
Minnesota's Relevant Evidence Law



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MINNESOTA'S RELEVANT EVIDENCE LAW

COMMODITIES AND FORECASTING SECTION

PROGRAM MANAGEMENT DIVISION

MINNESOTA DEPARTMENT OF TRANSPORTATION

AND

STATE HIGHWAY PATROL

DEPARTMENT OF PUBLIC SAFETY

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Introduction

Truck size and truck weight standards are established by state law. In Minnesota the first weight restrictions were imposed in 1921 when the maximum gross vehicle weight was limited to 28,000#. This weight determined the design strength of roads and bridges which were put into use subsequent to 1921.

Vehicle weight laws have increased dramatically to today's gross weight limits of 80,000#. The largest statutory gross vehicle weight at present, is the 88,000# vehicle which is allowed on special winter time routes.

The evolving increases in gross vehicle laws have far exceeded the rate at which roads have been reconstructed to carry these heavier vehicle weights. 7,850 miles (65%) of the 12,140 state trunk highway system were built before 1955 when the largest statutory gross vehicle weight was 60,000#. A further commentary on this age lag in road reconstruction is the statistic that 5,100 miles of trunk highways (42%) received their last major work more than 35 years ago. In addition, 325 bridges on the state's system of trunk highways are now over 50 years old. Obviously the continuing increases in truck weight laws have made many of Minnesota's highways obsolete for use by today's heavy trucks. This problem is further compounded by the use of illegal overweight vehicles.

In 1980, Minnesota created a new enforcement technique for controlling overweights in trucks. This new law allowed Bills of Lading, weight tickets, and other documents that indicate the weight of a truck to be used as evidence in a civil court proceeding to establish overweight violations. Under many circumstances it is no longer necessary for the State patrol to catch an overweight truck on the road. A demand for the payment of penalties can be sent out in the mail and if not paid a law suit initiated under civil proceedings. In spite of the fact that the legislation was supported by the trucking industry, this new technique has created some controversy.

This report outlines the issues and problems associated with this law and is intended to provide background material for individuals interested in weight enforcement.

History of Minnesota Weight Laws

Early road design and maintenance standards were determined by the State. The roads were designed for wagons and light automobiles. The first weight restrictions in Minnesota were imposed in 1921 when gross weights were limited to 28,000 pounds and individual axles limited to 22,400 pounds. Solid rubber tires could support 800 pounds per square inch at that time. Axle spacing and gross weight schedules were developed in the 1950's. In 1957, the first major change was made in the relationship between gross weight and axle combinations. This

legislation required that four consecutive axles on a five axle combination vehicle could not exceed 60,000 pounds. Changes occurred again in 1963 when gross weights in Minnesota were limited to 73,280 pounds, maximum tandem axle weights to 32,000 pounds and single axles to 18,000 pounds. Major changes occurred again in 1977 when gross weight limits on special routes were increased to 80,000 pounds, tandem axles increased to 34,000 pounds and single axles increased to 20,000 pounds. The last weight changes occurred in 1980 when Minnesota allowed a 10 percent additional vehicle weight allowances in selected winter time zones. Under this provision, gross weights on special routes can go as high as 88,000 pounds. The 1980 law also permits weights up to 80,000 pounds for vehicles with six or more properly spaced axles on all non-restricted roads.

Weight Enforcement

Minnesota uses the following techniques for weight enforcement. All trucks and combinations of vehicles weighing in excess of 12,000 pounds and chartered buses are required to submit to weighing and inspection when directed to do so.

Permanent Weigh Stations - Minnesota has eight permanent weigh stations. Weigh station operation hours vary from a few hours a week at some sites to 120 hours a week at the Orchard Garden site on I-35W. These stations are operated by Law Compliance Representatives (LCR's) from the Department of Public Safety.

Trucks are required to stop at these weigh stations when they are open. LCR's weigh the trucks, check equipment for safety violations and review trip logs, licenses and other registration data.

The location and operational status of the weight stations are as follows:

1. Highway 3 between Rosemount and Farmington, Minnesota (Dakota County).

Mechanical Scale (1938).

The Rosemount facility is normally closed because of the age of its weighing equipment. From time to time, especially during the summer and fall, the State Patrol will open the scale for a three to four hour period and conduct weighing operations.

2. Highway 10 in Moorhead, Minnesota (Clay County).

Mechanical Scale (1955).

The Moorhead scale is operated on an irregular schedule by an LCR whose primary duty is school bus inspection and local troopers who will open the scale for short periods of time. It is also used when a suspected over-weight vehicle has been stopped by the State Patrol.

