

SB 2120
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68th Legislative Assembly

Testimony in Support of

Senate Bill No. 2120

House Transportation Committee

March 2, 2023

TESTIMONY OF

Major Tom Iverson, Chief of Operations

Good afternoon Chairman Ruby and members of the committee. My name is Tom Iverson and I serve as the chief of operations for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2120.

This bill amends NDCC 39-12-11, 39-12-17, and 39-12-22 pertaining to overweight vehicles. A local North Dakota states attorney had recently shared a concern with NDCC 39-12-17 related to overload fees. It was pointed out that this section of law references 39-12-03, addressing spring load restrictions, and 39-12-05, addressing overweight vehicles on the interstate system, but it does not mention 39-12-05.3, addressing overweight vehicles on highways other than the interstate system. Consequently, it is her interpretation that overload fees may not be assessed on highways other than the interstate system. I am confident that this was merely an oversight as 39-12-17 refers to "highways, streets, or roads of this state". In addition, 39-12-14.1 states, "The extraordinary road use fees for a violation on an interstate or on a state highway must be deposited with the state treasurer to be credited to the state highway fund. Extraordinary road use fees for a violation that did not occur on an interstate or a state highway must be deposited in the general fund of the jurisdiction having authority over the road on which the violation occurred..."

Adding 39-12-05.3 which is located on line 18 of the bill addresses the concern and makes it clear that an overload fee may be assessed on a highway other than the interstate system.

While working with the states attorney, we decided that it would be best to insert 39-12-05.3, addressing overweight vehicles on highways other than the interstate system within 39-12-11 as well as 39-12-22. Doing so clears up any confusion and makes it clear that these sections of law apply to all highways, streets, or roads within the state.

This concludes my testimony. I am happy to answer any questions you may have.