


# GENERAL ORDER

	<b>Effective:</b> July 20, 2012	<b>Number:</b> 12-70-001
	<b>Subject:</b> TRAFFIC LAW ENFORCEMENT OVERVIEW	
	<b>Reference:</b> Minnesota Statutes - Chapters 168, 169, 169A, 171, and 70 Series General Orders	
	<b>Special Instructions:</b>	<b>Distribution:</b> G

## I. PURPOSE

The purpose of traffic law enforcement is to reduce traffic crashes and injuries, and to facilitate the safe and expeditious flow of traffic on Minnesota's roadways through the public's voluntary compliance with traffic laws. Our goal is to meet our objectives through a combination of education and enforcement.

## II. METHOD

It is the State Patrol's policy to educate the public regarding traffic laws through programs aimed at identifying specific problems, proactive media relations, participation in community events, and by giving notice and warnings of new changes in traffic laws prior to taking enforcement action.

It is the State Patrol's policy to take enforcement action upon the detection of an illegal and potentially hazardous act - without regard for such factors as attitude, intent or frivolous excuse. Enforcement action may consist of a warning, citation or physical arrest.

Members are to remain educated and current on the many chapters of law pertaining to traffic law, vehicle law, registration, driver licensing, commercial vehicles, pedestrians, etc. Members are expected to enforce these laws to the best of their ability, with the goal of increasing traffic safety in Minnesota. Wherever necessary, members shall consult the actual statute when contemplating or taking enforcement action.

This policy is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

## III. SCOPE (MINN. STAT. SEC. 169.02)

- A. Minn. Stat. sec. [169.02, subd. 1](#) states that Chapter 169 applies to the operation of vehicles upon highways, and upon highways, streets, private roads and roadways situated on property owned, leased or occupied by the Regents of the University of Minnesota except:
1. Where a different place is specifically referred to in a given section: Such as [169.13, subd. 3](#), which states in part "...upon the ice of any lake, stream or river including but not limited to the ice of any boundary water."
  2. The provisions of sections [169.09](#) to [169.13](#) shall apply upon highways and elsewhere throughout the state. Therefore, vehicle accidents occurring on private property must be reported in the usual manner when the total damage is \$1000 or more, or any person is killed or injured. Likewise, reckless driving and driving under the influence are unlawful even though the act takes place on private property. However, not included as offenses on private property are open bottle and careless driving.
- B. Subd. 2 of this provision states that it is a misdemeanor for any person to "willfully fail to comply with any lawful order or direction of any peace officer invested by law with authority to direct, regulate or control traffic." The "lawful order or direction" need not be one specifically authorized by statute, but it must:
- 1) relate to traffic upon a highway; 2) be based on good reasons; 3) be one that the "ordered" person is capable of complying with; and 4) be understood by the ordered person.

#### IV. EXCEPTIONS TO TRAFFIC LAW APPLICATION

Certain vehicles are not required to adhere to some provisions of chapter 169, as listed below:

- A. Military Forces (Minn. Stat. sec. [192.31](#))  
The military forces of the United States and of the state, while on any authorized duty, shall not be restricted by state or municipal traffic regulations when under military or civil traffic-control personnel, and shall have the right-of-way on any street or highway through which they may pass against all except carriers of the United States mail, fire engines, police vehicles, and emergency service vehicles.
- B. Emergency Vehicle Stops (Minn. Stat. sec. [169.03, subd. 2](#))  
The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to an emergency call shall sound its siren or display at least one lighted red light to the front. (Members shall also consult GO 20-033 which further restricts emergency vehicle operation by State Patrol troopers)
- C. Emergency Vehicle One Way Roadway (Minn. Stat. sec. [169.03, subd. 3](#))  
The driver of any authorized emergency vehicle, when responding to any emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and the provisions of this section shall not affect any cause of action arising prior to its passage.
- D. Emergency Vehicle Course of Duty (Minn. Stat. sec. [169.03, subd. 5](#))  
No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- E. Emergency Vehicle Speed Limits (Minn. Stat. sec. [169.17](#))  
The speed limitations set forth in sections 169.14 to 169.17 do not apply to an authorized emergency vehicle responding to an emergency call. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others. (Members shall also consult GO 20-033 which further restricts emergency vehicle operation by State Patrol troopers)
- F. Working on Highway (Minn. Stat. sec. [169.035, subd. 1](#))  
The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the highway, except as provided in paragraphs (b) and (c).
  - (b) This chapter shall apply to those persons and vehicles when traveling to or from such work, except that persons operating equipment owned, rented or hired by road authorities shall be exempt from the width, height and length provisions of sections [169.80](#) and [169.81](#) and shall be exempt from the weight limitations of this chapter while engaged in snow or ice removal and while engaged in flood control operations on behalf of the state or a local governmental unit.
  - (c) Chapter 169A and section [169.444](#) apply to persons while actually engaged in work upon the highway.
- G. Transportation by Animal (Minn. Stat. sec. [169.035, subd. 3](#))  
Every person riding an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their nature can have no application.

## V. DISCRETION

Members of the State Patrol are provided discretion when it comes to determining the proper use of citation(s)/arrest or warning(s), with the goal of changing behavior. In addition to offenses listed elsewhere in specific general orders, warnings shall not be issued for felonies, gross misdemeanors, and the following violations:

1. Extreme Speed Violations ([169.14, sub.1\(a\)](#))
2. Careless Driving
3. Reckless Driving
4. Criminal Vehicular Operation
5. Hit and Run
6. Open Bottle
7. Fleeing Police Officer
8. Driving While Impaired
9. Refusal to Submit to Chemical Test
10. Driver Under 21 Alcohol Consumption (Not a Drop)
11. No Driver's License
12. DAS/DAR/DAC/DAC-IPS
13. Drug Violations
14. No Insurance


While discretion still exists for seat belt violations, General Order 70-019 states a citation should be issued for observed violations.

**Approved:**

**SIGNED 7/20/2012**

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**Colonel Kevin P. Daly, Chief  
Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> November 9, 2012	<b>Number:</b> 12-70-002
	<b>Subject:</b> AIR AND NOISE POLLUTION	
	<b>Reference:</b> Minnesota Statute Chapters <a href="#">115</a> and <a href="#">116</a> ; Minn. R. <a href="#">7023.0100 – 7023.2300</a> and <a href="#">7030.0010 – 7030.1060</a>	
	<b>Special Instructions:</b> Rescinds GO 87-80-002	<b>Distribution:</b> A,B,C

## I. PURPOSE

To establish a uniform interpretation and an enforcement procedure regarding motor vehicle air and noise pollution control regulations.

## II. SCOPE

Minnesota Statutes Chapter [116](#) refers to the organization, power and duties of the Minnesota Pollution Control Agency and relates to standards adopted by the agency to create a healthy environment. This General Order shall refer to the areas of air and noise pollution and our enforcement of these laws and standards.

## III. RESPONSIBILITY AND AUTHORITY

- A. The State Patrol is responsible and has the authority to enforce the statutes and standards as listed herein.
- B. Minn. Stat. sec. [115.071](#), subd. 2, provides that:
  - 1. “Any person who willfully or negligently violates any provision of [Chapter 114C](#) or [116](#), or any standard, regulation, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency there under, shall be guilty of a misdemeanor,”
  - 2. “It shall be the duty of . . . peace officers to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions, regulations, standards, orders, stipulation agreements, variances, schedule of compliance or permits”.

## IV. STANDARDS OF PERFORMANCE FOR MOTOR VEHICLES (AIR POLLUTION)

- A. Minn. R. [7023.0100](#) - Definitions.

As used in Minn. R. [7023.0100 – 7023.2300](#), the following words shall have the meanings defined herein:

  - 1. “Air pollution control system” means any device or element of design installed on or in any motor vehicle or motor vehicle engine in order to comply with pollutant emission restrictions established for the motor vehicle or motor vehicle engine by federal statute or regulation.
  - 2. “Motor vehicle” means any self-propelled vehicle powered by an internal combustion engine and designed for use the public highways including, but not limited to, automobiles, trucks, and buses.
- B. Minn. R. [7023.0105](#) - Standards of Performance for Motor Vehicles

No person shall cause or permit the emission of visible air contaminants (re: III, subd. 2 above) from a motor vehicle, other than one powered by a diesel cycle engine, for more than ten consecutive seconds. No person shall cause or permit the emission of visible air contaminants from a motor vehicle powered by a diesel cycle engine:

  - 1. in excess of 20 percent opacity for more than 20 consecutive seconds if the engine was manufactured prior to January 1, 1973; or
  - 2. in excess of ten percent opacity for more than 20 consecutive seconds if the engine was manufactured after January 1, 1973.
- C. Minn. R. [7023.0115](#) - Exemption

The provisions of Minn. R. [7023.0100 – 7023.2300](#) do not apply to two cycle internal combustion engines.

- D. Minn. R. [7023.0120](#) - Air Pollution Control Systems Restrictions
  - 1. No person shall remove, alter, or otherwise render inoperative any air pollution control system.
  - 2. No person shall operate a motor vehicle unless all air pollution control systems are in place and in operating condition.
  - 3. No person shall rent, lease, offer for sale, or in any manner transfer ownership of a motor vehicle unless all air pollution control systems are in place and in operating condition.
  - 4. The requirements of this part shall not restrict or prohibit the removal of any air pollution control system for repair or replacement.
- E. Visible, excessive motor vehicle exhaust is normally a result of poor maintenance or lack of repair. The condition can usually be corrected by a proper engine tune-up or overhaul.

## **V. ENFORCEMENT PROCEDURE—AIR POLLUTION**

Upon initiating enforcement action, the following procedure shall be followed:

- A. Motor vehicle powered by other than a diesel engine:
  - 1. If the motor vehicle is emitting grossly excessive amounts of visible exhaust continuously for more than ten (10) seconds, the operator may be issued a citation or warning and advised to have corrections made. The proper charge is: “Operating a Motor Vehicle with Excessive Visible Air Contaminant Emission”; Minn. Stat. sec. [115.071, subd. 2\(a\)\(1\)](#) ; code 1107. (For specific PCA Standard, cite Minn. R. [7023.0105](#).)
  - 2. If the motor vehicle is emitting visible exhaust in excess of Minn. R. [7023.0105](#) but not in gross amounts, e.g., black, heavy, etc., the operator shall be issued a warning and advised to have corrections made.
  - 3. In the event it appears the exhaust is visible due to water vapor, take no enforcement action. This condition would not normally occur when the outside temperature is above 32 degrees F. It could also indicate a broken heater or cooling system hose.
  - 4. Two (2) cycle internal combustion engines are exempt from these and standards, re: V. D., above.
- B. Motor vehicle powered by diesel engine:
  - 1. Minn. R. [7023.0105](#) (re. V. B., above) requires a specific degree of opacity (state of being opaque), which would not be measurable by the naked eye. Therefore, without the proper measuring devices, we are unable to take proper enforcement action on diesel-powered motor vehicles.

## **VI. ENFORCEMENT ACTION—AIR POLLUTION CONTROL SYSTEMS**

- A. Exhaust pollution control systems were initially installed on a nationwide basis on 1963 model year vehicles.
- B. If a motor vehicle is being operated on a public highway without the pollution control system intact or devices removed or altered, the following procedure shall be followed:
  - 1. If the motor vehicle exhaust emission appears grossly excessive and it can be attributed to removal or alteration of a pollution control device or devices, members should issue the operator a citation and advise the operator to make corrections. The proper charge is: “operating a motor vehicle without required pollution control system in place and in operating condition”; Minn. Stat. sec. [115.071, subd. 2\(a\)\(1\)](#); code 1107. (For specific PCA Standard cite Minn. R. [7023.0120](#).)
  - 2. When, in the opinion of the member, the lack of such device or devices or the motor vehicle’s improper operating condition is not the result of some action by the operator, a warning should be issued and the operator advised to make corrections.
  - 3. It is not incumbent on the member to prove the device or devices were willfully or wantonly removed or altered by the owner or operator, only that the vehicle was being operated.

4. If evidence is discovered that a person or firm is unlawfully removing or altering air pollution control systems on motor vehicles, the member shall contact an office of the Minnesota Pollution Control Agency.

## **VIII. NOISE POLLUTION CONTROL RULES**

Motor vehicle noise limits are contained within Minnesota Statutes Chapter [116](#) and Minn. R. [7030.0010-7030.1060](#). The limits are enforceable only with PCA-approved instruments. Troopers using PCA-approved instruments shall comply with all provisions of Minn. R. [7030.0060](#) and [7030.0070](#). For violations of decibel limits defined in Minn. R. [7030.1040-7030.1060](#), members should issue a citation for the charge of "Motor Vehicle Noise Pollution." Without the proper measuring devices, Troopers are unable to take proper enforcement action. However, any item enforceable under M.S. [169.69](#) (Mufflers), e.g., straight pipes, a deteriorated system, etc., shall be dealt with accordingly.

**Approved:**

**SIGNED 11/9/2012**

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**Colonel Kevin P. Daly, Chief  
Minnesota State Patrol**

# GENERAL ORDER



<b>Effective:</b>	August 13, 2021	<b>Number:</b> 21-70-003
<b>Subject:</b>	<b>WEIGHING</b>	
<b>Reference:</b>	Minn. Stat. secs. <a href="#">168.013</a> , <a href="#">169.85</a> , <a href="#">169.801</a> , <a href="#">169.824</a> , <a href="#">169.822</a> , <a href="#">169.823</a> , <a href="#">169.826</a> , <a href="#">169.827</a> , <a href="#">169.87</a> , <a href="#">169.035</a> , <a href="#">169.871</a> , <a href="#">169.86</a>	
<b>Special Instructions:</b>	Rescinds GO 12-70-003	<b>Distribution:</b> A,B,C,F

## I. PURPOSE

To establish uniform procedures and policies of interpretation and enforcement applicable to the general weighing provisions of all vehicles or combinations of vehicles operated upon all roads.

## II. SPECIAL CONDITION

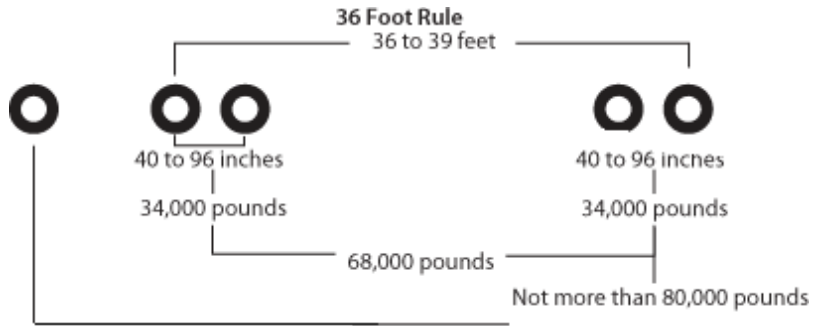
Where current weather conditions are such that ice and/or snow is accumulating on the vehicle to be weighed, fixed and mobile weighing is to be terminated immediately. Mobile weighing shall also be terminated when slippery road surfaces create safety issues to personnel and weighing equipment.

## III. APPLICATION AND ENFORCEMENT

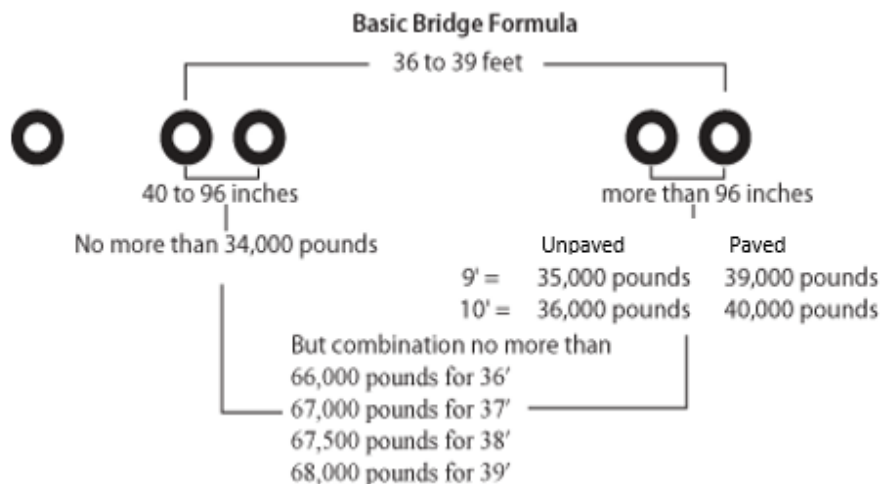
- A. Table of Weights (Minn. Stat. sec. [169.824](#), subd. 1)
  1. Minn. Stat. sec. 169.824, subd. 1 states every group of two or more consecutive axles must be in compliance with the table of weights. The table specifies the maximum gross weight allowed for a specified number of axles spaced at a given distance.
  2. The spacing of axles is measured from the center of the first to the center of the last axle in any group. The axle spacing must be physically measured to determine the maximum gross weight allowed. All distances in the table are given in even feet. A measurement of exactly one-half foot or more shall be rounded to the next whole foot. A measurement of less than one-half foot shall be rounded down to the next whole foot, with following exceptions:
    - a. A distance of 3'4" to 3'6" shall be rounded up to 4 feet.
    - b. 8 plus refers to any distance greater than 8' and less than 9'.
    - c. Vehicles manufactured prior to August 1, 1991 that have 3 consecutive axles spaced 9' or less apart, have special weight provisions as specified in Minn. Stat. sec. 169.824, subd. 1(b).
  3. Enforcement
    - a. Issue a warning when a group of consecutive axles exceeds the maximum table weight by 1,000 pounds or less.
    - b. Issue a citation, citing Minn. Stat. sec. [169.824](#), subd. 1(a) (Code 1333) when a group of consecutive axles exceeds the maximum table weight by more than 1,000 pounds.
    - c. If there are multiple table weight violations that include the same axle(s), only one citation should be issued for the highest violation. All other violations should be noted as warnings.
- B. Exception – "36 foot rule"
  1. Minn. Stat. sec. [169.822](#), subd. 5. "Tandem axles" means two consecutive axles whose centers are spaced greater than 40 inches and not more than 96 inches apart. The table of weights indicates the maximum weight allowed on two axles meeting this description is 34,000 pounds.

2. Minn. Stat. [169.824, subd. 1](#), makes an exception to the basic bridge formula for two sets of tandem axles spaced at 36 feet or more. Two consecutive tandems may carry 34,000 pounds each and a total of 68,000 pounds when the distance from the first axle to the last axle is spaced at 36 feet or more.

Feet	Allowable Weight
36 Feet	68,000 pounds
37 Feet	68,000 pounds
38 Feet	68,000 pounds
39 Feet	68,000 pounds



3. The 36-foot rule does not apply to every configuration of four axles between 36 and 39 feet. If one or both sets of tandems have been “split” (spaced at more than 96 inches), the basic bridge formula applies.



C. Exception - Eliminating axles.

1. Minn. Stat. sec. [169.823\(4\)](#) states no vehicle shall exceed the weights permitted under sections [169.823](#) to [169.829](#) with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration. If it is an exterior axle that is being eliminated, the axle spacing measurement should be taken from the rearmost axle not being eliminated. This allows the member to deduct any axle and the weight it is carrying when the axle does not carry a reasonable portion of the overall gross weight of the vehicle. (If an axle is disregarded, all of the other axles must comply with the weight table.)



**Example:**

Total gross weight	80,000
Eliminate number 4 axle	
and deduct from gross weight	<u>-2,000</u>
Gross weight to be considered	78,000



Maximum gross weight for 5 axles @ 43 feet      75,000  
Amount overweight      3,000 pounds

2. Enforcement

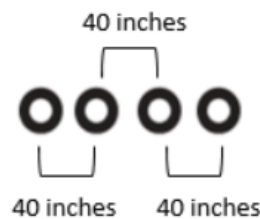
- a. Issue a warning (Code 1324) when the group of axles exceeds the maximum legal weight by 1,000 pounds or less.
- b. Issue a citation, citing Minn. Stat. sec. [169.823, subd. 1\(4\)](#) (Code 1324), when a group of axles exceeds the maximum legal weight by more than 1,000 pounds.

