

HOUSE BILL NO. 1442

Introduced by

Representatives Delzer, Weisz

Senators Freborg, Wanzek

1 A BILL for an Act to amend and reenact sections 39-12-01, 39-12-03, and 39-12-05.3(2) of the
2 North Dakota Century Code, relating to weight limitations.

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

4 **SECTION 1. AMENDMENT.** Section 39-12-01 is amended:

5 **39-12-01. State and local authorities may classify highways as to weight and load**
6 **capacities.** The director, the board of county commissioners, ~~and or other appropriate bodies~~
7 ~~public entity having control of roads, over a highway~~ may classify ~~public highways and roads~~
8 ~~under their respective jurisdictions and limitations~~ that highway subject to the authority provided
9 by law as to the weight and load of vehicles ~~thereon for such respective~~ on that highway in
10 classifications that must be enforced as provided in under section 39-12-07 and be made in
11 accordance with section 39-12-03.

12 **SECTION 2. AMENDMENT.** Section 39-12-03 is amended:

13 **39-12-03. Director or local authorities may limit use of vehicles on highways.**
14 ~~Whenever any~~ If a highway will be seriously damaged or destroyed by reason of deterioration,
15 rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of
16 ~~the vehicle thereon~~ vehicles is limited, the director ~~or employees authorized by the director~~ by
17 an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles
18 upon ~~such a~~ a highway or may impose restrictions as to the weight of vehicles. ~~The A restriction~~
19 as to weight by local authorities must be on a per axle basis. To be effective against a violator,
20 the director or employees making such order and local authorities enacting any such ordinance
21 or resolution, as appropriate, shall erect or cause to be erected and maintained signs
22 designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be
23 erected and maintained at each end of that portion of any highway affected ~~thereby, and such~~
24 by the order, ordinance, or resolution and the same is not effective until ~~such~~ the signs are

1 erected and maintained. The operation of trucks or other commercial vehicles or limitations as
2 to the weight thereof of trucks or other commercial vehicles on designated highways may be
3 prohibited or limited in the same manner.

4 **SECTION 3. AMENDMENT.** Section 39-12-05.3(2) is amended:

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

$$8 \qquad \qquad \qquad W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

9
10 where W equals the maximum gross weight in pounds on any vehicle or
11 combination of vehicles; L equals distance in feet between the two extreme axles
12 of any vehicle or combination of vehicles; and N equals the number of axles of any
13 vehicle or combination of vehicles under consideration. The gross weight on state
14 highways may not exceed one hundred five thousand five hundred pounds
15 [47854.00 kilograms] unless otherwise posted and on all other highways the gross
16 weight may not exceed ~~eighty thousand pounds [36287.39 kilograms]~~ unless
17 ~~designated by local authorities for highways under their jurisdiction for gross~~
18 ~~weights not to exceed~~ one hundred five thousand five hundred pounds [47854.00
19 kilograms]. Local authorities are encouraged to assess all roads under their
20 jurisdiction and designate the roads for the appropriate weight limits allowed under
21 this subsection.