

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1112

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*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 HOUSE TRANSPORTATION

HB 1112

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Operator's Signature

*Valista Rickford*

Date

*10/2/03*

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112

House Transportation Committee

☐ Conference Committee

Hearing Date 1-16-03

Tape Number	Side A	Side B	Meter #
1		xx	17.1-end
2	xx		0-1.4
Committee Clerk Signature <i>Laurie Zeit</i>			

Minutes:

**Chairman Weisz:** We will open the hearing on HB 1112.

**Dave Sprynczynatyk, Director, ND DOT:** Support of HB 1112 which was introduced at the request of DOT (see attached testimony).

**Chairman Weisz:** Thank you.

**Rep. Ruby:** With your oversize limit, do you have issues where somebody is a foot too wide, and this bill really isn't going to address the majority of the oversize vehicles that are on the roads today, and what I am referring to is farm vehicles that are oversized. What is your response to that.

**Mr. Sprynczynatyk:** You are right, there is no easy answer. Typically farm vehicles are usually not traveling as far as the larger vehicles that travel across the state or from one area to another. We do try to accommodate people. We may sometimes give them a permit for \$20 that would allow them to do that.

Page 2  
House Transportation Committee  
Bill/Resolution Number HB 1112  
Hearing Date 1-16-03

**Rep. Ruby:** How much is a license for a semi.

**Mr. Sprynczynatyk:** I don't recall what the registration fee is. Two years ago, larger commercial trucks and tractor-trailers, the fee was up to \$1500 or more.

**Rep. Ruby:** So they are already paying \$1000-1500, does it seem unreasonable to them to increase the fines even that much more, if they are over 4000 lbs. yes, they are over and they are breaking the law and they should have a penalty. Are you taking into consideration the amount they are already paying for the use of the highways, with their normal fees.

**Mr. Sprynczynatyk:** Yes, that is one of the reasons why the registration fee structured as it is. The concern, though, is that not only is it overweight, it's also over height and over length, and where we have a bigger problem is with the over height limitation and violations of that section of the law.

**Chairman Welsz:** I have a question about the proposed fee schedule. You made a comment that in your graph that the damage is much greater at 30,000 lb. over than 4,000 lbs. Your proposed fee increase seems to ask to go the other way. Your greatest fee increases are at the lower overload than the very high weights, you have a lesser increase. What is the rationale for this.

**Mr. Sprynczynatyk:** Typically, the overweight problems are in that lower limit. When you get up to the larger ones, they are not nearly as great.

**Rep. Headland:** This increase in the fees pertain to all roads in the state, townships, county roads, etc.

**Mr. Sprynczynatyk:** It does apply to all roads with weight restrictions posted.



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House Transportation Committee

Bill/Resolution Number HB 1112

Hearing Date 1-16-03

**Rep. Dosch:** You indicated farm equipment is exempt from that, my question typically do we find these farm vehicles that are exempt, are they typically 2,000 lbs overweight, or 20,000 lbs.?

**Mr. Sprynczynatyk:** The exemption for agricultural equipment is for height and width, not for overweight. The weight restrictions apply to agricultural equipment the same as anyone else.

**Rep. Ruby:** When you look at the weights of the units, whether it's a tandem, tri-ax or a semi, you're taking into consideration the weight per axle. At times you have a group of 2 or 3 axles. In some cases there can be fluctuations of which axle has more weight on them than others. If you tallied every axle on the truck, it's well within the range. But if you look at it per axle, you have disparity there. In some cases you can shift the load to even out on the axles, and sometimes you can't. Is there any accommodations to the groups. I know there is a part called approved equipment. If you need a bridge between your steering axle and the center of your first axle of 14 ft. and that's quite a distance. Is there any plan to have a little more leeway on certain axles, if one should be, say within the group, you have two of them and they are 34,000 with a max weight on both of them, would each of them have 17,000 at this time.

**Mr. Sprynczynatyk:** The technical part of what you are asking needs to be addressed. I would say two things, in answer to your question, that is something we can look at. I think we have had questions in the past and I think it is something we can look at. There may be some research that either exists or that we can use to see what can be done. Also, I know there are certain allowances that we can make in terms of % over, and I can't tell you exactly how that would fit in to your particular scenario that you just described.

**Rep. Ruby:** There are a couple of industries that this pertains to, one is towing industry, there is no way to shift the weight over to the other axle.

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House Transportation Committee  
Bill/Resolution Number HB 1112  
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**Chairman Welz:** I think we can have the department furnish us with information on their current practices, etc.

**Captain Scott Brand, Asst. Field Operations Commander for the Highway Patrol:** Support HB 1112 to increase the penalty for operating without a permit in violation of that permit and the overload restrictions.

**Chairman Welz:** Thank you. Further testimony in support.

**LeRoy Ernst, Manager of the ND Motor Carriers Association:** We represent five of the for-hire carrier groups. We are in support of the concept of this legislation. Our industry is becoming very busy in the movement of freight in and out of the state of North Dakota. We transport in excess of 80% of any manufactured freight that moves in and out of the state.

Anywhere from goods that are manufactured in plants in ND, as well as goods that appear in our local clothing stores, grocery stores, wherever. The American Transportation Research Institute in the year 2000, they indicated that there were approx. 86,609 miles of public roads in the state. Out of those 86,609 miles of public roads, all motorists 7.2 billion miles on our state system. Trucking used approx. 1 billion miles, or only 14% of all roadway traffic constituted by trucks and traffic. This Institute also tells us that during the year 2000, trucking paid approx. \$114 million dollars in federal and state user highway fees and taxes, via fuel taxes, registration fees, etc. This equates out to approx. a \$2 million dollar per week tax bill to our industry that we pay in either federal or state taxes. Of this, there are about 43% of all taxes and user fees are paid by this industry. So you have \$200 million in taxes, user fees, etc. Of that figure we pay over 43% of all taxes, etc. Our industry has a very big investment in our road systems. Obviously we couldn't function if it wouldn't be for adequate roads in the state, good enforcement of the laws

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House Transportation Committee

Bill/Resolution Number HB 1112

Hearing Date 1-16-03

on restrictions or laws on the interstates. For the high investment we have in our road systems in the state, it stands to reason that the system should be protected from those who knowingly choose to exceed the weight limits that are imposed under state law, and thus create adverse conditions such as substandard roads, break up of the roads as a result of that, you have lower weight limits on those roads on the secondary or primary system in our state, secondly and as important or more important, we're players in this to the tune of 43% of all highway user fees that are paid. Any roads that are damaged or creates a lower weight limit, obviously that creates more expense by way of maintenance of the road, reconstruction of the roads, etc. We are in support of this. Sometimes, drivers are asked to take an additional pallet or grain which puts them over the limit. Our neighbor, MN, has a very good idea and have a good statute on their books. I am proposing to do via an amendment (see attachment on tonnage, etc.) to add "the right of entry for the highway patrol for the purpose to inspect records, freight bills, bills of lading and other documents which may provide evidence to determine compliance of chapter 39-12 of the NDCC. It would empower the highway patrol to be able to inspect bills of lading and to see if in fact these vehicles or trucking trailers have been overloaded. What's happened in the state of MN is that the shipper then also becomes responsible for any overload weight or fines, as well as the carrier. I don't know if DOT or highway patrol would sign off on this or not, I haven't talked to them about it.

**Rep. Delmore:** Would the amendment include elevator records, that types of things if I am hauling in ND.

**Mr. Ernst:** That would be my intent, yes.

*Yalosta Rickford*  
Operator's Signature

10/2/03  
Date

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House Transportation Committee

Bill/Resolution Number HB 1112

Hearing Date 1-16-03

**Rep. Delmore:** Would this only be checked if I were caught with an overload or would this be another device by which people could go in and check one of these entities to see if they are doing this, the transportation workers on a regular basis.

**Mr. Ernst:** I think it would provide discretionary power for the patrol to go in at anytime and check the records.

**Rep. Delmore:** You talked about them sharing in the cost as well. Could you come up with another list of what their share would be, would they pay 50% of the proposed fee.

**Mr. Ernst:** I haven't given that much thought. I don't know how all this would be worked out.

**Rep. Zaher:** Would you see this as a primary thing, or would they have to have some other primary reason for stopping the truck by the highway patrol.

**Mr. Ernst:** I don't see giving the highway patrol Gestapo powers to go in to an elevator and check their records arbitrarily. It's another tool in which the enforcing agency, if there were reports as I've indicated earlier, that this might be happening that they could go in and check.

**Rep. Headland:** In the case where a farmer would hire a commercial operator and load him out of the field, and you're trying to get all you can on the truck, is the farmer going to be responsible for breaking the law.

**Mr. Ernst:** I guess I was originally making reference to the bona fide shipping facilities. Hauling off the fields is different. I guess under these amendments you could interpret, define a farmer as someone who is a shipper, but I would assume that the trucker would have the means to weigh that load at a nearby elevator. I don't think they will be stopped on the road as much as the commercial truckers. I could get the MN language on this.

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House Transportation Committee

Bill/Resolution Number HB 1112

Hearing Date 1-16-03

**Rep. Thorpe:** I made the assumption for the last few years, that some of the vehicles that I feel are hard on the roads, they appear to haul terrific weight loads are the fuel industry. Would the highway patrol be able to go to the tank farms where they could check those loads.

**Mr. Ernst:** I would assume that under these amendments that they would be able to do that.

**Chairman Weisz:** Thank you. Further testimony in support. Testimony in opposition? We will close the hearing.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112b

House Transportation Committee

☐ Conference Committee

Hearing Date 1-17-03

Tape Number	Side A	Side B	Meter #
1		x	30-end
2	xx		0-9
Committee Clerk Signature <i>Lauren H. Fife</i>			

Minutes:

Chairman Weisz: Discussion was held, but no action taken.

Rep. Ruby: I would like to bring some amendments to this bill.