D. Single Axle (Minn. Stat. sec. [169.822, subd. 3](#))

1. The maximum single axle weight on paved routes is 20,000 pounds; on unpaved routes it is 18,000.

2. Enforcement

- a. When the weight on a single axle exceeds the maximum allowed by 1,000 pounds or less, issue a warning (Over Single Axle Weight), Minn. Stat. sec. [169.823, subd. 1\(2\)](#) (Code 1322 for unpaved routes or 1330 on a paved route.)
  - b. When the weight on a single axle exceeds the maximum allowed by more than 1,000 pounds, issue a citation (Over Single Axle Weight), Minn. Stat. sec. [169.823, subd. 1\(2\)](#) (Code 1322 for unpaved routes or 1330 on a paved route.)
  - c. Do not issue a citation if the single axle was included in an axle group for which a criminal citation is being issued.
3. Two axles with centers spaced at 40 inches or less are considered to be a single axle. If the gross weight of the combination of the two axles exceeds the maximum allowed for a single axle, follow the single axle procedure outlined in section II.D.2 above. If multiple axles are present on a vehicle that has two axle pairs with centers spaced at 40 inches or less, each of the pairs shall be treated as single axles as shown below.



E. Single Wheels (Minn. Stat. sec. [169.822, subd. 4](#))

1. The maximum gross weight allowed on a single wheel (single tire or dual tires) on paved routes is 10,000 pounds; on unpaved routes it is 9,000 pounds.

2. Enforcement

- a. Issue a warning when the gross weight of a wheel exceeds the maximum legal weight by 500 pounds or less.
- b. Issue a citation when the gross weight of a wheel exceeds the maximum legal weight by more than 500 pounds. (Minn. Stat. sec. [169.823, subd. 1 \(1\)](#):
  - Code 1337) when the gross weight on any wheel exceeds 9,000 pounds on an unpaved route;
  - Code 1338 when the gross weight on any wheel exceeds 10,000 pounds on a paved route.
- c. Do not issue a citation if the wheel violation is a part of a single axle or table weight citation that is also being issued a citation.

F. Tire Load (MS [169.823 Subd 3 \(i\)](#))

1. Pneumatic-tired vehicle - No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the maximum wheel load on the foremost and rearmost steering axles exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. On other axles, the maximum wheel load may not exceed 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less.

The chart that follows will help you quickly determine the pounds per inch computations. The second half of the chart shows the weight per inch equivalents for common metric tire sizes:

Steering Axles (Foremost & Rearmost) 600 pounds per inch tire width		
Tire Width	1 Tire	2 Tires
8"	4,800	9,600
9"	5,400	10,800
10"	6,000	12,000
11"	6,600	13,200
12"	7,200	14,400
13"	7,800	15,600
14"	8,400	16,800
15"	9,000	18,000
16"	9,600	19,200
17"	10,20	20,400

Steering Axles (Foremost & Rearmost) 600 pounds per inch tire width Metric Sizes		
Tire Width	1 Tire	2 Tires
285	6,732	13,464
295	6,968	13,936
315	7,440	14,880
345	8,149	16,298
365	8,622	17,244
385	9,094	18,188
395	9,330	18,660
415	9,834	19,668
425	10,039	20,078
445	10,512	21,024

All Axles other than Steering Axles 500 pounds per inch tire width		
Tire Width	1 Tire	2 Tires
8"	4,000	8,000
9"	4,500	9,000
10"	5,000	10,000
11"	5,500	11,000
12"	6,000	12,000
13"	6,500	13,000
14"	7,000	14,000
15"	7,500	15,000
16"	8,000	16,000
17"	8,500	17,000
18"	9,000	18,000
19"	9,500	19,000
20"	10,000	20,000

All Axles other than Steering Axles 500 pounds per inch tire width Metric Sizes		
Tire Width	1 Tire	2 Tire
285	5,610	11,220
295	5,807	11,614
315	6,200	12,400
345	6,791	13,582
365	7,185	14,270
385	7,578	15,156
395	7,775	15,450
415	8,195	16,390
425	8,366	16,732
445	8,760	17,520

Note: The tire width is located on the sidewall of the tire. Example: 10:00-20 would indicate that the tire is 10" wide and has an inside diameter of 20". For steering axles, the weight limit for this tire is calculated as follows:

$$600 \text{ pounds} \times 10 \text{ inches} = 6000 \text{ pounds}$$

In the event the tire width is not indicated on the tire, it must be physically measured. Measure the tire from sidewall to sidewall at its widest point excluding decorative bars or lettering. Do not measure at the point at which the tire contacts the highway surface.

## 2. Enforcement

- Each tire must be weighed separately and enforcement action applied to a single tire.
- Issue a warning (Code 1334) when the gross weight of a tire exceeds the maximum legal weight by 10% or less.
- Issue a citation ( Minn. Stat. sec. [169.823, subd.1\(3\)\(i\)](#); Code 1334) when the gross weight of a tire exceeds the maximum legal gross weight by more than 10%.

- d. Do **not** issue a citation for the tire weight violation if there is a greater violation on the axle or wheel. A warning should be noted.
- e. An implement of husbandry that is not self-propelled and is equipped with pneumatic tires may not exceed a maximum wheel load of 500 pounds per inch of tire width. Enforcement is the same as in section II.F.2 above. Cite Minn. Stat. sec. [169.801, subd. 2 \(a\)](#).
- G. Winter Load Increase (Minn. Stat. sec. [169.826](#))
  - 1. Recognizing that roads are at their strongest when the ground is frozen, weight limits are increased by 10% during the period specified by the Department of Transportation (MnDOT) each winter, subject to the following:
    - a. Vehicle must be registered for the gross weight it attains.
    - b. A MnDOT overweight permit (Seasonal 10% Winter Weight Permit) must be obtained to operate a vehicle on Interstate highways in excess of the normal weight limits. No permit is required to operate on other routes.
    - c. Restricted weight limits posted on highways and bridges shall be observed.
  - 2. Enforcement procedures are the same as stated in sections II.A thru G.
- H. Restricted Routes (Minn. Stat. secs. [169.827](#) and [169.87](#)): Refer to G.O. 70-049.
- I. Overweight MnDOT Permits
 

When weighing a vehicle or combination of vehicles operating with a MnDOT Overweight Transportation Permit, there will be no tolerance allowed for the weight limitations specified in the permit. Refer to General Order 70-004.
- K. "Road Authority Vehicles" (Minn. Stat. sec. [169.035, subd. 1](#))
 

Vehicles owned, rented, or hired by road authorities are exempt from the weight limitations of Chapter [169](#) while engaged in snow or ice removal and while engaged in flood control operations on behalf of the state or a local governmental unit.

Note: The words "engaged in" include hauling sand from the stockpile to the area where it will be applied to any icy roadway. "Engaged in" does not include hauling sand to the stockpile unless it is in connection with an immediate threat of flood.

#### IV. CHAPTER 169 WEIGHT VIOLATIONS

- A. 0 to 8,000 Pounds Overweight
 

When a vehicle exceeds the weight limits, the citation or warning will be written. Whenever possible, all the axles of the vehicle or combination of vehicles shall be weighed to determine the greatest violation. Issue the applicable citation(s) for the greatest overweight amount.

  - 1. Not more than one citation shall be issued to a vehicle or combination of vehicles at a single weighing for "over single axle weight" or "over tire weight" regardless of the number of axles or tires in violation. Do not issue a citation on an overweight single axle when that axle is included in a group of axles that has been cited for overweight. In that instance, a warning for the violation should be noted.
  - 2. Not more than one citation shall be issued, at a single weighing, to a vehicle or combination of vehicles for overweight on a group of two or more consecutive axles (Table of Weights). All other table weight violations should be noted as warnings.
  - 3. An additional citation may be issued for a vehicle or combination of vehicles exceeding the maximum gross vehicle weight (80,000 pounds).
- B. 8,001 Pounds and Over Violations
 

Prepare the appropriate citation and initiate the approved civil weight investigation procedure, including providing the driver with the proper civil weight Investigation Overweight form. Pursuant to Minn. Stat. Sec 169.871, subd. 1c, any fines paid on the criminal action shall be applied towards the civil penalty assessed, unless the load was operating with a special permit and was in violation of the special permit.
- C. Additional citation(s) may be issued for violations of other than weight control laws, such as registered gross weight, equipment, size limits, road laws, etc.
- D. The notation of weight violation(s) on the approved driver/vehicle examination report and providing it to the driver meets the requirement of issuing a warning(s) as required by G.O. 90-013.
- E. All NAS trained personnel noting a weight violation on a commercial motor vehicle(s) shall conduct a North American Standard inspection of a level appropriate for the situation on the vehicle(s).

## V. UNLOADING/SHIFTING OF LOAD

- A. Minn. Stat. sec. 169.85, subd. 2, gives discretion to enforcement personnel to require the operators of vehicles to offload a portion of the load adequate to reduce the weight of the vehicle to legal limits or to the vehicle's registered gross weight plus enforcement tolerances prescribed in Minn. Stat. sec. 168.013, subd. 3(b), whichever is the lesser amount, under the following conditions:
1. The vehicle is more than 2,000 over on a single axle; or
  2. the vehicle is more than 4,000 over on a group of two axles spaced at ten feet or less; and
  3. the vehicle exceeds its registered gross vehicle weight plus applicable tolerances per 168.013, subd. 3(b).
- B. The unloading to the legal limit of vehicles found to be overweight of an amount not sufficient to require unloading under the law is at the discretion of the driver and/or owner. The Trooper/CVI cannot require such vehicles to be unloaded to the legal weight at the weighing site. However, the Trooper/CVI must inform the driver that if the vehicle is weighed at another location and found to be in violation, additional 1821(s) will be issued for the overweight violation, in accordance with policy, as though no 1821(s) were previously issued.
- C. Ready-Mix concrete type vehicles: Due to the unique method of loading and unloading, the Trooper/CVI must allow overweight ready-mix concrete carrying vehicles to proceed to either the job site or point of loading, whichever distance is shorter, to remove the overload portion of an overweight truck. There should be no unreasonable delay in the weighing and releasing of a driver hauling ready-mix type materials. The Trooper/CVI may retain the paperwork needed to complete the citation while the truck is on route to offload. If it is reasonable, the driver, returning from the job site, can be given the citation after unloading. This also applies to other perishable commodities, including but not limited to livestock and hot asphalt mixes.
- D. The requirement to unload (2020) or shift the load (2010) to comply with legal weight shall be noted on the approved commercial vehicle inspection report. Note: Documentation of unloading and load shifting is required for federal weight enforcement certification.

## VI. REGISTERED GROSS WEIGHT (CODE 1401 M.S. 168.013)

The following applies to all trucks, truck-tractors, tractors, trailers, and semi-trailers licensed on the basis of gross weight. This does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent per Minn. Stat. sec.

168.013, subd.3(3).

Sticker	Legal Limit	1,000 lb. or 4% Tolerance By Law	Issue a citation to Increase Registered Gross Weight When in Excess of	Issue a citation for Revocation When in Excess of
G	15,000	1,000	16,000	18,750
H	18,000	1,000	19,000	22,500
I	21,000	1,000	22,000	26,250
J	26,000	1,040	27,040	32,500
K	33,000	1,320	34,320	41,250
L	39,000	1,560	40,560	48,750
M	45,000	1,800	46,800	56,250
N	51,000	2,040	53,040	63,750
O	57,000	2,280	59,280	71,250
P	63,000	2,520	65,520	78,750
Q	69,000	2,760	71,760	86,250
R	73,280	2,940	76,220	91,600
S	78,000	3,120	81,120	97,500
T	81,000	3,240	84,240	101,250

Note: The appropriate notation(s) should be made in the approved commercial vehicle inspection report

when a vehicle exceeds its registered weight by limits prescribed above so proper notification can be made to Driver and Vehicle Services through the District 4700 office. This includes the 4%, 5%, and 25% over weight notation.

Note: Iowa farm trucks, by their statutes, are allowed to haul 25 percent more weight than their registered weight. (Example: a five axle Iowa farm truck will be registered for 32 tons and then be allowed to carry 40 tons gross weight). Given Minnesota's reciprocity agreement with Iowa for farm truck registration, we will allow Iowa farm trucks transporting raw farm products the 25 percent increase up to the maximum allowable gross weight.

Truck-tractors towing semi-trailers (Y-class and ST-class) are generally registered for the total gross vehicle weight of the vehicle combination, including the weight of the semi-trailer(s) and the load. Enforcement action should be based on the registered gross weight of the truck-tractor.

Trucks and trailers (Y-class and CT-class) must be registered for the amount of weight carried on their respective axles. Each unit is considered separately when weighed.

For truck-tractors and "equipment dollies", Minn. Stat. sec. 168.002, subd. 13(e), allows a truck-tractor used exclusively by the owner, or by a for-hire carrier hauling exclusively for one owner, to be registered for the amount of weight carried on the truck-tractor, including as much of the weight of the equipment dolly that rests upon the truck-tractor. The balance of the gross weight may be applied to the equipment dolly. Each unit is considered separately. An "equipment dolly" is a semi-trailer used exclusively for transporting construction equipment and machinery.

## **VII. ADDITIONAL FORMS**

### **A. Driver/Vehicle Examination Report**

1. Weight information shall be recorded appropriately in the inspection report for each vehicle weighed when said vehicle is found to be in violation.
2. Axle weight measurements shall be entered when the overweight violation(s) were noted at a fixed scale.
3. For mobile weighing, the weight of each individual wheel and the last four digits of the scale's serial number used to weigh the wheel shall be entered in the mobile weight area of the inspection report.
4. The "Distance Between Axle Centers" section must contain proper entries when the vehicle exceeds gross weight limitations on a combination of two or more axles, including overall gross weight.
5. "Mobile" or "Platform Scale" should be selected as the project code when a citation is being issued for a weight violation.

### **B. Investigation Overweight form**

This form shall be issued to the driver of any vehicle found to be in violation of any legal weight limitation by more than 8,000 pounds, except the registered gross weight of the vehicle. The Trooper or CVI issuing this form will make note of its issuance in the remarks section of the civil weight investigation file and on the criminal citation.

### **C. Weekly Report**


The total number of trucks weighed not associated with a NAS commercial vehicle inspection shall be reported in the Weekly Report. Where two or more Troopers or CVI's work together, only one should report, or they may apportion the number of trucks weighed. "Trucks Weighed" shall include all trucks weighed (5002) or bills that were checked but not actually weighed (5017).

**Approved:**

**SIGNED 8/13/2021**

**Colonel Matthew Langer, Chief  
Minnesota State Patrol**

## GENERAL ORDER

	<b>Effective:</b> March 13, 2018	<b>Number:</b> 18-70-004
	<b>Subject:</b> SPECIAL TRANSPORTATION PERMITS	
	<b>Reference:</b> Minn. Stat. Secs. <a href="#">169.80-.88</a>	
	<b>Special Instructions:</b> Rescinds GO 12-70-004	<b>Distribution:</b> A,B,C,F

### I. PURPOSE

To establish a uniform procedure in processing violations of permits issued by the Minnesota Department of Transportation under Minn. Stat. sec. [169.86](#).

### II. IMPLEMENTATION

The following procedure shall be followed when taking enforcement action for violation of a special transportation permit.

#### A. Special Permits

1. Issuances of (Minn. Stat. sec. [169.86, subd. 1](#)):
  - a. The Department of Transportation Commissioner may issue for roadways under his/her jurisdiction.
  - b. Local authorities may issue for roadways under their jurisdiction.
  - c. Permits are only valid for carrying the item specifically described in the permit or in an authorized attachment.
  - d. A special transportation permit sets the size and weight limits of the vehicle(s) for which it is issued. The statutory limits do not apply. (Minn. Stat. sec. [169.80, subd. 1 \(e\)](#)).

#### B. Enforcement

1. When terms of the permit are violated as to date or specified load or route, consider the permit void and issue Uniform traffic citation, for violation(s) as though permit did not exist. Violations of Minn. Stat. secs. [169.80 -.88](#) are misdemeanor violations. See Minn. Stat. sec. [169.80, subd. 1](#).
2. When conditions of operation of the permit are violated, such as not having required lamps, flags, wide load signs, pilot car, etc., issue a Uniform traffic citation for "Violation of Special Permit" (Minn. Stat. sec. [169.86, subd. 4](#)) and allow movement only after conditions have been met. If immediate correction cannot be made, allow one movement to suitable place of reasonable safety.
3. When specified limitations of the permit as to width, length, height or weight are violated, personnel shall issue a Uniform traffic citation for the limitations in violation of the permit. The charge will reflect the amount of violation in excess of limitations set by the permitting authority. Additionally, personnel shall also issue a Uniform traffic citation for "Violation of Special Permit" (Minn. Stat. sec. [169.86, subd. 4](#)). The permit is not to be seized by personnel unless it is needed for evidence, or there is reason to believe the permit will be used for further unlawful operations. In all instances where the permit is violated, personnel shall allow the vehicle or combination of vehicles to move to a safe place until correction is made or a new permit is issued. Driver is to be advised that any further movement will be considered an additional violation.

4. When a specified towing vehicle is replaced by another towing vehicle of equal or greater capacity, such as following a breakdown, we will regard the replacement vehicle as properly covered by the permit.
5. When a special permit is granted by a local authority for the moving of buildings or structures, or for over dimension vehicles or loads on a local road, and this movement involves a direct crossing of a trunk highway, we will allow this move without an additional permit from Minnesota Department of Transportation.

19-Reporting Permit Violations

1. Each time a member of the State Patrol issues a citation for violation of a special transportation permit, it must be reported to the Office of Freight and Commercial Vehicle Operation of the Minnesota Department of Transportation, 395 John Ireland Blvd., St. Paul, MN 55155, [ofcvopermits.dot@state.mn.us](mailto:ofcvopermits.dot@state.mn.us), with the following information provided:
  - a. Name and address of individual or company to whom permit was issued.
  - b. Permit number.
  - c. Date, time and location of violation.
  - d. Description of violation.
  - e. Driver's name and license number.
  - f. Trooper's badge number.
  - g. Citation number.
2. The above information should also be forwarded in instances where no permit was issued and a load that cannot be reduced is involved, where as a special transportation permit would be required. Example: A mobile home dealer moving a 14' wide home a few miles without proper permit existing.
3. Minnesota Department of Transportation's Permitting Office 24 hour law enforcement only emergency number is (651) 366-5999. This number shall only be used for specific incidents or emergencies that arise from a movement requiring a special transportation permit.

**Approved:**

SIGNED 3/13/2018

**Colonel Matthew Langer, Chief  
Minnesota State Patrol**



## GENERAL ORDER



### **DRIVING WHILE IMPAIRED (DWI); ADMINISTRATIVE LICENSE PLATE IMPOUNDMENT; IGNITION INTERLOCK**

Policy Number	<b>25-70-007</b>
Effective Date	<b>7/1/2025</b>
Last Review Date	<b>04/04/2025</b>
Distribution	<b>A, B, C, E, H</b>

Related Policies **GO 80-005 (FORFEITURE)**

#### **I. POLICY**

DWI offenders are a serious public safety threat. The policy of the Minnesota State Patrol is to actively patrol for violations and driving conduct that may indicate alcohol/drug impairment and to strictly enforce Minnesota's DWI laws. Troopers shall arrest any person they reasonably believe is in violation.

#### **II. DWI DETECTION**

- A. Initial Observations/Vehicle in Motion/Stop
  - 1. Recognize, identify, and document specific driving conduct (or if the vehicle is not in motion, evidence of recent driving or physical control) and physical observations of possible impairment.
  - 2. Do not allow a driver to move a vehicle if impairment is suspected.
- B. Face-to-Face Contact/Personal Contact
  - 1. Document indicia of impairment and general indicators including odor, eyes, speech, coordination, reactions to instructions, and unusual statements.
  - 2. Make note of unusual actions and behavior including lack of eye contact, use of masking odors, inability to answer questions properly, excited behavior, or extreme drowsiness.
- C. Field Sobriety Testing/Pre-Arrest Screening
  - 1. When possible impairment is detected, standardized field sobriety tests (SFSTs) shall be administered as trained, unless it is not safe or practical to do so, and the results thoroughly documented. If SFSTs are not administered, the reason should be clearly documented.
  - 2. When possible, the preliminary breath test (PBT) should be administered *after* SFST's. The PBT should only be used to corroborate alcohol as the causal factor of any impairment. An inconsistent PBT result may indicate other chemical impairment and if this is suspected, a Drug Recognition Evaluator (DRE) should be called to assist. Regardless of DRE availability, the suspect should be arrested if there is reasonable belief that the suspect is impaired, with all indications of impairment clearly noted.
  - 3. The PBT must be operated in accordance with Minn. Stat. sec. [169A.41](#), training, and manufacturer/BCA guidelines. Accuracy checks should be done every two weeks to a  $\pm 0.005$  tolerance and calibrated when it falls out of tolerance. The checks must be documented on the PBT Accuracy Log, and the most recent check date shall be recorded on the MSP DWI Report.

