

**FIRST ENGROSSMENT  
with House Amendments**

Fifty-ninth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2274**

Introduced by

Senators Nething, Espegard, Heitkamp

Representatives Carlson, Hawken, Weiler

1 A BILL for an Act to create and enact a new section to chapter 24-03 of the North Dakota  
2 Century Code, relating to bids for highway grade stakes; and to amend and reenact section  
3 25-16.2-02, subsection 2 of section 39-06.1-06, and sections 39-06.1-09, 39-12-02, 39-12-05.3,  
4 and 39-12-08 of the North Dakota Century Code, relating to bidding with work activity centers,  
5 weight and size limitations, and permits for vehicles.

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

7 **SECTION 1.** A new section to chapter 24-03 of the North Dakota Century Code is  
8 created and enacted as follows:

9 **Highway grade stakes - Bids.** The department of transportation, when seeking bids  
10 for highway grade stakes, shall issue requests for bids only from persons domiciled in this  
11 state. If no bidder domiciled in this state submits a qualifying bid, the department may open the  
12 bidding process to out-of-state bidders.

13 **SECTION 2. AMENDMENT.** Section 25-16.2-02 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **25-16.2-02. Direct bidding with work activity centers for highway grade stakes.**  
16 ~~Unless no work activity center bids on the contract, the office of management and budget or the~~  
17 ~~department of transportation, whichever may be authorized to purchase highway grade stakes,~~  
18 ~~shall award any contract for the purchase of highway grade stakes to work activity centers.~~  
19 The office of management and budget or the department of transportation shall request bids  
20 from work activity centers and shall award any contract for the purchase of highway grade  
21 stakes on the basis of these factors:

- 22 4. ~~Whether the product contracted for is supplied by the work activity center at a fair~~  
23 ~~market price.~~

- 1           2. ~~Whether the product to be supplied by the work activity center meets the~~
- 2                   ~~specifications of the department of transportation.~~
- 3           3. ~~The ability, capacity, and skill of the work activity center to perform the contract~~
- 4                   ~~required.~~
- 5           4. ~~The character, integrity, reputation, judgment, experience, and efficiency of the~~
- 6                   ~~work activity center.~~
- 7           5. ~~Whether the work activity center can perform the contract within the time specified.~~
- 8           6. ~~The quality of performance of previous contracts negotiated with the work activity~~
- 9                   ~~center.~~
- 10          7. ~~The previous and existing compliance by the work activity center with laws relating~~
- 11                   ~~to the contract.~~

12           **SECTION 3. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota  
13 Century Code is amended and reenacted as follows:

- 14           2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,  
15                   except for:
  - 16                   a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
  - 17                           39-10-46.1, a fee of fifty dollars.
  - 18                   b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
  - 19                           subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 20                   c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city,
  - 21                           or a county including a city or county operating under a home rule charter.
  - 22                   d. A violation of subsection ~~2~~ 1 of section 39-12-02, a fee of one hundred
  - 23                           dollars.
  - 24                   e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
  - 25                           hundred dollars.

26           **SECTION 4. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and  
29 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section  
30 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09;  
31 subsection ~~2~~ 1 of section 39-12-02; sections 39-12-04; 39-12-05; 39-12-06; 39-12-09;

1 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances;  
2 or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances,  
3 except subsection 4 of section 39-10-26, sections 39-21-44 and 39-21-45.1, and subdivision b  
4 of subsection 1 and subsection 2 of section 39-21-46, and those sections within those chapters  
5 which are specifically listed in subsection 1 of section 39-06.1-08.

