

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1082

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to create and enact section 39-12-24 of the North Dakota Century Code,
2 relating to cooperative regional permit agreements ~~with regional states~~ on excess size or weight
3 vehicles.

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

5 **SECTION 1.** Section 39-12-24 of the North Dakota Century Code is created and enacted as
6 follows:

7 **39-12-24. Authority for cooperative regional permit agreements ~~with regional states~~**
8 **on excess size or weight vehicles.**

9 1. ~~In addition to any other powers granted by law, the colonel of the North Dakota~~
10 ~~highway patrol, or the colonel's designee, The~~ superintendent and the director ~~of the~~
11 ~~department of transportation, or the director's designee, are hereby authorized to~~
12 ~~negotiate and may enter into appropriate~~ cooperative regional permit agreements with
13 ~~other states concerning~~ any state that has enacted a law authorizing the agreement for
14 the regional operation or movement of nondivisible oversize or overweight vehicles
15 and to facilitate the uniform application, administration, and enforcement of applicable
16 laws concerning ~~such~~ nondivisible oversize or overweight vehicles.
17 2. ~~A cooperative~~ The agreement ~~under this section~~ may include the establishment of a
18 regional permit system ~~authorizing for~~ the operation or movement of nondivisible
19 oversize or overweight vehicles from one state in the region to or through ~~another~~
20 ~~state or other~~ states in the region under a single-trip permit in accordance with the
21 ~~applicable requirements of each of the states~~ any state that is a party to the
22 agreement.

- 1 3. ~~For the purposes of a regional permit agreement, the~~The North Dakota highway patrol
2 and the department ~~of transportation are authorized~~may enter the agreement with any
3 state that has enacted a law authorizing the agreement to:
- 4 a. ~~Delegate to other states its authority under section 39-12-02~~Authorize any state
5 to issue regional permits for nondivisible oversize or overweight vehicles to
6 operate on North Dakota state highways, ~~except that any such issuance. A~~
7 regional permit issued by ~~another~~any state ~~shall~~must conform, ~~at a minimum,~~ to
8 the applicable North Dakota permit standards and legal requirements ~~as~~
9 described in chapter 39-12, ~~and to~~ the rules and regulations implementing
10 chapter 39-12. ~~The North Dakota highway patrol and the department of~~
11 transportation may also impose additional standards concerning such regional
12 permits ~~as they deem appropriate, and as required in the agreement;~~
13 b. ~~Accept a delegation of authority from other states to issue~~Issue regional permits
14 for the operation of vehicles on the highways of such states in accordance with
15 the applicable standards and requirements of such states, ~~pursuant to the terms~~
16 of ~~nondivisible oversize or overweight vehicles to operate on highways of any~~
17 state that has enacted laws authorizing the agreement in accordance with the
18 laws of the state and as required in the regional permit agreement; and
19 c. ~~Collect any fees, taxes, and penalties on behalf of other states that are parties to~~
20 the regional permit agreement, and to remit such fees, taxes, and penalties to
21 such states. ~~Such fees, taxes, and penalties shall not be considered taxes or~~
22 funds of the state of North Dakota for any purpose ~~Agree to the administration of~~
23 the agreement by any state that is party to the agreement.
- 24 4. ~~For the purposes of a regional permit agreement, the~~The North Dakota highway patrol,
25 ports of entry, and local law enforcement authorities are authorized to ~~may~~ enforce the
26 terms of any regional permit concerning the operation of the permitted vehicle on
27 North Dakota state highways ~~in North Dakota~~according to North Dakota law. ~~The~~
28 North Dakota highway patrol, ports of entry, and local law enforcement authorities are
29 also permitted to take necessary actions in North Dakota to enforce the applicable
30 requirements of the permitting state or states which shall include monitoring licenses

~~and other credential usage; enforcing tax restraint, distraint, or levy orders; issuing civil citations; and conducting necessary safety and equipment inspections.~~

~~5. The colonel of the North Dakota highway patrol or the colonel's designee, and the director of the department of transportation, or the director's designee, are hereby authorized to appoint employees and officials of other states as agents of the department for the limited purpose of enforcing the laws of North Dakota under the terms of the cooperative agreements entered into under this section. The colonel of the North Dakota highway patrol or the colonel's designee, and the director of the department of transportation, or the director's designee, may promulgate such rules and regulations as are necessary for the implementation of the provisions of this section.~~

~~6.5. Any~~The agreement entered into under the provisions of this section shall contain provisions~~must provide~~ that ~~express the understanding that any~~ employees and officials of any ~~other state~~state that is party to the agreement who ~~administer or enforce the laws of North Dakota under the terms of such~~ agreement, or who otherwise act under the terms of ~~such~~the agreement, ~~shall~~may not be eligible for compensation, employee rights, or benefits from ~~the state of~~ North Dakota and ~~shall~~may not be considered ~~to be~~ employees or officials of ~~the state of~~ North Dakota.

~~7.6. A cooperative~~The agreement under this section may also provide for ~~uniformity concerning~~uniform procedures and standards for nondivisible oversize and overweight vehicles and regional permits, including enforcement procedures, safety inspection standards, operational standards, permit and application form procedures, and driver qualifications, ~~and such other matters that may be pertinent to said matters.~~

~~7. The North Dakota highway patrol shall deposit all fees it may collect for regional permits on behalf of any state included in the agreement into a fund established as the regional permit fund. All moneys collected by the North Dakota highway patrol as fees for the issue of a regional permit and deposited into the regional permit fund are appropriated on a continuing basis for the purpose of paying each state included in the agreement for each state's respective share of the total fees collected for the regional permit. The North Dakota highway patrol shall deposit all moneys collected on behalf~~

1 of North Dakota for regional permits issued under this section into the state highway
2 fund in accordance with section 39-12-02.
3 8. Notwithstanding any provision of this section to the contrary, all ~~existing~~North Dakota
4 statutes and rules and regulations prescribing size or weight vehicle requirements, or
5 relating to permits for ~~such~~oversize or overweight vehicles, ~~shall continue to be~~remain
6 in full force and effect until amended or repealed by law, and ~~any cooperative~~the
7 agreement entered under this section must comply with ~~such~~North Dakota statutes
8 and rules and regulations.