#### **III. EVIDENTIARY TESTING**

- A. Breath Testing
  - a. A breath test obtained pursuant to the impaired driving laws shall be utilized for alcohol impairment whenever possible.
  - b. The Breath Test Advisory (BTA) shall be read and Peace Officer's Certificate form shall be completed through the eCharging website.
  - c. If the driver has questions, remains silent, or does not understand the form, re-read the form and suggest contacting an attorney. Any observations of lack of cooperation should be clearly documented.
  - d. Troopers should use the Language Line (consistent with General Order 20-014) whenever reasonably possible and a language barrier is presented.
  - e. The BTA should be read verbatim prior to the Miranda Warning and recorded.
  - f. When the right to counsel is invoked, reasonable time must be given to contact an attorney. There is no set length of time considered "reasonable." If a person is making a good faith effort, they should be allowed to continue trying unless the amount of time becomes unreasonable given the totality of



Circumstances.

- g. A person shall be allowed to contact a third party if the stated purpose is to ultimately reach an attorney (i.e., calling parent or friend for the name/phone number of an attorney).
- h. There is no requirement to speak to the suspect's attorney or share the PBT result.
- i. If there is a low breath test result and there is probable cause for impairment by controlled/hazardous substance, a blood or urine test may still be sought as outlined in III(B)(1) below.

B. Fluid Testing

- 1. Troopers shall not read the BTA and instead secure a search warrant through the eCharging website in order to obtain any fluid test (DWI or CVO/CVH).
- 2. For a **non-CVO** impaired driving case involving a fluid test:
  - a. At the time the test is directed pursuant to a warrant, Minn. Stat. [171.177, subd. 1](#) only requires that the suspect be informed that **refusal to submit to a test is a crime**. This verbal warning shall be stated to the subject and recorded whenever possible.
  - b. If the suspect objects to the initial test under a warrant, an **alternative fluid test** must be directed before any refusal is recorded, pursuant to Minn. Stat. [171.177, subd. 2](#).
  - c. Consent to testing is not a prerequisite with a warrant/exception, but a suspect's failure to physically cooperate to the point where a member would have to use force to obtain the test shall be considered a refusal for revocation and charging purposes.
- 3. A Peace Officer's Certificate form shall be completed and signed upon receiving test results
- 4. A copy of the search warrant and property receipt must be provided to the suspect. In the absence of the suspect, the copies must be left with their property, pursuant to Minn. Stat. [626.16](#).
- 5. Fluid samples will be kept at the BCA for twelve months from the last lab report. If needed for a longer period of time, email [bca.lab@state.mn.us](mailto:bca.lab@state.mn.us) and the kit will be sent to the DPS warehouse.

C. Additional Testing

A suspect shall be permitted to obtain an independent test if: a) he/she submits to the state's test (no refusal); b) he/she is in custody; and c) there is no expense to the state. The suspect need not be informed of the right, but a telephone/telephone books should be made available if the request is made. After providing the suspect with the opportunity to set up an additional test, the suspect may be booked into the jail facility. Troopers shall inform the jail staff of the suspect's desire for additional testing.

#### IV. SPECIAL CIRCUMSTANCES

A. Uncooperative Driver

If a driver is uncooperative when asked to do simple tasks while still in the vehicle, a request should be made for the driver to exit the vehicle. Any physical indicia and general indicators of intoxication (eyes, odor, dexterity, coordination, etc.) should be thoroughly noted. Verbal refusal to exit and/or perform SFSTs/PBT can also be impairment clues and should be well documented.

B. Unconscious/Incapacitated/Non-CVO Driver

If a driver is unconscious or otherwise incapacitated to a point where he/she is unable to comprehend the breath test advisory or otherwise submit to a test, a fluid test shall be secured as outlined in III(B)(1) above (even if the breath test advisory process has already been unsuccessfully attempted.)

C. Commercial Vehicle Operators

Any driver of a commercial vehicle that displays signs of alcohol consumption should be requested to provide a PBT. If the result is .04 or more and the commercial vehicle has a gross weight more than 26,000 pounds, is a bus (school or otherwise), or is carrying hazardous materials and required to be placarded, the Commercial Motor Vehicle BTA should be invoked and a breath test sought whenever possible. Any fluid test shall be obtained pursuant to III(B)(1) above. Regardless of vehicle weight, a commercial driver with any alcohol in his/her system should be placed out of service for 24 hours.

D. DWI Without Witnessing Driving

Troopers investigating crashes or checking disabled/stalled vehicles relating to a DWI suspect should attempt to ascertain the time of driving, operation, or physical control of the vehicle and whether there is any claim of post-driving consumption.

E. Driving Complaints

An anonymous report of an impaired driver is *not* sufficient to justify a lawful stop unless the trooper also witnesses articulable suspicion for a stop. When the identity of the caller is known to dispatch and the caller has articulated a reasonable basis to believe the driver is impaired, a stop may be made without independent observations.

F. Criminal Vehicular Operation and Homicide (CVO/CVH)

1. If probable cause is present to believe a person has violated Minn. Stat. sec. 609.2113 where the subject is believed to be under the influence of alcohol, controlled substance and/or intoxicating substances, Troopers should obtain a fluid sample regardless of the subject's refusal.
2. When a fluid test is obtained, Troopers should uncheck the urine box within the eCharging Search Warrant, as blood is the preferred evidentiary test.
3. Troopers shall not give the refusal advisory ("refusal to take a blood or urine test is a crime") to the subject. In a CVO/H case, the subject is not allowed to refuse a fluid test. The fluid test results, collected with the search warrant, are admissible in the criminal CVO/H and DWI cases, but are not reportable under the Implied Consent Law. A driver's license revocation is *not* triggered by an alcohol or drug test failure.
4. Upon completion of obtaining the fluid test, Troopers shall complete the CVO Forms Wizard in eCharging to trigger the appropriate license sanctions.
5. Troopers shall not complete the DWI Form Wizard in eCharging.
6. Troopers shall include the pink form in the blood kit when it is submitted to the Minnesota Bureau of Criminal Apprehension for analysis.

G. Reporting Student Alcohol/Drug Violations

Minn. Stat. sec. [121A.28](#) requires law enforcement agencies to provide [written notice](#) regarding any alcohol/drug incident involving a student to the chemical abuse pre-assessment team in the school where the student is enrolled within two weeks of the incident. **Note:** This does not include possession of drug paraphernalia.

H. Off-Road Recreational Vehicles or Motorboat

DWI laws/forms differ in these cases. Troopers should utilize eCharging whenever possible to complete these cases.

I. Aircrafts

Aircrafts are covered under Minn. Stat. secs. [360.0752–360.0753](#). Although there are no special forms, the advisory language differs slightly and should be read from the statute when a breath test is sought. Any fluid test shall be taken in accordance with III(B)(2) above.

J. Any Use of Alcohol/Drugs Invalidates License (Abstinence Restriction)

1. When a person is driving, operating or in physical control of a motor vehicle with any amount of drugs or alcohol in their system, they are in violation of their "no use" restriction and shall be charged with VIOLATE RESTRICTED DRIVER'S LICENSE, which is a gross misdemeanor, Minn. Stat. sec. [171.09](#).
2. Troopers shall document their observations and indicia of consumption. A DMT test shall be conducted using the one breath option. A field report shall be completed.
3. If the person is a .08 or higher, Troopers shall complete the DWI process in accordance with III (A).
4. Although a person can only be charged if driving, operating or in physical control, the restriction applies at all times. If a violation is discovered (such as an intoxicated passenger), a request for examination should occur consistent with General Order [70-025](#), (Driver Evaluation Form). A narrative report shall accompany the written request and include detailed observations of alcohol use, any admissions, and a PBT result (or express refusal of PBT).

K. Child Endangerment

In cases involving "child endangerment" (Minn. Stat. sec. [260E.06](#), Troopers shall get full names, dates of birth, and parent names of all children in the vehicle and ensure that a copy of the arrest report is sent to the county social services agency where the violation occurred.

L. Affirmative Defense—Prescription Drugs

1. Criminal case: Minn. Stat. §[169A.46](#), [subd. 2](#) provides a prescription defense for the presence of a schedule I or II substance crime (Minn. Stat. sec. [169A.20](#), [subd. 1\(7\)](#)) *if the prescription is valid and has been taken within the terms of the prescription*.

2. Civil case: Minn. Stat. [§169A.53, subd. 3\(i\)](#) provides a prescription defense in the civil license revocation hearing for the presence of Schedule I or II drugs if the person used the drug(s) according the terms of a valid prescription pursuant to Minn. Stat. §§ 152.11-.12, *unless the court finds by a preponderance of the evidence that use of the drug impaired the person ability to operate a motor vehicle.*
3. Troopers should thoroughly investigate prescription drug impaired driving cases (e.g., asking to see any prescriptions/bottles present in order to retrieve names, dates, dosage information, number of pills, what was taken/how much, and whether driving and/or using with alcohol is prohibited.)
4. Regardless of whether the driver has a prescription, drivers who are impaired on prescription medication should still be arrested.

M. Affirmative Defense – Necessity

A driver may raise the affirmative defense of necessity in both the criminal and civil license revocation hearings. This defense only applies in situations where great and immediate danger was present and the suspect had no other choice but to violate the law by driving while impaired. If this reason is given or suspected, record the detailed facts, including the stated emergency, access to a telephone, distance travelled, and any other options available other than driving while impaired.

N. Firearms

1. In all impaired driving cases where a firearm is present, Troopers shall read and record the Firearms Advisory, regardless if the individual has or does not have a permit to carry. The Firearms Advisory shall be read after the DWI process is complete.

## V. DWI OFFENSES AND DEGREES

Refer to the [DWI EZ GUIDE](#).

## VI. REPORTING REQUIREMENTS

A. DWI Report

Use of the MSP DWI Report is mandatory for all DWI arrests and CVO investigations involving impairment of any substance. The arrest report must contain all observations to establish reasonable suspicion to make the traffic stop and probable cause to make the DWI arrest. The arrest report shall indicate the existence of any and all audio or video recordings.

B. Miranda Warning

Troopers shall read the Miranda Warning after evidentiary testing is completed. Both the Miranda Warning and questions/answers shall be recorded.

C. Charging

When permitted by the local court, a uniform traffic citation (Form 1821) shall be issued for the DWI offense and other charge(s). When the use of a traffic citation is not possible, the charge should be carried out through a tab charge or formal complaint. Document the charge(s) listed on the tab charge or contained in the formal complaint on the traffic citation.

1. Only one DWI arrest code should be recorded for each DWI arrest. Even in those cases where the prosecutor contains multiple DWI counts in the formal complaint or requires the trooper to list counts separately, only one DWI code may be used.
2. When charging a driver for an alcohol-related CVO/CVH offense, record the CVO/CVH and the DWI offense on the 1821 form.
3. Drivers should not be cited with moving violations that were part of the basis for making the DWI arrest (i.e., speed, over center line, failure to dim, etc.). Likewise, do not take activity for such offenses. Other offenses observed that are not a basis for the stop should, however, be cited (i.e., driver's license violations, refusal to test, equipment offenses, open bottle, drug offenses).

D. Drug Recognition Evaluator(DRE)

When a DRE is asked to assist with a DWI arrest, only the arresting trooper should take activity credit for the incident. DREs shall complete a *Drug Influence Evaluation* face sheet, as well as a narrative report detailing their observations, and forward the reports to the State DRE Coordinator.

E. Forms

It is essential that all required forms be submitted to the district/section office without delay. All forms through eCharging must be received by Driver and Vehicle Services within seven days of the incident.

1. MN State Patrol DWI Report through TraCS
2. TraCS attachments include: Offender Tracking Form, eCharging file, driving record (10-45) and vehicle return (10-28).
3. Uniform Traffic Citation (if applicable).
4. Other forms as applicable: Firearms Breath Test Advisory, Commercial Vehicle Breath Test Advisory, Motorboat/Off-road recreational vehicle Breath Test Advisory with Notice of Revocation

## VII. BOOKING AND DISPOSITION

- F. Persons arrested for DWI should be booked in the appropriate jail. Be aware of the 36/48 hour rules (see General Order [20-028](#)) and ensure that the proper documents are provided to the local prosecutor or judge prior to expiration so that appropriate action can be taken. The process may differ between counties; follow the requests of the local prosecutor.
- G. Pursuant to Minn. Stat. 169A.40, the DWI offenses that require a mandatory hold for court are:
1. First-degree driving while impaired; and
  2. Driving while impaired and driver's license or driving privilege has been canceled, inimical to public safety.
- H. If a booking facility is not possible, a DWI suspect may be taken to detox or released to a sober adult. Record the name and address of the sober party in the report, and have them complete and sign the Sober Party Waiver Form.

## VIII. ADMINISTRATIVE AND CIVIL ACTIONS

- I. Driver's License
1. Notice and Order of Revocation/Temporary Driver's License, *Non-Commercial Driver*
    - a. If a subject refuses a breath test, or submits to a breath test indicating an alcohol concentration of .08 AC percent or more, issue the Notice and Order of Revocation.
    - b. If the subject is a Minnesota licensed driver, clip the license at the upper corner without damaging identifying information and return.
    - c. Issue the temporary license if satisfied with a positive identification.
    - d. Do not issue the Notice and Order of Revocation or temporary driver's license to subjects submitting to blood or urine tests.
  2. Notice and Order of *Commercial Driver Revocation/Disqualification*
    - a. The operator of a commercial vehicle with any amount of alcohol (including less than .04 AC) is in violation and shall be advised they are out-of-service for 24 hours. The warning form (1801) or the truck inspection form may be used to record the out-of-service order (See General Order 70-020).
    - b. If the driver of a commercial vehicle provides an evidentiary breath test *between* .04 and .079 AC or refuses breath testing, serve them with the Commercial Driver Disqualification.
    - c. If the driver of the commercial vehicle provides an evidentiary breath test .08 AC or higher or refuses breath testing, serve them with both the motor vehicle Notice and Order of Revocation and the Notice and Order of *Commercial Driver Revocation/Disqualification*. The appropriate advisory box is to be checked and, in the case of a Minnesota licensed driver, the license is to be invalidated.
    - d. If fluid testing is utilized, revocation and disqualification shall occur through DVS upon conviction.
- J. License Plate Impoundment
1. Only Minnesota motor vehicle license plates can be impounded and only for the vehicle the violator is driving. Pursuant to Minn. Stat. [§169A.60](#), motor vehicle license plates may be impounded for the following:
    - a. DWI plus at least one aggravating factor.
    - b. Violator is cancelled inimical to public safety (DWI or sober).
  2. Serve a [Notice and Order of License Impoundment](#) (PS-2486) unless a fluid test is taken (DVS will then take action upon receipt of test results.)
    - a. If the violator is the owner of the vehicle, circle the "14" day on the temporary permit.
    - b. If the driver is not the owner, circle the "45" day on the temporary permit.
    - c. Instruct the owner or driver to place the "Vehicle Copy" of the temporary permit in the rear window of the vehicle before it is operated.

3. Seize the plates of vehicle violator is currently driving, regardless of ownership.
  - a. Destroy plates.
  - b. Submit DPS/MSP copies of the License Plate Impoundment Order to the district/section office.
  - c. When encountering a vehicle that lists the license plates as “revoked for alcohol”, seize and destroy the plates, but *do not* issue a Notice and Order of License Plate Impoundment/Temporary Registration.
  - d. Troopers shall not issue an impoundment order for the registration plates of a rental vehicle, as defined in section [168.041, subd. 10](#), or a vehicle registered in another state.
- K. Vehicle Forfeiture  
A vehicle may be seized subject to forfeiture when the seizure is incident to a lawful arrest of the owner or of another person, if the owner or lessor knew or should have known of the violation, for a designated offense which includes an arrest for DWI or an aggravated offense. See GO [80-005](#).

## **IX. IGNITION INTERLOCK**

- A. Application  
Enforcement focuses on tampering/circumventing the device and driving in violation of the restriction.
  1. To check whether the device is properly installed and working, the driver should be asked to shut off the vehicle for three minutes and proceed through the testing process.
  2. If the device is not present/properly installed, the driver shall be informed that his/her continued operation of the vehicle is illegal and unsafe. Arrangements for the vehicle shall be made consistent with current policy for suspended/revoked drivers. Document the advisory and action taken in the comments section of the CAD event.
- B. Exception: No device is required for a participant who drives an employer-owned vehicle for daily use (i.e. assigned a different company vehicle each day) in the normal scope of employment duties with the employer’s written consent. A waiver must have been obtained from DVS and be present in the vehicle.
- C. Citation and Coding: Cite violations under Minn. Stat. sec. [171.09, subd. 1\(g\)](#) and use code 1212.

## **X. RESPONSIBILITIES**

- A. Member
  1. Thoroughly complete all reports and forms as soon as possible following the arrest.
  2. Request from dispatch an audio copy of any witness complaint that resulted in a DWI arrest.
  3. Complete an Offender Tracking Form for each person arrested for DWI.
  4. Submit reports to prosecutor as circumstances and local procedures dictate.
  5. Maintain all recordings involving the incident until the matter has been adjudicated.
  6. Provide required written notice to student’s school chemical abuse team within two weeks.
- B. District/Section Commander
  1. Review reports to ensure that they are complete and in accordance with MSP policies.
  2. Ensure dictated arrests are transcribed and copies sent to the prosecutor when requested.
  3. Send the Peace Officer’s Certificate/accompanying reports to DVS.
  4. Send a copy of any arrest report involving DWI Child Endangerment to the county social services agency where the incident occurred.
  5. Forward license plate impoundment forms to DVS and appropriate prosecutors.
    - a. Keep current records of all impounded license plates, whether turned in or delivered.
    - b. Ensure that all impounded plates are destroyed.
    - c. After the plates are destroyed, send a photocopy of the impoundment order to DVS.
  6. Ensure access to online DWI test results or provide paper copies to prosecutors.
- C. Dispatchers  
Obtain relevant information from reporting parties (including name, address, and telephone number and the basis for belief the suspect was impaired) and provide summary to arresting Trooper.


## RELATED RESOURCE OR FORM

RESOURCE	TITLE

## APPROVAL

NAME	Colonel Christina Bogojevic
TITLE	Chief, Minnesota State Patrol
DATE	July 1, 2025

# GENERAL ORDER

	<b>Effective:</b> July 20, 2012	<b>Number:</b> 12-70-009
	<b>Subject:</b> UNSAFE EQUIPMENT	
	<b>Reference:</b> Minn. Stat. sec. <a href="#">169.47</a>	
	<b>Special Instructions:</b> Rescinds GO 85-70-009	<b>Distribution:</b> A,B,C,F

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement of Minn. Stat. sec. [169.47](#).

## II. POLICY

- A. This section, which elevates equipment violations to a misdemeanor, may be used for equipment violations when no other statutes apply. Examples: excessively loose steering, leaking brake lines, broken suspension components affecting control of the vehicle, etc.
- B. Minn. Stat. sec. 169.47 generally applies to vehicles and combinations of vehicles. However, certain vehicles are exempt, to include implements of husbandry, road machinery, or road rollers, except as otherwise provided in this chapter. This provision also states that low-slung trailers are exempt under certain circumstances as articulated in statute.

## III. ENFORCEMENT

- A. If three or more equipment violations are observed on the vehicle (e.g. one headlamp not operative, one rear lamp not operative, and one turn signal not working, etc.), you may cite Minn. Stat. sec. 169.47 enumerating the specific statutory provisions in the description area of the citation.