3. Highway 61 at the West End of Winona, Minnesota (Winona County).

Mechanical Scale converted to electronic readout (1955 with modification 1978).

The Winona scale, like the Rosemount scales, is operated by an LCR who also performs school bus inspections and occasionally by local troopers.

4. Highways 2 and 59, Erskine, Minnesota (Polk County).

Electronic, double pan scale. (1968 with modification 1977).

This scale is operated by one full-time LCR, 40 hours per week on staggered shifts all year around. During June through August, this facility is operating in excess of 40 hours per week.

5. Highways 2 and 33, Saginaw, Minnesota (St. Louis County).

Electronic single pan scale (1976).

This facility is operated by LCR's on the average of 80 hours per week on staggered shifts all year around.

6. Highway 10 at Dayton Park (Anoka County).

Mechanical Scale (older type) (1938).

This facility is on an irregular basis by the district weight trooper and is occasionally used in excess of 40 hours when manpower exists.

7. Interstate 35W, 5.0 miles South of Highway 13, Orchard Garden

Minnesota (Dakota County).

Electronic Scale - North and Southbound lanes (1972).

This facility is manned 120 hours per week by LCR's.

8. Highway 23, Wrenshall, Minnesota (Carlton County).

Pull-off lane.

This weigh area is located adjacent to Highway 23. It is specifically designed for portable scale operations and is used infrequently.

Portable Scales - The Minnesota State Patrol has 11 mobile scale operation teams, one in each rural patrol district and two in the twin cities metropolitan area. These scales are highly mobile and can be quickly set up adjacent to the highway system. Occasionally the State Patrol concentrates its enforcement activities with help from the Mn'DOT Motor Transportation Representatives. The Highway Patrol can also require a truck to be driven to the nearest available permanent scale if it is within five miles. Private scales may also be used by the State Patrol in weighing vehicles.

Relevant Evidence - Bills of Lading, weight tickets and volume documents, etc. can now be used as evidence that a truck was operated with overweight loads on Minnesota highways. Apprehension of the vehicle on the road system is not necessary under the civil procedures. The civil weight law augments Minnesota's traditional method of weight enforcement. Law enforcement officers are now reviewing weight tickets at elevators, grain exchanges, warehouses, etc. If bills of lading or other documents indicating overweight trucks are found, an investigation report is prepared and a letter of

demand sent by the Attorney General outlining the offense to the offending owner and/or shipper. The first continuous movement of agricultural products from a farm site or place of farm production to another location within 50 miles is exempt from relevant evidence of this law. Details of this regulation are in Minnesota Statutes Sec. 169.851 weight record, Sec. 169.871 Civil Penalty, and Sec. 169.872 receipt of Certain Overweight Loads.

The Minnesota Legislature set a sliding penalty scale for overweight trucks when the relevant evidence law was adopted. However, these fee's were reduced during the 1983 legislative session.

The 1980 Overweight Penalty Schedule was:

up to 3,000 lbs.	1¢/lb. in excess of legal limit
3,000 lbs. to 4,000 lbs.	5¢/lb. in excess of legal limit
4,000 lbs. to 6,000 lbs.	15¢/lb. in excess of legal limit
6,000 lbs. or more	30¢/lb. in excess of legal limit

1983 Overweight Penalty Schedule as of May 21 is:

1,000 lbs. or less	1¢/lb. in excess of legal limit
1,000 lbs. to 3,000 lbs.	\$10 plus 5¢/lb. in excess of 1,000 lbs.
3,000 lbs. to 5,000 lbs.	\$110 plus 10¢/lb. in excess of 3,000 lbs.
5,000 lbs. to 7,000 lbs.	\$310 plus 15¢/lb. in excess of 5,000 lbs.
7,000 lbs. or More	\$610 plus 30¢/lbs. in excess of 7,000 lbs.

In addition, the 1983 law sets violations of overweight permits at a minimum penalty of \$100.00 or 5¢/lb. over permitted weight which ever is greater. The owner or lessee of the truck and the shipper may each be liable for the total civil penalty for overweight permit violations under the new 1983 law.

History of Relevant Evidence Law

The Minnesota Relevant Evidence Law was passed during the 1980 legislative session with an effective date of August 1, 1980. During the late fall of 1980, the Minnesota State Patrol started reviewing bills of lading with an officer from each district assigned to this activity one day a week. Most officers were on a eight hour schedule rotation including night shifts; therefore effective enforcement of the civil weight law was diluted to one day in every three weeks.

