

1999 SENATE TRANSPORTATION

SB 2205

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2205

Senate Transportation Committee

Conference Committee

Hearing Date January 21, 1999

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|------------|
| 1 | x | | 1-6100 |
| 2-January 28,1999 | x | | 1,251-1496 |
| | | | |
| Committee Clerk Signature <i>Roci A. Schaeffer</i> | | | |

Minutes:

Senator Bob Stenehjem opened the hearing on SB 2205. Committee members present were: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D O'Connell, V. Thompson, and D. Bercier.

SENATOR JACK TRAYNOR, DISTRICT #15 testified in support of SB 2205. I've been concerned with the volume of truck weight entering North Dakota. Currently, there is no law that requires a truck with a load over 1600 lbs to stop at a weigh station. It is not a violation. However, if a police officer tells a trucker to stop and he does not stop, that is a misdemeanor. The assistant director of the Department of Transportation told me that our highways are being damaged from Canadian trucks and 295,000 of those trucks entered our state in the past year. The highway department engineers who had designed the roads to last twenty years found out they lasted only six years.

This bill makes it a crime if the driver passes up a weigh station. Also, it would permit a civil penalty not to exceed \$100 per mile past the nearest weigh station to the point of arrest.

This probably would not be imposed on the first violation.

SENATOR COOK There are two conditions in this bill. They include: (1) transporting a load that exceeds 2600 lbs; and (2) transporting hazardous materials, correct? Does this only apply to trucks entering the state and not trucks that are generating their loads within the state?

SENATOR TRAYNOR No, it would apply to all trucks.

SENATOR COOK Do trucks that generally weigh over 2600 lbs such as the sugar beet trucks transporting sugar beets from Minnesota to North Dakota to the refinery fall under this bill also?

SENATOR TRAYNOR They probably would.

SENATOR B. STENEHJEM What if there aren't many ports of entry in a certain area then what scale house would one go to?

SENATOR TRAYNOR There are now portable weigh stations and they can probably establish these to accommodate the traffic.

SENATOR BERCIER This will affect the trucking business in construction.

SENATOR THOMPSON I applaud your effort, but we may need to rework this a little. There is a lot of commerce along the borders that I don't want to affect. I think your intent was the Canadian traffic and we need to find out what we are doing regarding that Canadian traffic.

SENATOR TRAYNOR I was surprised when I found out it wasn't a crime to bypass a weigh station and that's what I'm addressing.

SENATOR BERCIER When my trucks bypassed the station in Grand Forks, they came and took my trucks back to the weigh station. So, although it's not a crime, they are careful.

SENATOR B. STENEHJEM The part that concerns me is allowing the director to enforce a civil penalty through an administrative hearing. Is that normal to hand out penalties administratively?

SENATOR TRAYNOR That is the way the driver's license is handled, through administrative processes.

SENATOR BERCIER Maybe we should do away with permanent scales completely and go into looking at portable scales.

SENATOR KEN SOLBERG, DISTRICT #7 testified in favor of SB 2205. I'm concerned with the problems of heavy truck traffic. Canada has different weight scales and they can come across with no check on our side. Those trucks can be pretty heavy. I believe there is merit in the bill and can be workable.

SENATOR THOMPSON Do you have any thoughts on portable scales?

SENATOR SOLBERG We can't afford to have a portable scale at every single port of entry, but they are beneficial. They should accommodate the traffic. Most farmers, such as the sugar beet farmers, get a harvest permit and that should exempt them.

SENATOR BERCIER But the permit only pertains to the weight so you can still be overweight.

SENATOR O'CONNELL testified in support of SB 2205. He cited two cases he was personally involved in dealing with trucks that were over the weight limit.

SENATOR BERCIER Are there scales on either side of the border?

SENATOR O'CONNELL There are no port of entries on the Canadian side that I'm aware of.

LEROY ERNST, ND MOTOR CARRIERS ASSOCIATION testified in opposition of SB 2205.

The trucking industry in this state plays a vital role in our economy by employing one out of every eleven workers and paying more than \$563,900,000 in salaries a year. The trucks move in

excess of 89,000 tons of manufactured freight each business day. That may go up by %10 by the year 2000. We support size and weight limitations in this state and we don't want torn up highways either. You have to understand that North Dakota is a bridge state between east, west, north and south movement of goods. Our weight limitations are similar to other states so the interstate traffic adheres to regulations. This allows for nonrestrictive movement between the states. Also, our weigh stations are not open 24 hours a day. SB 2205 should state that all weigh stations in North Dakota must be open 24 hours a day, 7 days a week, and 365 days a year. Another problem with SB 2205 is that it addresses one particular type of freight which is on an interstate basis but nowhere does the bill address the movement of intrastate freight (within the boundaries of North Dakota).

The implication of SB 2205 is that most trucks are entering the state overweight when really the number of vehicles weighted is increasing dramatically each year. We have the resources available to encourage portable scale sites among the border. This way we can make this a mobile type operation to deal with the initial problem. This bill does not address the problem with Canadian trucks. However it could with some proposed language that addresses the shipper. We recommend a Do Not Pass on this bill.