**Approved:**

**SIGNED 7/20/2012**

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**Colonel Kevin P. Daly, Chief  
Minnesota State Patrol**



# GENERAL ORDER

	<b>Effective:</b> July 13, 2012	<b>Number:</b> 12-70-019
	<b>Subject:</b> SEAT BELTS AND CHILD PASSENGER RESTRAINTS	
	<b>Reference:</b> Minn. Stat. §169.447, 169.685, 169.686, 221, CFR 49	
	<b>Special Instructions:</b> Rescinds GO 10-70-019	<b>Distribution:</b> G

## I. POLICY

It is the policy of the Minnesota State Patrol to aggressively enforce the use of seat belts and child passenger restraint devices and to issue citations for these violations. Education and enforcement have proven to be critical elements to increasing voluntary seat belt compliance.

## II. APPLICATION AND ENFORCEMENT

### A. Seat Belts

1. All Vehicles
  - a. All persons occupying a seating position with a seat belt installed are required to be properly restrained. All persons 15 years of age or older should receive a citation for this offense. The driver should receive a citation if not properly restrained, as well as one for any passengers under the age of 15 who are also not properly restrained.
  - b. Exemptions to the seat belt requirement are listed in Minn. Stat. §169.686, subd. 2.
2. Commercial Motor Vehicles

Title 49, Code of Federal Regulations, 393.93 requires trucks and truck-tractors to be equipped with seat belts for the driver and right front passenger. A driver not wearing a seat belt as required should be issued a citation for "Driver Failing to Use Seat belt in a Commercial Vehicle" 221.0314, 49 CFR 392.16 for intrastate operation; or 221.605, 49 CFR 392.16 for interstate operation. Passengers should be cited in accordance section A. 1.a. above.
3. School Buses

The driver of a properly-equipped school bus is required to use the seat belt. The driver should receive a citation if not properly restrained (§169.447, subd.2 "Failure to Use Seat Belt").
4. Department Vehicles and Misc. Vehicles Used to Conduct Official Business

All employees shall ensure the seat belt laws are strictly adhered to in any department vehicles or other vehicles used to conduct official business (rental vehicles, etc.).

### B. Child Restraints

1. Any occupants less than 8 years of age and under 4' 9" must be properly restrained in a federally approved child passenger restraint system, which includes a booster seat for children who no longer belong in a rear facing or forward facing car seat.
2. Drivers operating a vehicle in violation of child restraint laws should be issued a citation for the violation(s) (§169.685, subd 5 (a), "Failure to Equip and Install a Child Passenger Restraint System" or §169.685 Subd. 5 (b), "Failure to Secure Child in Child Passenger Restraint System"). Troopers shall inform the vehicle operator that continued operation of the vehicle is illegal and unsafe and therefore not advised. The enforcement action taken and the advisory shall be documented in the comments section of the CAD event.


**Approved:**

**SIGNED 7/13/2012**

**Colonel Kevin P. Daly, Chief  
Minnesota State Patrol**



# GENERAL ORDER

	<b>Effective:</b>	April 19, 2019	<b>Number:</b> 19-70-023
	<b>Subject:</b>	<b>SCHOOL BUSES – STOP SIGNALS, CONDUCT OF OTHER DRIVERS &amp; CRIMINAL ACTIVITY ON OR ABOUT SCHOOL BUSES</b>	
	<b>Reference:</b>	Minnesota Statutes <a href="#">169.441–169.444</a> , <a href="#">169.447</a> , <a href="#">169.448</a> , <a href="#">169.4581</a>	
	<b>Special Instructions:</b>	Rescinds GO 12-70-023	<b>Distribution:</b> A,B,C,F

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement of the laws relating to school buses.

## II. APPLICATION

- A. Stop arm violations (Minn. Stat. sec. [169.444, subd. 1](#))
  1. The driver of a vehicle upon a highway must stop for a school bus when displaying an extended stop arm and flashing red lights. Subdivision 4 creates certain exemptions for roadways separated by a physical barrier, i.e., grass, median, raised curb, center aisle, etc., but does not include a painted double yellow center line.
  2. The driver of a vehicle upon a highway is prohibited from passing a school bus on the right-hand, passenger-door side of the bus when the bus is displaying the prewarning flashing amber signals.
  3. Violation; Penalty (Minn. Stat. sec. [169.444, subd. 2](#))
    - a. Permits enforcement action to be taken in those instances where the vehicle is identified, usually by the bus driver, describing the vehicle, location, direction of travel, time, etc. Additional desirable features include type and color of vehicle, type of load and/or number of occupants, damage if any, vehicle registration, etc. but are not always necessary to reach probable cause of the violation.
    - b. The trooper is not required to effect the arrest, but should do so if the distinctive features satisfy probable cause within the 4 hour time frame. This does not preclude issuing a citation or submitting a case for charging beyond the 4 hour time limit.
    - c. If questioning extends beyond an initial investigation/inquiry, the Miranda Warning should be read.
    - d. If the driver cannot be identified, it is reasonable to believe that the possibility of prosecution will induce some owners to identify the driver or lessee. Minn. Stat. sec. [169.444, Subd. 6 \(a\)](#) should be used if citing the owner.
    - e. If the driver is convicted of the offense, the owner or lessor of the vehicle cannot be prosecuted under this statute.
    - f. A violation of passing or attempting to pass on the right-hand, passenger-door side of the bus, or while a school child is outside of and on the street or adjacent sidewalk is a gross misdemeanor. A formal complaint should be filed for charging.
- B. Trailer Behind a School Bus (Minn. Stat. sec. [169.447, subd. 5](#)) A school bus may pull a trailer only when engaged in the following:
  1. “Co-curricular activities” are defined in part as “...school sponsored and directed activities designed to provide opportunities for pupils to participate, on an individual or group basis, in school or public events for the improvement of skills...”. See Minn. Stat. sec. [123B.49, subd. 3](#) (i.e. a trip to a museum during school hours).
  2. “Extra-curricular activities” are defined in part as “...all direct and personal services for public school pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member...” See Minn. Stat. sec. [123B.49, subd. 4\(a\)](#) (i.e., a trip to a nearby school to attend or participate in sports activities after school hours).
  3. This subdivision does not apply if the bus is appropriately marked and legally operated as a “Charter Bus.” Charter buses are not precluded from towing a trailer.

C. Criminal Activity on a School Bus (Minn. Stat. sec. [169.4581](#))

State Patrol members may respond to incidents occurring on or involving school buses which involve criminal behavior. It is the policy of the State Patrol to respond to all requests for service involving a school bus, when the incident falls within our jurisdiction. Upon arrival, the responding Trooper shall assess the situation. If criminal activity has occurred, the State Patrol member shall take the appropriate action which may include: Report and refer the matter to the appropriate law enforcement agency with jurisdiction, take the appropriate enforcement action for criminal offenses committed. If no offense has taken place, advise the school bus driver, school district employee, or person who reported the criminal activity.

D. Vehicles Used as Other Than School Buses or Head Start Buses (Minn. Stat. sec. [169.448, subd. 1](#))

1. A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow. A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus related equipment and printing. See exceptions outlined in Minn. Stat. sec 169.448, subd d and e.
2. Enforcement: If found to be operating as private or non-school bus without being repainted and/or lights removed within 30 days of being put into operation, issue a Warning form for the equipment violation.
3. If after 30 days, in regard to (2.) above, issue a Uniform Traffic Citation. Proper Charge: "School Bus – Fail to paint or remove under Minn. Stat. sec. [169.448, subd. 1](#).

E. School Bus Driver responsibilities and regulations (Minn. Stat. sec [169.443](#))


1. School Bus and Type III drivers are prohibited from operating the vehicle while communicating or operating a cell phone for personal reasons, regardless if in hands free mode or not, when the vehicle is in motion or a part of traffic.
2. Unless following an exception in subdivision 3, school bus drivers are required to use the stop arm system in conjunction with the flashing red signals only when the school bus is stopped on a street or highway to load or unload school children.

**Approved:**

**SIGNED 4/19/2019**

**Colonel Matthew Langer, Chief  
Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> August 17, 2012	<b>Number:</b> 12-70-024
	<b>Subject:</b> DRIVER'S LICENSE LAW	
	<b>Reference:</b> Minn. Stat. Chap. <a href="#">171</a>	
	<b>Special Instructions:</b> Rescinds GOs 99-70-024, 99-70-027, 99-70-028	<b>Distribution:</b> A,B,C,F

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement of Minnesota Statutes pertaining to driver's license-related laws and to ensure that all drivers contacted possess a valid license for the type of vehicle being operated on Minnesota roadways.

## II. PERSONS EXEMPT FROM LICENSURE (MINN. STAT. SEC. 171.03)

- A. A person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government. A "federal vehicle" is a vehicle actually owned or leased by the federal government. Privately owned vehicles used by federal employees or vehicles used by persons who have contracted with the federal government to perform a service are not federal vehicles.
- B. A non-civilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota National Guard is exempt from the requirement to possess a class A, B, or C commercial motor vehicle driver's license while driving/operating for military purposes.
- C. Any person while driving or operating any farm tractor or implement of husbandry temporarily operated or moved on a highway.
- D. A non-resident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the non-resident in the home state or country may operate a motor vehicle in this state only as a driver.
- E. A non-resident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986 and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state.
- F. Any non-resident who is at least 18 years of age whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver only for a period of not more than 90 days in any calendar year if the motor vehicle is registered for the current calendar year in the home state or country of such non-resident.
- G. Any person operating a snowmobile.

## III. LICENSE CLASSES AND TYPES (MINN. STAT. SEC. 171.02)

- A. No person shall operate a vehicle that does not meet the specifications set forth in the driver's license class. Violators shall be issued a citation for "No Minnesota Driver's License; Minn. Stat. sec. 171.02, subd.1."
- B. Class D license is valid for:
  - 1. All single unit vehicles except:
    - a. vehicles with a gross vehicle weight of more than 26,000 pounds;
    - b. vehicles designed to carry more than 15 passengers including the driver; and
    - c. vehicles that carry hazardous materials.
  - 2. Fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight.

3. All farm trucks if farm truck is:
  - a. controlled and operated by a farmer, including an immediate family member or an employee of the farmer;
  - b. used to transport agricultural products, farm machinery, or farm supplies (including hazardous materials) to and from a farm;
  - c. not used in the operation of a common or contract motor carrier as governed by 49 CFR 365; and
  - d. used within 150 miles of the farm.
4. Towing vehicle combinations if the combined weight has a gross vehicle weight of 26,000 pounds or less.
- C. Class C license is valid for:
  1. All class D vehicles.
  2. With a hazardous materials endorsement, transporting hazardous materials in class D vehicles.
  3. With a passenger endorsement, operating buses.
  4. With a passenger endorsement and school bus endorsement, operating school buses.
- D. Class B license is valid for:
  1. All class D and class C vehicles.
  2. All other single unit vehicles including, with a passenger endorsement, buses.
  3. May only tow vehicles with a gross vehicle weight of 10,000 pounds or less.
- E. Class A license is valid for any vehicle or combination thereof.
- F. Types of Driver's Licenses
  1. Minnesota driver's licenses are classified into the following type:
 

1 – Regular	5 – Instruction Permit	9 – Seasonal Farm < 21
2 – Duplicate	6 – Exam	0 – Seasonal Farm < 21 Duplicate
3 – Under 21	7 – Seasonal Farm	P – Provisional
4 – Under 21 Duplicate	8 – Seasonal Farm Duplicate	Q – Provisional Duplicate

#### IV. ENDORSEMENTS, RESTRICTIONS, AND LIMITATIONS TO LICENSURE

- A. Endorsements (Minn. Stat. sec. [171.02, subd. 2\(b\)](#))
  1. No class of driver's license shall be valid to operate a motorcycle, school bus, tank vehicle, double or triple trailer combination, vehicle transporting hazardous materials, or a bus unless so endorsed or exempted in statute.
- B. Restrictions (Minn. Stat. sec. [171.09](#))
  1. The Commissioner may impose restrictions upon licensee to assure the safe operation of a motor vehicle by the licensee, e.g. ignition interlock, corrective lenses, elevated seat, 50 mph speed restriction, no night time driving, etc.
  2. If the restriction is for any use of alcohol/drugs (formerly known as a B-Card), this violation is a Gross Misdemeanor.
  3. If a Trooper has reason to believe that a licensee should be restricted for articulable reasons, complete Form 31924 Request for Driver Examination and mail to Driver and Vehicle Services (DVS). DVS will take appropriate action.
- C. Limitations (Minn. Stat. sec. [171.30](#))
 

The Commissioner may issue a limited license to a driver whose license has been suspended or revoked under the listed statute. If issued, the licensee must possess the limited license at all times when driving. The limited license will articulate the parameters with which the licensee may legally drive, e.g. hours, days, locations, etc.

## **V. INSTRUCTION PERMIT AND PROVISIONAL LICENSE**

### **A. Instruction Permit (Minn. Stat. sec. [171.05](#))**

1. A person 18 years or more of age having an instruction permit in immediate possession may drive a motor vehicle for which a class D license is valid upon the highways for a period of one year, but such person must be accompanied by an adult licensed driver who is actually occupying a seat beside the driver.
2. Persons less than 18 years of age and having an instruction permit in immediate possession, may drive a motor vehicle for which a class D license is valid upon the highways for a period of one year, but such person must be accompanied by a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older who also occupies the seat beside the driver. The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened.
3. Any license of a lower class may be used as an instruction permit for a higher class for a period of six (6) months after passage of the written test or tests required for the higher class, and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license MUST be carried by the driver while using such lower class license as an instruction permit.
4. It is not a violation for the adult licensed driver not to have their license in possession while occupying the seat beside the driver. Neither is it a violation when the accompanying person's license is restricted to operating under certain conditions other than those present while in the act of accompanying a person with an instruction permit.

### **B. Provisional License (Minn. Stat. sec. [171.055](#))**

1. A person greater than 16 years old, but less than 18 years old, may be issued a provisional driver's license with the following conditions:
  - a. Driver may not use a cell phone (handheld or hands free) while the vehicle is in motion.
  - b. For the first 6 months:
    - i. may not have more than 1 passenger under age 20 who is not an immediate family (does not apply if accompanied by parent or guardian);
    - ii. may only drive between midnight and 5am under the following conditions:
      - between home and place of employment;
      - between home and a school event where there is no school transportation;
      - employment purposes; and
      - accompanied by a licensed driver at least 25 years of age.
2. For the second 6 months the driver may not have more than 3 passengers under age 20 who are not immediate family (does not apply if accompanied by parent or guardian).

## **VI. LICENSE STATUS - SUSPENSION/REVOCATION/CANCELLATION/EXPIRATION**

### **A. Revocation/Suspension/Cancellation**

1. If the resident driver's license status is revoked, suspended, or cancelled, issue a citation for "Driving after Suspension; Minn. Stat. sec. 171.24, subd. 1," "Driving after Revocation; Minn. Stat. sec. 171.24, subd. 2," or "Driving after Cancellation; Minn. Stat. sec. 171.24 subd. 3".
2. If the resident driver's license status is cancelled inimical to public safety, effect a custodial arrest and ensure charges for "Driving after Cancellation – Inimical to Public Safety; Minn. Stat. 171.24, subd. 5" (Gross Misdemeanor).
3. If the non-resident driver's license status is suspended revoked, cancelled, or otherwise not valid in the state of issuance, issue citation for "No Minnesota Driver's License; Minn. Stat. sec. 171.02, subd. 1".
4. If the driver's license was presented as being valid and the status is suspended, revoked or

cancelled, consider charging the violator with “Presenting a Driver’s License Currently Under Withdrawal; Minn. Stat. sec. 171.22, subd.1(9)”. A driver’s license that was presented that is revoked or cancelled should be clipped in the lower right hand corner before being returned to the violator.

B. Expired

Expired status indicates the driver has an expired driver’s license and no valid driver’s license from a foreign state. If expired 30 days or less, issue a warning. If expired more than 30 days, issue a citation for “No Minnesota Driver’s License; Minn. Stat. sec. 171.02, subd. 1.”

C. Conax

Conax status indicates that either the licensee previously held a license in Minnesota or that the licensee was adjudicated of a misdemeanor or greater level license offense in Minnesota. This is not a license to drive in Minnesota.

D. No License

A driver without a license in Minnesota or any other state shall be issued a citation for “No Minnesota Driver’s License; Minn. Stat. sec. 171.02, subd. 1.”

## **VII. RESIDENCY (MINN. STAT. SEC. 171.03, SUBD. G)**

A. Residents are generally considered to be:

1. Anyone who has a permanent residence in Minnesota.
2. Anyone who votes in Minnesota.
3. Any person who resides in this state and does NOT have a permanent residence in another state.
4. Any person living in Minnesota who attends a public school or whose children attend a public school in Minnesota where non-resident tuition is paid, but was not paid by him/her.
5. Any person who owns real estate property in Minnesota and who claims homestead tax status on the property.

B. Non-residents are generally considered to be:

1. Anyone maintaining a permanent home in another state who does not vote in Minnesota and who has not obtained a resident fishing or hunting license in Minnesota.
2. Anyone who maintains their legal residence with their family, parents or guardian in another state and is here only temporarily. Examples: A student whose parents or guardians live in Iowa and who is attending school in Minnesota and who expects to return to Iowa at the end of the school term; a person employed in this state but residing in an adjoining state and who returns to their state periodically; anyone residing in another state and is temporarily employed in this state, e.g. salesperson, seasonal laborer, certain school teachers, etc.

C. Enforcement of Residency

1. If residency from another state to Minnesota has been established for 60 days or less, issue a warning for “No Minnesota Driver’s License; Minn. Stat. sec. 171.02, subd. 1.” If residency from another state to Minnesota has been established for more than 60 days, issue a citation for “No Minnesota Driver’s License; Minn. Stat. sec. 171.02, subd. 1.” Note: The residency limit is reduced to 30 days if the driver holds a valid commercial driver’s license from the prior state.
2. Residents must change their address on their driver’s license within 30 days of moving within Minnesota. Violators may be issued a citation for “Wrong Address on Driver’s License; Minn. Stat. sec. 171.11.”

## VIII. OTHER

### A. Possession of Driver's License

Drivers are required to have a driver's license in their possession while operating a motor vehicle pursuant to Minn. Stat. sec. [171.08](#).

### B. Criminal Vehicular Operation

With proper notice of Criminal Vehicular Operation charges (Minn. Stat. sec. [609.21](#)), Driver and Vehicle Services (DVS) will suspend the driving privileges of the person charged pursuant to Minn. Stat. sec. [171.18](#), pending the adjudication of the charges. A copy of the field report and complaint shall be forwarded from the prosecutor or the District Office to DVS in these cases.

### C. Arrest Versus Release

1. Individuals cited for driver's license violations shall not be taken into custody unless:

- a. it appears necessary to prevent bodily harm to accused or another;
- b. further criminal conduct is likely to occur;
- c. there is a substantial likelihood that the violator will not respond to a citation or has failed to appear on a previous citation; or
- d. when an active warrant exists.

2. Individuals cited and released for a driver's license violation shall be given reasonable assistance in having their vehicle moved to a place of safety. Under no circumstances will a violator be left in a potentially unsafe environment without means of communication/transportation with the vehicle and cautioned not to drive nor should they be allowed to continue driving.

3. For information regarding towing vehicles, refer to GO 20-006.


**Approved:**

**SIGNED 8/17/2012**

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**Colonel Kevin P. Daly, Chief  
Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> November 30, 2012	<b>Number:</b> 12-70-025
	<b>Subject:</b> DRIVER EXAMINATION REQUEST	
	<b>Reference:</b> Minn. Stat. sec. <a href="#">171.13</a>	
	<b>Special Instructions:</b> Rescinds GO 12-70-025 (September 21, 2012)	<b>Distribution:</b> A,B,C

## I. POLICY

To establish a uniform policy for the interpretation and use of the driver examination process and criteria.

