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FREQUENTLY ASKED QUESTIONS ABOUT TRUCK REGULATIONS



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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:

Federal Resources

Federal Motor Carrier Safety Administration (MN) (651) 291-6150
Federal Motor Carrier Safety Administration (ND) (701) 250-4346
Website www.fmcsa.dot.gov

Minnesota Resources

Minnesota State Patrol (RRV Weigh Station, Dilworth) . . (218) 287-5069
State Patrol Headquarters (St. Paul)
 Vehicle Size and Weight/Permits (651) 296-6000
 Commercial Vehicle Enforcement (651) 215-1328
 Website www.dps.mn.gov/divisions/msp
Minnesota Department of Transportation (St. Paul)
 Driver and Vehicle Services Division (651) 296-6911
 Motor Carrier Services Information (651) 215-6330
 Website www.dot.state.mn.us/

North Dakota Resources

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.nd.gov/ndhp/
Fargo Weigh Station (West Fargo on 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.dot.nd.gov/

DEFINITIONS

CDL – means a commercial driver’s license.

Commercial Motor Vehicle - means a motor vehicle or combination of motor vehicles used to transport property in commerce if the motor vehicle has a gross vehicle weight of 10,001 pounds or greater.

Covered Farm Vehicle – means a motor vehicle (including a semi) that is operated by a farm or ranch owner or operator, or the employee or family member of an owner or operator, and is transporting agricultural commodities, machinery, or supplies to or from a farm or ranch. It does not include a motor vehicle used in the operations of a for-hire motor carrier, but does allow for-hire carriage pursuant to a crop share farm lease agreement or when the tenant is transporting the landowner’s share of the crop. The vehicle must be equipped with a special license plate to allow for identification as a farm vehicle by law enforcement (“T” plate in MN, “F” plate in ND). The vehicle may be operated anywhere in the United States under these circumstances, if the gross vehicle weight or rating (whichever is greater) is 26,001 pounds or less. However, if the vehicle weighs more than 26,001 pounds, operation of the vehicle and the related exemptions described in this book are limited to be solely within a state or within 150 air-miles of the farm or ranch if crossing state lines.

FMCSA – is the Federal Motor Carrier Safety Administration.

GVW – means Gross Vehicle Weight and is the total weight of a vehicle plus its load.

GVWR - is the maximum GVW rated and specified by the manufacturer.

Interstate – any load or shipment that has or will be crossing state lines.

Intrastate – any load or shipment moved within the boundaries of a state.

MNDOT – is the Minnesota Department of Transportation.

NDDOT – is the North Dakota Department of Transportation.

USDOT – is the United States Department of Transportation.

USDOT NUMBERS

Q. When is a USDOT number required?

A. A USDOT number and compliance with the Unified Carrier Registration Agreement is required when a truck over 10,001 pounds crosses state lines. A USDOT number is not required for intrastate travel solely within a state. 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 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. **This section does not apply to a farm truck that is not used in interstate commerce.** [*Source*: Minn. Stat. sec. 168.185(a) and (d)]. 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 follows the federal law and does not require a USDOT number for farm trucks that travel solely within the state. There is no separate state law on this topic.

DISPLAYING THE NUMBER AND FARM NAME

- Q. Do I need to display the USDOT 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.

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 10,001 pounds or more; and
- (3) vehicles, *except farm trucks operating solely within the state of Minnesota*, providing transportation of agricultural products with a gross vehicle weight of 10,001 pounds or more. [Source: Minn. Stat. sec. 221.031 subdivision 6].

NORTH DAKOTA LAW follows the federal law for displaying the USDOT number and farm name. There is no separate state law on this topic.

COMMERCIAL DRIVERS LICENSES (CDLs)

Q. Do farmers and their employees need commercial driver's 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)*].

Drivers of "covered farm vehicles" defined on page 3 of this book are also exempt from the CDL requirement. [*Source: 49 C.F.R. sec. 383.3(h)*].

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 is not carrying hazardous materials in an amount that requires the vehicle to be placarded in accordance with 49 C.F.R. sec. 172.504. [*Source: Minn. Stat. sec. 221.031 subdivision 2(d)*].

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, or farm supplies, 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 North Dakota or 150 miles into Minnesota. 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 150 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. [*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 intrastate transportation of:

- (1) Agricultural commodities or farm supplies for agricultural purposes from March 15 to December 15 of each year; or
- (2) Sugar beets from September 1 to May 15 of each year

If the transportation is limited to an area within a 150-air-mile radius from the source of the commodities or from the retail or wholesale distribution point of the farm supplies. [*Source*: Minn. Stat. sec. 221.031 subdivision 2d].

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 1st through December 31st, 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*: N.D. Cent. Code sec. 39-06.2-17 and 39-32].

MEDICAL/HEALTH CARDS

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

A. Farmers and their drivers generally do not need to carry medical or health cards. However, semi-truck drivers who cross state lines and are not operating a “covered farm vehicle” do 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. ***This requirement does not apply to a covered farm 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 who cross state lines and are not operating a covered farm vehicle. [Source: Minn. Stat. sec. 221.031 sub. 2c(b)(1)].