6 **SECTION 5. AMENDMENT.** Section 39-12-02 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **39-12-02. Special permits for vehicles of excessive size and weight issued -**  
9 **Contents - Fees.**

- 10 1. The highway patrol and local authorities in their respective jurisdictions, upon  
11 application and payment of the appropriate charges and for good cause shown,  
12 may issue a special written permit authorizing the applicant to operate or move a  
13 vehicle, mobile home, or modular unit of a size or weight exceeding the maximum  
14 specified by this chapter, upon a highway under the jurisdiction of the body  
15 granting the permit. Every permit may designate the route to be traversed and  
16 may contain any other restrictions or conditions deemed necessary by the body  
17 granting the permit. Every permit must be carried in the vehicle to which it refers  
18 and must be opened to inspection by any peace officer or agent of the  
19 superintendent of the highway patrol unless prior approval is obtained from the  
20 highway patrol. It is a violation of this chapter for any person to violate any of the  
21 terms or conditions of the permit. All permits for the movement of excessive size  
22 and weight on state highways must be for single trips only. The highway patrol  
23 and local authorities may adopt rules governing the movement of oversize and  
24 overweight vehicles.
- 25 ~~2. A person operating a motor vehicle, or the owner of the motor vehicle being~~  
26 ~~operated, without a permit as specified in subsection 1 must be assessed a fee of~~  
27 ~~one hundred dollars.~~
- 28 ~~3.~~ Upon any application for a permit to move a new manufactured building or modular  
29 unit from outside this state to be located anywhere within this state, the  
30 manufacturer is deemed to have certified that the new manufactured building or  
31 modular unit meets all applicable building codes and all applicable electrical wiring

1 and equipment, plumbing, and fire standards. The state is not liable to any person  
2 for issuing a permit in violation of this subsection.

3 ~~4.~~ 3. An appropriate charge must be made for each permit and all funds collected  
4 hereunder by the highway patrol must be deposited in the state highway fund for  
5 use in the construction and maintenance of highways and operating expenses of  
6 the department of transportation. Except for publicly owned vehicles that provide  
7 service beyond the agency's jurisdiction, official, publicly owned, emergency, or  
8 military vehicles are not subject to charges for permits. The minimum fee for  
9 selected charges is as follows:

- 10 a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty  
11 dollars per month for fees paid on a monthly basis or two hundred fifty dollars  
12 per year for fees paid on a yearly basis. Unused fees paid on a monthly basis  
13 are refundable. Unused fees paid on a yearly basis are not refundable.
- 14 b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
- 15 c. The fee for special mobile equipment is twenty-five dollars per trip.
- 16 d. The fee for engineering is twenty-five dollars per trip.
- 17 e. The fee for faxing a permit is five dollars.
- 18 f. The fee for a single trip permit is twenty dollars per trip.
- 19 g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty  
20 dollars per calendar year.

21 ~~5.~~ 4. The director of tax equalization of the county of destination must be furnished a  
22 copy of the permit for the movement of an overdimensional mobile home.

23 **SECTION 6. AMENDMENT.** Section 39-12-05.3 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **39-12-05.3. Weight limitations for vehicles on highways other than the interstate**  
26 **system.**

- 27 1. A person may not operate on a highway that is not part of the interstate system  
28 any vehicle with a single axle that carries a gross weight in excess of twenty  
29 thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds  
30 [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty  
31 pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles

1 spaced forty inches [101.60 centimeters] apart or less are considered as one axle.  
2 On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44  
3 meters] apart, the axle load may not exceed nineteen thousand pounds [8618.26  
4 kilograms] per axle, with a maximum of thirty-four thousand pounds [15422.14  
5 kilograms] gross weight on a tandem axle and a maximum of forty-eight thousand  
6 pounds [21772.32 kilograms] gross weight on any grouping of three or more axles.  
7 The wheel load, in any instance, may not exceed one-half the allowable axle load.  
8 Spacing between axles is measured from axle center to axle center.

9 2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads,  
10 a person may not operate on a highway that is not part of the interstate system any  
11 vehicle the gross weight of which exceeds that determined by the formula of:

$$12 \quad W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

13 where W equals the maximum gross weight in pounds on any vehicle or  
14 combination of vehicles; L equals distance in feet between the two extreme axles  
15 of any vehicle or combination of vehicles; and N equals the number of axles of any  
16 vehicle or combination of vehicles under consideration. The gross weight on state  
17 highways may not exceed one hundred five thousand five hundred pounds  
18 [47854.00 kilograms] unless otherwise posted and on all other highways the gross  
19 weight may not exceed eighty thousand pounds [36287.39 kilograms] unless  
20 designated by local authorities for highways under their jurisdiction for gross  
21 weights not to exceed one hundred five thousand five hundred pounds [47854.00  
22 kilograms]. Local authorities are encouraged to assess all roads under their  
23 jurisdiction and designate the roads for the appropriate weight limits allowed under  
24 this subsection.