Chairman Weisz: We will wait for the amendments. I just wanted to see where we were on this bill. Are you comfortable with the fines at \$100. Committee continued to discuss the fee schedule for the pound overages, especially on the grain issues. Is 5,000 lbs. a good benchmark. Can you clearly recognize 5,000 lbs. or that you are overweight. You should try to be a little underweight, so you don't take a chance.

The meeting was adjourned for now.

*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112 o

House Transportation Committee

☐ Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
3	x		52.6 to 54.9
		x	4.1 to 35.1
Committee Clerk Signature <i>Lauren B. Zink</i>			

Minutes:

Rep. Weiss opened the discussion on HB 1112. He asked to discuss any proposed amendments.

Rep. Headland presented and explained his proposed amendment. Rep. Bernstein had amendments ready to discuss.

**Discussion continued to the end of side A of Tape 3 and continues on Side B**

Discussion continued on Rep. Headland's proposed amendment. a copy of his proposed amendment is attached. Damage to roads and the fine for overloads were some of the items discussed.

Rep. Headland ( 11.7 ) moved approval of his amendment. Rep. Ruby seconded the motion. The motion failed on a roll call vote.

Rep. Bernstein presented and discussed his proposed amendment. A copy of his amendment is attached. Discussion considered those emergency vehicles which are exempted such as snow plows, National Guard, Air force equipment -- all are classed as emergency vehicles.

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*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date

Page 2

House Transportation Committee  
Bill/Resolution Number HB 1112  
Hearing Date January 30, 2003

Rep. Thorpe moved to approve the "Bernstein" amendment. Rep. Zaiser seconded the motion.

The motion carried on a voice vote.

Rep. Weisz stated that no action would be taken on the bill on this date as there were some more amendments being prepared but were not available.

Rep. Ruby had three more amendments to be discussed.

they had L C numbers and he discussed each of these. Grant Levi from the DOT was present as a resource person to help understand the amendments. They discussed annual fees and part year fees. Some of the exemptions would not be covered under previous amendments. He also mentioned differential axle weight variances up to 2,000 per axles -- 1 axle. Also the pounds of per inch of tire width and pounds per square inch of tire pressure were also discussed.

committee adjourned ( 35.1 )

Yalosta Rickford  
Operator's Signature

10/2/03  
Date



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112 d

House Transportation Committee

☐ Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
2	x		0.7 to 13.3
Committee Clerk Signature <i>Lauren B. Fink</i>			

Minutes:

Rep. Weisz opened the work session with discussion of Rep. Ruby's amendments to HB 1112 which were carried over from January 30, 2003. After a brief review by Rep. Ruby, Rep. Hawken moved a 'Do Pass as amended' motion for HB 1112. Rep. Thorpe seconded the motion. The motion carried on a roll call vote 7 Ayes 4 Nays 2 Absent and not voting. Rep. Ruby was designated to carry HB 1112 on the floor.

End of record. 13.3

*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
04/07/2003

Amendment to: HB 1112

**1A. State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$175,000		\$175,000
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The amendments leading up to the latest engrossed version of the bill (bill no. 38170.0400) do not significantly alter the financial impact as reported in the last fiscal note dated 2/11/03. Therefore, the remainder of this fiscal note reflects the same fiscal impact as reported on 2/11/03.

This bill would change the fine structure for certain over size and over weight violations.

**3. State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

**A. Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

Increased state revenue is based on average of fines collect for past (3) years multiplied by the projected increase in fine structure, as provided in the amended version of HB 1112.

**B. Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

It is not anticipated this bill would result in significant additional expenditures to the state.

**C. Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

No additional appropriation would be necessary.

Name:	Shannon Sauer	Agency:	NDDOT
Phone Number:	328-4375	Date Prepared:	04/07/2003

4

**FISCAL NOTE**  
Requested by Legislative Council  
02/10/2003

Amendment to: HB 1112

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$175,000		\$175,000
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would change the fine structure for certain over size and over weight violations.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Increased state revenue is based on average of fines collect for past (3) years multiplied by the projected increase in fine structure, as provided in the amended version of HB 1112.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is not anticipated this bill would result in significant additional expenditures to the state.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

No additional appropriation would be necessary.

Name:	Jerome Horner	Agency:	NDDOT
Phone Number:	328-4443	Date Prepared:	02/11/2003

4

**FISCAL NOTE**  
Requested by Legislative Council  
01/03/2003

Bill/Resolution No.: HB 1112

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$300,000		\$300,000
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
					\$12,500			\$15,000

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

○ This bill would change the fine structure for certain over size and over weight violations.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

Increased state revenue is based on average of fines collect for past (3) years multiplied by the projected increase in fine structure, as provided in HB 1112.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

It is not anticipated this bill would result in significant additional expenditures to the state.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

No additional appropriation would be necessary.

Name:	Jerome Horner	Agency:	ND Dept. of Transportation
Phone Number:	328-4443	Date Prepared:	01/08/2003

38170.0101  
Title.

*Bernstein*  
Prepared by the Legislative Council staff for  
Representative Bernstein  
January 20, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1112

Page 4, line 30, replace "\$30" with "\$20"

Page 4, line 31, replace "\$60" with "\$40"

Page 5, line 1, replace "\$90" with "\$60"

Page 5, line 2, replace "\$200" with "\$140"

Page 5, line 3, replace "\$350" with "\$220"

Page 5, line 4, replace "\$420" with "\$305"

Page 5, line 5, replace "\$490" with "\$380"

Page 5, line 6, replace "\$640" with "\$495"

Page 5, line 7, replace "\$720" with "\$575"

Page 5, line 8, replace "\$800" with "\$655"

Renumber accordingly

38170.0102  
Title.

Prepared by the Legislative Council staff for  
Representative Ruby  
January 23, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1112

Page 1, line 1, remove the second "and"

Page 1, line 2, after the first comma insert "and" and after the second comma insert  
"subsection 1 of section 39-12-05.3, and sections"

Page 1, line 3, remove "issuance of permits for"

Page 3, after line 17, insert:

**"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."

Renumber accordingly

38170.0103  
Title.

Prepared by the Legislative Council staff for  
Representative Ruby  
January 23, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1112

Page 3, line 10, after "month" insert "for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis"

Renumber accordingly

Page No. 1

38170.0103

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10/2/03  
Date

38170.0104  
Title.

Prepared by the Legislative Council staff for  
Representative Ruby  
January 23, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1112

Page 3, line 6, after "owned" insert "emergency"

Renumber accordingly

Page No. 1

38170.0104

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*Yolanda Rickford*

Date

*10/2/03*



Date: 1/30/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1112

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38170 o/o

Action Taken Do Pass to express Headland Amend

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman		✓	Arlo E. Schmidt	✓	
LeRoy G. Bernstein		✓	Elwood Thorpe	✓	
Mark A. Dosch		✓	Steven L. Zaiser		✓
Pat Galvin		✓			
Craig Headland	✓				
Clara Sue Price		✓			
Dan J. Ruby	✓				
Dave Weiler	A				

Total Yes 6 No 6

Absent \_\_\_\_\_

Floor Assignment file

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

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Operator's Signature

10/2/03  
Date

38170.0107  
Title.0200

Adopted by the Transportation Committee  
February 6, 2003

VR  
2/7/06  
102

HOUSE AMENDMENTS to HB 1112 htrn 2-7-03

Page 1, line 1, remove the second "and"

Page 1, line 2, replace the first comma with "and" and after the second comma insert  
"subsection 1 of section 39-12-05.3, and sections"

Page 1, line 3, remove "issuance of permits for"

Page 3, line 6, after "owned" insert "emergency or military"

Page 3, line 10, after "month" insert "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"

Page 3, after line 17, insert:

**"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."

Page 4, line 30, replace "\$30" with "\$20"

Page 4, line 31, replace "\$60" with "\$40"

Page 5, line 1, replace "\$90" with "\$60"

Page 5, line 2, replace "\$200" with "\$140"

Page 5, line 3, replace "\$350" with "\$220"

Page 5, line 4, replace "\$420" with "\$305"

Page 5, line 5, replace "\$490" with "\$380"

Page No. 1

38170.0107

HOUSE AMENDMENTS

to HB 112

htrn

2-7-03

2062

Page 5, line 6, replace "\$640" with "\$495"

Page 5, line 7, replace "\$720" with "\$575"

Page 5, line 8, replace "\$800" with "\$655"

Renumber accordingly

Page No. 2

38170.0107

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Operator's Signature

*Yalosta Rickford*

Date

10/2/03

Date: 1/30/03  
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1112

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Bernstein amendments

Action Taken \_\_\_\_\_

Motion Made By Rep. Thorpe Seconded By Rep. Zaiser

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Lois Delmore		
Kathy Hawken - Vice Chairman			Arlo E. Schmidt		
LeRoy G. Bernstein			Elwood Thorpe		
Mark A. Dosch			Steven L. Zaiser		
Pat Galvin					
Craig Headland					
Clara Sue Price					
Dan J. Ruby					
Dave Weiler					

Total Yes \_\_\_\_\_

Absent Carroll Per

Floor Assignment \_\_\_\_\_

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

Yolanda Rickford  
Operator's Signature

10/2/03  
Date

Date: 2/28/03  
Roll Call Vote #: 3

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1112

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38170.0101

Action Taken Do Pass as amended

Motion Made By Rep. Hawken Seconded By Rep. Thorpe

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore		✓
Kathy Hawken - Vice Chairman		✓	Arlo E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	A				
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	A				

Total Yes 7 No 4

Absent 2

Floor Assignment Rep. Ruby

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

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Yolanda Rickford  
Operator's Signature

10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 7, 2003 1:52 p.m.

Module No: HR-25-2014  
Carrier: Ruby  
Insert LC: 38170.0107 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1112: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1112 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, replace the first comma with "and" and after the second comma insert "subsection 1 of section 39-12-05.3, and sections"

Page 1, line 3, remove "issuance of permits for"

Page 3, line 6, after "owned" insert "emergency or military"

Page 3, line 10, after "month" insert "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"

Page 3, after line 17, insert:

"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 [~~7711.07~~ 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."