NORTH DAKOTA LAW follows the federal law. There is no separate state law on this topic.

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)].

Drivers of “covered farm vehicles” defined on page 3 of this book are also exempt from drug and alcohol testing. [*Source*: 49 C.F.R. sec. 383.103(d)(4)].

MINNESOTA LAW follows the federal law. There is no separate state law on this topic.

NORTH DAKOTA LAW follows the federal law. There is no separate state law on this topic.

* **NOTE:** These exemptions only cover *testing*. Other state laws regarding DUI enforcement still apply while operating a commercial motor vehicle. A conviction for a DUI offense while driving a passenger car or truck may affect a person’s ability to drive a farm truck.

TRUCK WEIGHT LIMITS

Q. What are the legal weight limits for trucks?

A. See the state information below (note that both states have spring load restrictions that vary by road type and location and are therefore beyond the scope of this book).

MINNESOTA LAW has a weight schedule based on groupings of 2, 3, 4, 5, 6, and 7 axles. The total gross weight allowed on a truck varies based on the number of axles and their spacing. The chart of axle spacing's and weight limits can be found in the Minnesota Statutes in Chapter 169.824 (www.revisor.mn.gov/statutes/?id=169.824).

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

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.

Notwithstanding any lesser weight in pounds shown in the 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 80,000 pounds for any vehicle or combination of vehicles on all state trunk highways unless posted at a lower axle weight. [*Source: Minn. Stat. sec. 169.824*].

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

WEIGHT LIMITATIONS FOR VEHICLES ON THE 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:

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

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:

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

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 HARVEST 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 issue a special permit 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. In addition, the commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be **\$60** for a permit to be issued for a period not to exceed 12 consecutive months. Permits to exceed weight limits by 10% 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. The permit holder must also increase the *registered* weight of the truck in order for the 10 percent overweight permit to be valid. [*Source: Minn. Stat. sec. 169.86 subdivisions 1 and 5(c)*].

NOTE: Permits are no longer available at district offices. All permits come from the St. Paul office online at www.dot.state.mn.us/cvo/oversize/oversize.html

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 10% during the period from July 15 to December 1. 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 10% 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)*].

NOTE: Permits are available online at www.nd.gov/ndhp/motor-carrier/e-permits.

OTHER OVERWEIGHT PERMITS (MN ONLY)

Q. Are there other special permits available to farmers?

A. Yes. Minnesota law allows farmers to haul 90,000 and 97,000 pound loads under the rules below.

MINNESOTA LAW provides for special hauling permits that allow certain agricultural products to be hauled in amounts greater than the legal limits described in the previous section. The truck owner is also responsible for paying the additional vehicle registration tax that represents the difference between the registered GVW and the amount of weight allowed in the special hauling permit.

The gross weight limits for trucks hauling agricultural products have been increased to allow up to 90,000 pounds on six axles and 97,000 pounds on seven axles. These two permits apply to the transportation of “raw or unprocessed agricultural products” only. The transportation of finished products or of non-agricultural products is not allowed. The specifics of each are as follows:

90,000 on six axles. A six-axle truck can carry up to 90,000 pounds year-round and 99,000 pounds during the winter freeze period as set by MnDOT each year. The permit fee for this truck is \$300 per year and is valid year-round. [*Source: Minn. Stat. sec. 169.865 subdivision 1*]

97,000 on seven axles. A seven-axle truck can carry up to 97,000 pounds year-round and 99,000 pounds during the winter freeze period as set by MnDOT each year. The permit fee for this truck is \$500 per year and is valid year-round. In addition, the operator of this truck must hold a valid commercial drivers license (CDL) unless it is a covered farm vehicle. [*Source: Minn. Stat. sec. 169.865 subdivision 2*]

In addition, both trucks are subject to the following restrictions: 1) posted bridge limits must be followed (this may limit the routes these trucks can travel), 2) per-axle weight limitations must still be followed, 3) all wheels must have brakes, 4) spring road restrictions must still be followed, 5) the manufacturer’s gross vehicle rating must not be exceeded, 6) the 10% “first haul” allowance does not apply to either truck, 7) they may not be operated on interstate highways, and 8) a permit must be obtained from each road authority (e.g., a county) if required. [*Source: Minn. Stat. sec. 169.865 subdivision 3*]

NOTE: Permits are no longer available at district offices. All permits come from the St. Paul office online at www.dot.state.mn.us/cvo/oversize/oversize.html.

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].

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].

ANNUAL TRUCK INSPECTIONS

Q. Do farm trucks need to be inspected annually?

A. No. Federal and state laws exempt farmers 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. However, effective August 1, 2014, a “covered farm vehicle” as defined on page 3 of this book that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with 49 C.F.R. sec. 172.504 *is exempt* from the annual truck inspection requirement. [Source: Minn. Stat. sec. 169.781 subdivision 10(b)]

The driver of a truck must also be sure that a truck remains in good repair from day to day. A daily written inspection report is required for commercial motor vehicles operating within the state of Minnesota. However, effective August 1, 2014, a “covered farm vehicle” as defined on page 3 of this book that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with 49 C.F.R. sec. 172.504 *is exempt* from the daily written inspection report. [Source: Minn. Stat. sec. 169.782 subdivision 4(c)]

NORTH DAKOTA LAW states that an annual inspection is required on all interstate vehicles exceeding 10,000 pounds and on all intrastate vehicles exceeding 26,000 pounds. However, a “covered farm vehicle” as defined on page 3 of this book *is exempt* from the annual truck inspection requirement. [Source: North Dakota State Patrol pamphlets; N.D. Cent. Code sec. 39-21-46].