25 3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the  
26 director and the state highway patrol approve for exemption. The exemption may  
27 not exceed one hundred five thousand five hundred pounds [47854.00 kilograms].  
28 For every vehicle approved for exemption the highway patrol shall issue a  
29 nontransferable permit valid for one year. The highway patrol may charge an  
30 administrative fee for the permit.

- 1           4.    The director, and local authorities, as to the highways under their respective  
2                   jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the  
3                   weight limitations stated in subsections 1 and 2 by ten percent. The permits may  
4                   not provide for a gross weight in excess of one hundred five thousand five hundred  
5                   pounds [47854.00 kilograms]. The permits must provide only for the movement of  
6                   agricultural products from the field of harvest to the point of initial storage site, and  
7                   for the collection and transport of solid wastes, during the period from July fifteenth  
8                   to December first, and for the general movement of products during the period  
9                   from December first to March seventh. The appropriate jurisdictional authority  
10                  shall establish an appropriate fee for the permits and direct how they shall be  
11                  issued. The highway patrol shall issue the permits authorized by the director.
- 12           5.    The director, and local authorities, as to highways under their respective  
13                   jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar  
14                   beets to exceed weight limitations stated in subsections 1 and 2 by ten percent  
15                   during the period from July fifteenth to December first. The permits may not  
16                   provide for a gross weight in excess of one hundred five thousand five hundred  
17                   pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall  
18                   establish an appropriate fee for the permits and direct how they shall be issued.  
19                   The highway patrol shall issue the permits authorized by the director.
- 20           6.    The gross weight limitations in subsections 1 and 2 do not apply to movement of a  
21                   self-propelled fertilizer spreader if the weight of a single axle does not exceed  
22                   twenty-two thousand pounds [19979.03 kilograms] and does not exceed five  
23                   hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire  
24                   width. The gross weight limitations in subsections 1 and 2 do not apply to  
25                   movement of a self-propelled agricultural chemical applicator if the weight of a  
26                   single axle does not exceed twenty-two thousand pounds [19979.03 kilograms]  
27                   and does not exceed five hundred fifty pounds [249.48 kilograms] for each inch  
28                   [2.54 centimeters] of tire width. The highway patrol shall issue a seasonal permit  
29                   for the commercial movement of vehicles exempted by this subsection. The  
30                   seasonal permit issued under this subsection or under subdivision d of  
31                   subsection 1 of section 39-12-04 entitles an individual with the permit to operate a

1                   vehicle as allowed by either of these provisions. A seasonal permit issued under  
2                   this subsection is subject to the requirements of subdivision d of subsection 1 of  
3                   section 39-12-04.

4                   7. The weight limitations in subsections 1 and 2 do not apply to equipment the  
5                   director and the state highway patrol approve for exemption but the weight  
6                   limitations in section 39-12-05 do apply to that equipment. For every vehicle  
7                   approved for exemption, the highway patrol shall issue a nontransferable bridge  
8                   length permit valid for a single trip or a calendar year.

9                   **SECTION 7. AMENDMENT.** Section 39-12-08 of the North Dakota Century Code is  
10                  amended and reenacted as follows:

11                  **39-12-08. Penalty for violation of chapter.** ~~Any~~ A person ~~violating any of the~~  
12 ~~provisions of sections 39-12-04, 39-12-05, or 39-12-06 operating a motor vehicle or the owner~~  
13 ~~of the motor vehicle being operated without a permit as specified in this chapter~~ must be  
14 assessed a fee of ~~twenty~~ one hundred dollars. Any person violating any other provision of this  
15 chapter, for which a specific penalty is not provided, must be assessed a fee of ~~ten~~ twenty  
16 dollars. Violating the conditions of any permit type automatically voids the permit.