

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED HOUSE BILL NO. 1112**

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06, sections  
2 39-06.1-09 and 39-12-02, subsection 1 of section 39-12-05.3, and sections 39-12-08, 39-12-09,  
3 and 39-12-17 of the North Dakota Century Code, relating to noncriminal disposition fees,  
4 definition of moving violation, vehicles of excessive size and weight, and limitations on loads  
5 extending beyond the sides of a motor vehicle; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,  
10 except for:
  - 11 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or  
12 39-10-46.1, a fee of fifty dollars.
  - 13 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
14 subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 15 c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city,  
16 or a county including a city or county operating under a home rule charter.
  - 17 d. A violation of subsection 2 of section 39-12-02, a fee of one hundred dollars.

18 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and  
21 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section  
22 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; subsection 2  
23 of section 39-12-02; sections 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09,  
24 except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the

1 provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except sections  
2 39-21-44 and 39-21-45.1 and subdivision b of subsection 1 and subsection 2 of section  
3 39-21-46, and those sections within those chapters which are specifically listed in subsection 1  
4 of section 39-06.1-08.

5 **SECTION 3. 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. 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 maximum  
13 specified by this chapter, upon a highway under the jurisdiction of the body  
14 granting the permit. Every permit may designate the route to be traversed and  
15 may contain any other restrictions or conditions deemed necessary by the body  
16 granting the permit. Every permit must be carried in the vehicle to which it refers  
17 and must be opened to inspection by any peace officer or agent of the  
18 superintendent of the highway patrol unless prior approval is obtained from the  
19 highway patrol. It is a violation of this chapter for any person to violate any of the  
20 terms or conditions of the permit. All permits for the movement of excessive size  
21 and weight on state highways must be for single trips only. The highway patrol  
22 and local authorities may adopt rules governing the movement of oversize and  
23 overweight vehicles.

24 2. A person operating a motor vehicle, or the owner of the motor vehicle being  
25 operated, without a permit as specified in subsection 1 must be assessed a fee of  
26 one hundred dollars.

27 ~~2.~~ 3. Upon any application for a permit to move a new manufactured building or modular  
28 unit from outside this state to be located anywhere within this state, the  
29 manufacturer is deemed to have certified that the new manufactured building or  
30 modular unit meets all applicable building codes and all applicable electrical wiring

1 and equipment, plumbing, and fire standards. The state is not liable to any person  
2 for issuing a permit in violation of this subsection.

- 3 ~~3.~~ 4. An appropriate charge must be made for each permit and all funds collected  
4 hereunder by the highway patrol must be deposited in the state highway fund for  
5 use in the construction and maintenance of highways and operating expenses of  
6 the department of transportation. ~~Official or~~ Except for publicly owned vehicles  
7 that provide service beyond the agency's jurisdiction, official, publicly owned,  
8 emergency, or military vehicles may not be required to pay are not subject to  
9 charges for permits. The minimum fee for selected charges is as follows:
- 10 a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty  
11 dollars per month for fees paid on a monthly basis or two hundred fifty dollars  
12 per year for fees paid on a yearly basis. Unused fees paid on a monthly basis  
13 are refundable. Unused fees paid on a yearly basis are not refundable.
  - 14 b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
  - 15 c. The fee for special mobile equipment is twenty-five dollars per trip.
  - 16 d. The fee for engineering is twenty-five dollars per trip.
  - 17 e. The fee for faxing a permit is five dollars.
  - 18 f. The fee for a single trip permit is twenty dollars per trip.

19 ~~4.~~ 5. The director of tax equalization of the county of destination must be furnished a  
20 copy of the permit for the movement of an overdimensional mobile home.

