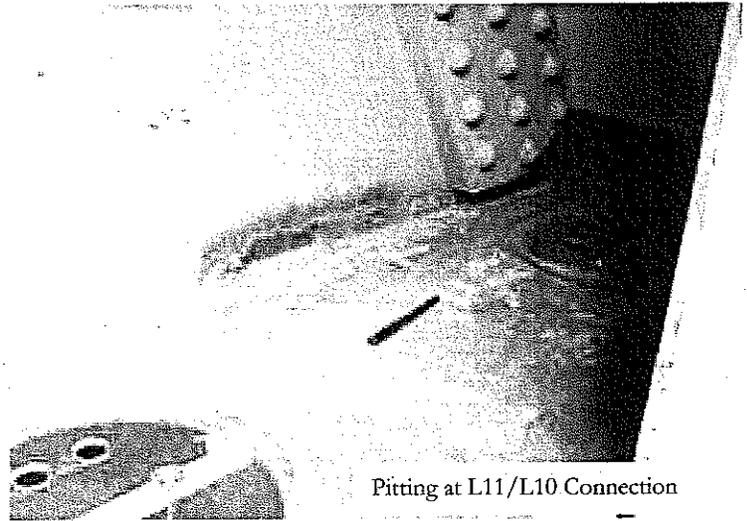
Red navigation light for Mississippi river channel. [1999] Strain gauges installed on truss top chord member U9/U10, L9/U10 & L9/L10 from U of M research project.

**Panel Point #11 (East Truss):**

Section loss: at gusset plate bottom chord. [2004] Pitting: inside gusset plate connection at L11 toward L10. [2000/05] Stringer #3 has two bolts missing at the floorbeam connection.



