

FREQUENTLY ASKED QUESTIONS ABOUT TRUCK REGULATIONS

COMPILED BY THE



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DISCLAIMER AND RESOURCES

The information provided in this booklet is for general information purposes only and is designed to help growers be aware of the various state and federal truck laws that affect farming operations. If you have specific questions about a particular situation, consult your attorney or contact one of the resources below:

Minnesota Resources

Federal Motor Carrier Safety Administration (MN) (651) 291-6150
Minnesota State Patrol (RRV Weigh Station, Dilworth) . . (218) 287-5069
State Patrol Headquarters (St. Paul)
 Vehicle Size and Weight/Permits (651) 405-6000
 Commercial Vehicle Enforcement (651) 405-9196
 Website www.dps.state.mn.us/patrol/
Minnesota Department of Transportation (St. Paul)
 Driver and Vehicle Services Division (651) 296-6911
 Motor Carrier Services Information (651) 405-6060
 Website www.dot.state.mn.us/

North Dakota Resources

Federal Motor Carrier Safety Administration (ND) (701) 250-4346
North Dakota Highway Patrol (Fargo Office) (701) 239-8960
Highway Patrol Headquarters (Bismarck) (701) 328-2455
 Vehicle Size and Weight/Permits (701) 328-2621
 Website www.discovernd.com/ndhp/
Fargo Weigh Station (JCT of I-29 and I-94) (701) 282-0203
North Dakota Department of Transportation (Bismarck)
 Motor Vehicle Division (701) 328-2725
 Driver License Division (701) 328-2601
 Website www.state.nd.us/dot/

USDOT NUMBERS

Q. When is a USDOT number required?

A. A USDOT number is required when a truck over 10,001 pounds crosses state lines. A *single trip* across a state border with a truck will trigger the requirement.

FEDERAL LAW states that all trucks weighing more than 10,001 pounds *that cross state lines* must have a USDOT number. The federal rule states that:

- (A) Each motor carrier that conducts operations in interstate commerce must file a Motor Carrier Identification Report, Form MCS-150 at the following times:
 - (1) Before it begins operations; and
 - (2) Every 24 months, according to a schedule set by the Federal Motor Carrier Safety Administration.
- (B) Upon receipt and processing of the Motor Carrier Identification Report, Form MCS-150, the FMCSA will issue the motor carrier an identification number (USDOT number). [Source: 49 C.F.R. sec. 390.19].

MINNESOTA LAW does not require a USDOT number for farm trucks that travel solely within the state. Minnesota law states that:

An owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, *other than a farm truck*, shall report to the registrar at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar. [Source: Minn. Stat. sec. 168.185(a)]. In addition, if an owner fails to report or apply for a USDOT number, the registrar shall suspend the owner's registration. [Source: Minn. Stat. sec. 168.185(c)].

NORTH DAKOTA LAW does not require a USDOT number for farm trucks that travel solely within the state and that are:

- (A) Controlled and operated by a farmer.
- (B) Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
- (C) Not used in the operations of a common or contract carrier.
- (D) Used within one hundred fifty miles [241.40 kilometers] of the person's farm. [Source: N.D. Cent. Code sec. 39-06.2-06(3)].

DISPLAYING THE NUMBER AND FARM NAME

- Q. Do I need to display the number, my name, or the farm name on my truck door?
- A. If you cross state lines and need a USDOT number, you must display the number and the company name on the truck according to federal law. In Minnesota, the number only needs to be displayed on trucks with five or more axles (semis).

FEDERAL LAW states that the truck must be marked as follows:

- (1) The legal name or a single trade name of the motor carrier;
- (2) The motor carrier identification number issued by the FMCSA, preceded by the letters ``USDOT";
- (3) The marking must appear on both sides of the self-propelled CMV (commercial motor vehicle);
- (4) Be in letters that contrast sharply in color with the background on which the letters are placed;
- (5) Be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary; and (6) Be kept and maintained in a manner that retains the legibility. [Source: 49 C.F.R. sec. 390.21].

MINNESOTA LAW states the following carriers shall display the carrier's name and address on the power unit of each vehicle:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) interstate and intrastate private carriers operating vehicle with a gross vehicle weight of more than 10,000 pounds; and
- (3) vehicles providing transportation [of agricultural products] with a gross vehicle weight of more than 10,000 pounds.

