

**SENATE BILL NO. 2274**

Introduced by

Senators Nething, Espegard, Heitkamp

Representatives Carlson, Hawken, Weiler

1 A BILL for an Act to create and enact two new sections to chapter 39-21 of the North Dakota  
2 Century Code, relating to axles on a vehicle; and to amend and reenact subsection 2 of section  
3 39-06.1-06, sections 39-06.1-09, 39-12-02, 39-12-05, 39-12-05.3, and 39-12-08 of the North  
4 Dakota Century Code, relating to weight and size limitations and permits for vehicles.

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

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

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

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

19 **39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and  
20 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section  
21 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09;  
22 subsection ~~2~~ 1 of section 39-12-02; sections 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02;  
23 or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a  
24 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except

1 subsection 4 of section 39-10-26, sections 39-21-44 and 39-21-45.1, and subdivision b of  
2 subsection 1 and subsection 2 of section 39-21-46, and those sections within those chapters  
3 which are specifically listed in subsection 1 of section 39-06.1-08.

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

6 **39-12-02. Special permits for vehicles of excessive size and weight issued -**  
7 **Contents - Fees.**

- 8 1. The highway patrol and local authorities in their respective jurisdictions, upon  
9 application and payment of the appropriate charges and for good cause shown,  
10 may issue a special written permit authorizing the applicant to operate or move a  
11 vehicle, mobile home, or modular unit of a size or weight exceeding the maximum  
12 specified by this chapter, upon a highway under the jurisdiction of the body  
13 granting the permit. Every permit may designate the route to be traversed and  
14 may contain any other restrictions or conditions deemed necessary by the body  
15 granting the permit. Every permit must be carried in the vehicle to which it refers  
16 and must be opened to inspection by any peace officer or agent of the  
17 superintendent of the highway patrol unless prior approval is obtained from the  
18 highway patrol. It is a violation of this chapter for any person to violate any of the  
19 terms or conditions of the permit. All permits for the movement of excessive size  
20 and weight on state highways must be for single trips only. The highway patrol and  
21 local authorities may adopt rules governing the movement of oversize and  
22 overweight vehicles.
- 23 ~~2. A person operating a motor vehicle, or the owner of the motor vehicle being~~  
24 ~~operated, without a permit as specified in subsection 1 must be assessed a fee of~~  
25 ~~one hundred dollars.~~
- 26 ~~3.~~ Upon any application for a permit to move a new manufactured building or modular  
27 unit from outside this state to be located anywhere within this state, the  
28 manufacturer is deemed to have certified that the new manufactured building or  
29 modular unit meets all applicable building codes and all applicable electrical wiring  
30 and equipment, plumbing, and fire standards. The state is not liable to any person  
31 for issuing a permit in violation of this subsection.

- 1       ~~4.~~ 3. An appropriate charge must be made for each permit and all funds collected  
2                   hereunder by the highway patrol must be deposited in the state highway fund for  
3                   use in the construction and maintenance of highways and operating expenses of  
4                   the department of transportation. Except for publicly owned vehicles that provide  
5                   service beyond the agency's jurisdiction, official, publicly owned, emergency, or  
6                   military vehicles are not subject to charges for permits. The minimum fee for  
7                   selected charges is as follows:
- 8           a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty  
9                   dollars per month for fees paid on a monthly basis or two hundred fifty dollars  
10                   per year for fees paid on a yearly basis. Unused fees paid on a monthly basis  
11                   are refundable. Unused fees paid on a yearly basis are not refundable.
  - 12          b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
  - 13          c. The fee for special mobile equipment is twenty-five dollars per trip.
  - 14          d. The fee for engineering is twenty-five dollars per trip.
  - 15          e. The fee for faxing a permit is five dollars.
  - 16          f. The fee for a single trip permit is twenty dollars per trip.
  - 17          g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty  
18                   dollars per calendar year.
- 19       ~~5.~~ 4. 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.** Section 39-12-05 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **39-12-05. Weight limitations for vehicles on interstate system.** A person may not  
24 operate on a highway which is part of the interstate system any vehicle:

- 25          1. With a single axle that carries a gross weight in excess of twenty thousand pounds  
26                   [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92  
27                   kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds  
28                   [249.48 kilograms] for each inch [2.54 centimeters] of tire width as shown by the  
29                   manufacturer on the tire sidewall. Axles spaced forty inches [101.60 centimeters]  
30                   apart or less are considered as one axle and, on axles spaced over forty inches  
31                   [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may

1 not exceed seventeen thousand pounds [7711.07 kilograms] per axle. The wheel  
2 load, in any instance, may not exceed one-half the allowable axle load. Spacing  
3 between axles is measured from axle center to axle center.

4 2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads,  
5 the gross weight of which exceeds that determined by the formula of:

$$6 \quad W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

7 where W equals maximum weight in pounds carried on any group of more than  
8 one axle; L equals distance in feet between the extremes of any group of  
9 consecutive axles; and N equals number of axles in the group under consideration,  
10 except that two consecutive sets of tandem axles may carry a gross load of  
11 thirty-four thousand pounds [15422.14 kilograms] each, providing the overall  
12 distance between the first and last axles of the consecutive sets of tandem axles is  
13 at least thirty-six feet [10.97 meters]. The gross weight may not exceed eighty  
14 thousand pounds [36287.39 kilograms].