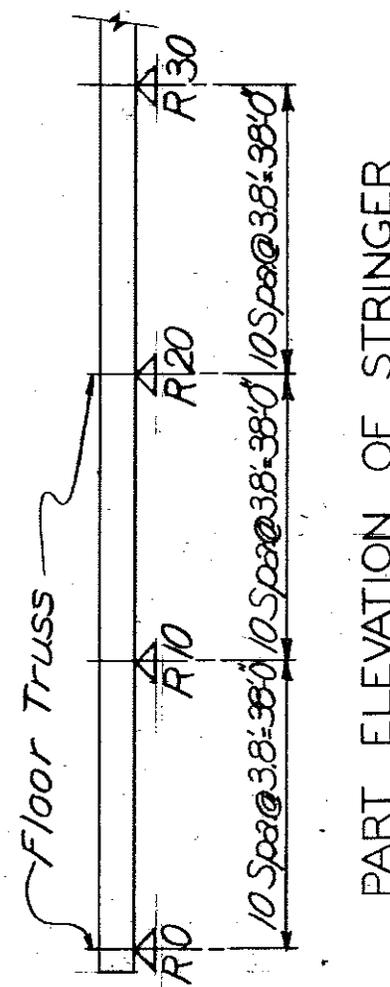
Bolts Missing @ Floorbeam Connection



Pitting at L11/L10 Connection

# INFLUENCE LINES FOR CONTINUOUS STRINGERS

Point	Reactions Kips per Kip		Moments Ft. Kips per Kip	
	R <sub>0</sub>	R <sub>10</sub>	M <sub>2</sub>	M <sub>10</sub>
0	1.00	0	0	0
1	+0.87	+0.16	+1.9	-1.0
2	+0.75	+0.32	+3.8	-2.0
3	+0.63	+0.47	+5.7	-2.8
4	+0.51	+0.60	+7.8	-3.4
5	+0.40	+0.73	+6.1	-3.8
6	+0.30	+0.83	+4.5	-3.9
7	+0.20	+0.92	+3.1	-3.6
8	+0.12	+0.97	+1.9	-2.9
9	+0.05	+1.00	+0.8	-1.7
10	0	+1.00	0	0
11	-0.04	+0.96	-0.6	-1.5
12	-0.06	+0.89	-1.0	-2.4
13	-0.08	+0.80	-1.2	-2.9
14	-0.08	+0.69	-1.2	-3.0
15	-0.07	+0.57	-1.1	-2.8
16	-0.06	+0.44	-1.0	-2.4
17	-0.05	+0.31	-0.7	-1.8
18	-0.03	+0.19	-0.5	-1.2
19	-0.01	+0.09	-0.2	-0.5
20	0	0	0	0
21	+0.01	-0.06	+0.2	+0.4
22	+0.02	-0.10	+0.3	+0.6
23	+0.02	-0.12	+0.3	+0.8
24	+0.02	-0.13	+0.3	+0.8
25	+0.02	-0.12	+0.3	+0.8
26	+0.02	-0.10	+0.3	+0.7
27	+0.01	-0.08	+0.2	+0.5
28	+0.01	-0.05	+0.1	+0.3
29	0	-0.02	+0.1	+0.2
30	0	0	0	0



SVERDRUP & PARCEL  
AND ASSOCIATES INC.  
ENGINEERS—ARCHITECTS  
ST. LOUIS, MO.

STATE OF MINNESOTA  
DEPARTMENT OF HIGHWAYS

BRIDGE NO. 9340  
RATING DATA

DEC., 1964.

MOMENTS FOR MAIN TRUSS STRINGERS  
AND END FLOORBEAMS \*

		Dead Load	Design Capacity	Available
Stringer	Positive Moment $M_4$	105	447	342
	Negative Moment $M_{10}$	131	405	274
South End Floorbeam	Max. Neg. Mom. at Truss	678	1990	1312
	Pos. Moment at S7	997	3340	2343
	Pos. Moment at S5	697	3640	1943
North End Floorbeam	Max. Neg. Mom. at Truss	619	1780	1161
	Pos. Moment at S7	945	3420	2475
	Pos. Moment at S5	506	3420	2914

MOMENTS FOR CROSS GIRDERS \*\*

		Dead Load	Design Capacity	Available
South Cross Girder at Uo	Neg. Mom. at West Truss	1217	2742	1525
	Pos. Moment at G7	1901	4710	2809
	Pos. Moment at G5	479	3725	3246
	Neg. Mom. at East Truss	607	1680	1073
North Cross Girder at Uo'	Neg. Mom. at Truss	1992	3176	1184
	Pos. Moment at G7	3864	6370	2506
	Pos. Moment at G5	2047	6370	4323

Note: Moments are given in foot kips.

\* For end reactions of stringers see Sheet 1.

\*\* For end reactions of girder approaches see Sheets 5 and 6.

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DEC., 1964

- 169.751 Definitions.
- 169.752 Patrol motor vehicles, first aid equipment.
- 169.753 Law enforcement officers trained in first aid.
- 169.754 Appropriations authorized.
- 169.755 Repealed.
- 169.76 Repealed.

**TRANSPORTING PRESSURIZED GAS**

- 169.762 Pressurized flammable gas.

**VEHICLE INSPECTIONS**

- 169.77 Repealed.
- 169.771 Spot check of motor vehicle.
- 169.78 Municipal inspection station.
- 169.781 Annual commercial vehicle inspection; inspectors, fee, penalty.
- 169.782 Daily commercial vehicle inspection; penalty.
- 169.783 Commercial vehicle accident; reinspection.
- 169.79 Vehicle registration; displaying license plates.

**VEHICLE INSURANCE**

- 169.791 Criminal penalty for failure to produce proof of insurance.
- 169.792 Revocation of license for failure to produce proof of insurance.
- 169.793 Vehicle insurance; unlawful acts, penalties.
- 169.794 Repealed.
- 169.795 Vehicle insurance rules.
- 169.796 Verification of insurance coverage.
- 169.797 Penalties for failure to provide vehicle insurance.
- 169.798 Rules of commissioner of public safety.
- 169.799 Repealed.

**REQUIREMENT TO SHOW RENTAL AGREEMENT**

- 169.7995 Failure to produce rental or lease agreement.