## II. PROCEDURE

The following is the procedure for use of the Driver Examination Request form:

- A. A Request for Examination of Driver (PS-31924) form shall be filled out whenever a Trooper believes a person is incompetent to drive by virtue of physical or mental disability, for a pattern of demonstrated inability to control anger during vehicle operation, or for a violation of abstinence restrictions on the license. Age alone is not a sufficient reason for requesting examination.
- B. Troopers must specify the reason for the examination request by checking the applicable box and writing an explanation, e.g.: "coordination seems impaired" or "power of comprehension appears diminished," etc. Examination requests should not be submitted unless physical or mental impairment can be reasonably discerned. "Bad attitude" or "quarrelsome individual," etc. are NOT valid reasons for requesting examination.
- C. In cases requiring examination, Troopers shall fill out PS-31924 and ensure the form is properly and in a timely manner submitted to the Minnesota Department of Public Safety's Driver and Vehicle Services (DVS) Evaluation Section.
- D. Submissions of PS-31924 to DVS can be by fax (651-797-1247), U.S. Mail, or emailed to DVS.DEV.Policereports@state.mn.us. Each manner of submission should include a copy to the district/section supervisor for review.
- E. Citizen recommendations should be directed to the DVS Evaluation Section.


**Approved:**

SIGNED 11/30/2012

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Colonel Kevin P. Daly, Chief  
Minnesota State Patrol



# GENERAL ORDER

	<b>Effective:</b> April 18, 2023	<b>Number:</b> 23-70-030
	<b>Subject:</b> PETROLEUM TAX	
	<b>Reference:</b> Minnesota Chapter 168D, 296A; 299D; and IFTA Articles of Agreement	
	<b>Special Instructions:</b> Rescinds GO 12-70-030	<b>Distribution:</b> A,B,C, F

## I. PURPOSE

To establish a uniform procedure in the enforcement of Motor Carrier (fuel tax) Licenses and petroleum fuel use pertaining to commercial motor vehicles under Minnesota Chapter 168D and 296A to ensure that all motor carriers are properly registered so that each motor carrier is assessed for petroleum tax owed or credited for excess petroleum tax paid by the carrier, and commercial vehicles are using properly taxed fuel.

## II. DEFINITIONS (MINN. STAT. SEC. 168D.01)

- A. "Qualified Motor Vehicle" is a motor vehicle used, designed, or maintained for transportation of persons or property that:
1. Has two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds;
  2. Has three or more axles regardless of weight; or
  3. Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle or registered gross vehicle weight. Commercial motor vehicle does not include recreational vehicles or any vehicle exempt from registration under Minn. Stat. sec. 168.012, subd. 1(a)(1).
- B. "Motor carrier" means a person, corporation, partnership, association, trust or other entity, however organized, operating one or more qualified motor vehicles as part of its interstate business operations.
- C. "Motor fuel" means an agent, regardless of its composition or properties, used to propel a qualified motor vehicle.
- D. "Operation" means operation of qualified motor vehicles whether loaded or empty, whether for compensation or not for compensation, and whether owned or leased to the motor carrier who operates them or causes them to

## III. EXEMPTIONS

Under certain circumstances carriers may be exempt from obtaining an IFTA license and having to file fuel returns under the IFTA program. Carriers who qualify for an exemption must notify the Division of Vehicle Services office in writing. Exemptions include:

- A. A company that has an IFTA license in another state or is leased to a carrier that reports fuels tax; or
- B. A company operating 2-axle vehicles having a gross registered weight of 26,000 pounds or less in each state where the company is registered.
- C. Any motor vehicle bearing Minnesota base license plates.
- D. Any commercial motor vehicle operated under the terms of a negotiated reciprocal agreement between the state of Minnesota and one or more additional states.
- E. Recreational Vehicles defined in Minn. Stat. sec. 168.002

## IV. APPLICATION

The authority of the Commissioner of Revenue relating to the recording, assessing, and Collecting of petroleum taxes was extended to the Commissioner of Public Safety by the 2002 Legislature. Minnesota Statute 296A.27 was repealed and replaced by 168D, which requires motor carriers to apply for and carry a motor carrier license; and Border Reciprocity which provides for the option of the commissioner to enter into reciprocal agreements and compacts including the International Fuel Tax Agreement.

- A. Minn. Stat. sec. 168D.05 states that no motor carrier may operate a commercial motor vehicle upon the highways of this state unless and until issued a license under this section or until the motor carrier has obtained a trip permit or temporary authorization as provide in this section.
- B. Minn. Stat. sec. 168D.12 provides an unlicensed motor carrier the option of obtaining a 5-day trip permit for a fee of \$25. Such permit is issued in lieu of the motor carrier license if in the course of operations a motor carrier operates on Minnesota highways.

- C. Minn. Stat. sec. 168D.02 provides the Commissioner of Public Safety authority to ratify and effectuate the International Fuel Tax Agreement (IFTA). Minnesota is an IFTA member and must observe the rules of the agreement which includes, but is not limited to the following:
  - 1. A motor carrier shall be issued one IFTA license. A legible copy of the license shall be carried in the cab of each qualified vehicle in the fleet.
  - 2. Grace period—Carriers renewing their IFTA licenses are allowed a two-month grace period to display the current year IFTA license and decals. New credentials must be displayed on or before March 1.
- CI. Two IFTA decals are issued for each qualified vehicle. Decals must be affixed to the lower, rear exterior portion of the left and right sides of the cab. In the case of transporters, manufacturers, dealers or drive away operations, the decals may be temporarily displayed in a manner visible on both sides of the cab. Minn. Stat. sec. 168D.06 provides that license fees paid to the commissioner under the International Fuel Tax Agreement must be deposited in the vehicle services operating account in the special revenue fund under Minn. Stat. sec. 299A.705. The commissioner shall charge an annual fuel license fee of \$15, and an annual application filing fee of \$13 for quarterly reporting of fuel tax.
- CII. Minn. Stat. sec. 168D.07 states that the Commissioner shall issue a decal or other identification to indicate compliance with the International Fuel Tax Agreement. The commissioner shall collect a fee for the decal or other identification in the amount established in Minn. Stat. sec. 168.12, subd. 5. Decal or other identification fees paid to the commissioner under this subdivision must be deposited in the vehicle services operating account in the special revenue fund under Minn. Stat. sec. 299A.705.

#### 24- **ENFORCEMENT (MINN. STAT. SEC. 168D.14)**

- A. Each licensee shall be issued one motor carrier license or IFTA cab card. The licensee shall make copies of the original and shall carry a paper or electronic copy in each vehicle operated by or on behalf of the licensee. License information for Minnesota carriers is available during business hours at (651) 205-4141.
  - 1. When the driver is unable to display a valid IFTA license, trip permit or temporary authorization, issue a citation for “No Motor Carrier License in Possession” M.S. 168D.05, subd. 1 (Activity Code 1803)
  - 2. If the member is able to determine that the motor carrier is not licensed, issue a citation for “No Motor Carrier License.” Minn. Stat. sec. 168D.05, subd. 5. (Activity Code 1803)
  - 3. IFTA - When the operator of a qualified vehicle does not display the required decals, but does display the cab card, issue a warning for “Fail to Display IFTA Decals”. (Activity Code 1803) (A temporary permit issued by the carrier’s base state may be displayed in lieu of the decals.)
  - 4. IFTA - A vehicle will not be considered to be operating under the terms of the IFTA agreement unless there is a copy of the IFTA license in the vehicle. When the operator of qualified vehicle is unable to display an IFTA license proceed as in items 1 & 2 above.
- B. Whenever enforcement action is taken for failure to display an IFTA License, the driver is required to purchase a temporary fuel permit for a fee of \$25.00. The IFTA agreement does not allow for the issuance of temporary IFTA licenses, therefore the driver/violator should be advised that the trip permit only grants authority to operate within Minnesota.

#### 25- **ENFORCEMENT OF TAXABLE FUEL (MINN. STAT. CHAP. 296A)**

- A. Unless otherwise exempt, all licensed vehicles are required by law to use fuel that has been taxed.
- B. M.S. 296A.02 grants the Commissioner of Revenue to enforce the use of taxed fuel with assistance of the Commissioner of Public Safety.
- C. For the purpose of this section, the definition of a commercial motor vehicle is all vehicles as defined in 49 CFR 390.5, engaged in interstate or intrastate transportation, and used in for-hire or private transportation, on a public highway.
- D. All personnel trained in the examination and collection of untaxed fuel shall:
  - 1. While conducting commercial vehicle inspections determine the fuel used to generate power for

- propelling the vehicle.
2. If the fuel used is diesel fuel or a derivative of diesel fuel oil, personnel should:
    - a. notify the driver they are subject to a taxable fuel check by providing a copy of the Department of Revenue 916 form; and
    - b. check for the presence of red dyed fuel.
  3. If red dyed fuel is discovered, samples shall be taken, proper documentation collected and necessary reporting completed and forwarded to the Department of Revenue.
  4. If the driver denies permission to check for the use of untaxed fuel, the proper information shall be collected and forwarded to the Department of Revenue.


**APPROVED:**

**SIGNED 4/18/2023**

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**Colonel Matthew Langer, Chief  
Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> December 13, 2013	<b>Number:</b> 13-70-035
	<b>Subject:</b> <b>INSURANCE</b>	
	<b>Reference:</b> Minn. Stat. secs. <a href="#">169.791–169.798</a> , Minn. Stat. Chapters <a href="#">65B and 221</a>	
	<b>Special Instructions:</b> Rescinds GO 12-70-035	<b>Distribution:</b> A,B,C, F

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement of Minnesota's vehicle insurance laws.

## II. REQUIREMENTS

- A. Every vehicle which is required to be licensed or is principally garaged in this state is required to be covered by insurance or by a qualified self-insurance plan. Exempted from this requirement are: buses operated by the MTC, school buses, and commercial vehicles required to file proof of insurance under Minn. Stat. Chap. [221](#). Vehicles not meeting the above requirements must have security in effect to cover any accident which occurs in this state.
- B. Every driver, including a motorcyclist, must have in possession proof of insurance and display this proof on the demand of a peace officer. Failure to display proof of insurance is a misdemeanor, or a gross misdemeanor if it is a third violation within 10 years pursuant to Minn. Stat. sec. [169.791, subd. 2](#). As of August 1, 2013, proof may be presented electronically pursuant to Minn. Stat. sec. [60A.139, subd. 2](#).

## III. ENFORCEMENT PROCEDURE

- A. Members should routinely request proof of insurance on vehicles stopped for any violation.
- B. Drivers who are unable to provide proof that a vehicle is covered by required insurance at the time of the request should be cited for "Failure to Provide Proof of Insurance" (Minn. Stat. sec. [169.791](#)).
  - 1. In cases where a trooper wishes to compel an owner (not present in the vehicle) to provide insurance information, a notice requiring proof of insurance may be sent to the registered owner. The notice (PS 18120-02) requires the information to be provided to the District Office. If the proof is not received within 10 days, a citation should be issued to the owner for "Failure to Provide Proof of Insurance." The citation may be mailed to the registered owner's current address.
- C. In cases where the lack of insurance can be proven, the driver/owner shall be charged with "No Insurance" (Minn. Stat. sec. [169.797](#)). A charge of "Failure to Provide Proof of Insurance" and "No Insurance" may be issued for the same incident.
- D. It is a misdemeanor for any person, including insurance agents, etc., to provide false insurance information to a peace officer or court administrator. Violators should be charged under Minn. Stat. sec. [169.791, subd. 7](#).
- E. It is a misdemeanor to prepare or display altered, false, or fictitious insurance information. Violators should be charged with the appropriate offense under Minn. Stat. sec. [169.793](#).
- F. A driver who causes or contributes to an crash causing death or substantial bodily injury while operating a vehicle without insurance is guilty of a gross misdemeanor under Minn. Stat. sec. [169.797, subd. 4](#).
- G. No Insurance and Towing: Refer to General Order 20-006.

**Approved:**  
**SIGNED 12/13/2013**

**Lieutenant Colonel Matthew Langer**  
**Assistant Chief, Minnesota State Patrol**

# GENERAL ORDER



<b>Effective:</b>	July 27, 2012	<b>Number:</b> 12-70-036
<b>Subject:</b>	<b>MOTORCYCLES, MOTORIZED BICYCLES, AND OTHER TWO-WHEELED VEHICLES</b>	
<b>Reference:</b>	Minn. Stat. secs. <a href="#">65B</a> , <a href="#">168.12</a> , <a href="#">169.011</a> , <a href="#">169.223</a> , <a href="#">169.225</a> , <a href="#">169.64</a> , <a href="#">169.67</a> , <a href="#">169.74</a> , <a href="#">169.97</a> , <a href="#">171.02</a>	
<b>Special Instructions:</b>	Rescinds GO 87-70-036	<b>Distribution:</b> A,B,C,E

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement of Minnesota Statutes pertaining to the operation of two and three wheeled vehicles on Minnesota's roadways.

## II. MOTORCYCLE

### A. Motorcycle Definition (Minn. Stat. sec. [169.011](#))

A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, other than those vehicles defined as motorized bicycles in [subdivision 45](#), but excluding a tractor.

### B. Equipment

1. Must be outfitted with the same equipment as other motor vehicles except for those which by their nature have no application (Minn. Stat. sec. [169.974](#), [subd. 3 \(b\)](#)).
2. At least one brake is required operable by hand or foot (Minn. Stat. sec. [169.67](#), [subd. 2](#)).
3. Any motorcycle designed or suited for use by a passenger shall be equipped with footrests (Minn. Stat. sec. [169.974](#), [subd. 3](#)).
4. Motorcycles manufactured after January 1, 1971, shall be equipped with at least one rear view mirror and one horn if operated on streets and highways (Minn. Stat. sec. [169.974](#), [subd. 3](#)).
5. No person under the age of 18 shall operate or ride a motorcycle without wearing an appropriate helmet (Minn. Stat. sec. [169.974](#), [subd. 4. \(a\)](#)).
6. No person shall operate a motorcycle without wearing an eye protective device (Minn. Stat. sec. [169.974](#), [subd. 4. \(a\)](#)).
7. Headlight(s) must be lighted at all times while operated on streets and highways (Minn. Stat. sec. [169.974](#), [subd. 5. \(i\)](#)).

### C. Registration

Required and must be displayed horizontally on the rear (Minn. Stat. sec. [169.79](#), [subd. 3](#)) or vertically if issued a personalized license plate under Minn. Stat. sec. [168.12](#), [subd. 2 \(a\)](#).

### D. Insurance

Minn. Chap. [65B](#) requires that a **motorcycle** be insured.

### E. Driver's License/Endorsement/Permit

1. A valid driver's license with motorcycle endorsement is required (Minn. Stat. sec. [169.974](#), [subd. 2](#)).
2. A motorcycle instruction permit may be issued to anyone over 16 years of age with a valid driver's license. The permit is valid for one year and carries the following restrictions from Minn. Stat. sec. [169.974](#), [subd. 2 \(c\)](#):
  - a. Shall not carry any passengers;
  - b. Shall not drive at night;
  - c. Shall not drive on an interstate highway;
  - d. Shall not drive without wearing an appropriate helmet.

#### **F. Operation**

1. The number of passengers on a motorcycle must not exceed the designated capacity of the vehicle (Minn. Stat. sec. [169.974, subd. 5](#)).
2. A passenger's feet must reach the footrest while sitting astride in the seat (Minn. Stat. sec. [169.974, subd. 5](#)).
3. Operators shall not carry animals, packages, bundles, or other cargo preventing the person from keeping both hands on the handlebars (Minn. Stat. sec. [169.974, subd. 5](#)).
4. Motorcycles shall not operate between lanes of moving or stationary vehicles headed in the same direction, nor pass a vehicle in the same lane. With the consent of both drivers, two motorcycles may be operated abreast within a single lane (Minn. Stat. sec. [169.974, subd. 5](#)).
5. The use of hand signals to indicate turning or changing lanes is allowed per the restrictions in Minn. Stat. sec. [169.19](#).
6. A motorcycle may display a blue light of up to one-inch diameter as part of the motorcycle's rear brake light (Minn. Stat. sec. [169.64](#)).

### **III. MOTORIZED BICYCLE/ELECTRIC ASSISTED BICYCLE**

#### **A. Motorized Bicycle Definition (Minn. Stat. sec. [169.011, subd. 45](#))**

A bicycle that is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. Motorized bicycle includes an electric-assisted bicycle as defined in Minn. Stat. sec. [169.011, subd. 27](#).

#### **B. Electric-Assisted Bicycle Definition (Minn. Stat. sec. [169.011, subd. 27](#))**

Electric-assisted bicycle means a motor vehicle with two or three wheels that: (1) has a saddle and fully operable pedals for human propulsion; (2) meets the requirements of federal motor vehicle safety standards in Code of Federal Regulations, title 49, sections 571.1 et seq.; and (3) has an electric motor that (i) has a power output of not more than 1,000 watts, (ii) is incapable of propelling the vehicle at a speed of more than 20 miles per hour, (iii) is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and (iv) disengages or ceases to function when the vehicle's brakes are applied.

#### **C. Equipment**

1. The provisions of Minn. Stat. sec. [169.974](#) apply to motorized bicycles in regard to equipment unless otherwise provided by Minn. Stat. sec. [169.223](#).
  - a. Motorized bicycle operators under 18 years of age shall wear a helmet meeting the statutory requirements.
  - b. Electric assisted bicycle operators shall wear a helmet meeting the statutory requirements.
  - c. Eye protection required for motorized bicycles, but not for electric assisted bicycles.
2. A motorized bicycle shall have a headlight lighted at all times while operated on streets and highways (Minn. Stat. sec. [169.223, subd. 4](#)).

#### **D. Registration**

Required (Minn. Stat. sec. [168.013, subd. 1h](#)) and must be displayed horizontally on the rear (Minn. Stat. sec. [169.79, subd. 3](#)).

#### **E. Insurance**

Minn. Chap. [65B](#) requires that a motorized bicycle be insured.

#### **F. Driver's License/Permit**

A motorized bicycle or electric assisted bicycle may be operated with either a driver's license or by a fifteen (15) year old if they have obtained a motorized bicycle instruction or operator's permit under Minn. Stat. sec. [171.02, subd. 3](#).

**G. Operation**

1. Motorized bicycles shall not be operated on a sidewalk except when crossing Minn. Stat. sec. [169.223, subd. 3](#).
2. Passengers are not allowed, except the parental exclusion listed under Minn. Stat. sec. [169.223](#).
3. Operators shall ride as close as practicable to the right-hand curb or edge of the roadway except when passing, preparing for a left turn, or when necessary to avoid collisions or other unsafe situations (Minn. Stat. sec. [169.223, subd. 5](#)).
4. Motorized bicycle operation is not allowed on a bicycle path or bicycle lane reserved for the exclusive use of non-motorized traffic (Minn. Stat. sec. [169.223, subd. 5](#)).
5. Electric assisted bicycles may be operated within a bicycle lane (Minn. Stat. sec. [169.223, subd. 5](#)).

**IV. BICYCLE****A. Bicycle Definition (Minn. Stat. sec. [169.011, subd. 4](#))**

A device propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

**B. General Application**

The operator of a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle by this chapter, except as articulated in Minn. Stat. sec. [169.222](#).

**V. MOTORIZED FOOT SCOOTER****A. Motorized Foot Scooter Definition (Minn. Stat. sec. [169.011, subd. 46](#))**

A device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has no more than *two 12-inch or smaller diameter wheels* and has an engine or motor that is capable of a maximum speed of *15 miles per hour* on a flat surface with not more than one percent grade in any direction when the motor is engaged.

**B. Equipment**

1. A person under the age of 18 shall wear an approved helmet (Minn. Stat. sec. [169.225, subd. 4](#).)
2. A headlight and tail light are required if the motorized foot scooter is to be operated at night (Minn. Stat. sec. [169.225, subd. 5](#).)

**C. Registration**

Registration is not required for a motorized foot scooter.

**D. Insurance**

Insurance is not required for a motorized foot scooter.

**E. Driver's License/Permit**

There is no license requirement to operate a motorized foot scooter. However, no person under the age of 12 may operate one (Minn. Stat. sec. [169.225, subd. 3](#)).

**F. Operation; General**

1. Operators of motorized foot scooters shall have all rights and duties applicable to the operator of a bicycle, except as articulated by Minn. Stat. sec. [169.225](#).
2. Operators shall ride as close as practicable to the right-hand curb or edge of the roadway except when passing, preparing for a left turn (must dismount and walk), or when necessary to avoid collisions or other unsafe situations (Minn. Stat. sec. [169.225, subd. 6](#)).
3. Operation can occur on a bicycle path, bicycle trail, or bikeway not reserved for the exclusive use of non-motorized traffic, unless the local authority or governing body having jurisdiction over the path, lane, trail, or bikeway prohibits operation by law.


