

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2324

Introduced by

Senators Oehlke, Schaible, Wanzek

Representatives Brandenburg, Hofstad, D. Johnson

1 A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code,
2 relating to a ten percent weight permit for certain vehicles.

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

4 **SECTION 1. AMENDMENT.** Section 39-12-05.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-12-05.3. Weight limitations for vehicles on highways other than the interstate**
7 **system.**

8 1. A person may not operate on a highway that is not part of the interstate system any
9 vehicle with a single axle that carries a gross weight in excess of twenty thousand
10 pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92
11 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds
12 [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty
13 inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced
14 over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the
15 axle load may not exceed nineteen thousand pounds [8618.26 kilograms] per axle,
16 with a maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on
17 a tandem axle and a maximum of forty-eight thousand pounds [21772.32 kilograms]
18 gross weight on any grouping of three or more axles. The wheel load, in any instance,
19 may not exceed one-half the allowable axle load. Spacing between axles is measured
20 from axle center to axle center.

21 2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a
22 person may not operate on a highway that is not part of the interstate system any
23 vehicle the gross weight of which exceeds that determined by the formula of:

24
$$W = 500 (\underline{LN} + 12N + 36)$$

N-1

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site and from a temporary initial storage site to a commercial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

- 1 5. The director, and local authorities, as to highways under their respective jurisdictions,
2 may issue permits authorizing all vehicles carrying ~~potatoes or sugar beets~~agricultural
3 products to exceed weight limitations stated in subsections 1 and 2 by ten percent
4 during the period from July fifteenth to December first. The permits may not provide for
5 a gross weight in excess of one hundred five thousand five hundred pounds [47854.00
6 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee
7 for the permits and direct how they shall be issued. The highway patrol shall issue the
8 permits authorized by the director.
- 9 6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a
10 self-propelled fertilizer spreader if the weight of a single axle does not exceed
11 twenty-two thousand pounds [9973.03 kilograms] and does not exceed five hundred
12 fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. The gross
13 weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled
14 agricultural chemical applicator if the weight of a single axle does not exceed
15 twenty-two thousand pounds [9973.03 kilograms] and does not exceed five hundred
16 fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. The
17 highway patrol shall issue a seasonal permit for the commercial movement of vehicles
18 exempted by this subsection. The seasonal permit issued under this subsection or
19 under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the
20 permit to operate a vehicle as allowed by either of these provisions. A seasonal permit
21 issued under this subsection is subject to the requirements of subdivision d of
22 subsection 1 of section 39-12-04.
- 23 7. The weight limitations in subsections 1 and 2 do not apply to equipment the director
24 and the state highway patrol approve for exemption but the weight limitations in
25 section 39-12-05 do apply to that equipment. For every vehicle approved for
26 exemption, the highway patrol shall issue a nontransferable bridge length permit valid
27 for a single trip or a calendar year.