

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact sections 39-12-11, 39-12-17, and 39-12-22, relating to  
2 overweight vehicle limitations; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 39-12-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-12-11. Impounding overweight vehicle.**

7 Any vehicle found to have been moved or used upon any highway, street, or road in this  
8 state at a weight exceeding the limitations as specified in any order, ordinance, or resolution  
9 issued under section 39-12-03, or exceeding the limitations imposed by 39-12-05.3, or as  
10 limited by section 39-12-05 may be impounded by any peace officer and taken to a warehouse  
11 or garage for storage.

12 **SECTION 2. AMENDMENT.** Section 39-12-17 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **39-12-17. Trial - Charges.**

15 At the trial of the action, the court shall hear testimony concerning the facts and if it is found  
16 that such vehicle or vehicles were moved upon the highways, streets, or roads of this state at a  
17 weight in excess of the limitations imposed under the provisions of section 39-12-03, section  
18 39-12-05.3, or as limited by the provisions of section 39-12-05, charges for the extraordinary  
19 use of the highways, streets, or roads must be assessed as follows:

20 1. The storage charges and costs of the action must be assessed; and

21 2. An additional charge must be assessed as follows:

22 1 to 1,000 pounds [.45 to 453.59 kilograms] of excess weight = \$20

23 1,001 to 2,000 pounds [454.05 to 907.18 kilograms] of excess weight = \$40

24 2,001 to 3,000 pounds [907.64 to 1360.78 kilograms] of excess weight = \$60

Sixty-eighth  
Legislative Assembly

|    |  |
|----|--|
| 1  | 3,001 to 4,000 pounds [1361.23 to 1814.37 kilograms] of excess weight = \$140  |
| 2  | 4,001 to 5,000 pounds [1814.82 to 2267.96 kilograms] of excess weight = \$220  |
| 3  | 5,001 to 6,000 pounds [2268.41 to 2721.55 kilograms] of excess weight = \$305  |
| 4  | 6,001 to 7,000 pounds [2722.01 to 3175.14 kilograms] of excess weight = \$380  |
| 5  | 7,001 to 8,000 pounds [3175.60 to 3628.74 kilograms] of excess weight = \$495  |
| 6  | 8,001 to 9,000 pounds [3629.19 to 4082.33 kilograms] of excess weight = \$575  |
| 7  | 9,001 to 10,000 pounds [4082.78 to 4535.92 kilograms] of excess weight = \$655 |
| 8  | 10,001 to 11,000 pounds [4536.37 to 4989.51 kilograms] of excess weight =      |
| 9  | \$1,100  |
| 10 | 11,001 to 12,000 pounds [4989.97 to 5443.10 kilograms] of excess weight =      |
| 11 | \$1,200  |
| 12 | 12,001 to 13,000 pounds [5443.56 to 5896.70 kilograms] of excess weight =      |
| 13 | \$1,300  |
| 14 | 13,001 to 14,000 pounds [5897.15 to 6350.29 kilograms] of excess weight =      |
| 15 | \$1,680  |
| 16 | 14,001 to 15,000 pounds [6350.74 to 6803.88 kilograms] of excess weight =      |
| 17 | \$1,800  |
| 18 | 15,001 to 16,000 pounds [6804.33 to 7257.47 kilograms] of excess weight =      |
| 19 | \$1,920  |
| 20 | 16,001 to 17,000 pounds [7257.93 to 7711.06 kilograms] of excess weight =      |
| 21 | \$2,550  |
| 22 | 17,001 to 18,000 pounds [7711.52 to 8164.66 kilograms] of excess weight =      |
| 23 | \$2,700  |
| 24 | 18,001 to 19,000 pounds [8165.11 to 8618.25 kilograms] of excess weight =      |
| 25 | \$2,850  |
| 26 | 19,001 to 20,000 pounds [8618.70 to 9071.84 kilograms] of excess weight =      |
| 27 | \$3,000  |
| 28 | 20,001 to 21,000 pounds [9072.29 to 9525.43 kilograms] of excess weight =      |
| 29 | \$4,200  |
| 30 | 21,001 to 22,000 pounds [9525.89 to 9979.02 kilograms] of excess weight =      |
| 31 | \$4,400  |

1                   22,001 to 23,000 pounds [9979.48 to 10432.62 kilograms] of excess weight =  
2                   \$4,600  
3                   23,001 to 24,000 pounds [10433.07 to 10886.21 kilograms] of excess weight =  
4                   \$4,800  
5                   24,001 to 25,000 pounds [10886.66 to 11339.80 kilograms] of excess weight =  
6                   \$5,000  
7                   25,001 to 26,000 pounds [11340.25 to 11793.40 kilograms] of excess weight =  
8                   \$5,200  
9                   26,001 to 27,000 pounds [11793.86 to 12246.99 kilograms] of excess weight =  
10                  \$5,400  
11                  27,001 to 28,000 pounds [12247.45 to 12700.59 kilograms] of excess weight =  
12                  \$5,600  
13                  28,001 to 29,000 pounds [12701.04 to 13154.18 kilograms] of excess weight =  
14                  \$5,800  
15                  29,001 to 30,000 pounds [13154.63 to 13607.77 kilograms] of excess weight =  
16                  \$6,000  
17                  An additional charge of \$200 for every 1,000-pound [453.59-kilogram] increase  
18                  over 30,000 pounds [13607.77 kilograms] consistent with the above formula.

19                **SECTION 3. AMENDMENT.** Section 39-12-22 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21                **39-12-22. Permissible loads - Exceptions.**

22                When any motor truck, truck tractor, or trailer is operated upon the public highways of this  
23 state carrying a load in excess of the maximum prescribed under the provisions of sections  
24 39-12-03 ~~and~~, 39-12-05, and 39-12-05.3 or other maximum weight limitations prescribed by law,  
25 the load must be reduced or shifted to within such maximum limitations before being permitted  
26 to operate on any public highway of this state; provided, however, that any such vehicle carrying  
27 a load of livestock is exempt from the limitations prescribed in section 39-12-05.3, relating to the  
28 carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by  
29 a shifting of the weight of the livestock. All material unloaded as required by this section must be  
30 cared for by the owner or operator of such vehicle at the risk of such owner or operator.

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