**SIZE, WEIGHT, AND LOAD RESTRICTIONS AND PERMITS**

- 169.80 Size, weight, load.
- 169.801 Implement of husbandry.
- 169.81 Height and length limitations.
- 169.82 Trailer equipment.
- 169.822 Weight limitations; definitions.
- 169.823 Tire weight limits.
- 169.824 Gross weight schedule.
- 169.825 Repealed by subd.
- 169.826 Gross weight seasonal increases.
- 169.8261 Gross weight limitations; forest products.

<u>169.827</u>	Gross weight reduction on restricted route.
<u>169.828</u>	Axle restrictions.
<u>169.829</u>	Weight limits not applicable to certain vehicles.
<u>169.83</u>	Repealed by subd.
<u>169.831</u>	Repealed.
<u>169.832</u>	Weight limitations on designated routes.
<u>169.833</u>	Repealed.
<u>169.834</u>	Repealed.
<u>169.835</u>	Federal qualifying highway.
<u>169.84</u>	Load limit on bridge.
<u>169.85</u>	Weighing; penalty.
<u>169.851</u>	Weight record.
<u>169.86</u>	Special permit to exceed height, width, or load; fees.
<u>169.861</u>	Repealed.
<u>169.862</u>	Permit for wide load of baled agricultural product.
<u>169.863</u>	Special pulpwood vehicle permit.
<u>169.864</u>	Special paper products vehicle permits.
<u>169.87</u>	Seasonal load restriction; route designation.
<u>169.871</u>	Excess weight; civil penalty.
<u>169.872</u>	Receipt of certain overweight loads.
<u>169.88</u>	Damages; liability.

#### **OFFENSES, PENALTIES, AND JUDICIAL PROVISIONS**

<u>169.89</u>	Penalties.
<u>169.891</u>	Jurisdiction; limitation of actions.
<u>169.90</u>	Offenses.
<u>169.901</u>	Repealed.

#### **ARREST AND APPEARANCE PROCEDURES**

<u>169.91</u>	Arrest.
<u>169.92</u>	Failure to appear.
<u>169.93</u>	Arrest without warrant.

#### **RECORDS**

<u>169.94</u>	Record of conviction.
<u>169.95</u>	Court to keep separate records of violations.

#### **UNIFORM INTERPRETATION**

<u>169.96</u>	Interpretation and effect.
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#### **UNIVERSITY TRAFFIC RULES**

<u>169.965</u>	University regents to regulate traffic and parking.
<u>169.966</u>	Board to regulate traffic on state universities.

#### **CITATION**

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.** (a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to a fire apparatus, or to a vehicle operated under the terms of a special permit issued as provided by law.

Subd. 2. **Outside width.** (a) The total outside width of a vehicle exclusive of rearview 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.

(b) 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.

(c) 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.

(d) The total outside width of a passenger motor bus, operated exclusively in a city or contiguous cities in this state, may not exceed nine feet.

(e) The maximum width limitation in paragraph (a) for a recreational vehicle as defined in section 168.011, subdivision 25, is exclusive of appurtenances on the recreational vehicle that do not extend beyond the width of the exterior rearview mirror of the recreational vehicle if the recreational vehicle is self-propelled, or the exterior rearview mirror of the towing vehicle if the recreational vehicle is towed.

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; 2001 c 24 s 4; 2001 c 83 s 1; 2006 c 212 art 1 s 23

### 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;
- (2) buses, which may not exceed 45 feet in overall length; and
- (3) type A, B, or C motor homes as defined in section 168.011, subdivision 25, paragraph (c), 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.

(c) 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.

(d) 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.

(e) 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.