21 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-12-05.3 of the North Dakota  
22 Century Code, effective after July 31, 2003, is amended and reenacted as follows:

- 23 1. With a single axle that carries a gross weight in excess of twenty thousand pounds  
24 [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92  
25 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds  
26 [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced  
27 forty inches [101.60 centimeters] apart or less are considered as one axle. On  
28 axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44  
29 meters] apart, the axle load may not exceed ~~seventeen~~ nineteen thousand pounds  
30 [7744.07 8618.26 kilograms] per axle, with a maximum of thirty-four thousand  
31 pounds [15422.14 kilograms] gross weight on a tandem axle and a maximum of

1            forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of  
2            three or more axles. The wheel load, in any instance, may not exceed one-half the  
3            allowable axle load. Spacing between axles is measured from axle center to axle  
4            center.

5            **SECTION 5. AMENDMENT.** Section 39-12-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7            **39-12-08. Penalty for violation of chapter.** Any person violating any of the provisions  
8 of sections 39-12-04, 39-12-05, or 39-12-06, ~~or 39-12-09~~ must be assessed a fee of twenty  
9 dollars. Any person violating any other provision of this chapter, for which a specific penalty is  
10 not provided, must be assessed a fee of ten dollars.

11           **SECTION 6. AMENDMENT.** Section 39-12-09 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13           **39-12-09. Unlawful to violate provisions governing size, weight, or construction**  
14 **of vehicles - Size and weight specified in this chapter lawful through state - Penalty.** It is  
15 unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be  
16 driven or moved, on any highway, ~~any vehicle or vehicles of a size or weight exceeding the~~  
17 ~~limitations stated in this chapter, or~~ any vehicle or vehicles which are not constructed as  
18 required in this chapter nor according to the rules and regulations of the director adopted  
19 pursuant to the provisions of this chapter. The maximum size and weight of vehicles specified  
20 in this chapter are lawful throughout this state, except as they may be limited by virtue of  
21 specifications made pursuant to the other provisions of this chapter. Any person who violates  
22 any of the provisions of this section must be assessed a fee of twenty dollars.

23           **SECTION 7. AMENDMENT.** Section 39-12-17 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **39-12-17. Trial - Charges.** At the trial of the action, the court shall hear testimony  
26 concerning the facts and if it is found that such vehicle or vehicles were moved upon the  
27 highways, streets, or roads of this state at a weight in excess of the limitations imposed under  
28 the provisions of section 39-12-03 or as limited by the provisions of section 39-12-05, charges  
29 for the extraordinary use of the highways, streets, or roads must be assessed as follows:

- 30            1. The storage charges and costs of the action must be assessed; and
- 31            2. An additional charge must be assessed as follows:

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- 1 a. ~~One cent per pound [453.59 grams] for each pound [453.59 grams] of weight~~  
2 ~~in excess of the legal limit, up to three thousand pounds [1360.77 kilograms]~~  
3 ~~of excess weight;~~
- 4 b. ~~Four cents per pound [453.59 grams] for each pound [453.59 grams] which~~  
5 ~~exceeds the legal limit by over three thousand pounds [1360.77 kilograms]~~  
6 ~~but is less than five thousand pounds [2267.96 kilograms] of excess;~~
- 7 e. ~~Eight cents per pound [453.59 grams] for each pound [453.59 grams] which~~  
8 ~~exceeds the legal limit by over five thousand pounds [2267.96 kilograms] but~~  
9 ~~is not more than ten thousand pounds [4535.92 kilograms];~~
- 10 d. ~~Ten cents per pound [453.59 grams] for each pound [453.59 grams] which~~  
11 ~~exceeds the legal limit by over ten thousand pounds [4535.92 kilograms] but~~  
12 ~~is less than twenty thousand pounds [9071.84 kilograms] of excess weight;~~  
13 ~~and~~
- 14 e. ~~Twenty cents per pound [453.59 grams] for each pound [453.59 grams] which~~  
15 ~~exceeds the legal limit by more than twenty thousand pounds [9071.84~~  
16 ~~kilograms].~~
- 17 1 to 1,000 pounds [.45 to 453.59 kilograms] of excess weight = \$20  
18 1,001 to 2,000 pounds [454.05 to 907.18 kilograms] of excess weight = \$40  
19 2,001 to 3,000 pounds [907.64 to 1360.78 kilograms] of excess weight = \$60  
20 3,001 to 4,000 pounds [1361.23 to 1814.37 kilograms] of excess weight =  
21 \$140  
22 4,001 to 5,000 pounds [1814.82 to 2267.96 kilograms] of excess weight =  
23 \$220  
24 5,001 to 6,000 pounds [2268.41 to 2721.55 kilograms] of excess weight =  
25 \$305  
26 6,001 to 7,000 pounds [2722.01 to 3175.14 kilograms] of excess weight =  
27 \$380  
28 7,001 to 8,000 pounds [3175.60 to 3628.74 kilograms] of excess weight =  
29 \$495  
30 8,001 to 9,000 pounds [3629.19 to 4082.33 kilograms] of excess weight =  
31 \$575