It was evident to the State Patrol that part-time enforcement of the Civil Weight law was inadequate. In May 1981, one full-time civil weight investigator for each rural patrol district and two for the metro patrol districts were phased in. In April 1982, a full-time weight coordinator was assigned at State Headquarters to coordinate the work of the weight investigators.

Initially, the State Patrol turned over prosecution to the County Attorneys. After one and one half years of experience with county prosecution, there was limited prosecution and poor case coordination. County Attorney workload and priority setting in some cases put civil weight cases at the bottom of the list. Although the patrol was filing civil overweight cases, little prosecution was taking place.

In the 1981 Legislative session, the Minnesota Attorney General's Office was given primary jurisdiction for civil weight. A full-time civil weight prosecutor and legal assistant were assigned during April of 1982. Also at that same time the State Patrol began to set up a computerized record system to monitor progress on civil weight cases.

In the summer of 1982, Attorney General Warren Spannaus declared a moratorium on large civil overweight fines when a few potential penalties totaling \$100,000 or more became a political issue. As a result of the moratorium, the issuance of "letters of demand" (sending of overweight notices to owner and/or shippers demanding payment of the overweight penalty) was halted for four months. The Attorney General's Office developed an internal settlement policy for those cases that could be settled out of court in September of 1982; in November has stated that "letters of demand" will again be sent out.

Several issues and problems have surfaced concerning the relevant evidence law.

1. The new civil weight law required new administrative procedures and different court procedures for the State Patrol.

2. It took a period of time for the State Patrol to become organized for enforcement and set up the necessary bookkeeping and internal procedures.
3. Adequate monitoring of all shipping and receiving establishments would require many more investigators than the State Patrol is able to assign this task.
4. Some County Attorneys have been reluctant to prosecute civil overweight cases due to local county prioritization and lack of funds.
5. Limited staff at the Attorney General's Office has slowed prosecution.
6. The County courts have serious backlogs of civil cases. It is not unusual for a case to take more than a year to come to trial.
7. Some trucking and shipping firms are preparing fraudulent records and not keeping required records in an effort to circumvent the law.
8. The first haul (under 50 miles) of farm products and shipments of raw and unfinished forest products are exempt from the relevant evidence portion of the law. Many believe they are also exempt from the civil penalties; they are not.

Truck Population Subject to
Civil Weight Enforcement

As of October 27, 1982 approximately 129,000 trucks were registered in Minnesota. This figure includes trucks which are two axle with dual wheels or larger. Only 19,000 of these trucks are registered at weights above 69,000 pounds. Registration at this weight indicates the trucks have five or more axles.

Minnesota trucks registered under the Interstate Registration Plan (IRP) (trucks that operate interstate) account for 96 percent of the trucks registered over 69,000 pounds or 18,248 vehicles. An additional 15,000 trucks are non Minnesota based but pay registration fees to the State under the IRP. The majority of the 33,248 trucks are five axles or greater.

A review of the 1977 U.S. Commerce Department's Census of Minnesota's truck population counts 4,100 grain stake trucks and 900 tank trucks. These are the type of trucks that haul commodities or freight and are most likely subject to bills of lading or liquid volume measurements. This is only 26 percent of the five axle population or 4 percent of the heavy truck population. An additional 7,000 trucks are classified as vans which may be minimally at risk under the civil weight penalty.

The trucks most likely to be affected by the civil weight law are the five and six axle trucks hauling in excess of 80,000

pounds since these violations are readily apparent. Smaller trucks are also subject to the law but a more detailed investigation is necessary to determine if a violation was committed. Numbers of axles and their spacings must be determined to know if a truck was in violation when a weight ticket or other document shows weights less than 73,000 pounds.

Enforcement Data

Each year the Minnesota Department of Public Safety must send a report to the U.S. Department of Transportation certifying the Minnesota Weight Enforcement program. The following data is compiled from these reports.

Scale Weight Enforcement Data

Activity Description	1981	1982
trucks weighed at Fixed Scales	399,277	393,892
overweight citations at Fixed Scales	2,527	1,471
trucks weighed at Mobile Scales	12,694	35,196
overweight citations at Mobile Scales	3,415	2,133
trucks weighed by Road troopers	1,634	1,320
overweight citations by Road troopers	--	156
bridge table weight citations	1,100	701

Sources: Department of Public Safety

Since April of 1982, The Department of Public Safety has been tracking Civil Overweight Data.