A daily written inspection report is also required for commercial motor vehicles operating within the state of North Dakota. However, a “covered farm vehicle” as defined on page 3 of this book *is exempt* from the daily written inspection report. [Source: North Dakota State Patrol pamphlets; N.D. Cent. Code sec. 39-21-46].

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 any truck for weighing. Once stopped, North Dakota also allows law enforcement to conduct roadside safety inspections while Minnesota allows roadside safety inspections only in limited circumstances.

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].

Roadside Inspections. Minnesota law also gives law enforcement officers the authority to conduct random, roadside spot checks for unsafe motor vehicles and motor vehicle equipment. [Source: Minn. Stat. sec. 169.771 subdivision 2(a)]. However, effective August 1, 2014, a vehicle stopped under this section and determined to be a “covered farm vehicle” as defined on page 3 of this book that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with 49 C.F.R. sec. 172.504 *is exempt* from further inspection under this section. If probable cause exists to believe the vehicle or its equipment is unsafe or illegal activity is suspected, enforcement action may be initiated. This means that farm trucks are no longer subject to roadside inspections once they are determined to be covered farm vehicles. The only remaining authority the officer has at that point is rooted in probable cause - if the officer has probable cause to believe the vehicle or its equipment is unsafe, or illegal activity is suspected, enforcement action may be initiated. But otherwise, there can be no further inspection of the vehicle. [Source: Minn. Stat. sec. 169.771 subdivision 2(c)]

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].

Roadside Inspections. All vehicles with a GVW of 10,000 pounds or greater are subject to safety inspections at fixed or roadside locations. North Dakota does not exempt farm trucks or “covered farm vehicles” from this requirement. [Source: N.D. Cent. Code sec. 39-21-46].

USE OF CELL PHONES AND TEXTING

Q. Can farm truck drivers use cell phones while operating trucks?

A. Yes, but *only* while using a hands-free device. The driver may not hold the phone itself at any point while operating the vehicle. The driver may *never* text while operating the vehicle.

FEDERAL LAW restricts the use of hand-held mobile phones by commercial motor vehicle drivers. A driver *may not* hold a cell phone or reach for a cell phone while operating a commercial motor vehicle. The driver may use a cell phone only if it is mounted in close proximity to the driver and a hands-free device is used, which includes the use of an earpiece, speaker, or voice-activated system. Calls may be dialed, answered, and ended only by using a single button or by otherwise touching the screen only once. The rule applies to all drivers of commercial motor vehicles, not just those holding CDLs, and there is no farm truck exemption to this rule. [Source: 49 C.F.R. sec. 392.82(a)]. Using a cell phone while driving a commercial motor vehicle can result in a penalty of up to \$2,750. Multiple violations can result in driver disqualification. [Source: 49 C.F.R. sec. 391.15(f)].

In addition, federal law states that no driver shall engage in texting while driving, and no motor carrier shall allow or require its drivers to engage in texting while driving. [Source: 49 C.F.R. sec. 392.80(a) and (b)]. A violation of this section can result in driver disqualification. [Source: 49 C.F.R. sec. 391.15(e)].

MINNESOTA LAW follows the federal law. [Source: Minn. Stat. sec. 169.475].

NORTH DAKOTA LAW follows the federal law. [Source: N.D. Cent. Code sec. 39-08-23].

USE OF SEATBELTS

Q. Are farm truck drivers required to use seatbelts?

A. Seatbelt use is required in Minnesota if the vehicle contains a seatbelt assembly. Seatbelt use is not required in North Dakota while operating a farm truck.

FEDERAL LAW states that a commercial motor vehicle which has a seatbelt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself/herself with the seatbelt assembly. [*Source*: 49 C.F.R. sec. 392.16].

MINNESOTA LAW follows the federal law and requires seatbelt use in all commercial motor vehicles that have a seatbelt assembly. In addition, failure to use a seatbelt in a vehicle in Minnesota is a *primary* offense, meaning the driver can be stopped and ticketed solely for failure to use a seatbelt. [*Source*: Minn. Stat. sec. 169.686 subdivision 1(a)].

However, a person driving or riding in a pickup truck while engaged in normal farming work or activity is exempt from the primary seatbelt law. [*Source*: Minn. Stat. sec. 169.686 subdivision 2(7)].

NORTH DAKOTA LAW states that drivers of farm trucks (those with "F" plates) are not required to use seatbelts while operating farm trucks within the state of North Dakota. [*Source*: N.D. Cent. Code sec. 39-04-19(5) and sec. 39-21-41.4].

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.