Page 4, line 30, replace "\$30" with "\$20"

Page 4, line 31, replace "\$60" with "\$40"

Page 5, line 1, replace "\$90" with "\$60"

Page 5, line 2, replace "\$200" with "\$140"

Page 5, line 3, replace "\$350" with "\$220"

Page 5, line 4, replace "\$420" with "\$305"

Page 5, line 5, replace "\$490" with "\$380"

Page 5, line 6, replace "\$640" with "\$495"

Page 5, line 7, replace "\$720" with "\$575"

(2) DESK, (3) COMM

Page No. 1

HR-25-2014

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Operator's Signature

Date

10/2/03

HOUSE AMENDMENTS

to HB 112

htrn

2-7-03

2062

Page 5, line 6, replace "\$640" with "\$495"

Page 5, line 7, replace "\$720" with "\$575"

Page 5, line 8, replace "\$800" with "\$655"

Renumber accordingly

Page No. 2

38170.0107

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Operator's Signature

*10/2/03*  
Date

2003 SENATE TRANSPORTATION

HB 1112

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Yalosta Rickford  
Operator's Signature

10/2/03  
Date



2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-27-03

Tape Number	Side A	Side B	Meter #
1	X		700-4390
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened the hearing on HB 1112 relating to non criminal 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. Attached testimony from LeRoy Ernst, ND Motor Carriers Association, (not present) in support of HBO 1112.

Grant Levi (Deputy Director for Engineering for ND DOT) See attached testimony in support of HB 1112.

Senator Bercier asked about page 3 line 9, the reimbursement for unused fees paid. Unused monthly fees could be reimbursed but not fees paid on a yearly basis.

Grant Levi replied that is how it is written.

Senator Bercier asked if super singles had been looked at and the damage that they do when adding three axles.

Page 2  
Senate Transportation Committee  
Bill/Resolution Number HB 1112  
Hearing Date 2-27-03

Grant Levi said that had not been reviewed.

Senator Mutch asked what the anticipated increase in revenue would be.

Grant Levi pointed out that there is a fiscal note attached that shows an increase in revenue with the engrossed bill to \$175,000.

Senator Espegard asked if he understood right that the municipalities were required to get a permit but would not be charged for it.

Grant Levi replied that under the current law the municipalities do obtain a permit but are not charged for it. Under the proposed engrossed version of HB 1112 they would be required to pay the permit fee.

Senator Nething noted that the House set some different fees for some of the overload violations. Asked if they were satisfactory.

Grant Levi said that they worked with the House and are comfortable with the changes.

(Meter 1840) Discussion on the fee hikes. Factors taken into consideration when determining the rate hikes included damage from each of the different weights and what the surrounding states do. The fees will be charged in categories rather than on a per pound basis as is done now.

Doyle Schulz (Director of the Motor Carrier Division ND Highway Patrol) See attached testimony in support of HB 1112 and in opposition of the two amendments passed by the House Transportation Committee.

Senator Espegard asked if the ND DOT runs overloaded.

Doyle Schulz answered that he didn't recall if they ever had an overloaded DOT truck.

They do follow the law.

Page 3

Senate Transportation Committee

Bill/Resolution Number HB 1112

Hearing Date 2-27-03

Senator Mutch asked where an out of state person would buy a permit and if a permit is needed before entering the state.

Doyle Schulz said that permits could be purchased through the permit section, from any trooper, scales, or district offices. Some permits can be purchased online. The permit does need to be in hand before entering the state.

(Meter 2335) Discussion on issuing permits to cities and municipalities. Currently they are on dimensional issues. This amendment was added on to collect a fee and the fee schedule has to do with the overweight aspect.

Leanna Emmer (Permit Section Administrator ND Highway Patrol) See attached testimony.

Senator Mutch asked if someone other than farmers, such as someone hauling fuel, could get the same privileges as the farmer in respect to the 10% weight exemption harvest permit and 10% weight exemption winter permit.

Leanna Emmer clarified that the 10% harvest would apply strictly to those farm products coming from the field. It's strictly for those types of products harvested and solid wastes, sugar beets and potatoes.

Senator Nething didn't understand why the House would put the amendments on with the concerns that the ND Highway Patrol has with it.

Leanna Emmer reported that the Highway Patrol wasn't present when the restrictions were put on the bill.

Senator Taylor asked about private industry garbage trucks getting the harvest permit and running overweight .

Leanna Emmer affirmed that garbage trucks are able to obtain the 10% permit.

Page 4

Senate Transportation Committee

Bill/Resolution Number HB 1112

Hearing Date 2-27-03

(Meter 3550) Discussion on the payment of fees and refunds. Fees are for 30 day periods but can be paid for as many 30 day periods as desired. Refunds are made on 30 day periods. It would be difficult to refund partial months.

**Jerry Hjelmstad** (ND League of Cities) Distributed a proposed amendment (see attached). This would restore the exemption from the permit requirement for the publicly owned vehicles that were not emergency or military vehicles.

**Terry Traynor** (Association of Counties) Testified in support. Feels it is important to encourage vehicle owners to stay within the weight limits and when they aren't to get the proper permits because these affect county roads as well state highways. Also supports the proposed amendment from the League of Cities.

**Bill Wocken** (City of Bismarck) Testified in support of the proposed amendment by the League of Cities.

**Senator Bercier** asked about the wording "may not".

**Senator Trenbeath** offered the explanation that "may not" means the same as "shall not" but "may" does not mean the same as "shall".

There was no opposition.

The hearing on HB 1112 was closed

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-06-03

Tape Number	Side A	Side B	Meter #
1		X	3340-4110
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened HB 1112 for discussion.

There was discussion on the proposed amendment from the ND League of Cities that would reword that section in line 6 on page 3. There was some confusion as to which "or" should be removed. Some discussion on testimony that put in garbage truck provisions. The bill might be more just as it was in the House before it was amended.

The committee was adjourned.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-07-03

Tape Number	Side A	Side B	Meter #
1	X		0-1000
Committee Clerk Signature <i>Mary K. Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened HB 1112 for discussion.

**Senator Trenbeath** called on **Jerry Hjelmstad** (ND League of Cities) for clarification on the proposed amendment as to which "or" was intended to be deleted on line 6, page 3. It was clarified that it would be the first "or" in the sentence.

**Senator Espegard** moved to adopt the amendment. Seconded by **Senator Nething**. Roll call vote 5-0-1. **Passed.**

Some discussion followed on the permits, fees, and fines.

**Senator Espegard** moved a **Do Pass** as amended and refer to appropriations. Seconded by **Senator Nething**. Roll call vote 3-2-1. **Passed.** Floor carrier is **Senator Trenbeath**.

38170.0201  
Title.0300

Adopted by the Transportation Committee  
March 7, 2003

903  
37-3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1112

Page 3, line 6, overstrike "or" and insert immediately thereafter an underscored comma, after  
"owned" insert an underscored comma, and after "emergency" insert an underscored  
comma

Renumber accordingly

Page No. 1

38170.0201

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Operator's Signature

Yolanda Rickford

Date

10/2/03

Date: 5-7-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1112

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt Amendment

Motion Made By Senator Espgaard Seconded By Senator Nething

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

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Yalosta Rickford  
Operator's Signature

10/2/03  
Date



Date: 3-7-03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1112

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38170.0201 Title .0300

Action Taken As passed as amended and refer to appropriations

Motion Made By Senator Espesard Seconded By Senator Nething

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espesard, V. Chair	✓		Senator Ryan Taylor		✓
Senator Duane Mutch		✓			
Senator Dave Nething	✓				

Total (Yes) 3 No 2

Absent 1

Floor Assignment Senator Trenbeath

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

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Operator's Signature

10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 7, 2003 3:11 p.m.

Module No: SR-41-4288  
Carrier: Trenbeath  
Insert LC: 38170.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

HB 1112, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1112 was placed on the Sixth order on the calendar.

Page 3, line 6, overstrike "or" and insert immediately thereafter an underscored comma, after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Renumber accordingly

**2003 SENATE APPROPRIATIONS**

**HB 1112**

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*Valista Rickford*

Date

*10/2/03*

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112 & Vote

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 3-17-03

Tape Number	Side A	Side B	Meter #
2	X		0-2000
Committee Clerk Signature <i>Sandra Davison</i>			

Minutes: CHAIRMAN HOLMBERG opened the hearing to HB 1112. A bill relating to non criminal disposition fees, definition of moving violation, issuance of permits for vehicles of excessive size and weight; and limitations on loads extending beyond the sides of a motor vehicle; and to provide a penalty.

(Meter 370) GRANT LEVI, Deputy Director for Engineering for the ND DOT, testified in support of HB 1112. See written testimony Exhibit 1.

(Meter 1056) SENATOR BOWMAN commented that the emphasis is to make sure these trucks are not hauling more than what they are suppose to. He has a problem with closing down the weigh scales and then wait until a truck pulls across the roads and damage the roadways until we catch them. The damage is already done. (Meter 1115) GRANT LEVI replied with respect to that the DOT has worked very closely with the Highway Patrol on a weigh enforcement plan that would be put in conjunction with the weigh scale proposal that was in their budget. He pointed out that not too many trucks drive up to a weigh scale over weight anyway. He stated that the

Page 2  
Senate Appropriations Committee  
Bill/Resolution Number HB 1112  
Hearing Date 3-17-03

Highway Patrol would put out mobile units throughout the state and periodically pull trucks over and weigh them. Also in plan are strategical place monitoring stations.

(Meter 1220) SENATOR BOWMAN wanted to know if it was the DOT budget that was short \$25,000? This money collected from this goes into their budget? And because of the reductions, Senate Transportation committee is going to be short \$25,000? (Meter 1246) GRANT LEVI stated that is correct.

(Meter 1277) SENATOR MATHERN asked what the rational is of the Senate Transportation Committee increasing all of them from the House except for two of them that they decreased?

(Meter 1317) GRANT LEVI stated he was not part of those discussions and couldn't tell him why they made those decisions. They did have some concerns about the fee structure in relationship to other states.