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

- (b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the community and abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based. If the carrier operates a leased vehicle, it may show its name and the name of the

lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

(c) The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision. [Source: Minn. Stat. sec. 221.031 subdivision 6].

NORTH DAKOTA LAW does not require that USDOT numbers or the farm name be displayed on farm trucks that travel solely within the state and that are:

- (A) Controlled and operated by a farmer.
- (B) Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
- (C) Not used in the operations of a common or contract carrier.
- (D) Used within one hundred fifty miles [241.40 kilometers] of the person's farm. [Source: N.D. Cent. Code sec. 39-06.2-06(3)].

COMMERCIAL DRIVERS LICENSES (CDLs)

Q. Do farmers and their employees need commercial drivers licenses?
A. No. Federal and state laws exempt farmers under the rules below.

FEDERAL LAW states that you *do not need* to have a commercial driver's license (CDL) if you operate of a farm vehicle which is:

- (A) Controlled and operated by a farmer, including operation by employees or family members;
- (B) Used to transport agricultural products, farm machinery, farm supplies, or both to or from a farm;
- (C) Not used in the operations of a common or contract motor carrier; and
- (D) Used within 150 miles of the farmer's farm. [Source: 49 C.F.R. sec. 383.3(d)(1)].

MINNESOTA LAW states that the rules for driver qualifications do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products, farm machinery, or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials. [Source: Minn. Stat. sec. 221.031 subdivision 2(d)].

A farm truck is defined as one that is operated by:

- (A) The owner;
 - (B) An immediate family member of the owner;
 - (C) An employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm; or
 - (D) An employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site.
- [Source: Minn. Stat. sec. 171.02 subdivision 2(b)(1)].

NORTH DAKOTA LAW states that the provisions [requiring a CDL] are waived, as to farm-to-market operations by farmers, but limited to those operators of a farm vehicle that is:

- (A) Controlled and operated by a farmer.
 - (B) Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
 - (C) Not used in the operations of a common or contract carrier.
 - (D) Used within one hundred fifty miles [241.40 kilometers] of the person's farm.
- [Source: N.D. Cent. Code sec. 39-06.2-06(3)].

HOURS OF SERVICE

Q. Do farmers need to comply with hours of service limitations?

A. If the truck crosses state lines, the driver must follow federal hours of service rules but only if the truck travels more than 100 miles into the neighboring state. The FMCSA recognizes the 100 air-mile distances that Minnesota and North Dakota have for farmers. Both states exempt farmers from hours of service limitations for transportation solely within the borders of the state.

FEDERAL LAW states that federal hours of service requirements *do not apply* to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

- (1) Is limited to an area within a 100 air mile radius from the source of the commodities, and
- (2) Is conducted during the planting and harvesting seasons within such State, as determined by the State. [Source: 49 C.F.R. sec. 395.1(k)].

HOWEVER, another federal rule that states that no driver shall operate a commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, *through fatigue, illness, or any other cause*, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle. However, in a case of grave emergency where the hazard to occupants of the commercial motor vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the commercial motor vehicle to the nearest place at which that hazard is removed. [Source: 49 C.F.R. sec. 392.3].

MINNESOTA LAW states that the federal regulations governing maximum driving and on-duty time *do not apply* to drivers engaged in the interstate or intrastate transportation of:

- (1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or
- (2) sugar beets during the harvesting season for sugar beets from September 1 to May 15 of each year

if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies. [Source: Minn. Stat. sec. 221.0314 subdivision 9a].

NORTH DAKOTA LAW states that federal [and state] regulations governing maximum driving and on-duty time *do not apply* to a driver transporting agricultural commodities or farm supplies, including farm equipment and machinery, for agricultural purposes in this state during planting and harvesting seasons from January first through December thirty-first, if the transportation is limited to an area within a one hundred air-mile radius from the source of the commodities or the distribution point for the farm supplies. [Source: N.D. Cent. Code sec. 39-06.2-17].

