

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representative Gruchalla

1 A BILL for an Act create and enact a new section to chapter 39-12 of the North Dakota Century  
2 Code, relating weight records.

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

4 **SECTION 1.** A new section to chapter 39-12 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Weight records.**

- 7 1. A document including a bill of lading, freight bill, weight certification, or other similar  
8 document, evidencing the receipt of goods issued by the person consigning the  
9 goods for shipment or a person engaged in the business of transporting or  
10 forwarding goods, which states a gross weight of the vehicle or the weight of the  
11 load when combined with the empty weight of the vehicle that is in excess of the  
12 prescribed maximum weight limitations permitted by this chapter, is relevant  
13 evidence that the weight of the vehicle and load is unlawful. This section does not  
14 apply to the first, continuous transportation of unprocessed or raw farm products  
15 from the place of production or on-farm storage site to any other location within fifty  
16 miles of the place of production or on-farm storage site when the maximum weight  
17 limitation under subsection 1 of section 39-12-05.3. This section does not limit the  
18 introduction of other competent evidence baring upon the question of whether  
19 there is a violation of maximum weight limitations permitted under this chapter.
- 20 2. A person who weighs goods before or after unloading or a person who loads or  
21 unloads goods on the basis of liquid volume measure shall keep a written record of  
22 the origin, weight, and composition of each shipment, the date of loading or receipt,  
23 the name and address of the shipper, the total number of axles on the vehicle or  
24 combination of vehicles, the registration number of the power unit or some other

1           means of identification by which the shipment was transported. The record must  
2           be retained for fourteen days and must be open to inspection and copying by a law  
3           enforcement officer upon demand. A search warrant is not required to inspect or  
4           copy the record. This subsection does not apply to a person weighing goods who  
5           is not involved in the shipping, receiving, and transporting of those goods, or to a  
6           person weighing raw and unfinished farm products transported in a single-unit  
7           vehicle with not more than three axles or by a trailer towed by a farm tractor when  
8           transportation is the first, continuous transportation of unprocessed or raw farm  
9           products from the place of production or on-site storage to any other location with  
10           fifty miles of the place of production or on-farm storage site. A record maintained  
11           under this section if inspected and copied within the fourteen days is relevant  
12           evidence that a vehicle has exceeded a gross weight limit imposed by this chapter.  
13           A person who fails to keep, maintain, or open for inspection and copying, those  
14           documents as required by this subsection is guilty of a class A misdemeanor. In  
15           addition, a person who does not accurately record the information required to be  
16           contained in those documents is guilty of a class A misdemeanor.