(Meter 1346) SENATOR SCHOBINGER asked about Section 3 line 24, subsection 2, where it talks about who will assessed the fee? The person operating the vehicle or the owner of the vehicle? Was there any discussion to narrowing that down, is some cases they are not the same?

(Meter 1409) GRANT LEVI stated that no discussion with respect to that. He referred that particular question to be directed to the Highway Patrol.

(Meter 1434) SENATOR KRAUTER stated on Page 3, Section 3, he agreed there will be revenue increase because guys get around the fees. Is there any other permit a person can get for overweight besides the 10% overweight permit? (Meter 1494) GRANT LEVI stated there are other permits that can be obtained to travel overweight during certain portions of the season but the 10% is a blanket permit that occurs during July and also the first part of December. (Meter 1526) SENATOR KRAUTER also commented that he is amazed that when grain is hauled, it is

*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date

Page 3  
Senate Appropriations Committee  
Bill/Resolution Number HB 1112  
Hearing Date 3-17-03

weighed within 200 pounds. The equipment and technology on these trucks nowadays is amazing. (Meter 1573) SENATOR THANE asked 1 -1,000 pounds is a minimum of \$20 on overweight. A truck carrying 200 gallons of diesel fuel with ½ tanks instead of full tanks, is there some cushion in there? (Meter 1633) GRANT LEVI stated the Highway Patrol will allow some leeway and have some flexibility. (Meter 1668) SENATOR THANE questioned the tire size and got confirmation from the Highway Patrol, Scott Brandon. (Meter 1730) Scott Brandon, Highway Patrol confirmed they go by the what the tire size is not what the measurement of the tire.

(Meter 1765) SENATOR LINDAAS asked where the fees go? (Meter 1780) GRANT LEVI responded the fees go in the highway funds, directly into those funds that are used directly by the department of transportation. The overweight fines go in highway funds.

(Meter 1831) Scott Brandon, Highway Patrol stated that the fee money goes to the highway fund and the fines go to the school trust funds.

There was a DO PASS motion by SENATOR ANDRIST and a second by SENATOR ROBINSON.

(Meter 1968) SENATOR SCHOBINGER stated he plans to vote for the bill but wants a clarification from the chairman of the Transportation committee about the fine going to the operator or the owner of the vehicle.

A roll call vote of 12 yeas, 0 nays and 2 absent with the bill passing. Transportation will carry by SENATOR TRENBEATH.

Hearing was closed on HB 1112.

Date: 3-17-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1112

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Andrist Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair					
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson					
Senator Thane	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment TRANS - Treanbeath

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

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Operator's Signature

10/2/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 17, 2003 12:56 p.m.

Module No: SR-47-4913  
Carrier: Trenbeath  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HB 1112, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1112, as amended, was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-47-491:

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*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date



2003 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1112

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*Salista Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112

House Transportation Committee

☒ Conference Committee

Hearing Date April 3, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.1 to 20.1
2	x		4.2 to 10.8
Committee Clerk Signature			

Minutes:

Chairman Rep. Ruby opened the conference committee meeting with roll of the members:

Rep. Ruby, Chairman

Sen. Nething

Rep. Weisz

Sen. Espgaard

Rep. Thorpe

Sen. Bercier

All members were present and responded to roll call.

Rep. Ruby explained the background of the House actions. He also had asked that Mr. Gary Bereth and other members of the ND DOT staff to be present as resource people. Discussion centered around the purpose of the House amendment which had as its purpose to specifically exempt publicly owned emergency from the permit fees. He also explained that it was their intent to limit the exemption to emergency vehicles as to do otherwise would open the door for publicly owned vehicles to avoid the fees and thus compete with private industries such as waste disposal hauler, snow remover, dump truck hauler. etc. For example a small city or town which

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Operator's Signature

*Yalinda Rickford*

Date

10/2/03

Page 2

House Transportation Committee

Bill/Resolution Number SB 1112

Hearing Date April 3, 2003

owned their own garbage truck could under bid private contractors for the work in neighboring communities because they would be exempted from the \$50 per month permit fee.

Following discussion with most of the committee participating they arrived at a consensus on a loosely worded amendment. The committee recessed at the call of the chair, while Rep. Weisz and the House intern prepare the language for committee review upon reconvening.

Rep. Ruby reconvened the conference committee at 3:40 PM. He presented copies of the amendment which was drafted. A copy of the amendment is attached. The amendment basically provided that the exemption was valid for operations only within the limits of the jurisdiction for which it was issued.

Sen. Bercier moved approval of the amendment. Sen. trenbeath seconded the motion. Motion carried on a voice vote.

Rep. Thorne moved a 'Do Pass as amended' motion for HB 1112. Sen Bercier seconded the motion. On a roll call vote the motion carried 5 Ayes 0 Nays 1 Absent. (Note: Sen Nothing was absent for the PM session only )

For the record, Jerry Hjelmstad was present during the afternoon session as a resource person.

He represented the ND League of cities.

End of record.

38170.0202  
Title.0400

Adopted by the Transportation Committee  
April 3, 2003

VR  
4/4/03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1112

That the Senate recede from its amendments as printed on page 969 of the House Journal and page 703 of the Senate Journal and that Engrossed House Bill No. 1112 be amended as follows:

Page 3, line 6, overstrike "Official or" and insert immediately thereafter "Except for publicly owned vehicles that provide service beyond the agency's jurisdiction, official," after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Page 3, line 7, overstrike "may not be required to pay" and insert immediately thereafter "are not subject to"

Renumber accordingly

Page No. 1

38170.0202

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Operator's Signature

*Yolanda Rickford*

Date

10/2/03

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE) - 420

07398

(Bill Number) HB 1112 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Nothing  
Sen. Espgaard  
Sen. Bercier

For the House:

Rep. Ruby  
Rep. Weisz  
Rep. Thorpe

☐ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)  
the (Senate/House) amendments on (S/J/H) page(s) 912 - 912

☐ and place \_\_\_\_\_ on the Seventh order.

☒ , adopt (further) amendments as follows, and place  
HB 1112 on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged  
and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the  
calendar.

DATE: 4/03/03

CARRIER: Rep. Ruby

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

(1) LC (2) LC (3) DESK (4) COMM.

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Date

10/2/03

REPORT OF CONFERENCE COMMITTEE (420)  
April 4, 2003 8:56 a.m.

Module No: HR-61-6755

Insert LC: 38170.0202

**REPORT OF CONFERENCE COMMITTEE**

HB 1112, as engrossed: Your conference committee (Sens. Nething, Espegard, Bercler and Reps. Ruby, Welaz, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 969, adopt amendments as follows, and place HB 1112 on the Seventh order:

That the Senate recede from its amendments as printed on page 969 of the House Journal and page 703 of the Senate Journal and that Engrossed House Bill No. 1112 be amended as follows:

Page 3, line 6, overstrike "Official or" and Insert immediately thereafter "Except for publicly owned vehicles that provide service beyond the agency's jurisdiction, official," after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Page 3, line 7, overstrike "may not be required to pay" and Insert immediately thereafter "are not subject to"

Renumber accordingly

Engrossed HB 1112 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

HB 1112

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Yolanda Rickford  
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10/2/03  
Date

**HOUSE TRANSPORTATION COMMITTEE**  
**January 16, 2003**

**North Dakota Department of Transportation**  
**David A. Sprynczynatyk, Director**

**HB 1112**

Mr. Chairman and members of the House Transportation Committee: My name is David Sprynczynatyk and I am the Director of the North Dakota Department of Transportation. I am here today to testify in support of House Bill 1112, which was introduced at the request of the Department.

North Dakota has a large investment in its transportation system. If we started today to build just the state system, it would cost us about \$8.5 billion. To adequately protect the transportation system and our investment, we must ensure that traffic adheres to the state's weight restrictions. As the weight per axle increases, the damage to the highway is exponential. For example, a 36,000 pound axle weight does 24 times as much damage as a 18,000 pound axle weight. The attached graph illustrates how the damage grows as the weights increase. In addition to the damage to roadways, unpermitted loads can also be a safety hazard for other drivers. Over-height loads can and do strike overpasses, which impacts the flow of traffic and safety of other drivers. Also, over-length loads are dangerous to other drivers as they may try to pass a long truck or are being passed by a long truck. HB 1112 would revise the penalty for not having a permit, and modify the fee structure for overweight loads. This proposal will not affect the driver who is adhering to the state's weight laws, but hopefully will deter drivers who may be considering traveling without a permit or hauling overweight.

The first recommended change deals with the penalty for not having a permit. Permits are issued to ensure that oversize and overweight trucks move safely, and to protect North Dakota's investment in its highway infrastructure. Each permit contains travel restrictions and safety requirements. Particular routes may be designated to accommodate certain heights, widths, or loads. If a bridge on a particular route or some other feature is restricting for certain size loads, the permit designates an alternate safe route. If a certain route has maintenance or construction activity occurring to reduce safe movements, alternate routes are designated. The intent of the permit is not only to make the driver aware of these unsafe areas but also to protect the public and highway workers.

Part of the problem has been the amount of the current penalty fee. The cost of a permit is \$20, and the penalty for operating without a permit is also \$20. There is no real consequence for getting caught without a permit. Permit fees for routine oversize load movements increased from \$10 to \$20 in 1997. The penalty for operating without a permit has not changed since 1973. The changes recommended in Sections 1-5 of this bill would raise the penalty for operating without a permit to \$100.

Page 1 of 2

*Valosta Rickford*  
Operator's Signature

*10/2/03*  
Date



By increasing the penalty fee, North Dakota would also be more uniform with our neighboring states. Currently, South Dakota's penalty fee is \$136 and Montana's is \$70. Minnesota's penalty fees are \$40 per foot for over-width violation, \$20 per inch for over-height violations, and \$20 per foot for over-length violations. These penalties are assessed on oversize loads moving without a permit or exceeding the limits on a permit.