(d) 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 70 feet in length;
- (3) the middle vehicle 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, all-terrain vehicle, motorized golf cart, or equestrian equipment or supplies 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. 3e. **Articulated buses.** Notwithstanding subdivision 2, a motor carrier of passengers registered under section 221.0252 may operate without a permit an articulated bus of up to 61 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; 2001 c 83 s 2; 2004 c 240 s 1; 1Sp2005 c 6 art 3 s 49; 2006 c 231 s 2

### 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. (d) 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*

### **169.822 WEIGHT LIMITATIONS; DEFINITIONS.**

Subdivision 1. **Scope.** The terms in sections 169.822 to 169.829 shall have the meanings given them.

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

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

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

Subd. 5. **Tandem.** "Tandem axles" means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart.

Subd. 6. **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. 7. **Tridem axles.** "Tridem axles" mean three axles spaced within 9 feet or less.

Subd. 8. **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.

**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; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13*

### **169.823 TIRE WEIGHT LIMITS.**

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) 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;

(2) 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;

(3) where the maximum wheel load:

(i) 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

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. This item 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, this item applies to all vehicles regardless of date of manufacture;

(4) 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;

(5) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 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. 2. **Vehicle not equipped with pneumatic tires.** A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of sections 169.822 to 169.829, except that the gross weight limitations shall be reduced by 40 percent.

**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; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13

**169.824 GROSS WEIGHT SCHEDULE.**

Subdivision 1. **Table of axle weight limits.** (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 foremost 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 combination 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
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 foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	5 consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	6 consecutive axles of a combination of vehicles having a total of 6 or more axles	7 consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	(74,000)	79,000	
42	(74,500)	79,500	
43	(75,000)	80,000	
44	(75,500)		

45	(76,500)
46	(77,000)
47	(77,500)
48	(78,000)
49	(79,000)
50	(79,500)
51	(80,000)

The gross weights shown in parentheses in this table 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 subdivision 2, paragraph (a), 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.

Subd. 2. **Gross vehicle weight of all axles.** (a) 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 29, and for all routes designated under section 169.832, subdivision 11 ;

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (k);

(3) 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 , except that a vehicle needing reasonable access to a terminal or facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may not exceed 80,000 pounds. "Terminal" means any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities; and

(4) 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 .

(b) The maximum weights specified in this section 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 section.

**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; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 1Sp2005 c 1 art 4 s 36.

Subdivision 1.[Renumbered 169.822, subdivision 1]

Subd. 2.[Renumbered 169.822, subdivision 2]

Subd. 3.[Renumbered 169.822, subdivision 3]

Subd. 3a.[Renumbered 169.822, subdivision 5]

Subd. 4.[Renumbered 169.822, subdivision 4]

- Subd. 5.[Renumbered 169.822, subdivision 6]
- Subd. 6.[Renumbered 169.822, subdivision 7]
- Subd. 7.[Renumbered 169.822, subdivision 8]
- Subd. 8.[Renumbered 169.823, subdivision 1]
- Subd. 9.[Renumbered 169.823, subdivision 2]
- Subd. 10.(a) (b) [Renumbered 169.824, subdivision 1]
- (c) [Renumbered 169.824, subdivision 2, para (a)]
- (d) [Repealed, 1991 c 333 s 39]
- (e) [Renumbered 169.824, subdivision 2, para (b)]
- Subd. 11.[Renumbered 169.826]
- Subd. 12.[Repealed, 1982 c 617 s 27]
- Subd. 12a.[Renumbered 169.827]
- Subd. 13.[Renumbered 169.828, subdivision 1]
- Subd. 14.[Renumbered 169.828, subdivision 2]
- Subd. 15.[Renumbered 169.829, subdivision 1]
- Subd. 16.[Renumbered 169.829, subdivision 2]
- Subd. 17.[Renumbered 169.829, subdivision 3]

#### **169.826 GROSS WEIGHT SEASONAL INCREASES.**

Subdivision 1. **Winter increase amounts.** The limitations provided in sections 169.822 to 169.829 are increased by ten percent between the dates set by the commissioner for each zone established by the commissioner based on a freezing index model each winter.

Subd. 1a. **Harvest season increase amount.** The limitations provided in sections 169.822 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. The commissioner shall not issue permits under this subdivision if to do so will result in a loss of federal highway funding to the state.

