

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2054**

Introduced by

Senators Solberg, O'Connell, Wanzek

Representatives Aarsvold, Nelson, Rennerfeldt

1 A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code,
2 relating to weight limitations on highways; to provide an expiration date; and to declare an
3 emergency.

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

5 **SECTION 1.** Section 39-12-05.3 of the 1999 Supplement to the North Dakota Century
6 Code is amended and reenacted as follows:

7 **39-12-05.3. Weight limitations for vehicles on highways other than the interstate**
8 **system.**

- 9 1. A person may not operate on a highway, ~~which~~ that is not part of the interstate
10 system; any vehicle:
- 11 ~~1.~~ With with a single axle that carries a gross weight in excess of twenty thousand
12 pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92
13 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds
14 [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced
15 forty inches [101.60 centimeters] apart or less are considered as one axle. On
16 axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44
17 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07
18 kilograms] per axle, with a maximum of forty-eight thousand pounds [21772.32
19 kilograms] gross weight on any grouping of three or more axles. The wheel load,
20 in any instance, may not exceed one-half the allowable axle load. Spacing
21 between axles is measured from axle center to axle center.
- 22 2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads,
23 a person may not operate on a highway that is not part of the interstate system any
24 vehicle the gross weight of which exceeds that determined by the formula of:

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

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

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

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

9 6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a
10 self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess
11 of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and
12 the gross weight does not exceed eighty thousand pounds [38287.39 kilograms].
13 The gross weight limitations in subsections 1 and 2 do not apply to movement of a
14 self-propelled agricultural chemical applicator if the vehicle does not travel at
15 speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over
16 one-half capacity and the gross weight does not exceed forty-five thousand
17 pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for
18 the movement of vehicles exempted by this subsection. The seasonal permit
19 issued under this subsection or under subdivision d of subsection 1 of section
20 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by
21 either of these provisions. A seasonal permit issued under this subsection is
22 subject to the requirements of subdivision d of subsection 1 of section 39-12-04,
23 except a vehicle exempted by this subsection which is an implement of husbandry
24 is not required to have proof of financial responsibility and does not have to be
25 operated by a commercial entity.

26 **SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2003, and
27 after that date is ineffective.

28 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.