The North Dakota Highway Patrol reports seeing an increased number of carriers hauling oversize or overweight loads without permits. Increasing the fine to \$100 will serve as a greater deterrent than the current fine. A carrier moving an oversize load is more apt to obtain a necessary permit for \$20 than risk a fine of \$100 for not obtaining one.

The second portion of the changes proposed relate to Section 6, involving charges for the "extraordinary use" of highways, streets, and roads because of excessive weight. Having an appropriate fee structure for overweight vehicles can deter abuse and help protect our highway infrastructure. The changes being recommended put North Dakota's fees more in line with surrounding states. Attached for your reference is a graph showing fee comparisons between surrounding states and a table comparing existing and proposed fee schedules for North Dakota. The fees proposed increase exponentially, which is consistent with the exponential damage caused by excessive weights that I mentioned earlier.

Here are the fees currently assessed in North Dakota and surrounding states for a 4,000 pound overload:

	North Dakota (Current)	North Dakota (Proposed)	South Dakota	Minnesota	Montana
Overload Fee:	\$70	\$200	\$600	\$300	\$125
Citation:	20	20	136	+ Court Cost	70
Total	\$90	\$220	\$736	\$300 + Court	\$195

This bill carries a fiscal note of about \$300,000 in additional revenue per biennium. The revenue is credited to the State Highway Fund and has been factored into the department's budget.

Mr. Chairman, this concludes my testimony on House Bill 1112. I would be happy to try to answer any questions the committee might have.

Proposed Amendments to HB 1112

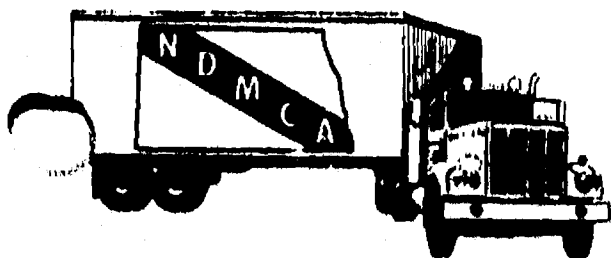
*Headlines*

Overload in Pounds	Amended Proposed Fee	
1000	\$20	
2000	\$40	
3000	\$60	
4000	\$70	
5000	\$110	
6000	\$190	
7000	\$270	
8000	\$350	
9000	\$430	
10000	\$510	(START OF \$100 INCREASE)
11000	\$610	
12000	\$710	
13000	\$810	
14000	\$910	
15000	\$1,010	
16000	\$1,110	
17000	\$1,210	
18000	\$1,310	
19000	\$1,410	
20000	\$1,510	
21000	\$1,710	(START OF \$200 INCREASE)
22000	\$1,910	
23000	\$2,110	
24000	\$2,310	
25000	\$2,510	
26000	\$2,710	
27000	\$2,910	
28000	\$3,110	
29000	\$3,310	
30000	\$3,510	
31000	\$3,810	(START OF \$300 INCREASE)
32000	\$4,110	
33000	\$4,410	
34000	\$4,710	
35000	\$5,010	
every 1000 lb increase		\$300 more

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*10/2/03*  
Date



**NORTH DAKOTA  
MOTOR CARRIERS ASSOCIATION, INC.**

1031 East Interstate Avenue • P.O. Box 874 • Bismarck, ND 58502-0874 • (701) 223-2700 • Fax (701) 223-4324

February 27, 2003

Senator Thomas Trenbeath, Chairman  
Senate Transportation Committee  
State Capitol  
Bismarck, ND 58505

Dear Mr. Chairman:

Because of an NDMCA Budget Committee and Board of Directors meeting I am unable to attend your committee hearings on Thursday, February 27<sup>th</sup>.

Please be advised that on behalf of NDMCA, I would like to advise your committee of our members support of HB1112.

The American Transportation Research Institute tells us that in the year 2000 ND trucking paid approximately \$114 million in Federal and State user taxes and fees. This represents 43% of all taxes and user fees paid by all highway users.

Trucking has a big investment in our highway system, therefore it stands to reason that the system should be protected from those who knowingly choose to exceed weight limitations as imposed under state law. This abuse by a few can only lead to adverse conditions such as sub standard roads, lower weight limits and higher user taxes and fees for all.

For this reason we support HB1112 and request your committee's favorable consideration with a do pass recommendation.

Thank you.

Sincerely,

LeRoy H. Ernst  
Managing Director

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10/2/03

**SENATE TRANSPORTATION COMMITTEE**  
**February 27, 2003**

**North Dakota Department of Transportation**  
**Grant Levi, Deputy Director for Engineering**

**HB 1112**

Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation. I am here today to testify in support of House Bill 1112, which was introduced at the request of the department.

North Dakota has a huge investment in its transportation system. If we started today to build just the state system, it would cost us about \$8.5 billion. To adequately protect the transportation system and our investment, we must ensure that traffic adheres to the state's weight restrictions. As the weight per axle increases, the damage to the highway is exponential. For example, a 36,000-pound axle weight does 24 times as much damage as a 18,000-pound axle weight. The attached graph illustrates how the damage grows as the weights increase. Also attached is an article written by the South Dakota Local Transportation Assistance Program which illustrates that even a legal 20,000 - pound truck axle consumes a thousand times as much pavement life as a 2,000 - pound automobile axle. In addition to the damage to roadways, unpermitted loads can also be a safety hazard for other drivers. Over-height loads can and do strike overpasses, which impacts the flow of traffic and the safety of other drivers. Over-length loads are also dangerous to other drivers as they are passing or being passed.

HB 1112 would revise the penalty for not having a permit, and modify the fee structure for overweight loads. This proposal will not affect the driver who is adhering to the state's weight laws, but we hope it will deter drivers who may be overweight or consider traveling without a permit.

The first recommended change deals with the penalty for not having a permit. Permits are issued to ensure that oversize and overweight trucks move safely, and to protect North Dakota's investment in its highway infrastructure. Each permit contains travel restrictions and safety requirements. Particular routes may be designated to accommodate certain heights, widths, or loads. If a bridge on a particular route, or some other feature is restricting certain size loads, the permit designates an alternate safe route. If a route has maintenance or construction activity occurring which may impact the safe movement of a vehicle, alternate routes are designated. The intent of the permit is not only to make the driver aware of these unsafe areas, but also to protect the public and highway workers.

Part of the problem has been the amount of the current penalty fee for operating without a permit. The cost of a permit is \$20, and the penalty for operating without a permit is also \$20. There is no real consequence for getting caught without a permit. Permit fees for routine oversize load movements increased from \$10 to \$20 in 1997. The penalty for operating without a permit has not changed since 1973. The changes recommended in Sections 1-5 of this bill would raise the penalty for operating without a permit to \$100.

Page 1 of 3

*Grant Levi*  
Operator Signature

*10/2/03*  
Date

By increasing the penalty fee, North Dakota would also be more uniform with our neighboring states. Currently, South Dakota's citation penalty fee is \$136 and Montana's is \$70. Minnesota's penalty fees are \$40 per foot for over-width violations, \$20 per inch for over-height violations, and \$20 per foot for over-length violations. These penalties are assessed on oversize loads moving without a permit or exceeding the limits on a permit.

Increasing the fine to \$100 will serve as a greater deterrent than the current fine. A carrier moving an oversize load is more apt to obtain a required permit for \$20 than risk a fine of \$100 for not obtaining one.

The second portion of the recommended changes relates to section 7, involving charges for the "extraordinary use" of highways, streets, and roads (that is, operating a vehicle of excessive weight). Having an appropriate fee structure for overweight vehicles can deter abuse and help protect the infrastructure. The changes being recommended also put North Dakota's fees more in line with surrounding states. Attached for your reference is a graph showing fee comparisons between surrounding states.

Table 1 shows the fees currently assessed in North Dakota and surrounding states for a 4,000 pound overload:

TABLE 1

FEES ASSESSED FOR A 4,000 POUND OVERLOAD					
Violation	North Dakota (Current)	North Dakota (Proposed)	South Dakota	Minnesota	Montana
Overload Fee	\$70.00	\$200.00	\$600.00	\$300.00	\$125.00
Citation	\$20.00	\$20.00	\$136.00	+ Court costs	\$70.00
<b>TOTAL</b>	<b>\$90.00</b>	<b>\$220.00</b>	<b>\$736.00</b>	<b>\$300.00 + Court</b>	<b>\$195.00</b>

The engrossed HB 1112 modified the NDDOT's proposed fee structure. For example, it reduces the fees for a 4,000 pound overload from \$200 to \$160. Attached is a table that presents the present fee, NDDOT's proposed fee, and the engrossed House Bill's amended fee structure for overloads. The recommended fees are shown as exponential increases as the weight differences increase. This is consistent with the exponential damage caused by excessive weights that I mentioned earlier.

In addition to modifying the fee structure, the House amended HB 1112 as follows:

- Page 3, section 3, was amended to require all publicly owned vehicles, except emergency or military vehicles, to purchase a permit they currently are not charged for. This amendment will impact the counties, cities, federal, and state agencies. For example, city garbage trucks would now be required to obtain a permit if the amendment passes. Administration costs for the Highway Patrol will also increase.

- Page 3, section 3, was amended to modify the fee structure allowing the option of paying a \$250 annual fee for the ten percent weight exemption in lieu of the \$50 monthly fee. This change may affect the state's revenue as presently a user obtaining the harvest exemption and the winter permits would pay up to \$400 based on the monthly fee, compared to \$250 based on the annual fee. Administrative costs for the Highway Patrol will also increase.
- Page 3, section 4, was amended to modify the axle load carrying capacity on tandem and triple axles. The amendment allows for a maximum of 19,000 pounds per axle with the proper spacing. The NDDOT studied this issue and has no concerns as long as the 550 lbs. per inch of width and gross vehicle weight provisions in state law are maintained.

It is imperative that we protect the investment made on our transportation system. Controlling and deterring the weight of vehicles allowed to operate on the road network are a means of protecting that investment. Therefore, we support the provisions outlined in HB 1112.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions the committee may have.