Subd. 1b. **Nine-ton county roads.** Despite the provisions of subdivision 5 and sections 169.824, subdivision 2, paragraph (a), clause (2), and 169.832, subdivision 11, a vehicle or combination of vehicles with a gross vehicle weight up to 88,000 pounds may be operated on a nine-ton county road, consistent with the increases allowed for vehicles operating on a ten-ton road, during the time when the increases under subdivision 1 are in effect in that zone.

Subd. 2. **Duration.** 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.

Subd. 3. **Excess weight permit.** 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 section 169.824, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

Subd. 4. **Weight limits set by other law.** In cases where gross weights in an amount less than that set forth in sections 169.822 to 169.829 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 sections 169.822 to 169.829.

Subd. 5. **Weight limit for undesignated routes.** Notwithstanding any other provision of this section, 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.

Subd. 6. **Permit extension.** 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 subdivision 1, clause (2).

**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; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 1Sp2003 c 19 art 2 s 34,35

#### **169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that the vehicles must:

- (1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;
- (2) comply with bridge load limits posted under section 169.84;
- (3) be equipped and operated with six axles and brakes;
- (4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;
- (5) not be operated on interstate and defense highways;
- (6) obtain an annual permit from the commissioner of transportation;
- (7) obey all road postings; and
- (8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

**History:** 2004 c 295 art 1 s 10; 1Sp2005 c 6 art 3 s 50

#### **169.827 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.

**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; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13

#### **169.828 AXLE RESTRICTIONS.**

Subdivision 1. **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 sections 169.822 to 169.829 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. 2. **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).

**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; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13

### **169.829 WEIGHT LIMITS NOT APPLICABLE TO CERTAIN VEHICLES.**

Subdivision 1. **City vehicle except on trunk highway.** (a) The provisions of sections 169.822 to 169.828 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.

(b) This subdivision does not apply to trunk highways.

Subd. 2. **Tow truck.** Sections 169.822 to 169.828 do 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.

Subd. 3. **Utility vehicle.** Sections 169.822 to 169.828 do not apply to a utility vehicle that does not exceed a weight of 20,000 pounds per axle and is owned by:

- (1) a public utility, as defined in section 216B.02;
- (2) a municipality or municipal utility that operates that vehicle for its municipal electric, gas, or water system; and
- (3) a cooperative electric association organized under chapter 308A.

**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; 2000 c 433 s 1,4; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 2003 c 97 s 3; 1Sp2003 c 19 art 2 s 63; 2004 c 228 art 1 s 69

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.** (a) The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under sections 169.822 to 169.829. 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:

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

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

(b) Notwithstanding any finding under paragraph (a), clause (2), the commissioner shall designate any route which is needed to provide:

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

(2) access to a transportation terminal; or

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

(c) 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.

(d) 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. 11a. **Weight-limitation route designation by local government.** Notwithstanding subdivision 11, the governing body of a county, statutory or home rule charter city, or town may designate any street or highway under its jurisdiction that has been designed and built to carry such weights to carry weight permitted under sections 169.822 to 169.829. Designations by the governing body of a county, statutory or home rule charter city, or town under this subdivision are not subject to the approval of the commissioner.

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

Subd. 13.[Repealed, 1999 c 230 s 46]

**History:** 1977 c 248 s 7; 1981 c 81 s 1; 1981 c 321 s 5; 1986 c 398 art 13 s 10; 2004 c 295 art 1 s 11

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.** (a) The driver of a vehicle that 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.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) 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; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales, signs giving notice of the operation must be 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.** (a) 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 either section 168.013, subdivision 3, paragraph (b), or sections 169.822 to 169.829, whichever is the lesser violation, if any. 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.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (1) on routes subject to the provisions of sections 169.822 to 169.829, the weight on an axle exceeds the lawful gross weight prescribed by sections 169.822 to 169.829, 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 sections 169.822 to 169.829, by 4,000 pounds or more; or (2) 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 sections 169.822 to 169.829; or (3) 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.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight

plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), and plus, if applicable, the weight allowance permitted under section 169.826, then the driver is not required to unload under paragraph (b).

