

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1112
(Transportation Committee)
(At the request of the Department of Transportation)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

39-06.1-09. Moving violation defined. For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 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 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, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except sections 39-21-44 and 39-21-45.1 and subdivision b of subsection 1 and subsection 2 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 3. AMENDMENT. Section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every permit may designate the route to be traversed and may contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit must be carried in the vehicle to

which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of this chapter for any person to violate any of the terms or conditions of the permit. All permits for the movement of excessive size and weight on state highways must be for single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.

2. A person operating a motor vehicle, or the owner of the motor vehicle being operated, without a permit as specified in subsection 1 must be assessed a fee of one hundred dollars.
- 2- 3. Upon any application for a permit to move a new manufactured building or modular unit from outside this state to be located anywhere within this state, the manufacturer is deemed to have certified that the new manufactured building or modular unit meets all applicable building codes and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to any person for issuing a permit in violation of this subsection.
- 3- 4. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. Official or Except for publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles may not be required to pay are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
- 4- 5. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home.

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

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed ~~seventeen~~ nineteen thousand pounds [~~7744.07~~ 8618.26 kilograms] per axle, with a maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on a tandem axle and a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed

one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.

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

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

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

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

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

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

1. The storage charges and costs of the action must be assessed; and
2. An additional charge must be assessed as follows:
 - a. ~~One cent per pound [453.59 grams] for each pound [453.59 grams] of weight in excess of the legal limit, up to three thousand pounds [1360.77 kilograms] of excess weight;~~
 - b. ~~Four cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over three thousand pounds [1360.77 kilograms] but is less than five thousand pounds [2267.96 kilograms] of excess;~~
 - c. ~~Eight cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over five thousand pounds [2267.96 kilograms] but is not more than ten thousand pounds [4535.92 kilograms];~~
 - d. ~~Ten cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over ten thousand pounds [4535.92 kilograms] but is less than twenty thousand pounds [9071.84 kilograms] of excess weight; and~~
 - e. ~~Twenty cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by more than twenty thousand pounds [9071.84 kilograms];~~

1 to 1,000 pounds [453.59 kilograms] of excess weight = \$20

1,001 to 2,000 pounds [454.05 to 907.18 kilograms] of excess weight = \$40

2,001 to 3,000 pounds [907.64 to 1360.78 kilograms] of excess weight = \$60
3,001 to 4,000 pounds [1361.23 to 1814.37 kilograms] of excess weight = \$140
4,001 to 5,000 pounds [1814.82 to 2267.96 kilograms] of excess weight = \$220
5,001 to 6,000 pounds [2268.41 to 2721.55 kilograms] of excess weight = \$305
6,001 to 7,000 pounds [2722.01 to 3175.14 kilograms] of excess weight = \$380
7,001 to 8,000 pounds [3175.60 to 3628.74 kilograms] of excess weight = \$495
8,001 to 9,000 pounds [3629.19 to 4082.33 kilograms] of excess weight = \$575
9,001 to 10,000 pounds [4082.78 to 4535.92 kilograms] of excess weight = \$655
10,001 to 11,000 pounds [4536.37 to 4989.51 kilograms] of excess weight = \$1,100
11,001 to 12,000 pounds [4989.97 to 5443.10 kilograms] of excess weight = \$1,200
12,001 to 13,000 pounds [5443.56 to 5896.70 kilograms] of excess weight = \$1,300
13,001 to 14,000 pounds [5897.15 to 6350.29 kilograms] of excess weight = \$1,680
14,001 to 15,000 pounds [6350.74 to 6803.88 kilograms] of excess weight = \$1,800
15,001 to 16,000 pounds [6804.33 to 7257.47 kilograms] of excess weight = \$1,920
16,001 to 17,000 pounds [7257.93 to 7711.06 kilograms] of excess weight = \$2,550
17,001 to 18,000 pounds [7711.52 to 8164.66 kilograms] of excess weight = \$2,700
18,001 to 19,000 pounds [8165.11 to 8618.25 kilograms] of excess weight = \$2,850
19,001 to 20,000 pounds [8618.70 to 9071.84 kilograms] of excess weight = \$3,000
20,001 to 21,000 pounds [9072.29 to 9525.43 kilograms] of excess weight = \$4,200
21,001 to 22,000 pounds [9525.89 to 9979.02 kilograms] of excess weight = \$4,400
22,001 to 23,000 pounds [9979.48 to 10432.62 kilograms] of excess weight = \$4,600
23,001 to 24,000 pounds [10433.07 to 10886.21 kilograms] of excess weight = \$4,800
24,001 to 25,000 pounds [10886.66 to 11339.80 kilograms] of excess weight = \$5,000
25,001 to 26,000 pounds [11340.25 to 11793.40 kilograms] of excess weight = \$5,200
26,001 to 27,000 pounds [11793.86 to 12246.99 kilograms] of excess weight = \$5,400
27,001 to 28,000 pounds [12247.45 to 12700.59 kilograms] of excess weight = \$5,600
28,001 to 29,000 pounds [12701.04 to 13154.18 kilograms] of excess weight = \$5,800

29,001 to 30,000 pounds [13154.63 to 13607.77 kilograms] of excess weight = \$6,000

An additional charge of \$200 for every 1,000-pound [453.59-kilogram] increase over 30,000 pounds [13607.77 kilograms] consistent with the above formula.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1112.

House Vote: Yeas 80 Nays 12 Absent 2

Senate Vote: Yeas 40 Nays 4 Absent 3

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State