Page 3 of 3

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*Yalosta Rickford*  
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10/2/03  
Date

**Senate Transportation Committee  
February 27, 2003  
HB 1112**

Mr. Chairman and members of the Senate Transportation Committee: My name is Doyle Schulz, and I am the Director of the Motor Carrier Division of the North Dakota Highway Patrol (NDHP). I am here today to testify in support of HB 1112. While we support the bill we do oppose two amendments passed by the House Transportation Committee.

I will address the amendment on Page 3, Line 6. Ms. Leanna Emmer, our Permit Section Administrator will address the amendment on Page 3 Line 10. Currently the statute reads, 'Official or publicly owned vehicles may not be required to pay charges for permits'. This amendment would exempt only official or publicly owned **emergency or military** vehicles from purchasing of permits.

Most official or publicly owned vehicles utilize self-issue permits for which there is not a charge. An example of some government agencies utilizing self-issue permits are: ND Department of Transportation (NDDOT), Bureau of Indian Affairs, ND Public Service Commission, ND & US Game & Fish, the Department of Energy, cities and counties. These are publicly owned nonprofit vehicles providing a service to the state. Asking these government entities to submit fees while providing this service seems unreasonable. With this amendment the NDHP would collect fees from the NDDOT, and ultimately transfers those funds back to the NDDOT.

There will be additional administrative cost to the NDHP in the collection and transfer of these fees. The exact amount of this cost is unknown.

Mr. Chairman, this concludes my testimony on House Bill 1112. I would be happy to answer any questions the committee may have. Thank you.

Senate Transportation Committee  
February 27, 2003  
HB 1112

Mr. Chairman and members of the Senate Transportation Committee: My name is Leanna Emmer and I am the Permit Section Administrator for the North Dakota Highway Patrol. Again while we support the bill, I am here testifying in opposition to the amendment on line 10 of House Bill 1112.

We are opposed to the amendment that would allow a \$250 annual permit for the harvest and the winter weight exemption permits. The 10% weight exemption harvest permit and 10% weight exemption winter permit are two distinct permits for two separate reasons. They have different travel restrictions, dates of movement, and different load types are authorized with each 10% permit type.

Prior to issuing either one of these permit types, authorization from the NDDOT Director must be given. The 10% weight exemption harvest permit authorizes the movement of harvested products from the field to the initial point of storage and for the collection and transport of solid waste, sugar beets, and potatoes. The purpose of this permit is to help farmers in moving harvested products from the field to storage.

The harvest permit is valid July 15 through November 30. The July 15 start date of this permit is contingent upon road conditions. The fee is \$50 per 30-day period. The fee for entire period is \$250. A customer has the option to purchase this permit in 30-day increments or for the entire period that the weight exemption period applies.

The 10% weight exemption wintertime permit authorizes the movement of all products. This permit is issued when the roadbeds are frozen. It is valid December 1 through March 7. Again the fee is \$50 per 30-day period, and for the entire 3 months, \$150. A customer has the option to purchase this permit in 30-day increments or for the entire period that the weight exemption period applies.

The 1997 Legislature increased most of the NDHP permit fees. The 10% weight exemption permit fee was increased from \$25 to \$50 for 30-day increments.

The approximate cost to upgrade the NDHP in-house computer system to comply with this change is approximately \$10,000. The department has not budgeted for this change.

Mr. Chairman and members of committee, this concludes my testimony on House Bill 1112. I will be happy to answer any questions you may have. Thank you.

Yalosta Rickford  
Operator's Signature

10/2/03  
Date



To: Senate Transportation Committee  
From: North Dakota League of Cities  
Date: February 27, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1112

Page 3, line 6, overstrike "or" and insert immediately thereafter an underscored comma, after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Renumber accordingly

Yalosta Rickford  
Operator's Signature

10/2/03  
Date

# The Connection

Between Transportation Technology and Local Government

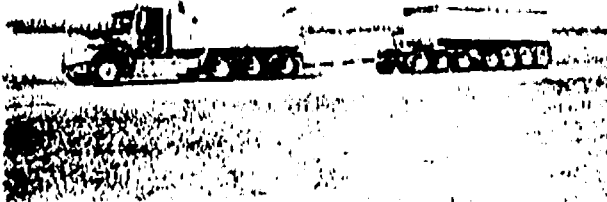
Volume 15, Number 4 Winter 2002

## Truck Weights and Highways

Illegally overweight vehicles damage South Dakota roads, shorten road life, and increase costs to both the trucking industry and taxpayers. During the past several years, the South Dakota Legislature has enacted laws to protect state and local highways from damage caused by illegally overweight vehicles:

- In 1998, the Legislature limited the maximum weight allowed on axles (other than steering axles) to 500 pounds times the total width, in inches, of all tires mounted on the axle. This action ensured that the weight carried on axles fitted with single tires (as opposed to conventional dual tires) would not exceed pavements' load capacity.
- When the Legislature raised the state fuel tax in 1999, it also increased civil penalties for overweight trucks to safeguard the public's investment. The graduated penalty schedule discourages intentional violations that most severely damaged roads and bridges, but imposes more modest fines for lesser, unintentional overweights.
- To protect the public investment in local roads and bridges, the Legislature enacted a law requiring the Department of Transportation to monitor how diligently counties prosecute overweight violations and, if necessary, to withhold funding from counties that fail to act responsibly.

The South Dakota Department of Transportation supports all of these legislative actions, which have improved awareness and compliance with truck weight regulations. Fewer vehicles are operating seriously overweight, preventing needless damage to roads and bridges and saving taxpayers millions of dollars.



It is important for those responsible for funding, building, and maintaining highways to understand the reasons behind truck weight regulations and to be able to explain them when shippers, haulers, business contacts, and personal acquaintances inquire about them.

### South Dakota Supports Trucking

South Dakota values the trucking industry and its contribution to the economy and well being of the state. Nearly everything we own, eat, use, grow, or manufacture is carried by truck on at least part of its journey.

Because of the importance of trucking, the South Dakota Legislature and other branches of state government have historically adopted rules and procedures that help the industry to operate competitively:

- To ease regulatory burdens, the Department of Revenue has joined the International Fuel Tax Agreement and the International Registration Plan. Both enable motor carriers to register in just South Dakota but operate in all states and provinces. Efforts are underway to provide online IRP and IFTA services to the trucking industry.
- Unlike most states, South Dakota does not impose absolute gross weight limits on trucks. Instead, it allows essentially unlimited gross weight, provided the load is supported by enough tires and axles to prevent road and bridge damage.
- South Dakota grants tolerances for hauling agricultural loads. Loads from field to farm are allowed to weigh 10% more than the normal weight limit, while loads from farm to market are allowed 5% more than normal.
- To help truckers comply with weight regulations, the Highway Patrol will, without charge, weigh vehicles and instruct haulers on proper loading.

Continued on the next page

*Yalosta Rickford*  
Operator's Signature

10/2/03  
Date

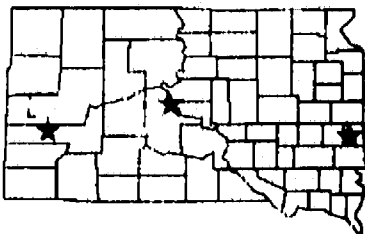
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Highways

Living

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## Connection

is published by the South Dakota Local Transportation Assistance Program (SD LTAP)

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• Together with the Department of Revenue and the Highway Patrol, the Department of Transportation has developed an automated permitting system that allows truckers to obtain permits online and quickly identifies safe routes for movement of oversize and overweight vehicles.

• To reduce delays and improve traffic safety, the Department of Transportation will replace the port of entry at North Sioux City with a new facility near Jefferson in 2003. Through use of in-motion weighing and vehicle transponders, the new port will allow truckers with good safety records and legal weights to bypass the port, saving valuable hours of operating time.

### The Need to Be Legal

Why are truck weight regulations so important? It's really a matter of dollars and cents, because roads and bridges have to be designed, built, and maintained to carry heavy axle loads. The heavier the axle loads, the more expensive roads and bridges become.

Axle Weight (pounds)	Pavement Life Consumed*
2,000	0.001
10,000	0.06
18,000	0.66
20,000	1.00
22,000	1.46
24,000	2.07

\*All loads compared to a legal 18,000-pound load

Every axle passing over a highway consumes a portion of the pavement's life. With each application of load, the pavement experiences compression and bending that eventually lead to rutting and cracking. Extensive road tests over the past fifty years have shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by light axles.

Two important concepts are evident from this table:

• First, heavy axles consume much more pavement life than light axles. Even a legal 20,000-pound truck axle consumes a thousand times as much pavement life as a 2,000-pound automobile axle.

• Second, the amount of life consumed rises much faster than the axle weight. For a seemingly modest 10% increase in weight (from a legal 20,000-pound axle to an overweight 22,000-pound axle), the amount of consumed life soars by nearly 50%. A 20% overweight consumes more than twice as much pavement life as the legal load.

Cost per Mile to Construct	
Interstate 4-lane highway (concrete)	\$1,900,000
State 2-lane highway (concrete)	\$941,000
State 2-lane highway (asphalt)	\$775,000
Secondary 2-lane highway (asphalt)	\$476,000
Thin asphalt overlay (24' wide)	\$112,000

### Damage to Bridges

Damage from illegally overweight loads is not confined to pavements. Bridges prematurely age, just as pavements do, when subjected to illegal loads. If the loads are great enough, they can actually destroy a structure.



An example from Tripp County is pictured, but it is not the only case. In the past two years alone, six county bridges had to be completely replaced because of damage from illegally overweight trucks:

• Two bridges in Moody County had to be replaced at a total cost of \$692,000.

- Two Brookings County bridges were rebuilt at a total cost of \$295,000.
- One Faulk County bridge had to be replaced at a cost of \$125,000.
- The bridge in Tripp County was replaced with culverts at a cost of \$18,000.