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 member of the State Patrol, an employee of the Department of Public Safety described in section 299D.06, or a peace officer or person under the officer's direction and control employed by a local unit of government who is trained in weight enforcement by the Department of Public Safety.

**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; 2002 c 364 s 14,15; 2002 c 371 art 3 s 5,6; 1Sp2003 c 19 art 2 s 36; 2004 c 228 art 1 s 76; 1Sp2005 c 1 art 4 s 37,38

### 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" has the meaning given it in section 168.013, subdivision 3, paragraph (d)(3).

Subd. 4. **Relevant evidence.** (a) 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.

(b) 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.

(c) The provisions in paragraphs (a) and (b) 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.** Subdivision 4 does not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, including wood chips, when the maximum weight limitations permitted under sections

169.822 to 169.829 are 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; 2002 c 364 s 16; 2002 c 371 art 3 s 7; 1Sp2005 c 6 art 3 s 51

### **169.86 SPECIAL PERMIT TO EXCEED HEIGHT, WIDTH, OR LOAD; FEES.**

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 sections 169.822 to 169.829, on interstate highways during the times and within the zones specified in sections 169.822 to 169.829.

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. **Authority to issue permit; conditions, financial responsibility.** 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 deposited; appropriation.** 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 169.826, subdivision 1a;
  - (4) special pulpwood vehicles described in section 169.863;
  - (5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and
  - (6) noncommercial transportation of a boat by the owner or user of the boat.
- (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 and manufactured storage buildings;
  - (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; and
  - (7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).
- (e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. 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 consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive 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 169.828, subdivision 2, 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.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) in fiscal years 2005 through 2010:

- (i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;
- (ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

- (A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and
- (B) erection of weight-posting signs on local bridges; and

(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

(k) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

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; 2002 c 364 s 17; 2002 c 371 art 3 s 8; 1Sp2003 c 19 art 2 s 37; 2004 c 225 s 1; 2004 c 295 art 1 s 12; 1Sp2005 c 6 art 3 s 52

169.861 [Repealed, 1982 c 617 s 27]

### 169.862 PERMIT FOR WIDE LOAD OF BALED AGRICULTURAL PRODUCT.

Subdivision 1. **Annual permit authority; restrictions.** (a) 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.

(b) 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.

(c) 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.

Subd. 2. **Additional restrictions.** 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 169.824.
- (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

**169.864 SPECIAL PAPER PRODUCTS VEHICLE PERMITS.**

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

- (1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;
- (2) has a maximum gross vehicle weight of 108,000 pounds;
- (3) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;
- (4) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less;
- (5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; and on Trunk Highway marked 53 between Virginia and the port of Duluth; and
- (6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

- (1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that 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;
- (2) has a maximum gross vehicle weight of 90,000 pounds;
- (3) has a maximum gross vehicle weight of 98,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;
- (4) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;
- (5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less; and
- (6) is operated only on the highways specified in subdivision 1, clause (5).

Subd. 3. **Restrictions.** Vehicles issued permits under subdivisions 1 and 2 must comply with the following restrictions:

- (1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87;
- (2) the vehicle may not be operated on the interstate highway system; and
- (3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by Code of Federal Regulations, title 23, part 658.19.

Subd. 4. **Permit fee; appropriation.** Vehicle permits issued under subdivision 1, clause (1), must be annual permits. The fee is \$850 for each vehicle and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program.

**History:** *1Sp2005 c 1 art 4 s 39*

NOTE: This section as added by Laws 2005, First Special Session chapter 1, article 4, section 39, is effective the latter of August 1, 2006, or the date on which the commissioner

determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids. Laws 2005, First Special Session chapter 1, article 4, section 39, the effective date.

