

Implications of Minnesota's Relevant Evidence Law for Vehicle Weight Enforcement

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MN/DOT Office of Freight And
Commercial Vehicle Operations

Introduction

- n Minnesota's unique law allows state enforcement officials to examine weigh bills and issue civil penalties for overweight loads

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Topics of Discussion

- n What the Law allows
- n Who enforces the Law
- n Our experience with the law
- n Enforcement
- n The role this law plays in the overall Strategy of weight enforcement
- n Issues
- n Conclusions

What the Law Allows

- n Requires all who weigh goods when loaded or unloaded to keep a record of:
 - u Origin
 - u Weight
 - u Composition
 - u Date of loading or receipt
 - u Name and address of shipper
 - u Number of axels on the vehicle or combination of vehicles
 - u Vehicle Registration

What the Law Allows

- ⌞ Retain record for 14 days,
- ⌞ Law Enforcement Officer or Motor Transport Rep can examine
- ⌞ Search warrant not required
- ⌞ Does not apply to first haul
 - ⌞ Agricultural and forest products
 - ⌞ Single unit vehicle (three axels or less) or a farm tractor with trailer

What the Law Allows

n Limits on Civil Penalties:

u 14 day limit

- « Civil penalties may be applied for excessive weight if the officer or MTR has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record

What the Law Allows

- n Evidence:
 - u The weigh bill is Relevant Evidence of an overweight violation
 - « Except for Farm and forest products during first haul movements
 - « Other evidence can be used as well

Experience with the Law

n Established in 1980

« Manual review of records

- Grain Elevators, warehouses, gravel pits
- Other businesses

« Electronic searches

- (Grain Exchange) allowing the search of 1000s of records

« Fits well with other duties, weather

n Amended in 2002

« 14 days,

« \$10,000 max. fine

Experience with the Law

- n If document indicates an overweight condition exists:
 - u Investigation report is prepared
 - u letter of demand of penalty sent to owner, lessee, and /or shipper
- n Preponderance of evidence demonstrates the overweight movement and violation is proven
- n Civil Procedure –don't need to prove that a criminal act occurred
- n Contested penalties (less than 10%) are heard in Conciliations court, No lawyer needed

Enforcement activity under the Law

- n 1748 (2002) and 1123 (2003) Overweight loads were detected
- n 1574 (2002) and 1063 (2003) Overweight Violations were charged
- n 638 (2002) and 689 (2003) cases were filed on the basis of Relevant Evidence
- n Relevant Evidence accounts for 41% of violations written (2002-3)

Weight Enforcement Strategic Planning

- n Goal – To maximize the effectiveness of Weight enforcement and minimize the cost of enforcement on the states economy
- n Better target enforcement activities
- n Use more scanning techniques
- n Focus scarce resources for maximum effect including the use of Relevant Evidence enforcement.

Issues

n Relevant Evidence

- u Works too well. Bill to change law nearly every year
- u Works for shipments to and from state businesses but doesn't work for pass through shipments (25%)
- u Doesn't address safety issues
- u Early trouble with companies allowing reviews

Conclusions

- n Relevant Evidence is a very important and effective arrow in the quiver of Weight Enforcement.
- n Can lead to heavy enforcement of chronic violators
- n Can cause strong resistance if seen as overly aggressive or narrowly focused
- n Takes officers and MTRs away from on road duties

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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.