Approved:

SIGNED 7/27/2012

Colonel Kevin P. Daly, Chief  
Minnesota State Patrol



# GENERAL ORDER

	<b>Effective:</b> September 14, 2012	<b>Number:</b> 12-70-041
	<b>Subject:</b> BRAKES	
	<b>Reference:</b> Minn. Stat. sec. 169.67	
	<b>Special Instructions:</b> Rescinds GO 81-70-094	<b>Distribution:</b> A,B,C,F

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement in reference to the installation and use of brakes on motor vehicles and trailers in the state of Minnesota.

## II. SCOPE

Proper installation and use of brakes on all motor vehicles and trailers is imperative to safe operation on roadways. As a law enforcement agency it is our duty to ensure that proper use is practiced by the public.

## III. APPLICATION – MINN. STAT. SEC. 169.67

### A. Motor Vehicle

Every motor vehicle, other than a motorcycle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

### B. Motorcycle and Bicycle

Every motorcycle, and bicycle with motor attached, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

### C. Trailer, Semitrailer

1. No trailer or semitrailer with a gross vehicle weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer. A surge brake on a trailer or semitrailer meets the requirement of this paragraph for brakes adequate to stop and hold the trailer or semitrailer.

Exemptions:

- a. A towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour.
  - b. A motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the performance standards listed below provided the trailer does not exceed 3,000 lbs. while being pulled by a vehicle registered as a passenger car (excluding pickups), or 12,000 lbs. for all other towing vehicles.
  - c. A disabled vehicle while being towed to a place of repair.
2. No trailer or semitrailer with a gross vehicle weight of more than 3,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.



**D. Service Brakes on Wheels**

All motor vehicles, trailers, and semitrailers manufactured after June 30, 1988, must be equipped with foot brakes on all wheels.

**Exemptions:**

1. A mobile crane that is not operated at a speed of more than 45 miles per hour and is capable of stopping within the performance standards listed below
2. A motorcycle
3. A trailer or semitrailer with a gross weight of less than 3,000 pounds
4. A swivel-type third wheel on a travel trailer
5. A temporary auxiliary axle attached to a motor vehicle during a period of vehicle weight restrictions for the purpose of relieving the weight on another axle, if the combined gross weight on the temporary axle and the axle being relieved does not exceed 18,000 pounds and the motor vehicle meets all brake requirements under this section.
6. Paragraph (a) does not require brakes on the front wheels of a vehicle having three or more axles and manufactured before July 1, 1988, if the brakes on the other wheels of the vehicle meet the performance standards listed below.

**E. Brake Performance Standards**

1. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service (foot) brake, shall be capable of: (1) developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification, (2) decelerating in a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and (3) stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

Deceleration Table

1	2	3	4
Classification of Vehicles and Combinations	Braking Force as a Percentage of Gross Vehicle or Combination Weight	Deceleration in Feet Per Second Per Second	Brake System Application and Braking Distance in Feet
Passenger vehicles, not including buses	52.8 percent	17	25
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds	43.5 percent	14	30
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds, and buses not having a manufacturer's gross vehicle weight rating	43.5 percent	14	40
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	43.5 percent	14	50

2. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.
3. We do not currently have equipment to test brake performance standards and therefore no enforcement action will be taken regarding testing.

#### **IV. APPLICATION – MINN. STAT. SEC. 169.801 (IMPLEMENT OF HUSBANDRY)**

- A. A self-propelled implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it and any vehicle it is towing.
- B. A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it, unless the implement of husbandry is in a combination of vehicles that meets the brake performance standards above. If a towed implement of husbandry with a gross vehicle weight of more than 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is required to have brakes, it must also be equipped with brakes adequate to stop and hold it if it becomes detached from the towing vehicle.

#### **V. INTERSTATE CARRIERS APPLICATION**

NAST-trained Commercial Vehicle Inspectors and Troopers will enforce the brake requirements set forth in 49 CFR 393.40- 393.55.

#### **VI. ENFORCEMENT**


Appropriate enforcement action shall be taken to ensure safety on our roadways. NAST-trained Commercial Vehicle Inspectors and Troopers shall place appropriate vehicles out of service according to the North American Uniform out of service criteria.

**Approved:**

**SIGNED 9/14/2012**

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**Colonel Kevin P. Daly, Chief**  
**Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> August 10, 2012	<b>Number:</b> 12-70-045
	<b>Subject:</b> SPEED ENFORCEMENT AND EQUIPMENT	
	<b>Reference:</b> Minn. Stat. sec. <a href="#">169.14</a>	
	<b>Special Instructions:</b> Rescinds GO 85-70-045, 09-30-021	<b>Distribution:</b> A,B,C

## I. PURPOSE

It is the policy of the Minnesota State Patrol to employ various department-issued devices to aid in the enforcement of speed laws on Minnesota's roads. Before use, Troopers shall be trained in the use and care of these devices and are responsible for verifying the calibration of any device(s) they operate. This General Order also establishes a uniform policy or interpretation of Minn. Stat. sec. [169.14](#).

## II. STATUTE AND ENFORCEMENT

- A. Minnesota Stat. sec. [169.14](#) clearly articulates the law regarding speeds on Minnesota's roadways. Members shall be knowledgeable of all portions of this law, including, but not limited to:
  - 1. Minn. Stat. sec 169.14, subd. 1 (Duty to Drive With Due Care)
  - 2. Minn. Stat. sec. 169.14, subd. 1a (Extreme Speed Violations (100+ miles per hour))
  - 3. Minn. Stat. sec. 169.14, subd. 2 (Speed Limits)
  - 4. Minn. Stat. sec. 169.14, subd. 2a (Increased Speed Limits While Passing)
  - 5. Minn. Stat. sec 169.14, subd. 3 (Reduced Speed Required)
  - 6. Minn. Stat. sec 169.14, subd. 8 (Minimum Speeds)
- B. Troopers are afforded discretion in the application of enforcement tactics (citation or warning) of speed violations, with the exception of Extreme Speed Violations (Minn. Stat. sec. [169.14, subd. 1a](#)) which require a citation. Troopers are reminded to take enforcement action with the goal of changing behavior.
- C. The speed of a violator's vehicle need not be clocked by following or electronic means for any certain distance. It is only necessary to continue the clock until the violator's rate of speed is determined. It is desirable to be able to testify that a certain speed was held for a specific distance (i.e., one-tenth mile, one-fourth mile, etc.)

## III. RADAR

### A. General

- 1. Radar units used by the State Patrol should be listed on the IACP-approved product list except for limited field testing performed under the supervision of the radar coordinator or otherwise authorized by a supervisor.
- 2. Radar units shall be installed in the patrol vehicle in accordance with manufacturer's recommendations and not to obstruct the Trooper's view or subject the radar unit to undue abuse.
- 3. Radar units shall be operated in accordance with the manufacturer's operator manual.

### B. Training

- 1. Trooper candidates will receive classroom training in radar, including the history and theory of radar, operational procedures, maintenance, visual speed estimation, and verifying the calibration of the radar unit.
- 2. Upon successful completion of the course, and while on probationary status, Troopers will receive further field training and experience from their Field Training Officers.
- 3. During the Trooper's probationary period, they will continue to be evaluated on their ability to make visual speed observations and operate radar in both the stationary and moving modes.

**C. Member Responsibilities**

1. Troopers assigned to patrol duties are expected to utilize assigned radar units during their work shifts.
2. Check the radar unit for accuracy at least two times per work shift, once at the start of the shift and once at the end of the shift. The check should be done according to manufacturer recommendations and training. Record the check on the Radar Calibration Log (PS-01861).
3. If a radar unit fails any portion of the calibration test, it shall not be used for enforcement actions. If the radar problem cannot be resolved by an authorized member of the State Patrol, the District Office will be notified and the unit shall be taken out of service.
4. A visual independent determination of excessive speed on a target vehicle must be made before a citation is issued based on a radar speed reading.
5. The tuning forks assigned to the radar unit shall be recertified annually for accuracy. New certificates of tuning fork accuracy will be issued at this time and retained with the radar unit. Copies of the certificates will be retained at the District Office.

**CI. Radar Coordinator Responsibilities**

Develop radar training in accordance with agency policies, National Highway Traffic Safety Administration guidelines, and radar manufacturer's specification and have all training approved by the Director of Training.

**IV. LIDAR****A. General**

1. The State Patrol uses a laser speed calculating device known as Lidar.
2. Operation of the Lidar speed detection device shall be in accordance with State Patrol training and manufacturer recommendations.

**B. Member Responsibilities**

1. At the beginning and end of each shift, the Lidar operator shall:
  - a. Check the operation of the unit, as well as the internal calibration.
  - b. Check the HUD (heads-up display) which includes a vertical check and rotating the unit 90 degrees and checking it again.
  - c. Complete a differential distance test using two known distances, personally measured by the member using their issued tape measuring device, and recorded on the accuracy check log.
  - d. Prepare and retain a log of calibration check events on the Lidar Calibration Log (PS-01862).
2. Whenever practical, obtain multiple speed readings on target vehicles.
3. A visual independent determination of excessive speed on a target vehicle must be made before a citation is issued based on a Lidar speed reading.
4. If a Lidar unit fails any portion of the calibration test, it shall not be used for enforcement actions. If the Lidar problem cannot be resolved by an authorized member of the State Patrol, the District Office will be notified and the unit shall be taken out of service.

**C. CERTIFIED SPEEDOMETER****A. Certification and Method**

1. Each new patrol unit speedometer should be checked as required by the local court.
2. Radar, Lidar, or a Flight Section stopwatch should be used to check speedometer calibration.
  - a. First, check the radar, Lidar, or stopwatch's calibration.
  - b. Use the radar, Lidar, or stopwatch to obtain independent speed readings in comparison to the speedometer reading on the patrol unit.
  - c. Record the speed readings on the Speedometer Check Form (PS-01867).
3. A Speedometer Check Form (PS-01867) is to be completed for each calibration check. The original of this form is to be kept with the unit and a copy filed at the District/Section Office.

## **VI. VASCAR/TRACKER**

### **A. General**

1. Vascar/Tracker is a computerized speed measurement device which computes distance traveled in a specific time period then displays the result as an average speed.
2. A certification program consisting of a written exam and field certification test must be completed prior to the device being utilized by members for enforcement purposes. The field certification test is comprised of at least 20 speed clocks in four different modes. To pass the certification test, no single clock can have an error of 2 mph and the average error of all clocks cannot exceed 0.75 mph.

### **B. Member Responsibilities**

1. Complete the certification program before using the device for enforcement purposes.
2. Check the device calibration against a known speed at the beginning and end of each shift. The results of the check must be recorded in the remarks column of the Radar Calibration Log.
3. Make an independent visual determination of the speed of a target vehicle. The device confirms and quantifies this independent observation.
4. Use a minimum clocking distance of 1/10 mile in the moving mode and 200 feet in the stationary mode.

## **C. AIRCRAFT/STOPWATCH**

### **A. Procedure**

1. Vehicle speeds are monitored from aircraft by checking with a stopwatch the time it takes the target vehicle to travel a measured distance. The pilot then advises a ground Trooper to stop a specific vehicle when a violation is detected. The pilot observes the vehicle until it is stopped by the ground Trooper.
2. Prior to using an aircraft speed zone, a ground check should be conducted by checking the speed of a patrol unit through the zone. The pilot should note the markers used, time period, weather, and Trooper(s) involved.
3. Whenever possible, the ground Trooper should relay to the pilot the license number of a vehicle stopped prior to approaching the violator.
4. The ground Trooper shall record the pilot number on the citation for future reference. If a formal complaint is required, it should be signed by the ground Trooper.
5. In all cases, the pilot shall verify that the zone has been properly measured and be prepared to testify as to the time and accuracy of the measurements.

### **B. Stopwatches**


1. Stopwatches used in conjunction with aircraft speed enforcement must be checked for calibration at least monthly with the National Bureau of Standards time broadcast. The Chief Pilot may require additional checks. All calibration checks must be recorded on the Stopwatch Calibration Check Form (PS-01833) and filed for court or other reference purposes.

**Approved:**

**SIGNED 8/10/2012**

**Colonel Kevin P. Daly, Chief  
Minnesota State Patrol**

## GENERAL ORDER

	MOTOR VEHICLE REGISTRATION, TITLES, AND TEMPORARY, IN- TRANSIT AND PRORATE PERMITS	Policy Number	24-70-048
		Effective Date	12/6/2024
		Last Review Date	12/6/2024
		Distribution	A,B,C, F
Related Policies			

### I. PURPOSE

To establish policy and guide members in the enforcement of motor vehicle registration, title law, in-transit and prorated permits.

### II. REGISTRATION REQUIRED

- A. Upon becoming the owner of a vehicle that requires registration:
  1. Minn. Stat. secs. [168.09](#) and [168.10, subd. 1](#), require every person who becomes the owner of a motor vehicle in the State of Minnesota to register it as soon as they become the owner.
  2. Minn. Stat. sec. [168A.30, subds. \(2\) \(1\)-\(5\)](#), makes it a misdemeanor to fail to notify the department of any fact required by, or to willfully violate provisions of, Minn. Stat. secs. [168A.01](#) to [168A.31](#). Minn. Stat. sec. [168A.10, subd. 1](#), requires the transferee of a vehicle to mail or deliver an application for a new title to the Department of Public Safety (DPS) within 20 days.
  3. [Minn. R. 7400.5200, subp. 4](#), states a motor vehicle dealer must transfer the title within 10 calendar days of the sale.
- B. Issue a citation to the purchaser of a vehicle who, after 20 days from the date of purchase, has not completed the title transfer with Driver and Vehicle Services. The charge is, "Fail to Transfer Vehicle Title" (Minn. Stat. sec. [168A.30, subd. 2](#)).

### III. RE-REGISTRATION

- A. Minn. Stat. sec. [168.10, subd. 1](#), provides that motor vehicles must be re-registered annually except for vehicles registered under the monthly system (Minn. Stat. sec. [168.017](#)), pioneer, classic, collector, street rod, original series plates and vehicles registered under the prorated system. Beginning in 1995, prorated vehicles will be registered from March 1 through February. Vehicles registered under the calendar year system and prorated system must display current year registration by March 1.
- B. Minn. Stat. sec. [168.09, subd. 4](#), requires vehicles registered under the monthly system to have current registration displayed by the 10<sup>th</sup> day of the month following the expiration date. The correct charge for this violation is Minn. Stat. sec. [169.79, subd. 1](#).

**Note:** When the expiration date falls on Sunday or a legal holiday, that day must not be counted in determining whether a violation exists (see Minn. Stat. sec. [645.15](#)). For example, a passenger car plate expires on June 30, July 10 falls on Sunday, the grace period now runs through Monday, July 11, and enforcement should occur on Tuesday, July 12.

### IV. TEMPORARY REGISTRATION

- A. 60-Day Temporary Registration For Resident Buyer  
This permit is authorized by Minn. Stat. sec. [168.092](#) and is issued by motor vehicle dealers for the operation of a new or used vehicle without license plates for 60 days following sale. During this 60-day period, the dealer is to register the vehicle and obtain license plates. Should the vehicle be a truck or truck tractor, the permit is valid for the amount of registered gross weight stated on the permit (See Minn. R. [7400.5400, subp.1\(c\)](#)).
- B. 31-Day Temporary Registration for Non-Resident (PS2440)  
This permit is authorized by Minn. Stat. sec. [168.091](#). The permit is issued by a motor vehicle dealer to a non-resident purchaser of a new or used motor vehicle to provide this person with 31 days of temporary

registration for the purpose of removing the vehicle from this state for registration in another jurisdiction.

C. Expiration of 60-Day and 31-Day Permits

These permits must be in a format prescribed by the commissioner and affixed to the rear of the vehicle where it is plainly visible. Each permit is valid only for the vehicle for which the permit is issued. The permits expire at midnight on the 60<sup>th</sup> full day or the 31<sup>st</sup> full day following issuance except: If the 60<sup>th</sup> or 31<sup>st</sup> day falls on a Sunday or a legal holiday, the date of the Sunday or holiday is not counted and the day following becomes the 60<sup>th</sup> or 31<sup>st</sup> full day. If the investigating Trooper learns that the vehicle owner has been granted more than one 60-day or 31-day permit, the Trooper shall seize the extra permit(s) and contact an investigator in the Vehicle Crimes Unit.

D. Enforcement

In most cases where the permit has expired, issue a citation for “No Minnesota Registration” pursuant to Minn. Stat. sec. 168.09, subd. 1. Be sure to enter the VIN (Vehicle Identification Number) into CAD. The violator is to be instructed to obtain Minnesota registration before further operation of the motor vehicle. Upon further investigation, if it is determined that the person has done everything possible to secure the license plates prior to expiration of the 60 or 31-day temporary permit, a warning may be issued. Troopers shall also consider referring cases of potential dealer crimes to the Vehicle Crimes Unit.

## V. VEHICLES EXEMPT FROM LICENSE FEES AND REGISTRATION (MINN. STAT. SEC. 168.012)

The following types of vehicles are exempt from the payment of tax, registration fees or license plate displays pursuant to Minn. Stat. sec. 168.012:

- A. Official use-only vehicles used by the federal government, the state or any political subdivision.
- B. Municipal fire apparatuses, police cars and ambulances, the general appearance of which is unmistakable, when owned by a political subdivision of the state.
- C. Ambulances whether public or privately owned by ambulance services licensed under Minn. Stat. sec. 144E.10, the general appearance of which is unmistakable.
- D. Implements of husbandry and farm tractors, together with trailers or wagons. (Minn. Stat. secs. 168.012, subd. 2-2b and 169.011, subd. 35)
- E. Special mobile equipment -- defined under Minn. Stat. sec. 168.002, subd. 31, as every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved on a highway (excludes dump trucks). Some examples are:
  1. Ditch-digging apparatus
  2. Asphalt spreaders
  3. Bituminous mixers
  4. Bucket loaders
  5. Motor graders
- F. Bunkhouses, supply cars, shop cars and other similar camp equipment mounted on trailers and used by highway construction contractors exclusively at construction camp sites.
- G. Sawing machines, well drilling machines, pump hoists, barn sprayers or corn shelling machines. This exemption only applies to motor vehicles which are used for the purpose of carrying sawing machines, well drilling machines, pump hoists, barn sprayers or corn-shellers permanently attached to them. It does not include any other type of a vehicle or apply when used for any other purpose.
- H. Vehicles used for cold weather testing and operated by the manufacturer or the manufacturer's agent. These vehicles are exempt from registration tax and are issued special plates pursuant to Minn. Stat. sec. 168.25.
- I. Motor vehicle owned by a Minnesota resident which is legally licensed/domiciled in a foreign state.
- J. Motor vehicles that have not and will not use the public highway during a calendar year, provided the owner first files an application for exemption on a non-use basis.
- K. Non-profit fire apparatus and ambulances.
- L. Motor vehicles not having used highways during current year even though towed upon a highway.
- M. Motorized golf carts and four wheel all-terrain vehicles operating under and on roadways pursuant to Minn. Stat. sec. 169.045.



- N. Military personnel exemptions (Minn. Stat. sec. [168.031](#)):
1. Any person engaged in active service during a declared emergency or time of war (Minn. Stat. sec. [190.05, subd. 5b and 5c](#)) during the period of such active service and for 90 days immediately after termination of active duty.
  2. A member of the Armed Forces stationed in Minnesota if:
    - i. The vehicle is properly registered in another state.
    - ii. The owner is a resident of the state in which the vehicle is registered.
    - iii. The vehicle is not used for hire.
  3. A vehicle operated by a member of the Armed Forces and used solely for personal use that is properly registered with the Armed Forces in a foreign country is exempt from Minnesota registration for a period of 30 days after his/her vehicle arrives in Minnesota.
- O. Vehicles owned by students are generally considered exempt from Minnesota registration if the student maintains a permanent residence in another state and the vehicle is properly registered in the home state.

