Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1245

Introduced by

Representatives Weisz, Kempenich

Senator Klein

1 A BILL for an Act to amend and reenact sections 39-12-01 and 39-12-03 and subsection 2 of

2 section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations.

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

4   **SECTION 1. AMENDMENT.** Section 39-12-01 of the North Dakota Century Code is

5 amended and reenacted as follows:

6   **39-12-01. State and local authorities may classify highways as to weight and load**

7 **capacities.** The director, the board of county commissioners, ~~and~~ or other ~~appropriate bodies~~

8 public entity having control ~~of roads,~~ over a highway may classify ~~public highways and roads~~

9 ~~under their respective jurisdictions and limitations~~ that highway subject to the authority provided

10 by law as to the weight and load of vehicles ~~thereon for such respective~~ on that highway in

11 classifications that must be enforced ~~as provided in~~ under section 39-12-07 and be made in

12 accordance with section 39-12-03.

13   **SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is

14 amended and reenacted as follows:

15   **39-12-03. Director or local authorities may limit use of vehicles on highways.**

16 ~~Whenever any~~ If a highway will be seriously damaged or destroyed by reason of deterioration,

17 rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of

18 ~~the vehicle thereon~~ vehicles is limited, the director ~~or employees authorized by the director~~ by

19 an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles

20 upon ~~such~~ a highway or may impose restrictions as to the weight of vehicles. ~~The~~ A restriction

21 as to weight by local authorities must be on a per axle basis. To be effective against a violator,

22 the director or ~~employees making such order and~~ local authorities ~~enacting any such ordinance~~

23 ~~or resolution,~~ as appropriate, shall erect or cause to be erected and maintained signs

24 designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be

1   erected and maintained at each end of that portion of any highway affected ~~thereby, and such~~

2   <u>by the</u> order, ordinance, or resolution <u>and the same</u> is not effective until ~~such~~ <u>the</u> signs are

3   erected and maintained. The operation of trucks or other commercial vehicles or limitations as

4   to the weight ~~thereof~~ <u>of trucks or other commercial vehicles</u> on designated highways may be

5   prohibited or limited in the same manner.

6   **SECTION 3. AMENDMENT.** Subsection 2 of section 39-12-05.3 of the North Dakota

7   Century Code is amended and reenacted as follows:

8   2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads,

9   a person may not operate on a highway that is not part of the interstate system any

10   vehicle the gross weight of which exceeds that determined by the formula of:

11 $$W = 500 \left(\frac{\underline{L}N + 12N + 36}{N-1} \right)$$

13   where W equals the maximum gross weight in pounds on any vehicle or

14   combination of vehicles; L equals distance in feet between the two extreme axles

15   of any vehicle or combination of vehicles; and N equals the number of axles of any

16   vehicle or combination of vehicles under consideration. The gross weight on state

17   highways may not exceed one hundred five thousand five hundred pounds

18   [47854.00 kilograms] unless otherwise posted and on all other highways the gross

19   weight may not exceed ~~eighty thousand pounds [36287.39 kilograms] unless~~

20   ~~designated by local authorities for highways under their jurisdiction for gross~~

21   ~~weights not to exceed~~ one hundred five thousand five hundred pounds [47854.00

22   kilograms]. Local authorities are encouraged to assess all roads under their

23   jurisdiction and designate the roads for the appropriate weight limits allowed under

24   this subsection.