MEDICAL/HEALTH CARDS

Q. Do farmers and their drivers need to carry medical or health cards?

A. Semi-truck drivers who cross state lines need to carry a medical card.

FEDERAL LAW states that a person shall not drive [an articulated] commercial motor vehicle unless he/she is physically qualified to do so and has on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle. [Source: 49 C.F.R. sec. 391.41(a), 391.2, and 391.67].

MINNESOTA LAW follows the federal rule and only requires medical or health cards for semi-truck drivers that cross state lines. [Source: Minn. Stat. sec. 221.0314 sub. 3b].

NORTH DAKOTA LAW does not require medical or health cards for drivers of farm trucks that travel solely within the state and that are:

- (A) Controlled and operated by a farmer.
 - (B) Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
 - (C) Not used in the operations of a common or contract carrier.
 - (D) Used within one hundred fifty miles [241.40 kilometers] of the person's farm.
- [Source: N.D. Cent. Code sec. 39-06.2-06(3)].

DRUG AND ALCOHOL TESTING

- Q. Are farmers and their drivers subject to drug and alcohol testing?
A. No. Federal and state laws exempt farmers under the rules below.

FEDERAL LAW states that operators of farm vehicles *are exempt* from controlled substance and alcohol use testing if the truck is:

- (A) Controlled and operated by a farmer;
- (B) Used to transport agricultural products, farm machinery, farm supplies, or both to or from a farm;
- (C) Not used in the operations of a common or contract motor carrier; and
- (D) Used within 150 miles of the farmer's farm. [*Source: 49 C.F.R. sec. 382.103(d)(3)(i).*]

MINNESOTA LAW states that the rules for drug and alcohol testing do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products, farm machinery, or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials. A farm truck is defined as one that is operated by:

- (A) The owner;
- (B) An immediate family member of the owner;
- (C) An employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm; or
- (D) An employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site. [*Source: Minn. Stat. sec. 171.02 subdivision 2(b)(1).*]

NORTH DAKOTA LAW does not require drug or alcohol testing for drivers of farm trucks that travel solely within the state and that are:

- (A) Controlled and operated by a farmer.
- (B) Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
- (C) Not used in the operations of a common or contract carrier.
- (D) Used within one hundred fifty miles [241.40 kilometers] of the person's farm. [*Source: N.D. Cent. Code sec. 39-06.2-06(3).*]

TRUCK WEIGHT SCHEDULES

Q. What are the legal weight limits for trucks?

A. See the state charts below.

MINNESOTA LAW has a weight schedule based on groupings of 2, 3, 4, 5, 6, and 7 axles. The law states that 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	3 consecutive axles of a 3-axle vehicle	4 consecutive axles of a 4-axle vehicle	5 consecutive axles of a 5-axle vehicle	6 consecutive axles of a 6-axle vehicle
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	57,000	

centers of foremost and rearmost axles of a group	2 consecutive axles of a 2-axle vehicle	3 consecutive axles of a 3-axle vehicle	4 consecutive axles of a 4-axle vehicle	5 consecutive axles of a 5-axle vehicle	6 consecutive axles of a 6-axle vehicle
15		47,500	52,000	57,500	
16		48,000	53,000	58,000	
17		49,000	53,500	59,000	
18		49,500	54,000	59,500	
19		50,500	55,000	60,000	
20		51,000	55,500	60,500	66,000
21		52,000	56,000	61,500	67,000
22		52,500	57,000	62,000	67,500
23		53,500	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		(55,000)	59,000	64,000	69,000
26		(55,500)	59,500	64,500	70,000
27		(56,500)	60,000	65,000	70,500
28		(57,000)	61,000	65,500	71,000
29		(58,000)	61,500	66,500	71,500
30		(58,500)	62,000	67,000	72,000
31		(59,500)	63,000	67,500	73,000
32		(60,000)	63,500	68,000	73,500
33			64,000	69,000	74,000
34			65,000	69,500	74,500
35			65,500	70,000	75,000
36			66,000	70,500	76,000
37			67,000	71,500	76,500
38			67,500	72,000	77,000
39			68,000	72,500	77,500
40			69,000	73,000	78,000
41			69,500	(74,000)	79,000
42			70,000	(74,500)	79,500
43			71,000	(75,000)	80,000
44			71,500	(75,500)	
45			72,000	(76,500)	
46			72,500	(77,000)	
47			(73,500)	(77,500)	
48			(74,000)	(78,000)	
49			(74,500)	(79,000)	
50			(75,500)	(79,500)	
51			(76,000)	(80,000)	

IMPORTANT: The gross weights shown in parentheses in this table are permitted only on state trunk highways and routes with seasonal weight increases.