## VI. REGISTRATION AND TAX EXEMPTION

The following vehicles are required to display tax exempt plates:

- A. Vehicles owned and used solely in the transaction of official business by representatives of foreign powers.
- B. Vehicles owned by the state or any political subdivision thereof except as stated in V.B. of this General Order.
- C. Vehicles owned and operated exclusively by educational institutions solely to transport students to and from institutions and other school-related activities.
- D. Vehicles used solely in driver education programs at nonpublic high schools.
- E. Vehicles owned by a commercial driving school or an employee of a commercial driving school licensed under Minn. Stat. sec. [171.34](#) and the vehicle is used exclusively for driver's education and training.
- F. Vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes OR disaster response and related activities.

Vehicles Exempt from Registration Tax That Must Display Passenger Class Plates:

- A. Unmarked vehicles used in general police work, liquor investigations, arson investigations and state lottery investigations.
- B. Passenger automobiles, pickup trucks and buses owned or operated by the Department of Corrections.
- C. Unmarked vehicles used by the Departments of Revenue, Labor and Industry Fraud units.
- D. Unmarked vehicles used by the Department of Health, Div. of Disease Prevention and Control.
- E. Unmarked vehicles used by the Gambling Control Board.

Vehicles Owned by Non-Residents

- A. Vehicles must display all license plates and insignia required by the home state.
- B. Exemptions shall not apply to a passenger automobile or travel trailer owned by a nonresident temporarily residing in this state if gainfully employed in the same job for six months or more.
- C. Exemptions shall not apply to motor vehicles owned by nonresidents or foreign corporations and used for carrying on intrastate commerce within this state.

Vehicles Owned by New Minnesota Residents

Upon moving into this state, new residents are exempt from the registration requirements for passenger automobiles, utility trailers and house trailers for the first 60 days of residency provided the vehicle is currently and properly registered in the former residence jurisdiction.

- A. The 60-day new resident exemption supersedes any reciprocity agreement which would otherwise require a vehicle to be registered in Minnesota.
- B. Examples of a person's declaration of residency include: one who registers to vote, purchase of resident fishing or hunting licenses, pays homestead taxes, etc.
- C. Minn. Stat. sec. [168.181, subd. 1\(3\)](#), requires a non-resident who is temporarily residing in this State while gainfully employed on the same job for six months or more to register vehicles in compliance with Minn. Stat. Ch. [168](#).

### Enforcement

#### A. Warning

A warning, including the vehicle identification number, shall be issued to the driver of each vehicle in violation of [Ch. 168](#) when an application to the registrar is necessary to bring the vehicle in compliance with the law.

#### B. Citation

Citation(s) may be issued for misdemeanor violations of [Ch. 168](#) unless the Trooper determines the violation was committed with the intent to escape the tax on the motor vehicle. If a field report is completed, a copy should be forwarded to the Vehicle Crimes Unit.

#### C. Formal Complaint

Violations committed with intent to escape tax may be charged by formal complaint as a gross misdemeanor pursuant to Minn. Stat. sec. [168.35](#). The Trooper shall complete a field report and forward the information to the appropriate prosecutor. A copy of the field report should be forwarded to the Vehicle Crimes Unit.

## **VII. REGISTRATION IMPOUNDMENT**

- A. Confiscation of Plates and Registration Certificates: Members will detach plates and registration certificates when the court has ordered impoundment in accordance with Minn. Stat. sec. [168.041](#). Troopers shall also seize the plates on any vehicle when:
  - 1. An arrest is made for Illegal Use of Plates.
  - 2. Stolen plates are found on the vehicle.
  - 3. Plates have been altered.
  - 4. When required as part of an impaired driving arrest.
- B. Confiscated license plates will be disposed of at the appropriate time at the district level after being kept for 60 days. After destruction, the PS 2842 form should be completed with Copies 1 and 2 forwarded to Driver and Vehicle Services Division, 445 Minnesota Street, Suite 166, St. Paul, MN 55101-5196; and Copy 3 retained by district.
- C. Refer to GO [70-007](#) and Minn. Stat. sec. [169A.60](#) for administrative impoundment of plates for certain DWI violations.

## **VIII. DRIVE-AWAY IN TRANSIT OPERATION**

- A. For purposes of drive-away in transit operation, motor vehicle is defined in Minn. Stat. [Ch. 168](#) as all self-propelled vehicles and vehicles drawn by a self-propelled vehicle including: house trailers, mobile homes, manufactured homes, sectional buildings and semi-trailers by towing methods whether or not the power unit is a part of the combination being delivered.
- B. Any person, firm or corporation operating a business transporting motor vehicles not their own, must make application and be licensed. A Trooper/CVI can determine whether the movement is a drive-away in transit operation by checking the manifest. No reciprocity is granted to vehicles using the highways in a drive-away in transit operation. This is a business license, not a motor vehicle dealer's license.
- C. "A citizen of Ohio engaged in business of a drive-away operator in Minnesota is not affected as to such operations by existing reciprocity agreements between Minnesota and Ohio and must be licensed under this statute." Op. Atty. Gen., 632-C, June 28, 1944.
- D. "Motor vehicles are exempt from registration tax while in movement by drive-away operator." Op. Atty. Gen., 632-D, April 14, 1943.
- E. Vehicle in transit operations require:
  - 1. The display of one drive-away transit license plate on each combination pursuant to Minn. Stat. [169.053](#).
  - 2. Safety chains or cables permanently attached to the trailer are required except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner. Minn. Stat. sec. [169.82](#). This does not apply to implements of husbandry.
  - 3. In towing (except for implements of husbandry), the chains or cables must be attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles. Minn. Stat. sec. [169.82](#).

4. Separate combinations of units to maintain a minimum of 500 feet apart. (Minn. Stat. sec. 168.18, s. 8.)
5. Vehicles to not be operated in excess of 35 MPH.

**F. Enforcement**

When a vehicle(s) is/are found to be operating without drive-away in-transit authority:

1. Issue a citation for “No Drive-Away in Transit License” (Minn. Stat. sec. 168.053).
2. Make copy of the manifest or bill of lading for evidence.
3. Issue a warning for “No Minnesota Registration” for each vehicle operated upon the highway, which would otherwise be required to be registered (Minn. Stat. sec. 168.09). Advise the operator that Minnesota registration must be purchased before any further operation.
4. When a vehicle(s) is/are operated without license plates displayed (Minn. Stat. sec. 168.053, subd. 1), is/are not equipped with chains or is/are following within 500 feet (Minn. Stat. sec. 168.18, subd. 8), a citation may be issued.

**IX. VEHICLE DEALERSHIPS AND REGISTRATION (MINN. STAT. SEC. 168.27)**

**Dealer Plates**

Minn. Stat. sec. 168.27, subd. 16, provides for dealer plates to be issued to new and used motor vehicle dealers licensed by DPS. Dealer plates may be displayed on vehicles owned by the dealer with the exception of leased vehicles, courtesy cars, tow trucks, parts pickup trucks and service trucks. Dealer license plates may expire on June 30 or December 31 as indicated by the license tabs.

- A. Motor vehicles owned by the dealership and displaying dealer’s plates may be driven or operated upon the public streets and highways:
1. By the dealer as listed on the dealer’s license, the dealer’s spouse, a full-time employee of the dealer for either private or business purposes.
  2. By a part-time employee when the use is directly related to a particular business transaction of the dealer.
  3. For demonstration purposes by any prospective buyer for a period of 48 hours, or in the case of a truck, truck-tractor or semi-trailer, for a period of seven (7) days.
  4. In a promotional event that lasts no longer than four (4) days in which at least three (3) motor vehicles are involved.
  5. By a buyer (after the sale) for a period of 72 hours for either removing the vehicle from this state for registration in another jurisdiction, or permitting the buyer to use the motor vehicle before the buyer receives registration plates.
- B. New or used trucks owned by a dealer are not required to register for a minimum (1½ times empty) unloaded weight and may be demonstrated with a full legal load even if no registered gross weight is recorded.

**In-Transit Plates**

Minn. Stat. sec. 168.27, subd. 17, provides for vehicle in-transit plates to be issued to new, used and wholesale motor vehicle dealers licensed by DPS. Vehicle in-transit plates may be displayed on new or used vehicles owned by the dealer, being transported from the dealer’s source of supply or other place of storage, to the dealer’s place of business or to another place of storage or from one dealer to another.

1. In the case of a dealer trade where two new motor vehicles are being exchanged, one dealer’s in-transit plate may be used to deliver the first vehicle and return the second vehicle to the dealer’s place of business. In-transit plates may not be used for delivery of a vehicle to a retail customer in any situation.
2. In-transit plates may be used on vehicles being driven to shows where the vehicle(s) will be exhibited. They may also be used on a vehicle being driven to another location used by the dealer for servicing.  
**Note:** A dealer may use his/her in-transit plate to transport a unit for display and, if the load contained thereon is part of the display, the load may be legally carried. Example: A boat trailer with in-transit plates going to a boat show with a boat on the trailer is a legal movement provided the boat and trailer are part of the display (Division of Driver and Vehicle Services policy).

Dealers licensed in other states. Minn. Stat. sec. [168.27, subd. 17](#), provides for issuance of in-transit plates to dealers licensed in other states or provinces. In the event a dealer from another state requests in-transit plates, the dealer must provide proof that they are licensed to sell motor vehicles in another state. The computer record would indicate in the comment area that the dealer is not licensed to deal in Minnesota.

#### Some of Dealer's Vehicles Not Taxable

- A. Minn. Stat. secs. [168.28](#) and [168.013, subd. 6](#), govern the listing and taxing of motor vehicles owned by licensed motor vehicle dealers. Every motor vehicle owned by a dealer must be registered for the current year unless exempted by the above-mentioned statutes or by Minn. Stat. sec. [168.012, subd. 7](#).
- B. When a motor vehicle owned by a dealer satisfies one of the following classifications, it is exempted from motor vehicle tax:
  - 1. New and used motor vehicles in the possession of a dealer solely for the purpose of sale or resale.
  - 2. The tax may be withheld on new, used or secondhand motor vehicles that are in possession of a dealer until the vehicle is sold.

#### When Dealer Owned Vehicles Become Taxable

- A. Motor vehicles owned by the motor vehicle dealer which do not come within the foregoing exemptions are subject to registration tax. Any motor vehicle displaying or using a dealer or in-transit plate unlawfully is immediately subject to registration tax. Examples of unlawful use of dealer's plates that necessitate registration of the vehicle are:
  - 1. Displaying dealer's license plates on vehicles used as leased vehicles, courtesy cars, service trucks, tow trucks or parts pickup trucks. However, a dealer may furnish a vehicle with a driver to deliver people who leave their vehicles for service.
  - 2. Using a dealer or in-transit plate on a vehicle loaned to a person whose car is being repaired.
  - 3. To display dealer's license plates on vehicles not owned by the dealer. An example would be display on a vehicle not owned by the dealership, but being sold on consignment for the owner.
  - 4. To display a dealer in-transit plate on a vehicle owned by the dealer's employee.
  - 5. To display a dealer in-transit plate on a vehicle being purchased by dealer's employee on contract.
  - 6. To display a dealer plate on a vehicle used for hauling purposes other than by a prospective purchaser. The dealer, dealer's spouse or a full-time employee may use a dealer plate when hauling a private load, such as a load of wood to his cabin.
  - 7. To display a "vehicle in-transit" plate on a vehicle that is being demonstrated.

#### Enforcement

- A. Issue a citation for "Illegal Use of (Dealer or In-Transit) Plates."
- B. Be certain to enter vehicle identification (VIN) number in CAD.
- C. Whenever an arrest is made for illegal use of plates, the plates shall be seized and the Driver and Vehicle Services Dealer Unit advised.

### **X. REGISTRATION CERTIFICATES (CAB CARDS)**

Minn. Stat. sec. [168.11, subd. 2](#), requires the operator of any motor vehicle registered under the provisions of Minn. Stat. sec. [168.013, subd. 1\(e\)](#) (gross weight), excluding farm trucks, to carry the issued copy of the non-negotiable registration card (cab card) in their immediate possession and display it to an enforcement officer upon demand.

- A. The receipt issued by the Registrar is to be considered the cab card.
- B. Vehicles registered under the partial pay plan are not issued a cab card, but the receipt for registration must be carried in the vehicle.

### **XI. TRIP PERMITS (MINN. STAT. SEC. 168.187)**

- A. Pertain to commercial vehicles if over 26,000 pounds, whether single unit or in combination; or a power unit with three or more axles. Trip permits are valid for individual vehicles, on an occasional basis, for periods not to exceed 120 hours.
- B. Trip permits are legal for INTERSTATE and INTRASTATE hauls provided the following conditions are met:
  - 1. Vehicle is currently registered in another state and not apportioned for Minnesota if registered under the International Registration Plan (IRP).

2. All interstate commercial motor vehicles 10,001 pounds or more and for hire carriers of passengers must have Unified Carrier Registration (U.C.R.) and a USDOT number.
  3. All intrastate commercial motor vehicles 10,001 pounds or more and for hire carriers of passengers must have a USDOT number and MN/DOT authority to haul intrastate.
- C. No trip permit is required if vehicle has full reciprocity.
- D. Exempt vehicles include, Government owned vehicles, recreational vehicles, vehicles operating under separate state reciprocity agreements, or buses used in the transportation of chartered parties.

#### Obtaining Trip Permits

- A. Trip permits may be obtained from the Division of Driver and Vehicle Services Prorate Section, 445 Minnesota Street, St. Paul, MN 55101. Phone: 651-205-4141
- B. Trip permit fee is one month's registration based on gross weight plus a \$12.00 filing fee. Refer to the [Motor Vehicle Tax Manual](#)

#### Enforcement

- A. The correct charge for violations of this section is: "No Minnesota Registration" Minn. Stat. sec. [168.09](#).
- B. The minimum time and rate that the outstate vehicle must register for is one (1) month at the "Y" Class rate for the actual gross weight of the vehicle; or obtain a 120 hour permit.
- C. The owner, lessee or driver shall be told that any further movement of the vehicle will result in a separate charge for the same offense and the driver instructed to obtain the registration or permit before further movement.

## **XII. FARM TRUCKS, TRUCK-TRACTORS, AND TRAILERS – CLASS T, TT, FT**

The definition of farm truck is provided in Minn. Stat. sec. [168.002, subd. 8](#). Trucks and trailers meeting the definition are eligible to be registered at a lower tax rate provided in Minn. Stat. sec. [168.013, subd. 1c](#).

- A. Farm truck includes:
1. single-unit trucks, truck-tractors, tractors, semitrailers, and trailers
  2. used by the owner
  3. to transport agricultural, horticultural, dairy, and other farm products
  4. to transport personal property of the farmer from farm to market
  5. to transport property and supplies to the farm of the truck owner
  6. to occasionally transport unprocessed and raw farm products not produced by the truck owner when movement is a first haul as defined in [168.013, subd. 3\(d\)\(3\)](#)
  7. single-unit trucks, truck-tractors, tractors, semitrailers, and trailers
  8. used by the owner, either farmer or logger
  9. hauling raw forest products only
  10. continuous or non-continuous movement from point of production to final point of processing or manufacture within 200 miles of point of production
  11. single unit trucks only used exclusively for the bulk transport of milk and cream
- B. License plates:
1. Farm trucks and truck-tractors may be registered and display license plates in the T-farm truck class.
  2. Farm trailers may be registered in the FT – farm trailer class.
    - a. Farm trailers less than 10,000 pounds GVW are exempt from registration
    - b. See Minn. Stat. sec. [168.012, subd. 2a](#).
  3. Registering in the farm classes is optional. Owners may elect to register in the Y – truck class or CT – trailer class. Doing so does not negate any exemptions afforded farm truck owners or drivers.
  4. Semi-trailers should be registered in the ST – semi-trailer class, regardless of the class in which the truck-tractor is registered.
  5. By policy, we will allow camping units, whether slide in or towable, to be used on one ton pickups or trucks registered in the T-class.
- C. Enforcement
- When a vehicle registered in a farm truck class is providing transportation other than that described in Minn. Stat. sec. [168.002, subd. 8](#), the correct charge is: "Wrong Class Registration" Minn. Stat. sec. [168.09, subd. 1](#).

### **XIII. TRUCK CLASS REGISTRATION – CLASS Y**

Minn. Stat. sec. [168.002](#) provides definitions for the following vehicles, all of which must be registered under varied terms of the Y – truck class registration.

- A. Noncommercial vehicle (subd. 21a). A one ton pickup truck with a gross vehicle weight of 15,000 pounds or less and not operated for business purposes. Displays two Y-class plates marked “Non- Commercial”.
- B. One-ton pickup truck (subd. 21b). A one ton pickup truck with a gross vehicle weight of 10,001 to 15,000 pounds operated for business purposes. Displays two standard Y-class plates.
- C. Tractor (subd. 34). Mobile home toters and similar vehicles. Displays one standard Y-class plate on front.
- D. Truck (subd. 37). Any motor vehicle designed and used for carrying things other than passengers, excluding pickups and vans included in the definition of passenger automobile. Displays two standard Y-class plates.
- E. Truck-tractor (subd. 38). A vehicle designed to pull a semi-trailer or the power unit of a car or boat transport. Displays one standard Y-class plate on front.
- F. Truck-mounted concrete placement pumps and street sweepers. Displays two special Y-class plates with solid blue background. ([168.013, subd. \(l\)1.](#))
- G. Vehicles described in B, C, D, E, and F may be registered under the IRP and display apportioned plates in lieu of Y-class plates.

#### Enforcement

- A. Issue a citation for “Wrong Class Registration,” Minn. Stat. sec. [168.09, subd. 1](#), when a vehicle is improperly registered and displays the wrong class plates when Y-class plates are required. Issue a warning to ensure the owner re-registers the vehicle(s) in the Y-class.
- B. Whenever an apportioned vehicle exceeds the weight for which it is registered in Minnesota, follow the procedures outlined in GO [70-003](#).

### **XIV. APPORTIONED REGISTRATION AND RECIPROCITY**

#### International Registration Plan (IRP)

- A. The International Registration Plan (IRP) is a reciprocity agreement that allows owners of apportionable vehicles to register and pay all license taxes and fees to a single state. The fees are then apportioned and payments made to other jurisdictions based on mileage reports submitted by the vehicle owner. An apportionable vehicle includes any power unit that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:
  - 1. has two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds, or
  - 2. has three or more axles, regardless of weight, or
  - 3. is used in combination, when the gross vehicle weight of such combination exceeds 26,000 pounds
- B. All states and most Canadian provinces are members of the IRP. An apportionable vehicle from a member jurisdiction being operated in Minnesota is authorized to provide intrastate and interstate transportation when the driver has in possession:
  - 1. a cab card issued by the vehicle’s base jurisdiction with a Minnesota registered gross weight indicated on it or,
  - 2. a valid 120-hour trip permit.
- C. A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, or a government-owned vehicle, is not an apportionable vehicle, except that a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of 26,000 pounds or less, and a bus used in the transportation of chartered parties, nevertheless may be registered under the IRP at the option of the registrant.

#### Northwest Territory, Nunavut, Yukon, and Alaska

- A. A proratable vehicle that is greater than 26,000 pounds actual or registered gross weight and is part of a fleet registered in a member jurisdiction must also be registered in Minnesota and obtain a Minnesota cab card.
- B. Any vehicle greater than 26,000 pounds actual or registered gross weight that is not part of a fleet registered in a member jurisdiction must obtain an annual Minnesota reciprocity permit.



- C. A vehicle being operated with the registration provided in Clause A or B is authorized only for interstate transportation, unless otherwise specified in the Reciprocity Guidelines.

#### Reciprocity

All vehicles registered in other jurisdictions not exempted in Minn. Stat. sec. 168.181 shall comply with the reciprocal agreements indicated in the Reciprocity Guidelines. These vehicles must not exceed the registered gross weight of their base jurisdiction by more than the allowances provided in Minn. Stat. sec. 168.013, subd. 3.