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1	<u>9,001 to 10,000 pounds [4082.78 to 4535.92 kilograms] of excess weight =</u>
2	<u>\$655</u>
3	<u>10,001 to 11,000 pounds [4536.37 to 4989.51 kilograms] of excess weight =</u>
4	<u>\$1,100</u>
5	<u>11,001 to 12,000 pounds [4989.97 to 5443.10 kilograms] of excess weight =</u>
6	<u>\$1,200</u>
7	<u>12,001 to 13,000 pounds [5443.56 to 5896.70 kilograms] of excess weight =</u>
8	<u>\$1,300</u>
9	<u>13,001 to 14,000 pounds [5897.15 to 6350.29 kilograms] of excess weight =</u>
10	<u>\$1,680</u>
11	<u>14,001 to 15,000 pounds [6350.74 to 6803.88 kilograms] of excess weight =</u>
12	<u>\$1,800</u>
13	<u>15,001 to 16,000 pounds [6804.33 to 7257.47 kilograms] of excess weight =</u>
14	<u>\$1,920</u>
15	<u>16,001 to 17,000 pounds [7257.93 to 7711.06 kilograms] of excess weight =</u>
16	<u>\$2,550</u>
17	<u>17,001 to 18,000 pounds [7711.52 to 8164.66 kilograms] of excess weight =</u>
18	<u>\$2,700</u>
19	<u>18,001 to 19,000 pounds [8165.11 to 8618.25 kilograms] of excess weight =</u>
20	<u>\$2,850</u>
21	<u>19,001 to 20,000 pounds [8618.70 to 9071.84 kilograms] of excess weight =</u>
22	<u>\$3,000</u>
23	<u>20,001 to 21,000 pounds [9072.29 to 9525.43 kilograms] of excess weight =</u>
24	<u>\$4,200</u>
25	<u>21,001 to 22,000 pounds [9525.89 to 9979.02 kilograms] of excess weight =</u>
26	<u>\$4,400</u>
27	<u>22,001 to 23,000 pounds [9979.48 to 10432.62 kilograms] of excess weight =</u>
28	<u>\$4,600</u>
29	<u>23,001 to 24,000 pounds [10433.07 to 10886.21 kilograms] of excess weight</u>
30	<u>= \$4,800</u>

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1                    24,001 to 25,000 pounds [10886.66 to 11339.80 kilograms] of excess weight  
2                    = \$5,000  
3                    25,001 to 26,000 pounds [11340.25 to 11793.40 kilograms] of excess weight  
4                    = \$5,200  
5                    26,001 to 27,000 pounds [11793.86 to 12246.99 kilograms] of excess weight  
6                    = \$5,400  
7                    27,001 to 28,000 pounds [12247.45 to 12700.59 kilograms] of excess weight  
8                    = \$5,600  
9                    28,001 to 29,000 pounds [12701.04 to 13154.18 kilograms] of excess weight  
10                   = \$5,800  
11                   29,001 to 30,000 pounds [13154.63 to 13607.77 kilograms] of excess weight  
12                   = \$6,000  
13                   An additional charge of \$200 for every 1,000-pound [453.59-kilogram]  
14                   increase over 30,000 pounds [13607.77 kilograms] consistent with the above  
15                   formula.