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.

NOTE: "8 plus" as used in the table refers to any distance greater than eight feet but less than nine feet.

Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights, 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.

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 and for routes with seasonal weight increases;
- (2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than state trunk highways and routes with seasonal weight increases; and
- (3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes with seasonal weight increases. [Source: Minn. Stat. sec. 169.824].

NORTH DAKOTA LAW makes a distinction between interstate and non-interstate highways:

WEIGHT LIMITATIONS FOR VEHICLES ON INTERSTATE SYSTEM.

A person may not operate on a highway which is part of the interstate system any vehicle:

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle and, on axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.
2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, the gross weight of which exceeds that determined by the formula of:

$$W = 500 \frac{(LN + 12N + 36)}{N-1}$$

where W equals maximum weight in pounds carried on any group of more than one axle; L equals distance in feet between the extremes of any group of consecutive axles; and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds [15422.14 kilograms] each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least thirty-six feet [10.97 meters]. The gross weight may not exceed eighty thousand pounds [36287.39 kilograms]. [Source: N.D. Cent. Code sec. 39-12-05].

WEIGHT LIMITATIONS FOR VEHICLES ON HIGHWAYS OTHER THAN THE INTERSTATE SYSTEM.

1. A person may not operate on a highway that is not part of the interstate system any vehicle with a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed nineteen thousand pounds [8618.26 kilograms] per axle, with a maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on a tandem axle and a maximum of forty-eight thousand pounds [21722.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.
2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a person may not operate on a highway that is not part of the interstate system any vehicle the gross weight of which exceeds that determined by the formula of:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this section. [Source: N.D. Cent. Code sec. 39-12-05.3(1) and (2)].

10% OVERWEIGHT PERMITS

Q. Can farm trucks haul more than the legal limits shown above?

A. Yes. Both states allow sugarbeet and potato growers the option to purchase 10% overweight permits that allow growers to exceed the legal limits by 10%.

MINNESOTA LAW states that 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. [Source: Minn. Stat. sec. 169.86 subdivision 1].

In addition, 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 **\$60** for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading and are valid from the beginning of harvest until November 30. [Source: Minn. Stat. sec. 169.86 subdivision 5(c)].

NOTE: Permits are no longer available at district offices. All permits come from the St. Paul office by calling (651) 405-6000.

NORTH DAKOTA LAW states that the director, and local authorities, as to highways under their respective jurisdictions, may issue permits authoring all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director. [Source: N.D. Cent. Code sec. 39-12-05.3(5)].

The fee for the ten percent weight exemption, harvest and wintertime, is **fifty dollars** per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable. [Source: N.D. Cent. Code sec. 39-12-02(4)(a)].

OVERWEIGHT PENALTIES

Q. What are the penalties for exceeding the legal weight limits?

A. See the fine schedules outlined below.

MINNESOTA LAW states that the owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit 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.

Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit 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 or other law, the court shall impose a penalty of twice the amount otherwise authorized above. [Source: Minn. Stat. sec. 169.871 subdivisions 1(a) and (b)].

First Two Violations. The penalty for the first two overweight violations in each twelve month period *may not exceed \$150* per incident. Minnesota law states that a civil penalty under subdivision 1 for a violation in a motor vehicle in the course of a first haul of [agricultural products] 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. [Source: Minn. Stat. sec. 169.871 subdivision 1b].

In addition, growers should be aware that the above penalties are civil fines. There are also criminal penalties that may be imposed and those penalties vary by county.

NORTH DAKOTA LAW states that overweight vehicles may be impounded if a vehicle is found to be overweight. Any vehicle found to have been moved or used upon any highway, street, or road in this state at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under [the weight limitations laws] may be impounded by any peace officer and taken to a warehouse or garage for storage. [Source: N.D. Cent. Code sec. 39-12-11].