SENATOR MUTCH How do you interpret "transporting hazardous materials"? What is the guideline for a "hazardous material"?

SENATOR SCHOBINGER I'm in the furniture business. When a truck stops at a scale, does the weight ticket the trucker has matter or is it the weight limit the scale at the scale house says that counts? Many times the weight of the truck may change if there is ice buildup.

LEROY ERNST It is the weight of the truck on the scale.

SENATOR B. STENEHJEM This bill has nothing to do with weight. This has to do with passing a scale and not weighing in.

LEROY ERNST That is true, but this bill could cause a double fine if you're overweight and running the scale.

SENATOR B. STENEHJEM Wouldn't that be true now?

LEROY ERNST Yes.

CURT PETERSON, ASSOCIATED GENERAL CONTRACTORS OF NORTH DAKOTA, testified in opposition of SB 2205. We would have a problem with SB 2205 particularly among the borders of North Dakota. There is a lot of movement between North Dakota and Minnesota due to resources on the Minnesota side. This bill would cause a great deal of difficulty in our industry making those trips back and forth. I applaud the sponsors for their effort, but I don't believe the bill is practical the way it was written.

MARV SKAR, CROSS COUNTRY COURIER testified in opposition of SB 2205 because it is unenforceable and poorly written. We cannot operate a truck with the mileage this bill would cause. We would have to travel out of our way in order to hit a scale house. Another problem with this bill is the words "hazardous materials". Paint and liquid soap are considered hazardous materials and one palette of these in a truck would force the truck driver to go to a scale. The penalty of \$100 per mile is too stiff; North Dakota won't find any truck drivers with a penalty like that. Also, the perception that Canadians aren't paying for our roads is wrong. Every time a Canadian truck travels on our roads they have to pay fuel tax. Most legitimate trucking companies do not bypass scales. We're getting at every carrier in the state and every carrier that comes through. SB 2205 is a burden and it is anti-trucking.

DOYLE SCHULTZ, DIRECTOR OF THE MOTOR CARRIER ASSOCIATION testified in a neutral position. On SB 2205 there are a few things that should be changed if it were to pass. One had to deal with the definition of things such as the words "tractor trailer"; it should also include semi-trailer and also the general definition of hazardous material. Normally, under federal statutes, the federal definition would need to be placarded on a vehicle.

SENATOR O'CONNELL Have you seen the amendment? Basically, it means you could go to the elevator and look at any of the freight bills or weight limits on any trucks that come into the elevator, right?

DOYLE SCHULTZ Yes, that is correct.

SENATOR B. STENEHJEM Is there any process of penalizing a truck driver for an overload through an administrative hearing in which the director can levy the cost.

DOYLE SCHULTZ A person has two options when they are stopped. One is a voluntary settlement where the money is immediately taken. The other is when the truck driver pleads not guilty and the money is a bond he pays with district court; they handle the hearing and the assessment. I've never heard of an administrative process for an overload.

Currently, we have nine weigh inspection scales in the state: Joliette, Buckston, Morton, West Fargo, Beach, Williston, Bowman, and Minot. Minot may be closed and relocated because of the traffic problems it is causing in that area. There is another permanent scale at Ellendale.

Troopers are assigned as motor carrier troopers and they carry portable scales. These assignments are given on a daily basis. We're trying to expedite the commercial travel to make it easier for them. Permanent sites are easy to avoid so the combination of both permanent sites and mobile units may be the key to deter these overloads.

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Senate Transportation Committee

Bill/Resolution Number Sb 2205

Hearing Date January 21, 1999

SENATOR B. STENEHJEM closed the hearing on SB 2205.

January 28, 1999-Tape #2- Committee Discussion Meter #1251

SENATOR MUTCH I motion a Do Not Pass.

SENATOR COOK I second it.

Roll call was taken on SB 2205 (6 Yeas, 1 Nay, and 0 Absent and Not Voting).

Senator Stenehjem will carry SB 2205.

Date: January 28, 1999
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2205

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Sen. Mutch Seconded By Sen. Cook

| Senators | Yes | No | Senators | Yes | No |
|-----------------------------|-----|----|----------|-----|----|
| Sen. B. Stenehjem-Chairman | X | | | | |
| Sen. R. Schobinger-V. Chair | X | | | | |
| Sen. Duane Mutch | X | | | | |
| Sen. Dwight Cook | X | | | | |
| Sen. David O'Connell | | X | | | |
| Sen. Vern Thompson | X | | | | |
| Sen. Dennis Bercier | X | | | | |
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Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator Stenehjem

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 29, 1999 1:32 p.m.

Module No: SR-19-1491
Carrier: B. Stenehjem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2205: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2205 was placed on the Eleventh order on the calendar.

1999 TESTIMONY
SB 2205

SENATE BILL 2205

39-03-09 - Powers of the Highway Patrol

Add

to have the right of entry for the purpose to inspect records, freight bills, bills of lading or other documents which may provide evidence to determine compliance with Chapter 39-12 of the North Dakota Century Code.