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

17 **39-12-05.3. Weight limitations for vehicles on highways other than the interstate**  
18 **system.**

19 1. A person may not operate on a highway that is not part of the interstate system any  
20 vehicle with a single axle that carries a gross weight in excess of twenty thousand  
21 pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92  
22 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds  
23 [249.48 kilograms] for each inch [2.54 centimeters] of tire width as shown by the  
24 manufacturer on the tire sidewall. Axles spaced forty inches [101.60 centimeters]  
25 apart or less are considered as one axle. On axles spaced over forty inches  
26 [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may  
27 not exceed nineteen thousand pounds [8618.26 kilograms] per axle, with a  
28 maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on a  
29 tandem axle and a maximum of forty-eight thousand pounds [21772.32 kilograms]  
30 gross weight on any grouping of three or more axles. The wheel load, in any

1 instance, may not exceed one-half the allowable axle load. Spacing between axles  
2 is measured from axle center to axle center.

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

$$6 \quad W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

7 where W equals the maximum gross weight in pounds on any vehicle or  
8 combination of vehicles; L equals distance in feet between the two extreme axles  
9 of any vehicle or combination of vehicles; and N equals the number of axles of any  
10 vehicle or combination of vehicles under consideration. The gross weight on state  
11 highways may not exceed one hundred five thousand five hundred pounds  
12 [47854.00 kilograms] unless otherwise posted and on all other highways the gross  
13 weight may not exceed eighty thousand pounds [36287.39 kilograms] unless  
14 designated by local authorities for highways under their jurisdiction for gross  
15 weights not to exceed one hundred five thousand five hundred pounds [47854.00  
16 kilograms]. Local authorities are encouraged to assess all roads under their  
17 jurisdiction and designate the roads for the appropriate weight limits allowed under  
18 this subsection.

19 3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the  
20 director and the state highway patrol approve for exemption. The exemption may  
21 not exceed one hundred five thousand five hundred pounds [47854.00 kilograms].  
22 For every vehicle approved for exemption the highway patrol shall issue a  
23 nontransferable permit valid for one year. The highway patrol may charge an  
24 administrative fee for the permit.

25 4. The director, and local authorities, as to the highways under their respective  
26 jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the  
27 weight limitations stated in subsections 1 and 2 by ten percent. The permits may  
28 not provide for a gross weight in excess of one hundred five thousand five hundred  
29 pounds [47854.00 kilograms]. The permits must provide only for the movement of  
30 agricultural products from the field of harvest to the point of initial storage site, and  
31 for the collection and transport of solid wastes, during the period from July fifteenth

1 to December first, and for the general movement of products during the period from  
2 December first to March seventh. The appropriate jurisdictional authority shall  
3 establish an appropriate fee for the permits and direct how they shall be issued.

4 The highway patrol shall issue the permits authorized by the director.

5 5. The director, and local authorities, as to highways under their respective  
6 jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar  
7 beets to exceed weight limitations stated in subsections 1 and 2 by ten percent  
8 during the period from July fifteenth to December first. The permits may not  
9 provide for a gross weight in excess of one hundred five thousand five hundred  
10 pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall  
11 establish an appropriate fee for the permits and direct how they shall be issued.  
12 The highway patrol shall issue the permits authorized by the director.

13 6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a  
14 self-propelled fertilizer spreader if the weight of a single axle does not exceed  
15 twenty-two thousand pounds [19979.03 kilograms] and does not exceed five  
16 hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire  
17 width as shown by the manufacturer on the tire sidewall. The gross weight  
18 limitations in subsections 1 and 2 do not apply to movement of a self-propelled  
19 agricultural chemical applicator if the weight of a single axle does not exceed  
20 twenty-two thousand pounds [19979.03 kilograms] and does not exceed five  
21 hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire  
22 width as shown by the manufacturer on the tire sidewall. The highway patrol shall  
23 issue a seasonal permit for the commercial movement of vehicles exempted by this  
24 subsection. The seasonal permit issued under this subsection or under  
25 subdivision d of subsection 1 of section 39-12-04 entitles an individual with the  
26 permit to operate a vehicle as allowed by either of these provisions. A seasonal  
27 permit issued under this subsection is subject to the requirements of subdivision d  
28 of subsection 1 of section 39-12-04.

29 7. The weight limitations in subsections 1 and 2 do not apply to equipment the  
30 director and the state highway patrol approve for exemption but the weight  
31 limitations in section 39-12-05 do apply to that equipment. For every vehicle

1           approved for exemption, the highway patrol shall issue a nontransferable bridge  
2           length permit valid for a single trip or a calendar year.

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

5           **39-12-08. Penalty for violation of chapter.** ~~Any~~ A person violating any of the  
6 ~~provisions of sections 39-12-04, 39-12-05, or 39-12-06 operating a motor vehicle or the owner~~  
7 of the motor vehicle being operated without a permit as specified in this chapter must be  
8 assessed a fee of ~~twenty~~ one hundred dollars. Any person violating any other provision of this  
9 chapter, for which a specific penalty is not provided, must be assessed a fee of ~~ten~~ twenty  
10 dollars. Violating the conditions of any permit type automatically voids the permit.

11           **SECTION 7.** Two new sections to chapter 39-21 of the North Dakota Century Code are  
12 created and enacted as follows:

13           **Retractable axle control requirements.** Variable load suspension or retractable  
14 axles, or both, raised or lowered by air, hydraulic, or other pressure must have the lock or  
15 pressure regulator valve, or both, positioned outside the cab and inaccessible from the driver's  
16 compartment. The control to lift and lower a retractable or variable load suspension axle may  
17 be accessible in the driver's compartment, but also may not function as the pressure control  
18 device.

19           **Requirement for steerable, castering, or pivoting axles.** A single unit vehicle or any  
20 vehicle in combination may not be equipped with more than four axles unless the additional  
21 axles are steerable, castering, or pivoting axles.