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place the vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle. [Source: N.D. Cent. Code sec. 39-12-12].

Settlement. The owner of the vehicle may voluntarily settle an overweight charge by paying the extraordinary use charges and other costs. Unless a cash bond is furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets, and roads, together with the costs which may be collectible under any subsequent voluntary settlement, said vehicle must be held until a trial of the case can be had before the district court. [Source: N.D. Cent. Code sec. 39-12-14.1 and 39-12-16].

In addition to any storage charges and costs of the action associated with an overweight fine, the overweight fine schedule is as follows:

1 to 1,000 pounds [.45 to 453.59 kilograms] of excess weight = \$20
1,001 to 2,000 pounds [454.05 to 907.18 kilograms] of excess weight = \$40
2,001 to 3,000 pounds [907.64 to 1360.78 kilograms] of excess weight = \$60
3,001 to 4,000 pounds [1361.23 to 1814.37 kilograms] of excess weight = \$140
4,001 to 5,000 pounds [1814.82 to 2267.96 kilograms] of excess weight = \$220
5,001 to 6,000 pounds [2268.41 to 2721.55 kilograms] of excess weight = \$305
6,001 to 7,000 pounds [2722.01 to 3175.14 kilograms] of excess weight = \$380
7,001 to 8,000 pounds [3175.60 to 3628.74 kilograms] of excess weight = \$495
8,001 to 9,000 pounds [3629.19 to 4082.33 kilograms] of excess weight = \$575
9,001 to 10,000 pounds [4082.78 to 4535.92 kilograms] of excess weight = \$655
10,001 to 11,000 pounds [4536.37 to 4989.51 kilograms] of excess weight = \$1,100
11,001 to 12,000 pounds [4989.97 to 5443.10 kilograms] of excess weight = \$1,200
12,001 to 13,000 pounds [5443.56 to 5896.70 kilograms] of excess weight = \$1,300
13,001 to 14,000 pounds [5897.15 to 6350.29 kilograms] of excess weight = \$1,680
14,001 to 15,000 pounds [6350.74 to 6803.88 kilograms] of excess weight = \$1,800
15,001 to 16,000 pounds [6804.33 to 7257.47 kilograms] of excess weight = \$1,920
16,001 to 17,000 pounds [7257.93 to 7711.06 kilograms] of excess weight = \$2,550
17,001 to 18,000 pounds [7711.52 to 8164.66 kilograms] of excess weight = \$2,700
18,001 to 19,000 pounds [8165.11 to 8618.25 kilograms] of excess weight = \$2,850
19,001 to 20,000 pounds [8618.70 to 9071.84 kilograms] of excess weight = \$3,000
20,001 to 21,000 pounds [9072.29 to 9525.43 kilograms] of excess weight = \$4,200
21,001 to 22,000 pounds [9525.89 to 9979.02 kilograms] of excess weight = \$4,400
22,001 to 23,000 pounds [9979.48 to 10432.62 kilograms] of excess weight = \$4,600
23,001 to 24,000 pounds [10433.07 to 10886.21 kilograms] of excess weight = \$4,800
24,001 to 25,000 pounds [10886.66 to 11339.80 kilograms] of excess weight = \$5,000
25,001 to 26,000 pounds [11340.25 to 11793.40 kilograms] of excess weight = \$5,200
26,001 to 27,000 pounds [11793.86 to 12246.99 kilograms] of excess weight = \$5,400
27,001 to 28,000 pounds [12247.45 to 12700.59 kilograms] of excess weight = \$5,600
28,001 to 29,000 pounds [12701.04 to 13154.18 kilograms] of excess weight = \$5,800
29,001 to 30,000 pounds [13154.63 to 13607.77 kilograms] of excess weight = \$6,000

There is an additional charge of \$200 for every 1,000-pound [453.59 kilogram] increase over 30,000 pounds [13607.77 kilograms] consistent with the above formula. [Source: N.D. Cent. Code sec. 39-12-17].

ANNUAL TRUCK INSPECTIONS

Q. Do farm trucks need to be inspected annually?

A. In Minnesota, the answer is yes. In North Dakota, farm trucks are exempt from annual inspections under the rules below.

