2023 SENATE TRANSPORTATION

SB 2120

2023 SENATE STANDING COMMITTEE MINUTES

Finance and Taxation Committee
Fort Totten Room, State Capitol

SB 2120
1/6/2023

A bill relating to overweight vehicle limitations; and to declare an emergency.

10:28 AM **Chairman Clemens** called the meeting to order. **Senators Clemens, Conley, Larsen, Paulson, and Rummel** were present.

Discussion Topics:

- Overweight vehicles
- Highway regulations
- Overweight fees

10:28 AM **Tom Iverson, Chief of Operations for the ND Highway Patrol**, introduced the bill and provided testimony. #12456

10:38 AM **Wade Swenson, Director of Operations for ND Department of Transportation**, provided verbal testimony in favor.

10:42 AM **Senator Conley** moved a Do Pass on SB 2120.
Senator Paulson seconded the motion.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed. 5-0-0

Senator Paulson will carry SB 2120.

10:44 AM **Senator Clemens** closed the hearing.

Danielle Butler, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2120: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE TRANSPORTATION

SB 2120

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2120
3/2/2023

A bill relating to overweight vehicle limitations and to declare an emergency.

Chairman Ruby opened the hearing at 2:00PM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. Members absent: Representative Koppelman.

Discussion Topics:

- Overweight vehicles on the highways
- Overload fees on all highways

Tom Iverson, Chief of Operations for the North Dakota Highway Patrol, introduced the bill in support (#21739).

Brad Darr, State Maintenance Engineer with the North Dakota Department of Transportation, verbally testified in support.

Chairman D. Ruby closed the hearing at 2:11PM.

Representative Murphy moved a Do Pass.

Representative Timmons seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	AB
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	Y

Motion carried 13-0-1

Representative Timmons is the bill carrier.

Meeting adjourned at 2:14PM.

Mary Brucker, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2120: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2120

NORTH Dakota | Highway Patrol
Be Legendary.

68th Legislative Assembly
Testimony in **Support** of
Senate Bill No. 2120
Senate Transportation Committee
January 06, 2023

TESTIMONY OF
Major Tom Iverson, Chief of Operations

Good morning Chairman Clemens and members of the committee. My name is Tom Iverson and I serve as the chief of operations for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2120.

This bill amends NDCC 39-12-11, 39-12-17, and 39-12-22 pertaining to overweight vehicles. A local North Dakota states attorney had recently shared a concern with NDCC 39-12-17 related to overload fees. It was pointed out that this section of law references 39-12-03, addressing spring load restrictions, and 39-12-05, addressing overweight vehicles on the interstate system, but it does not mention 39-12-05.3, addressing overweight vehicles on highways other than the interstate system. Consequently, it is her interpretation that overload fees may not be assessed on highways other than the interstate system. I am confident that this was merely an oversight as 39-12-17 refers to "highways, streets, or roads of this state". In addition, 39-12-14.1 states, "The extraordinary road use fees for a violation on an interstate or on a state highway must be deposited with the state treasurer to be credited to the state highway fund. Extraordinary road use fees for a violation that did not occur on an interstate or a state highway must be deposited in the general fund of the jurisdiction having authority over the road on which the violation occurred…"

Adding 39-12-05.3 which is located on line 18 of the bill addresses the concern and makes it clear that an overload fee may be assessed on a highway other than the interstate system.

While working with the states attorney, we decided that it would be best to insert 39-12-05.3, addressing overweight vehicles on highways other than the interstate system within 39-12-11 as well as 39-12-22. Doing so clears up any confusion and makes it clear that these sections of law apply to all highways, streets, or roads within the state.

This concludes my testimony. I am happy to answer any questions you may have.

NORTH Dakota | Highway Patrol
Be Legendary.

68th Legislative Assembly
Testimony in **Support** of
Senate Bill No. 2120
House Transportation Committee
March 2, 2023

TESTIMONY OF
Major Tom Iverson, Chief of Operations

Good afternoon Chairman Ruby and members of the committee. My name is Tom Iverson and I serve as the chief of operations for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2120.

This bill amends NDCC 39-12-11, 39-12-17, and 39-12-22 pertaining to overweight vehicles. A local North Dakota states attorney had recently shared a concern with NDCC 39-12-17 related to overload fees. It was pointed out that this section of law references 39-12-03, addressing spring load restrictions, and 39-12-05, addressing overweight vehicles on the interstate system, but it does not mention 39-12-05.3, addressing overweight vehicles on highways other than the interstate system. Consequently, it is her interpretation that overload fees may not be assessed on highways other than the interstate system. I am confident that this was merely an oversight as 39-12-17 refers to "highways, streets, or roads of this state". In addition, 39-12-14.1 states, "The extraordinary road use fees for a violation on an interstate or on a state highway must be deposited with the state treasurer to be credited to the state highway fund. Extraordinary road use fees for a violation that did not occur on an interstate or a state highway must be deposited in the general fund of the jurisdiction having authority over the road on which the violation occurred…"

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