These illegally overweight loads not only cost counties more than \$1.1 million, but also deprived other road users of convenient access to their homes and farms. In each case, the board of commissioners had to declare an emergency and close a road until a new structure could be built.

As costly as these cases were, they represent only a portion of the bridge damage attributable to illegally overweight loads. Many other structures have certainly been damaged, but in ways that are not yet apparent.

#### The Link to Highway Safety

Truck weight enforcement is not only a matter of economics, but also a matter of public safety. Illegal loads not only make roads rougher, but also create deep ruts that can fill with rainwater or ice, making driving more dangerous for everyone.

#### Frequently Asked Questions

People occasionally ask whether weight restrictions could be relaxed without increasing road damage. Common questions are:

- *Can trucks reduce speed rather than reduce load?* This question often arises in the spring, when load restrictions are needed to protect pavements weakened by the spring thaw. Unfortunately, even though some local agencies still try to avoid load limits by reducing speed limits, this practice does not work. In fact, road damage increases significantly when heavy vehicles are driven more slowly.
- *If a truck's gross weight is legal, why do axle weights matter?* This question is sometimes raised by persons cited for overweight axle or axle group violations, even though the total (gross) weight of their vehicle did not exceed the legal limit. However, pavement damage from two axles—one light and one heavy—actually exceeds the damage from properly loaded axles. The extra damage created by the overloaded axle exceeds the reduced damage created by the lighter one.
- *If agricultural vehicles with low-inflation tires can safely carry heavy loads in fields, why can't they operate loaded on highways?* Even though vehicles like chemical applicators and grain carts can transport very heavy loads in fields, they seriously damage gravel and paved roadways

when loaded beyond legal limits. The surface is damaged because the vehicles' lugged tires concentrate the load into small contact areas. The underlying layers fail because they cannot withstand the total load imposed upon them. These loads also pose a serious problem for bridges, especially on county and township roads.

#### The Need for Responsible Hauling

State and local governments' responsibility to provide mobility and safety cannot be accomplished if illegally loaded vehicles prematurely consume the life of roads and bridges. Providing a system that is economical, comfortable, and safe depends not only on the government's investment of time, effort, and money, but also on the responsible behavior of highway users.

The vast majority of South Dakota haulers operate legally. Of the nearly 800,000 vehicles weighed each year, only about 3,000—one half of one percent—are cited for overweight violations. Of those cited, only 600 are severe enough overweight to be assessed civil penalties exceeding \$100.

While a small number of haulers knowingly operate illegally, their disregard for weight limits creates costly damage that other, responsible taxpayers must pay for. Controlling the irresponsible behavior of these intentional violators is impossible without effective enforcement and prosecution.

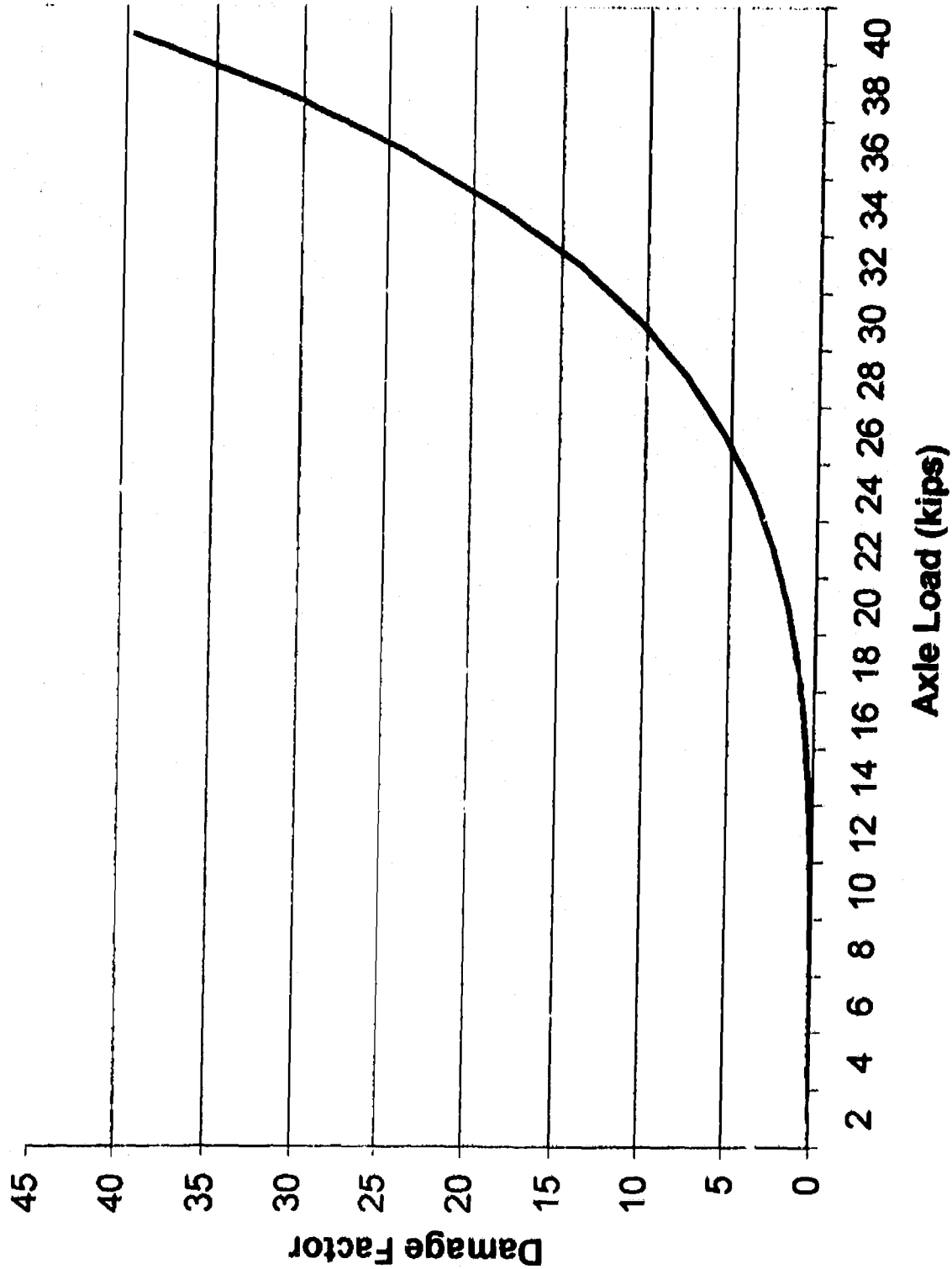
Recent efforts to control illegally overweight vehicles have clearly begun to reduce the rate of grossly overweight loads. In 2000, 8.6% of overweight vehicle citations were for loads more than 10,000 pounds over the legal limit. The rate decreased to 6.0% in 2001, and 5.9% in 2002. Overall, the incidence of grossly overweight loads has dropped by nearly a third since more stringent penalties and enforcement were enacted.

Relaxing weight regulations and enforcement would erase the progress that has been made to protect the public investment in state and local roads. In the words of Ted Eggebraaten, Brookings County Highway Superintendent, "If we lose the control we have with the new overweight laws in place, it will only add to our problems with roads and bridges. Brookings County would not be able to keep up our road system maintenance if the control is taken away." The Department of Transportation also considers sound weight enforcement essential to its mission to "provide a transportation system to satisfy the diverse mobility needs" of travelers, shippers, and haulers in South Dakota. Especially in a time of limited funding, protecting the existing highways from unnecessary damage is clearly the wisest course of action.

