

HOUSE BILL NO. 1082

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to create and enact section 39-12-24 of the North Dakota Century Code
2 relating to cooperative agreements with regional states on excess size or weight vehicles.

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

4 **SECTION 1.** Section 39-12-24 of the North Dakota Century Code is created and enacted as
5 follows:

6 **39-12-24. Authority for cooperative agreements with regional states on excess size or**
7 **weight vehicles.**

8 1. In addition to any other powers granted by law, the colonel of the North Dakota
9 highway patrol, or the colonel's designee, and the director of the department of
10 transportation, or the director's designee, are hereby authorized to negotiate and enter
11 into appropriate agreements with other states concerning the regional operation or
12 movement of nondivisible oversize or overweight vehicles and to facilitate the uniform
13 application, administration, and enforcement of applicable laws concerning such
14 vehicles.

15 2. A cooperative agreement under this section may include the establishment of a
16 regional permit system authorizing the operation or movement of nondivisible oversize
17 or overweight vehicles from one state in the region to or through another state or
18 states in the region under a single-trip permit in accordance with the applicable
19 requirements of each of the states.

20 3. For the purposes of a regional permit agreement, the North Dakota highway patrol and
21 the department of transportation are authorized to:

22 a. Delegate to other states its authority under section 39-12-02 to issue permits for
23 nondivisible oversize or overweight vehicles to operate on North Dakota state
24 highways, except that any such issuance by another state shall conform, at a

1 minimum, to the applicable North Dakota permit standards and legal
2 requirements as described in chapter 39-12 and to the rules and regulations
3 implementing chapter 39-12. The North Dakota highway patrol and the
4 department of transportation may also impose additional standards concerning
5 such regional permits as they deem appropriate:

6 b. Accept a delegation of authority from other states to issue permits for the
7 operation of vehicles on the highways of such states in accordance with the
8 applicable standards and requirements of such states, pursuant to the terms of
9 the regional permit agreement; and

10 c. Collect any fees, taxes, and penalties on behalf of other states that are parties to
11 the regional permit agreement, and to remit such fees, taxes, and penalties to
12 such states. Such fees, taxes, and penalties shall not be considered taxes or
13 funds of the state of North Dakota for any purpose.

14 4. For the purposes of a regional permit agreement, the North Dakota highway patrol,
15 ports of entry, and local law enforcement authorities are authorized to enforce the
16 terms of any regional permit concerning the operation of the permitted vehicle on state
17 highways in North Dakota. The North Dakota highway patrol, ports of entry, and local
18 law enforcement authorities are also permitted to take necessary actions in North
19 Dakota to enforce the applicable requirements of the permitting state or states which
20 shall include monitoring licenses and other credential usage; enforcing tax restraint,
21 distrain, or levy orders; issuing civil citations; and conducting necessary safety and
22 equipment inspections.

23 5. The colonel of the North Dakota highway patrol or the colonel's designee, and the
24 director of the department of transportation, or the director's designee, are hereby
25 authorized to appoint employees and officials of other states as agents of the
26 department for the limited purpose of enforcing the laws of North Dakota under the
27 terms of the cooperative agreements entered into under this section. The colonel of
28 the North Dakota highway patrol or the colonel's designee, and the director of the
29 department of transportation, or the director's designee, may promulgate such rules
30 and regulations as are necessary for the implementation of the provisions of this
31 section.

- 1 6. Any agreement entered into under the provisions of this section shall contain
2 provisions that express the understanding that any employees and officials of any
3 other state who enforce the laws of North Dakota under the terms of such agreement,
4 or who otherwise act under the terms of such agreement, shall not be eligible for
5 compensation, employee rights, or benefits from the state of North Dakota and shall
6 not be considered to be employees or officials of the state of North Dakota.
- 7 7. A cooperative agreement under this section may also provide for uniformity concerning
8 enforcement procedures, safety inspection standards, operational standards, permit
9 and application form procedures, driver qualifications, and such other matters that may
10 be pertinent to said matters.
- 11 Notwithstanding any provision of this section to the contrary, all existing statutes and rules and
12 regulations prescribing size or weight vehicle requirements, or relating to permits for such
13 vehicles, shall continue to be in full force and effect until amended or repealed by law, and any
14 cooperative agreement must comply with such statutes and rules and regulations.