MINNESOTA LAW states that it is unlawful for a person to operate or permit the operation of a commercial motor vehicle registered in Minnesota unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner. [*Source*: Minn. Stat. sec. 169.781 subdivision 2].

A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. [*Source*: Minn. Stat. sec. 169.781 subdivision 5(a)].

However, a person inspecting a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the Federal Highway Administration and the Commercial Motor Vehicle Safety Alliance. A decal issued to such a vehicle is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance. [*Source*: Minn. Stat. sec. 169.781 subdivision 5(c)].

NORTH DAKOTA LAW exempts farm trucks from annual inspections if the truck travels solely within the state and is:

- (A) Controlled and operated by a farmer.
 - (B) Used to transport either agricultural products, farm machines, farm supplies, or both, to or from a farm.
 - (C) Not used in the operations of a common or contract carrier.
 - (D) Used within one hundred fifty miles [241.40 kilometers] of the person's farm.
- [*Source*: N.D. Cent. Code sec. 39-06.2-06(3)].

SPOT CHECKS/PORTABLE SCALES

Q. Can the state patrol require farm trucks to stop at portable scale sites?

A. Yes. Both states authorize the state patrol to stop all trucks for weighing.

MINNESOTA LAW states that 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. 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.

Official traffic control devices may be used to direct the driver to the nearest scale. When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection. [Source: Minn. Stat. sec. 169.85 subdivision 1].

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 legal weight limits. [Source: Minn. Stat. sec. 169.85 subdivision 2].

In addition, the 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 directs the driver to the nearest scale is guilty of a misdemeanor. [Source: Minn. Stat. sec. 169.85 subdivision 3].

NORTH DAKOTA LAW states that every police officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose the officer may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this chapter. [Source: N.D. Cent. Code sec. 39-12-07].

In addition, any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles is guilty of a class B misdemeanor and the *driver will be subject to arrest*. [Source: N.D. Cent. Code sec. 39-12-21].

OVERWEIGHT FINES SENT BY MAIL (MN ONLY)

- Q. Can the Minnesota state patrol send overweight fines by mail after the fact?
- A. Yes, but only if the load is more than 10% over the legal limit and is delivered by a truck with more than three axles (tri-axles and semis). If the load is less than 10% overweight, a ticket cannot be sent by mail. In addition, the state patrol has only 14 days after the load is delivered to inspect scale tickets.

MINNESOTA LAW allowing for overweight fines to be sent by mail reads as follows:

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. [Source: Minn. Stat. sec. 169.851 subdivision 4(a)].

However, the maximum weight provisions of this section do not apply to the *first haul* of unprocessed or raw farm products and the transportation of raw and unfinished forest products when the prescribed maximum weight limitation is not exceeded by more than *ten percent*. [Source: Minn. Stat. sec. 169.851 subdivision 5].

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. [Source: Minn. Stat. sec. 169.872 subdivision 1].

A civil penalty for excessive weight 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. [Source: Minn. Stat. sec. 169.872 subdivision 1(a)].

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. [Source: Minn. Stat. sec. 169.872 subdivision 2].

IMPORTANT PARTS AND ACCESSORIES

Both Minnesota and North Dakota state laws require most of the following parts and accessories to be in working order because they are necessary for safe operation of large vehicles. **The equipment listed below is very important for safe operation of farm trucks.** This is particularly true for brakes because improper adjustment of brakes can lead to serious accidents. Also, failure to have all of the following parts and accessories in working order could cause the truck to be immediately placed "out of service" by an inspecting officer until the violation is corrected. There is no need to list the statute citations for all of the following, but growers should be reminded that the law requires them to have the following items in working order:

Brakes	Mufflers
Headlights	Seat belts
Taillights	Flares/warning devices
Clearance lights	Mirrors
Reflectors	Tires
Turn signals	Mud flaps
Hazard warning lights	Fire extinguisher
Horns	First aid kit

Both Minnesota and North Dakota laws also require the following:

- * License plates must be kept free of mud and must be visible at all times.
- * Growers must have proof of insurance.
- * Registration cards must be kept in the cab of the truck.
- * Swinging gates must be secure at all times.
- * Loads must be secure.
- * A conviction for a DUI offense may affect your ability to drive a truck.