*Yalosta Rickford*  
Operator's Signature

10/2/03  
Date

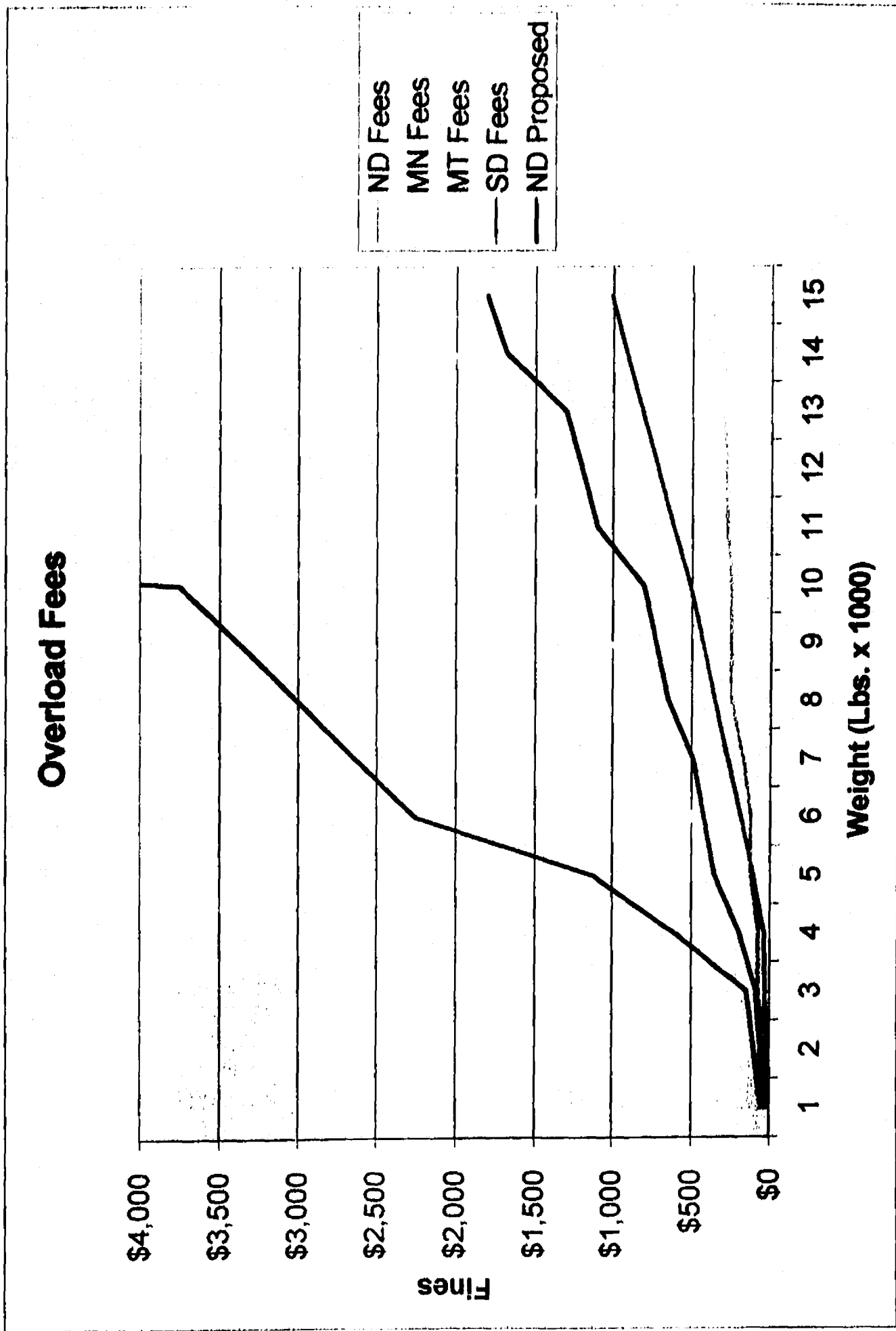
# Axle Load Damage Factor Relationship



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2-27-03

## ND OVERLOAD FEES

OVERLOAD IN POUNDS	PRESENT FEE	PROPOSED FEE	AMENDED
1,000	\$10	\$30	\$20
2,000	\$20	\$60	\$40
3,000	\$30	\$90	\$60
4,000	\$70	\$200	\$160
5,000	\$110	\$350	\$200
6,000	\$190	\$420	\$300
7,000	\$270	\$490	\$350
8,000	\$350	\$640	\$480
9,000	\$430	\$720	\$540
10,000	\$510	\$800	\$700
11,000	\$610	\$1,100	
12,000	\$710	\$1,200	
13,000	\$810	\$1,300	
14,000	\$910	\$1,680	
15,000	\$1,010	\$1,800	
16,000	\$1,110	\$1,920	
17,000	\$1,210	\$2,550	
18,000	\$1,310	\$2,700	
19,000	\$1,410	\$2,850	
20,000	\$1,510	\$3,000	
21,000	\$1,710	\$4,200	
22,000	\$1,910	\$4,400	
23,000	\$2,110	\$4,600	
24,000	\$2,310	\$4,800	
25,000	\$2,510	\$5,000	
26,000	\$2,710	\$5,200	
27,000	\$2,910	\$5,400	
28,000	\$3,110	\$5,600	
29,000	\$3,310	\$5,800	
30,000	\$3,510	\$6,000	

Continues to increase \$200 for every 1,000 pound incremental increase

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10/2/03

Exhibit 1

**SENATE APPROPRIATIONS COMMITTEE**

**March 17, 2003**

**North Dakota Department of Transportation**

**Grant Levi, Deputy Director for Engineering**

**HB 1112**

Mr. Chairman and members of the committee: I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation. I am here today to testify in support of House Bill 1112, which was introduced at the request of the department.

North Dakota has a huge investment in its transportation system. If we started today to build just the state system, it would cost us about \$8.5 billion. To adequately protect the transportation system and our investment, we must ensure that traffic adheres to the state's weight restrictions. As the weight per axle increases, the damage to the highway is exponential. For example, a 36,000-pound axle weight does 24 times as much damage as a 18,000-pound axle weight. The attached graph illustrates how the damage grows as the weights increase. Also attached is an article written by the South Dakota Local Transportation Assistance Program which illustrates that even a legal 20,000 - pound truck axle consumes a thousand times as much pavement life as a 2000- pound automobile axle. In addition to the damage to roadways, unpermitted loads can also be a safety hazard for other drivers. Over-height loads can and do strike overpasses, which impacts the flow of traffic and the safety of other drivers. Over-length loads are also dangerous to other drivers as they are passing or being passed.

HB 1112 would revise the penalty for not having a permit, and modify the fee structure for overweight loads. This proposal will not affect the driver who is adhering to the state's weight laws, but we hope it will deter drivers who may be overweight or consider traveling without a permit.

The first recommended change deals with the penalty for not having a permit. Permits are issued to ensure that oversize and overweight trucks move safely, and to protect North Dakota's investment in its highway infrastructure. Each permit contains travel restrictions and safety requirements. Particular routes may be designated to accommodate certain heights, widths, or loads. If a bridge on a particular route, or some other feature is restricting certain size loads, the permit designates an alternate safe route. If a route has maintenance or construction activity occurring which may impact the safe movement of a vehicle, alternate routes are designated. The intent of the permit is not only to make the driver aware of these unsafe areas, but also to protect the public and highway workers.

Part of the problem has been the amount of the current penalty fee for operating without a permit. The cost of a permit is \$20, and the penalty for operating without a permit is also \$20. There is no real consequence for getting caught without a permit. Permit fees for routine oversize load movements increased from \$10 to \$20 in 1997. The penalty for operating without a permit has not changed since 1973. The changes recommended in Sections 1-5 of this bill would raise the penalty for operating without a permit to \$100.

Page 1 of 3



By increasing the penalty fee, North Dakota would also be more uniform with our neighboring states. Currently, South Dakota's citation penalty fee is \$136 and Montana's is \$70. Minnesota's penalty fees are \$40 per foot for over-width violations, \$20 per inch for over-height violations, and \$20 per foot for over-length violations. These penalties are assessed on oversize loads moving without a permit or exceeding the limits on a permit.

Increasing the fine to \$100 will serve as a greater deterrent than the current fine. A carrier moving an oversize load is more apt to obtain a required permit for \$20 than risk a fine of \$100 for not obtaining one.

The second portion of the recommended changes relates to section 7, involving charges for the "extraordinary use" of highways, streets, and roads (that is, operating a vehicle of excessive weight). Having an appropriate fee structure for overweight vehicles can deter abuse and help protect the infrastructure. The changes being recommended also put North Dakota's fees more in line with surrounding states. Attached for your reference is a graph showing fee comparisons between surrounding states.

Table 1 shows the fees currently assessed in North Dakota and surrounding states for a 4,000 pound overload:

TABLE 1 FEES ASSESSED FOR A 4,000 POUND OVERLOAD					
Violation	North Dakota (Current)	North Dakota (Proposed)	South Dakota	Minnesota	Montana
Overload Fee	\$70.00	\$200.00	\$600.00	\$300.00	\$125.00
Citation	\$20.00	\$20.00	\$136.00	+ Court costs	\$70.00
TOTAL	\$90.00	\$220.00	\$736.00	\$300.00 + Court	\$195.00

Engrossed HB 1112 modified the NDDOT's proposed fee structure. The Senate Transportation Committee also modified the fee structure. Attached is a table that presents the current fee, the department's proposed fee, the engrossed House bill's amended fee, and the Senate Transportation Committee's amendment to the fee structure. The recommended fees are shown as exponential increases as the weight differences increase. This is consistent with the exponential damage caused by excessive weights that I mentioned earlier.

The original fiscal note based on the department's proposed fee structure would have increased NDDOT's revenue by about \$300,000 per biennium, which was factored into the department's budget. The revised fiscal note resulting from the proposed changes to the fee structure would generate about \$175,000 per biennium. This means that the department's budget, if the bill is passed as-is, will be short about \$125,000.

In addition to modifying the fee structure, HB 1112 was amended as follows:

- Page 3, section 3, was amended by the House to require all publicly owned vehicles, except emergency or military vehicles, to purchase a permit that they currently are not charged for. This amendment would have affected the counties, cities, and federal and

state agencies. For example, city garbage trucks would have been required to purchase a permit if the amendment passed. The administration costs for the Highway Patrol would also have increased. The Senate Transportation Committee amended this section, added a comma after "owned," and added "emergency or military." With these changes, the cities, counties, and federal and state agencies will not have to pay for the permit.

- Page 3, section 3, was amended to modify the fee structure allowing the option of paying a \$250 annual fee for the ten percent weight exemption in lieu of the \$50 monthly fee. This change may affect the state's revenue, as presently a user obtaining the harvest exemption and the winter permits would pay up to \$400 based on the monthly fee, compared to \$250 based on the annual fee.
- Page 3, section 4, was amended to modify the axle load carrying capacity on tandem and triple axles. The amendment allows for a maximum of 19,000 pounds per axle with the proper spacing. The NDDOT studied this issue and has no concerns as long as the 550 lbs. per inch of tire width and gross vehicle weight provisions in state law are maintained.

It is imperative that we protect the investment made on our transportation system. Controlling and deterring the weight of vehicles allowed to operate on the road network are means of protecting that investment. Therefore, we support the provisions outlined in HB 1112.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions the committee may have.

Page 3 of 3

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*Salvatore Rickford*

10/2/03

Date

3-17-03

## ND OVERLOAD FEES

OVERLOAD IN POUNDS	PRESENT FEE	PROPOSED FEE	AMENDED	SENATE CHANGES
1,000	\$10	\$30	\$20	
2,000	\$20	\$60	\$40	
3,000	\$30	\$90	\$60	
4,000	\$70	\$200	\$160	\$140
5,000	\$110	\$350	\$200	\$220
6,000	\$190	\$420	\$300	\$305
7,000	\$270	\$490	\$350	\$380
8,000	\$350	\$640	\$480	\$495
9,000	\$430	\$720	\$540	\$575
10,000	\$510	\$800	\$700	\$655
11,000	\$610	\$1,100		
12,000	\$710	\$1,200		
13,000	\$810	\$1,300		
14,000	\$910	\$1,680		
15,000	\$1,010	\$1,800		
16,000	\$1,110	\$1,920		
17,000	\$1,210	\$2,550		
18,000	\$1,310	\$2,700		
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Yalosta Rickford

10/2/03

Date