

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1320

Introduced by

Representatives D. Ruby, B. Anderson, Jones, Steiner

Senators Bekkedahl, Laffen, Rust

1 A BILL for an Act to amend and reenact sections 39-12-02 and 39-12-03 of the North Dakota
2 Century Code, relating to a uniform truck permitting system for oversized or overweight vehicles
3 and local authority to limit use of vehicles on highways; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 39-12-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-12-02. Special permits for vehicles of excessive size and weight issued -**
8 **Contents - Fees.**

9 1. a. The highway patrol and local authorities in their respective jurisdictions, upon
10 application and payment of the appropriate charges and for good cause shown,
11 may issue a special written permit authorizing the applicant to operate or move a
12 vehicle, mobile home, or modular unit of a size or weight exceeding the
13 maximum specified by this chapter, upon a highway under the jurisdiction of the
14 body granting the permit. ~~Every~~A permit may designate the route to be traversed
15 and may contain ~~any~~ other restrictions or conditions deemed necessary by the
16 body granting the permit. Every permit must be carried in the vehicle to which it
17 refers in printed or electronic format and must be opened to inspection by ~~anya~~a
18 peace officer or agent of the superintendent of the highway patrol unless prior
19 approval is obtained from the highway patrol. It is a violation of this chapter for
20 ~~anya~~a person to violate ~~any~~ of the terms or conditions of the permit. The highway
21 patrol and local authorities may adopt rules governing the movement of oversize
22 and overweight vehicles.

23 b. Each township in a county that participates in a uniform truck permitting system
24 for authorization of oversized or overweight vehicle movements shall participate

1 in the same system. The department shall allow for the most efficient routing of
2 oversized or overweight loads through the state highway system and take into
3 consideration the impacts on city, county, township, and state roads. During frost
4 law restrictions, the department shall utilize the most direct route requested or
5 notify the city, county, or township the request to use state highways is denied.

6 c. When fee changes are proposed, a uniform permit system shall provide public
7 notice of the date, hour, and place at which the public may comment on the
8 proposed fee changes.

9 d. Notwithstanding any other provision of this chapter, a city, county, or township
10 having control of roads may not impose additional fees for the use of roads
11 beyond the fees established under a uniform permit program. A city, county, or
12 township may issue a penalty to a person that violates a posted road restriction.
13 If a permit is denied, a person may receive an additional fee or condition from the
14 city, county, or township in exchange for authorization to move an oversized or
15 overweight vehicle on a road under the jurisdiction of the city, county, or
16 township.

17 2. Upon ~~any~~ application for a permit to move a new manufactured building or modular
18 unit from outside this state to be located anywhere within this state, the manufacturer
19 is deemed to have certified that the new manufactured building or modular unit meets
20 all applicable building codes and all applicable electrical wiring and equipment,
21 plumbing, and fire standards. The state is not liable to ~~any~~ person for issuing a permit
22 in violation of this subsection.

23 3. An appropriate charge must be made for each permit and all funds collected
24 hereunder by the highway patrol must be deposited in the state highway fund for use
25 in the construction and maintenance of highways and operating expenses of the
26 department. Permit fees generated by a political subdivision must be deposited in the
27 local authority's general fund for support of the local road system. Publicly owned
28 vehicles that provide service beyond the agency's jurisdiction, official, publicly owned,
29 emergency, or military vehicles are not subject to charges for permits. The minimum
30 fee for selected charges is as follows:

- 1 a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty
2 dollars per month for fees paid on a monthly basis or two hundred fifty dollars per
3 year for fees paid on a yearly basis. Unused fees paid on a monthly basis are
4 refundable. Unused fees paid on a yearly basis are not refundable.
- 5 b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three
6 hundred dollars per calendar year for unlimited trips.
- 7 c. The fee for special mobile equipment is twenty-five dollars per trip.
- 8 d. The fee for engineering is twenty-five dollars per trip.
- 9 e. The fee for faxing a permit is five dollars.
- 10 f. The fee for a single trip permit is twenty dollars per trip.
- 11 g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty
12 dollars per calendar year.
- 13 h. The fee for a longer combination vehicle permit is one hundred dollars per month
14 for fees paid on a monthly basis.
- 15 i. The fee for an overwidth vehicle or load that is fourteen feet six inches
16 [4.42 meters] or less is twenty dollars per trip or one hundred dollars per calendar
17 year unless the vehicle is a noncommercial fishhouse trailer being moved by the
18 owner, then the fee is twenty dollars per calendar year.
- 19 j. The highway patrol may establish an online electronic permit system. If the
20 highway patrol establishes an online electronic permit system, the highway patrol
21 shall assess an additional fifteen dollar fee for every permit issued under this
22 section to be deposited into the motor carrier electronic permit transaction fund.
- 23 4. The director of tax equalization of the county of destination must be furnished a copy
24 of the permit for the movement of an overdimensional mobile home.
- 25 5. Permits issued for overdimensional movements of vehicles that do not exceed ten feet
26 [3.05 meters] in total width, including load, are valid for travel during the day and night.
- 27 6. There is created in the state treasury a fund known as the motor carrier electronic
28 permit transaction fund. All money in the fund is appropriated on a continuing basis to
29 the highway patrol to defray the costs of establishing and maintaining an online
30 electronic permit system for permitting and routing oversize and overweight vehicles in
31 this state. The highway patrol may contract with a private entity to establish, operate,

1 and maintain an online electronic permit system. The online electronic permit system
2 includes the issuance of permits under this section and an automated routing system.
3 The automated routing system must include integration of department of transportation
4 traveler information system information, all other data required for the automated
5 routing system, and integration of the highway patrol computer-aided dispatch system.

6 **SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-12-03. Director or local authorities may limit use of vehicles on highways -**
9 **Exception for inclement weather.**

- 10 1. Whenever ~~any~~ highway will be seriously damaged or destroyed by reason of
11 deterioration, rain, snow, or other climatic conditions unless the use of vehicles is
12 prohibited or the weight of the vehicle thereon is limited, the director or employees
13 authorized by the director by an order, and local authorities by ordinance or resolution,
14 may prohibit the operation of vehicles upon such highway or may impose weight
15 ~~restrictions as to the weight of~~ on vehicles. The director or employees making ~~such~~ the
16 order and local authorities enacting ~~any such~~ the ordinance or resolution shall erect or
17 cause to be erected and maintained signs designating the provisions of the order,
18 ordinance, or resolution. ~~Such~~ The signs must be erected and maintained at each end
19 of ~~that~~ the portion of any highway affected ~~thereby~~, and ~~such~~ the order, ordinance, or
20 resolution is not effective until ~~such~~ the signs are erected and maintained. The
21 operation of trucks or other commercial vehicles or limitations as to the weight
22 ~~thereof~~ of vehicles on designated highways may be prohibited or limited in the same
23 manner.
- 24 2. In instances of inclement weather, as determined by the local authorities, changes
25 may be made to existing posted restrictions on a portion of a highway if the local
26 authority:
- 27 a. Gives public notice of the change in the posted restrictions on any portion of a
28 highway by publishing the inclement weather restriction on the local authority's
29 website and a uniform county permit system or similar permit system within one
30 hour after the initial determination of inclement weather; and

- 1 b. Within five days of the first date of inclement weather, erects and maintains a
- 2 sign at each end of the portion of the highway affected by the inclement weather
- 3 restriction.