

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1261

Introduced by

Representatives Froelich, D. Johnson

1 A BILL for an Act to amend and reenact subdivision h of subsection 2 of section 39-04-18 and
2 section 39-12-04 of the North Dakota Century Code, relating to the width of forage harvesters
3 and the registration of nonresident harvest vehicles; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision h of subsection 2 of section 39-04-18 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 h. Motor vehicles owned and operated by nonresidents engaged in harvest of
8 agricultural products from ~~July fifteenth~~ June first through December thirty-first
9 of any one year; provided, however, that such motor vehicles have displayed
10 thereon a decal or other means of identification issued by the director upon
11 payment of a fee of fifty dollars.

12 **SECTION 2. AMENDMENT.** Section 39-12-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-12-04. Width, height, and length limitations on vehicles - Exceptions.**

15 1. Vehicles operated on a highway in this state may not exceed ~~the following width,~~
16 ~~height, or length limitations:~~

17 ~~4.~~ A a total outside width, including load thereon, of eight feet six inches [2.59
18 meters]. This limitation does not apply to:

19 a. Construction and building contractors' equipment and vehicles used to move
20 such equipment which does not exceed ten feet [3.05 meters] in width when
21 being moved by contractors or resident carriers.

22 b. Implements of husbandry being moved by resident farmers, ranchers,
23 dealers, or manufacturers between sunrise and sunset. Furthermore, the
24 limitation does not apply to implements of husbandry being moved between

1 sunset and sunrise by resident farmers, ranchers, dealers, or manufacturers
2 on public state, county, or township highway systems other than interstate
3 highway systems.

4 c. Hay in the stack or bale being moved along the extreme right edge of a
5 roadway between sunrise and sunset by someone other than a commercial
6 mover.

7 d. Commercial movement of haystacks or hay bales with vehicles designed
8 specifically for hauling hay, commercial movement of self-propelled fertilizer
9 spreaders and self-propelled agricultural chemical applicators, whether
10 operating under their own power or being transported by another vehicle,
11 commercial movement of portable grain cleaners, commercial movement of
12 forage harvesters, and the commercial movement of hay grinders, which may
13 be moved on the highway after obtaining a seasonal permit issued by the
14 highway patrol. The highway patrol shall issue seasonal permits that are valid
15 during daylight hours on any day of the week, or that are valid at all times for
16 the movement of self-propelled fertilizer spreaders and self-propelled
17 agricultural chemical applicators, to any commercial entity otherwise qualified
18 under this subdivision. Self-propelled fertilizer spreaders and self-propelled
19 agricultural chemical applicators operating under their own power between
20 sunset and sunrise must display vehicle hazard warning signal lamps as
21 described in subsection 3 of section 39-21-19.1. The seasonal permit is
22 in lieu of registration requirements for the permit period. No seasonal permit
23 may be issued, unless proof of financial responsibility in a minimum of three
24 hundred thousand dollars is filed and the appropriate permit fee is paid. The
25 seasonal permit may also be issued for hauling hay bales with vehicles or
26 vehicle combinations other than those designed specifically for hauling
27 haystacks. This seasonal permit, however, will not be in lieu of registration
28 requirements. All permit fees must be deposited in the state highway
29 distribution fund.

- 1 e. Safety devices that the highway patrol determines are necessary for the safe
2 and efficient operation of motor vehicles may not be included in the
3 calculation of width.
- 4 f. Any nonload carrying safety appurtenance as determined by the highway
5 patrol which extends no more than three inches [7.62 centimeters] from each
6 side of a trailer is excluded from the measurement of trailer width. The width
7 of a trailer is measured across the sidemost load carrying structures, support
8 members, and structural fasteners.
- 9 g. The highway patrol may adopt reasonable rules for those vehicles exempted
10 from the width limitations as provided for in this subsection.
- 11 2. ~~a. A~~ Vehicles operated on a highway in this state may not exceed a height of
12 fourteen feet [4.27 meters], whether loaded or unloaded. This height
13 limitation does not affect any present structure such as bridges and
14 underpasses that are not fourteen feet [4.27 meters] in height.
- 15 ~~b. The~~ This limitation in subdivision a does not apply to vehicles that are at most
16 fifteen feet six inches [4.72 meters] high when all of the following apply:
- 17 ~~(1)~~ a. The vehicle is an implement of husbandry and is being moved by a resident
18 farmer, rancher, dealer, or manufacturer.
- 19 ~~(2)~~ b. The trip is at most sixty miles [96.56 kilometers].
- 20 ~~(3)~~ c. The trip is between sunrise and sunset.
- 21 ~~(4)~~ d. None of the trip is on an interstate highway.
- 22 3. ~~A length limitation as follows~~ vehicle operated on a highway in this state may not
23 exceed the following length limitations:
- 24 a. A single unit vehicle with two or more axles including the load thereon may
25 not exceed a length of fifty feet [15.24 meters].
- 26 b. A combination of two units including the load thereon may not exceed a length
27 of seventy-five feet [22.86 meters].
- 28 c. A combination of three or four units including the load thereon may not
29 exceed a length of seventy-five feet [22.86 meters], subject to any rules
30 adopted by the director that are consistent with public highway safety. The

rules do not apply to a three-unit combination consisting of a truck tractor and semitrailer drawing a trailer or semitrailer.

d. A combination of two, three, or four units including the load thereon may be operated on all four-lane divided highways and those highways in the state designated by the director and local authorities as to the highways under their respective jurisdictions and may not exceed a length of one hundred ten feet [33.53 meters], subject to any rules adopted by the director that are consistent with public highway safety.

e. The length of a trailer or semitrailer, including the load thereon, may not exceed fifty-three feet [16.5 meters] except that trailers and semitrailers titled and registered in North Dakota before July 1, 1987, and towed vehicles may not exceed a length of sixty feet [18.29 meters].

4. Length limitations do not apply to:

~~(1)~~ a. Building moving equipment.

~~(2)~~ b. Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.

~~(3)~~ c. Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.

~~(4)~~ d. Structural material of telephone, power, and telegraph companies.

~~(5)~~ e. Truck-mounted haystack moving equipment, provided ~~such~~ the equipment does not exceed a length of fifty-six feet [17.07 meters].

~~(6)~~ f. A truck tractor and semitrailer or truck tractor, semitrailer, and the trailer when operated on the interstate highway system or parts of the federal aid primary system as designated by the director, only when federal law requires the exemption.

~~(7)~~ g. Safety and energy conservation devices and any additional length exclusive devices as determined by the highway patrol for the safe and efficient operation of commercial motor vehicles. Length exclusive devices are appurtenances at the front or rear of a commercial motor vehicle semitrailer or trailer, whose function is related to the safe and efficient operation of the semitrailer or trailer.

- 1 f. ~~The length of a trailer or semitrailer, including the load thereon, may not~~
2 ~~exceed fifty three feet [16.15 meters] except that trailers and semitrailers titled~~
3 ~~and registered in North Dakota prior to July 1, 1987, and towed vehicles may~~
4 ~~not exceed a length of sixty feet [18.29 meters].~~

5 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.