

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1254

Introduced by

Representative Weisz

Senators Klein, G. Lee, Luick

1 A BILL for an Act to amend and reenact subsection 1 of section 39-12-04 of the North Dakota
2 Century Code, relating to the operation of over-width vehicles.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 39-12-04 of the North Dakota Century
5 Code is amended and reenacted as follows:

- 6 1. Vehicles operated on a highway in this state may not exceed a total outside width,
7 including load thereon, of eight feet six inches [2.59 meters]. This limitation does not
8 apply to:
- 9 a. Construction and building contractors' equipment and vehicles used to move
10 such equipment which does not exceed ten feet [3.05 meters] in width when
11 being moved by contractors or resident carriers.
 - 12 b. Implements of husbandry being moved by resident farmers, ranchers,
13 governmental entities, dealers, or manufacturers between sunrise and sunset.
14 Furthermore, the limitation does not apply to implements of husbandry being
15 moved between sunset and sunrise by resident farmers, ranchers, governmental
16 entities, dealers, or manufacturers on public state, county, or township highway
17 systems other than interstate highway systems.
 - 18 c. Hay in the stack or bale being moved along the extreme right edge of a roadway
19 between sunrise and sunset by someone other than a commercial mover.
 - 20 d. Commercial movement of haystacks or hay bales with vehicles designed
21 specifically for hauling hay, commercial movement of self-propelled fertilizer
22 spreaders and self-propelled agricultural chemical applicators, whether operating
23 under their own power or being transported by another vehicle, commercial
24 movement of portable grain cleaners, commercial movement of forage

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

- 18 e. Safety devices that the highway patrol determines are necessary for the safe and
19 efficient operation of motor vehicles may not be included in the calculation of
20 width.
- 21 f. Any nonload carrying safety appurtenance as determined by the highway patrol
22 which extends no more than three inches [7.62 centimeters] from each side of a
23 trailer is excluded from the measurement of trailer width. The width of a trailer is
24 measured across the sidemost load-carrying structures, support members, and
25 structural fasteners.
- 26 g. Notwithstanding any limitations to the contrary, a vehicle that does not exceed ten
27 feet [3.05 meters] in total width, including load, may operate between sunset and
28 sunrise.
- 29 h. The highway patrol may adopt reasonable rules for those vehicles exempted
30 from the width limitations as provided for in this subsection.