

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Gruchalla

1 A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota
2 Century Code, relating to weight records; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 39-12 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Weight records - Penalty.**

7 1. A person who weighs goods before or after unloading or a person who loads or
8 unloads goods on the basis of liquid volume measure shall keep a written record of
9 the origin, weight, and composition of each shipment, the date of loading or receipt,
10 the name and address of the shipper, the total number of axles on the vehicle or
11 combination of vehicles, the registration number of the power unit or some other
12 means of identification by which the shipment was transported. The record must
13 be retained for fourteen days and must be open to inspection and copying by a law
14 enforcement officer upon demand. A search warrant is not required to inspect or
15 copy the record. This subsection does not apply to a person weighing goods who
16 is not involved in the shipping, receiving, and transporting of those goods, or to a
17 person weighing raw and unfinished farm products transported in a single-unit
18 vehicle with not more than three axles or in a trailer towed by a farm tractor when
19 transportation is the first, continuous transportation of unprocessed or raw farm
20 products from the place of production or onsite storage to any other location with
21 fifty miles of the place of production or on-farm storage site. A record maintained
22 under this subsection if inspected and copied within the fourteen days is relevant
23 evidence that a vehicle has exceeded a gross weight limit imposed by this chapter.

- 1 2. A document, including a bill of lading, freight bill, weight certification, or other
2 similar document, evidencing the receipt of goods issued by the person consigning
3 the goods for shipment or a person engaged in the business of transporting or
4 forwarding goods which states a gross weight of the vehicle or the weight of the
5 load when combined with the empty weight of the vehicle that is in excess of the
6 prescribed maximum weight limitations permitted by this chapter is relevant
7 evidence that the weight of the vehicle and load is unlawful. This section does not
8 apply to the first, continuous transportation of unprocessed or raw farm products
9 from the place of production or on-farm storage site to any other location within fifty
10 miles of the place of production or on-farm storage site when the maximum weight
11 limitation under subsection 1 of section 39-12-05.3 is not exceeded by more than
12 ten percent. This subsection does not limit the introduction of other competent
13 evidence bearing upon the question of whether there is a violation of maximum
14 weight limitations permitted under this chapter.
- 15 3. A person that fails to keep, maintain, or open for inspection and copying
16 documents as required by subsection 1 is guilty of a class A misdemeanor. An
17 individual who does not accurately record the information required to be contained
18 in those documents is guilty of a class A misdemeanor.