1982 Civil Weight Data

Activity Description	Apr. 1 - Dec. 31 1982
No. of civil cases	526
Total amount of penalties assessed	\$2,323,462
Loads detected	791
No. of Bills of Lading checked	351,236
Total overweight pounds	8,116,694
Amount of fines received	\$ 196,983

A comprehensive settlement policy has been established for out of court settlements of civil weight cases. The intention of the policy is to provide for reduced penalties for first offenders and to eliminate the need for court action. A portion of the penalty is suspended on the condition no future violations are committed. If the same shipper or trucker is subsequently found in violation the amount of the suspended penalty is added to the total penalty imposed on the second or subsequent violations.

Effectiveness of Weight Enforcement

Only limited data is available to use to determine if the relevant evidence law is an effective deterrent to overload trucks.

As indicated earlier, only a portion of all heavy trucks are at risk of penalty under the new law. Civil weight, therefore cannot totally replace conventional weight enforcement. A comparison of five axle truck weights as determined by our weigh in motion facility, for selected weeks in 1981 and 1982 indicates very little difference in the number of overweight trucks. Between 15 and 18 percent of all five axle trucks are overweight. This data is consistent with information available from federal sources. However, the State Patrol records seem to indicate a reduction in truck weights by virtue of an increase in the number of trucks weighed and a reduction in the number of citations issued.

This process of entering truck terminals was deemed by the Legislature to be a necessary element of truck weight control. At the time the bill was passed, there was clear evidence of a large number of overweight vehicles in Minnesota, and clear evidence that modern methods of evading truck scales, (citizen band radios) was greatly reducing the effectiveness of truck weighing stations.

The effectiveness of the relevant evidence law was greatly increased in 1982 due to improved statewide coordination of violation detection and of prosecution. Under this new process all cases were submitted to the State Attorney General at the time of detection so that a more consistent processing of the law could be achieved. The most recent compiled data summary revealed the following statistics.

1. Slightly over 550 cases were received by the Attorney General in 1982.
2. Approximately 43% of these have been settled out of court as of the current date.
3. 83% of the cases settled to date have resulted in fines of less than \$1,000. The average amount of all settlements has been about \$800.
4. 16% of the cases (38 of the 236 cases) were settled for amounts ranging from \$1,000 to \$5,000. Three of these were Canadian, one was from South Dakota, one was from Iowa, and one was from North Dakota.
5. Only 3 settlements to date have exceeded \$5,000. All 3 of these were charged to a Canadian firm.
6. Two extraordinary cases, which received considerable publicity were settled at greatly reduced amounts. A trucker in the Ely area who caused severe damage to a

county road and county bridge and who had a theoretical fine of \$90,000, eventually negotiated a settlement of \$5,000. The damage to the roads caused by this owner's vehicle exceeded \$25,000 based on the latest information we had received. There was reportedly a damage settlement to the county, which was separate from the fine. Another violation which received a notice for a fine of \$101,000. His case was settled out of court for \$2,000 according to the information on file with the Attorney General's Office.

The above information does not summarize the effect of prosecutions or settlements which were handled entirely in the county or which occurred prior to this centralized coordination which now occurs in the Attorney General's Office. Based on the above information, it appears that the negotiated settlement process is resulting in sufficiently large fines to serve as a deterrent to the practice of deliberately overloading trucks. If that objective has been achieved, the law has clearly served the purpose for which it was created.

The Minneapolis Grain Exchange provided extensive data regarding truck shipments of grain to elevators in the Duluth-Superior area and to the Minneapolis-St. Paul-Winona-Red Wing areas, which summarized shipment sizes over the last five year period. A definite change in size of load appears to have occurred in the last shipping season. Comparing data from

November shipments in 1981 to November shipments in 1982 at the Duluth-Superior terminals revealed that the shipments in 1982 were 66 bushels smaller than the previous year. A similar decrease was experienced at the Minneapolis-St. Paul-Winona-Red Wing elevators in November of 1982 compared with November of 1981, where the average truck load in November of 1982 was 56 bushels smaller than the previous year. In each case, this represented a substantial departure from the average loads received over the preceding four years. These volume changes represent a reduction in the average gross vehicle weight of approximately 3,000#.

Enforcement of the road weight statutes has not been limited to the grain hauling industry. The State Patrol has implemented a comprehensive civil weight enforcement program which has resulted in the initiation of civil weight cases involving the following commodities; products of agricultural, animal products, forest products, mining products, coal and petroleum, manufactured products, food products, and miscellaneous other commodities.

In conclusion, the relevant evidence law and the associated civil fine structure appears to have resulted in a sufficient deterrent to have reduced the size and frequency of overweight vehicles on Minnesota's roads. This in turn will result in reduced road and bridge damage.