

Testimony to the

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Prepared September 7, 2011 by the North Dakota Association of Counties

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CONCERNING OVERWEIGHT TRUCK REGULATION

Chairman Klemin and members of the committee, the North Dakota Association of Counties is here today to offer our assistance in whatever manner to help understand this important issue for counties.

Currently, about half the counties in North Dakota have created a well run overweight truck regulatory process. (The primary example can be found in the western 17 counties). However, most counties have at some point taken advantage of the regulatory structure as expressed in NDCC § 39-12-02.

In enacting NDCC § 39-12-02, the legislature specifically granted the highway patrol and local authorities the ability to create special road permits which would allow individuals to operate vehicles on the highway which would otherwise exceeds size and weight restrictions. The entity that issues the permit is based upon what jurisdiction's highway was used. In other words, a city would have the authority to issue an overweight permit for city road, a county would have the authority to issue an overweight permit for county roads and the highway patrol would have the authority to issue an overweight permit for State roads.

Last session NDACo supported a bill, submitted by the public safety and transportation interim committee, which would have helped clarify the issue of who can keep the permit and civil fees associated with overweight trucks. That bill became somewhat controversial but ultimately the legislature overwhelmingly passed SB 2044 which did clarify who retains the permitting fee. (This study topic was also tacked on to SB 2044).

Throughout this study we just ask this committee to keep in mind the importance of local control in this issue. We look forward to working with this committee and if you have any concerns or questions feel free to contact us at NDACo.

Thank you.

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2044
(Legislative Management)
(Public Safety and Transportation Committee)

AN ACT to amend and reenact subsection 3 of section 39-12-02 and section 39-12-08 of the North Dakota Century Code, relating to fees for issuing overweight permits and fees for overweight permit violations for counties; to provide for a legislative management study; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~Except for publicly. Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system.~~ Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month 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.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.
 - e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. The fee for an overwidth vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year.

SECTION 2. AMENDMENT. Section 39-12-08 of the North Dakota Century Code is amended and reenacted as follows:

39-12-08. Penalty for violation of chapter.

A person operating a motor vehicle or the owner of the motor vehicle being operated without a permit as specified in this chapter must be assessed a fee of one hundred dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, must be assessed a fee of twenty dollars. Violating the conditions of any permit type automatically voids the permit. For a permit allowed under this chapter, if the violation is of a permit issued by a county under a home rule ordinance or any city, including a home rule city, the statutory fee is for a violation of state law in an amount provided by this section.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - MOTOR VEHICLE PERMIT FEES.

During the 2011-12 interim, the legislative management shall consider studying motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2044 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 90 Nays 4 Absent 0

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State