#### Enforcement

- A. Whenever an apportionable (IRP) vehicle is being operated upon a highway in this state without the authority indicated above, the correct charge is "No Minnesota Registration" (Minn. Stat. sec. 168.09, subd. 1).
1. The driver is to be advised not to operate the vehicle upon a highway until registration is obtained.
  2. Should the Minnesota registered gross weight be exceeded by the allowances provided in Minn. Stat. sec. 168.013, subd. 3, issue a citation for "Over Registered Gross Weight" as indicated in General Order 70-003, Sect. V.
- B. Whenever a proratable vehicle (Northwest Territory, etc.) is being operated upon a highway without the authority indicated above, or is engaged in an intrastate haul, the correct charge is "No Minnesota Registration" (Minn. Stat. sec. 168.09, Subd. 1).
- C. Whenever a vehicle from a full reciprocity state is performing an intrastate haul, the correct charge is "No Minnesota Registration" (Minn. Stat. sec. 168.09, Subd. 1).
- D. Whenever a vehicle is being operated upon the highway without a trip permit when it is required, the correct charge is "No Minnesota Registration" (Minn. Stat. sec. 168.09, Subd. 1).
- E. Whenever a vehicle or combination of vehicles operating under reciprocity exceeds the registered gross weight of their base jurisdiction by more than the allowances provided in Minn. Stat. sec. 168.013, subd. 3, the correct charge is "No Minnesota Registration" (Minn. Stat. sec. 168.09).
- Note:** in all cases where a citation is issued for "No Minnesota Registration," the Trooper/CVI is to allow the vehicle to move to a safe place and the driver instructed to obtain the registration or permit before further movement.
- F. Whenever an apportioned vehicle exceeds the weight for which it is registered in Minnesota, follow the procedures outlined in GO 70-003, Sect. V.

### **XV. COLLECTOR, CLASSIC, PIONEER, STREET ROD PLATES**

- A. Qualifying vehicles may be registered in these specialty classes prescribed in Minn. Stat. sec. 168.10. The statute is vague with regard to the use of vehicles bearing any of these classifications of plates, merely stating the vehicle for which the plates are issued must be operated solely as a collector vehicle and not for general transportation purposes. Nothing defines how a collector vehicle must be operated. The occasional use of such a vehicle for personal errands, etc., could be acceptable within the scope of the statute. However, commuting to and from work, daily trips to the grocery store, etc., would be in violation. A vehicle that qualifies for any of these specialty classes may display original plates from the year of manufacture of the vehicle in lieu of the other specialty class plates. Original plates cannot be used if the numbering on such plates is identical to any numbering system currently in use in Minnesota.
- B. Enforcement
- Several days of observation may be required to make a case. Upon establishing the operator is in violation of the requirements of Minn. Stat. sec. 168.10, subd. 1a, 1b, 1c, 1d, and 1g, the correct charge is: "Wrong Class Registration" (Minn. Stat. sec. 168.09, subd. 1).



**RELATED RESOURCE OR FORM**

RESOURCE	TITLE
Minn. Stat. Ch. 168	Vehicle Registration, Taxation, Sale
Minn. Stat. Ch. 168A	Vehicle Titles
Minn. Stat. Ch. 169	Traffic Regulations

**APPROVAL**

NAME	Colonel Christina Bogojevic
TITLE	Chief, Minnesota State Patrol
DATE	December 6, 2024

## GENERAL ORDER

	<b>Effective:</b> July 13, 2012	<b>Number:</b> 12-70-049
	<b>Subject:</b> ROAD RESTRICTION ENFORCEMENT POLICY	
	<b>Reference:</b> GO 70-003; Restricted Road Weights; Tables (Law Book Inserts)	
	<b>Special Instructions:</b> Rescinds GO 96-70-049	<b>Distribution:</b> A,B,C,F

### I. INTRODUCTION

Every effort should be made during the period of road restriction to reduce the movement of overweight vehicles over state trunk highways, whether restricted or not. Rigid enforcement is necessary to discourage this illegal and harmful practice. Load restrictions apply to single axles, 2 axles spaced within 8 feet or less, 3 axles spaced within 9 feet or less, and 4 axles spaced within 14 feet or less. These restricted weights of axles or groups of axles cannot be used to determine the overall gross weight of any vehicle or combination of vehicles. These restricted weights are determined by multiplying the weight allowed on the weight tables (Minn. Stat. sec. [169.824](#), Subd. 1) by the posted axle weight, divided by nine. These weight values for all restricted routes have been incorporated into the following chart:

**Restricted Gross Weight Table (lbs).**

**Posted Axle Limits**

	9 Ton	8 Ton	7 Ton	6 Ton	5 Ton	4 Ton
Single Axle	18,000	16,000	14,000	12,000	10,000	8,000
Two Axles spaced within 8 ft or less	34,000	30,222	26,444	22,667	18,889	15,111
Three axles spaced within 9 ft or less	*	38,222	33,444	28,667	23,889	19,111
Four axles spaced within 14 ft or less	*	45,778	40,056	34,333	28,611	22,889

- For 9 ton restricted routes see the 9 ton Gross Weight Table for maximum weights allowed on groups of 3 or 4 axles spaced less than 9 and 14 feet respectively.
- No combination of axle weights shall exceed those weights specified for non-designated (9 ton) routes.

### II. ENFORCEMENT (M.S. [169.827](#))

#### A. Issuance of Forms

- Form 1821 shall be issued whenever an axle or group of axles of a vehicle or combination exceeds the maximum allowable weights on the restricted weight tables by more than 1,000 pounds. Only one 1821 shall be issued for a restricted axle weight violation in any single instance where a vehicle or combination has an axle or group of axles in excess of the restricted weight. Issue an 1821 for axle or group of axles which has the greatest violation. Where a single axle or group of axles exceed the maximum legal weight by 25% or more, then issue an 1821 for that offense. In addition to the 1821 for that charge, issue an 1801 (Notice of Registration Violation) for "Revocation of Registration", [168.013](#), Subd. 3(2). **Note:** Include posted restricted weight and amount of overweight on the 1821.
- Issue Form 1801 when an axle or group of axles of a vehicle or combination of vehicles exceed the maximum legal restricted weight (see tables) by less than 1,000 pounds. Only one 1801 will be issued for a restricted axle weight violation in a single instance and an 1801 shall not be issued when an 1821 has been issued for a restricted axle weight violation on the same vehicle or combination of vehicles.
- Form 1820 (Inspection Report). See General Order 70-003 and 90-014.
- Form 1838 (Notice of Overweight). See General Order 70-003
- Form 1806 (Weekly Report). See General Order 70-003

### III. GENERAL

#### A. Disposition of Overload

In all instances in which an 1821 is issued, the operator of the vehicle shall be required to redistribute the load so as to come within the restricted axle weight, if possible. If redistribution is not possible, the driver shall be required to park the vehicle at the nearest suitable place where the vehicle will not create a traffic hazard except as noted below. Vehicles are to remain standing in such safe place until excess load is removed (regardless of the nature or type of load). The removing of any excess load or the redistributing of any load is the obligation of the driver. Troopers are not to suggest any method of redistribution or removal and/or adjustment of partitions. Inform the owner or driver that M.S. [169.85](#) additionally states, in part: "All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver." We are required to report to the United States Department of Transportation the number of instances in which we require a driver to unload. To accomplish this, an entry in the information and weight log under Activity Code 2010 is to be made in such instance of required redistribution of a load or under Activity Code 2020 when unloading of the vehicle is required.

#### B. Livestock Weighing

In the weighing of livestock-carrying vehicles, operators are to be permitted to equally distribute their loads over the vehicle prior to weighing. This does not mean that partitions may be removed or adjusted prior to weighing so as to change from the original method of loading or to permit the mixing or intermingling of different kinds of livestock. Where the capacity of the vehicle has been utilized and an overload exists, the regular enforcement policy is to be followed with allowances being made considering the livestock in extreme weather conditions.

#### C. Enforcement at Intersections

Where a local road of higher posted capacity crosses a trunk highway of a lower posted axle limit, traffic on the local road is to be permitted to cross the trunk highway.

#### D. Registered Gross Weight

The policy governing general weighing and registration is the same whether the road is restricted or not. (See General Order 70-003, V.).

#### E. Rear Loading of Refuse Compactor

Overweight permits issued for refuse compactors do not exempt them from enforcement on restricted roads.

#### F. Redi-Mix Trucks

Due to the unique method of loading and unloading, the Trooper/CVI may allow overweight Redi-Mix trucks to proceed to either the job site or point of loading, whichever distance is shorter, to remove the overload portion of an overweight truck. The Trooper/ CVI may retain the paperwork needed for the citation and issue it at the location at which the truck is unloaded. If it is reasonable, the driver, returning from the job site, can be given the citation after unloading.

#### G. Brakes


Minn. Stat. sec. [169.67, subd. 4](#), provides for the use of a temporary auxiliary axle without brakes during the road restriction period, provided the temporary auxiliary axle and the axle to be relieved do not exceed the combined gross weight of 18,000 pounds and the vehicle to which such temporary axle is attached meets statutory brake performance requirements. Otherwise, brake requirements are the same on restricted/non-restricted roads. The enforcement action taken under this statute is for the absence of the brakes on the "tag" axle where the total combined weight of the two axles exceeds 18,000 pounds. It is suggested that the axles be weighed separately as many temporary auxiliary axles do not carry a proportional amount of weight and the axle that is intended to be relieved is actually over the restricted weight limitation for single axle.

Approved:

SIGNED 7/13/2012

Colonel Kevin P. Daly, Chief  
Minnesota State Patrol

# GENERAL ORDER

	<b>Effective:</b> August 3, 2012	<b>Number:</b> 12-70-058
	<b>Subject:</b> DIPLOMATIC IMMUNITY AND LICENSES; FEDERAL	
	<b>Reference:</b>	
	<b>Special Instructions:</b> Rescinds 85-70-058	<b>Distribution:</b> A,B,C,D E

## I. PURPOSE

To establish a uniform policy of interpretation and enforcement concerning certain privileges and immunities granted to members of foreign diplomatic missions and consular posts.

## II. DEFINITIONS

### A. Definitions:

1. "Diplomatic Immunity" - a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities. The principle of diplomatic immunity is one of the oldest elements of foreign relations, used by Ancient Greek and Roman governments alike.
2. "Members of Diplomatic Missions" - Persons associated with foreign embassies located in the United States, including: Ambassadors, diplomatic agents, family members, administrative and technical staff, and service staff.
3. "Members of Consular Posts" - Persons associated with foreign consulates located in the United States. Foreign consulates exist to issue travel documents, attend to difficulties of their citizens currently in the United States, and to promote commerce. Members include: Consular officers, consular employees, consular service staff, and other ancillary personnel.

## III. SCOPE

- A. The underlying concept of diplomatic immunity is that foreign representatives can carry out their duties effectively only if they are accorded a certain degree of insulation from the application of standard law enforcement practices of the host country. The United States benefits greatly from this concept as it protects U.S. diplomats assigned to countries with judicial systems and laws far different from our own.
- B. The concept of Diplomatic Immunity is embodied in international treaties, and the U.S. Government is legally bound to ensure that such privileges and immunities are respected by its states and municipalities.
- C. On a practical level, failure of the authorities of the United States to respect fully the immunities of foreign diplomatic and consular officials may complicate relations with the foreign country. It may also lead to harsher treatment of U.S. personnel abroad, since the principle of reciprocity has been engrained in international relations since ancient times.

## IV. DETERMINING LEVEL OF IMMUNITY

- A. Several levels of immunity exist. Some foreign representatives have full diplomatic immunity, for example. Full immunity prohibits handcuffing (except in exigent circumstances), arrest, or detention. **(Note: A traffic stop does not constitute a detention.)** Still other levels of immunity cover official acts only, but not criminal acts. Each individual member of a diplomatic mission, consular post, or the United Nations may have a different level of immunity.
- B. Numerous documents are associated with foreign diplomats; however, only one provides an accurate indication of the status of the holder: identification cards issued by the U.S. Department of State. The identification cards are one of three types: 1) Diplomatic (blue border); 2) Official (green border), and 3)

Consular (red border). All identification cards delineate specific immunity details/protocols on the back of the card.

- Troopers should be alert to the fact that newly-arrived members of diplomatic and consular staffs may not yet have these official identity cards.

Possession of other documents, such as foreign diplomatic passports, should serve as an indication that the bearer may be entitled to privileges and immunities; however, their status must be confirmed with the U.S. Department of State (see below).

- C. In all cases, troopers shall identify quickly and accurately the status of any person asserting immunity. First, obtain their U.S. Department of State identification card and/or other official identification documents. Second, call the United States Department of the State's Office of the Chief of Protocol:
- (202) 647-1985 (8 a.m. – 5 p.m. EST)
  - After business hours, contact the Diplomatic Security Command Center at (571) 345-3146.

## V. PROCEDURES

The following procedures shall be followed for all persons presenting diplomatic credentials or implying diplomatic immunity:

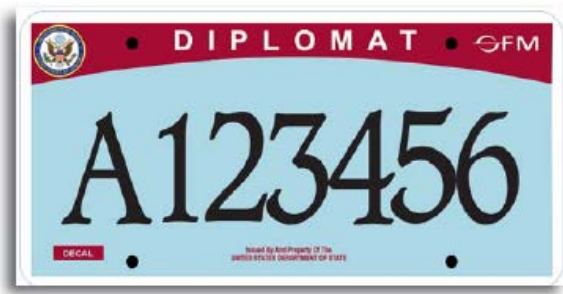
1. Verify the credentials and determine the level of immunity (section IV above). If immunity is **not** applicable, follow normal investigatory/arrest procedures (See GO 12-20-027 Arrest/Detention of Foreign Nationals).
2. Petty Misdemeanor Moving Violations: issue an appropriate traffic citation or warning regardless of immunity. Issuance of a traffic citation does not constitute an arrest or detention and is permitted.
3. Misdemeanor, Gross Misdemeanor, Felony Violations:
  - i. The foreign official should not be restrained and cannot be arrested. The driver should be told that the officer's primary responsibility is to care for the safety of the official and safety of others. Force must not be used except when necessary to prevent injury to the official or others and then only the absolute minimum.
  - ii. Fully investigate the incident and document the findings. The incident shall be promptly reported the U.S. Department of State via fax: **(202) 647-1198**.
  - iii. Special considerations for DWI/CVO cases:
    1. Field sobriety testing should be offered and the results documented; however, the tests cannot be compelled.
    2. Of primary consideration in a DWI incident is assurance that the driver does not endanger himself or herself or the public. Preventative steps may include taking the subject to another location to permit sufficient recovery to drive safely, providing transportation, or taking other appropriate corrective action while respecting any immunity that may apply. Access to a telephone must be provided.
4. Towing: Vehicles bearing diplomatic plates may also be towed, if necessary, to prevent serious obstruction or traffic hazards. As a courtesy, prior to taking such action, contact should be attempted with the mission involved to seek voluntary removal of the vehicle.
5. Papers, documents or archives or a person entitled to immunity or in a vehicle bearing valid federal diplomatic plates remain inviolable, even if the driver is restrained or the vehicle removed or immobilized.

## VI. DIPLOMATIC LICENSE PLATES & OPERATOR PERMITS

### A. Introduction

The U.S. Department of State, through its Office of Foreign Missions' Diplomatic Motor Vehicle Office, has jurisdiction over the registration of vehicles, the issuance of distinctive license plates for those vehicles, and the issuance of operator permits for individuals who enjoy the privileges and immunities in the United States.

Example license plate:



The license plates do not determine immunities or identify the driver of the vehicle. Consequently, an individual with full diplomatic status may be driving a vehicle with the "Staff" designation or a vehicle without any diplomatic tag. The levels of immunity attaching to an individual, and the validity of any diplomatic license should be separately reviewed and verified.

Example operator's permit (front & back):



## B. Verification

The U.S. Department of State's vehicle registration and driver's license status records are available to law enforcement agencies through the National Law Enforcement Telecommunications System (NLETS). Agencies may access these records using the standard NLETS registration and driver query formats. NLETS has assigned state code (destination ORI) "US" to this database. If an agency requires additional motor vehicle or driver's license information, it can be obtained via telephone: **(202) 895-3521**.

## VII. CONTACT NUMBERS

### FOR INFORMATION ON DIPLOMATIC AND CONSULAR PERSONNEL AND PERSONNEL OF INTERNATIONAL ORGANIZATIONS OTHER THAN THE UNITED NATIONS

#### DURING BUSINESS HOURS (8 A.M. – 5 P.M. EST)

Current status of U.S. Department of State driver licenses, diplomatic license plates, registrations, or other diplomatic motor vehicle information: (202) 895-3521  
Fax: (202) 895-3646

For reporting traffic incidents or accidents, issuance of citations, etc., involving foreign missions personnel: (202) 895-3521

Send all citations and/or reports to: Fax: (202) 895-3646

To verify immunity status: (202) 647-1985 or  
(202) 647-1727

#### PLEASE SEND COPIES OF CRIMINAL INCIDENT REPORTS AND CITATIONS TO:

The Office of the Chief of Protocol Fax: (202) 647-1198

Diplomatic Security Service Protective Liaison Division Fax: (202) 895-3613

#### AFTER BUSINESS HOURS

After business hours, all inquiries should be made to the U.S. Department of State Diplomatic Security Command Center (operates 24-hours daily): (571) 345-3146 or toll free 1-866-217-2089

### TO VERIFY THE IMMUNITY STATUS OF UNITED NATIONS PERSONNEL

#### DURING BUSINESS HOURS (8 A.M. – 5 P.M. EST)

Diplomatic agents and family members, UN Mission staff and family members, and UN Secretariat employees (212) 415-4168 or  
(212) 415-4407 or  
(212) 415-4131

U.S. Department of State license tags, registration, or other motor vehicle information: (646) 282-2825 or  
(646) 282-2812

#### AFTER BUSINESS HOURS

Information is available from the Communications Section of the U.S. Mission to the United Nations (USUN - operates 24-hours daily) (212) 415-4444

Approved:

SIGNED 8/3/2012

Colonel Kevin P. Daly, Chief  
Minnesota State Patrol



## GENERAL ORDER



<b>Effective:</b>	January 6, 2012	<b>Number:</b> 12-70-059
<b>Subject:</b>	<b>SLOW MOVING VEHICLE (SMV) EMBLEMS AND AMISH BUGGIES</b>	
<b>Reference:</b>	Minn. Stat. sec. <u>169.522</u> ; Minn. Const. Art. 1, Sect. 16; <i>State v. Hershberger</i> , 462 N.W.2d 393 (Minn. 1990); Minn. Rules Chapt. <u>7440</u>	
<b>Special Instructions:</b>	Rescinds Trooper Memo 90-034	<b>Distribution:</b> A,B,C

### I. POLICY

To establish guidelines consistent with current law when encountering Amish horse-drawn buggies which do not display statutorily-defined slow-moving vehicle emblems.

### II. BACKGROUND

Minn. Stat. sec. 169.522 requires an illuminated or fluorescent red-orange triangle to be displayed on all animal-drawn vehicles operated on designated roadways. This statute allows a person who objects to the display of the orange triangle to apply for a permit for an alternate emblem, however he or she is still required to display the orange triangle between sunset and sunrise. The Amish community objected to these requirements based on their religious beliefs as it related to their horse-drawn buggies and instead of the emblems, many used white reflective tape and lighted red lanterns. Members of the Amish community challenged citations issued as a result of their noncompliance and the case, *State v. Hershberger*, 462 N.W.2d 393 (Minn. 1990), was eventually heard by the Minnesota Supreme Court. The Court ruled in favor of the Amish appellants, finding that Minn. Stat. sec. 169.522 violated their constitutional rights and dismissed the citations. In doing so, it stated:

The state has failed to provide a record which demonstrates that both values embodied by Section 16, freedom of conscience and public safety, cannot be achieved through the use of white reflective tape and a lighted red lantern.

Although some additional administrative rules (Chapter 7440) were published in 2001 outlining the alternate emblem permit process, nothing in Minn. Stat. sec. 169.522 has materially changed since this ruling, nor has the ruling been reversed or otherwise overturned.

### III. RESPONSIBILITIES

Consistent with the Minnesota Supreme Court's ruling in *Hershberger*, members will consider Amish buggies in compliance with Minn. Stat. sec. 169.522 provided they display white reflective tape during daylight hours in conjunction with a lighted red lantern from sunset to sunrise or when visibility is impaired.

**Approved:**

**SIGNED 1/6/2012**

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**Colonel Kevin P. Daly, Chief**  
**Minnesota State Patrol**