#### **169.87 SEASONAL LOAD RESTRICTION; ROUTE DESIGNATION.**

Subdivision 1. **Optional power.** (a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 restriction.** Except for portland cement concrete roads, between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed five tons on a county highway, town road, or city street that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in sections 169.822 to 169.829 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.

Subd. 4. **Vehicle transporting milk.** Until June 1, 2007, a weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from the point of production to the

point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle.

**Subd. 5. Utility vehicles.** (a) Weight restrictions imposed by the commissioner under subdivisions 1 and 2 do not apply to a two-axle or three-axle utility vehicle that does not exceed a weight of 20,000 pounds per single axle and 36,000 pounds gross vehicle weight for a two-axle vehicle or 48,000 pounds gross vehicle weight for a three-axle vehicle, if the vehicle is owned by:

- (1) a public utility as defined in section 216B.02;
- (2) a municipality or municipal utility that operates the vehicle for its municipal electric, gas, or water system; or
- (3) a cooperative electric association organized under chapter 308A.

(b) The exemption in this subdivision applies only when the vehicle is performing service restoration or other work necessary to prevent an imminent loss of service.

**Subd. 6. Recycling and garbage vehicles.** (a) Except as provided in paragraph (b), weight restrictions imposed under subdivisions 1 and 2 do not apply to a vehicle that does not exceed 20,000 pounds per single axle and is designed and used exclusively for recycling, while engaged in recycling in a political subdivision that mandates curbside recycling pickup.

(b) Weight restrictions imposed under subdivisions 1 and 2 do not apply to (1) a vehicle that does not exceed 14,000 pounds per single axle and is used exclusively for recycling as described in paragraph (a), or (2) a vehicle that does not exceed 14,000 pounds per single axle and is designed and used exclusively for collecting mixed municipal solid waste, as defined in section 115A.03, subdivision 21, while engaged in such collection.

(c) Notwithstanding section 169.80, subdivision 1, a violation of weight restrictions imposed under subdivisions 1 and 2 by a vehicle designed and used exclusively for recycling while engaged in recycling in a political subdivision that mandates curbside recycling pickup while engaged in such collection, or by a vehicle that is designed and used exclusively for collecting mixed municipal solid waste as defined in section 115A.03, subdivision 21, while engaged in such collection, is not subject to criminal penalties but is subject to a civil penalty for excess weight under section 169.871.

**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; 1999 c 154 s 2; 1999 c 230 s 16; 2000 c 433 s 2-4; 2003 c 97 s 3; 1Sp2003 c 19 art 2 s 63; 2004 c 205 s 1; 2004 c 228 art 1 s 69; 2005 c 21 s 1; 2005 c 34 s 1; 1Sp2005 c 1 art 1 s 82

#### **169.871 EXCESS WEIGHT; CIVIL PENALTY.**

**Subdivision 1. Civil liability.** (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.822 to 169.829, 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 169.822 to 169.829, 169.832 to 169.851, and 169.87 is liable for a civil penalty as follows:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) 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;

(5) 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.

(b) Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit imposed under this section or sections 169.822 to 169.829, 169.832 to 169.851, or 169.87 is also found by the court to have knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise avoid weighing by means of stationary scales under section 169.85 or other law, the court shall impose a penalty of twice the amount otherwise authorized under paragraph (a).

(c) 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.

(d) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section 169.872 must not exceed an aggregate of \$10,000.

Subd. 1a. **Special permit violations.** (a) 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 section 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.

(b) 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, paragraph (a), clauses (1) to (5), 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, paragraph (d)(3), of a weight limit imposed under sections 169.822 to 169.829, 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.** (a) 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.

(b) 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; 2002 c 297 s 1

### **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 14 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. 1a. **Limit on civil penalties.** A civil penalty for excessive weight under section 169.871 may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record.

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; 2002 c 297 s 2,3

### **169.88 DAMAGES; LIABILITY.**

(a) 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.

(b) 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.

(c) 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.

(d) 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; when petty misdemeanor enhanced to misdemeanor.** 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:

(1) 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

(2) 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 \$300.

Subd. 3. [Obsolete]

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