

HOUSE BILL NO. 1232

Introduced by

Representatives Brandenburg, Kempenich, Pollert

Senators Dotzenrod, Erbele, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota
2 Century Code, relating to ~~approval of local road remediation plan~~an agreement on haul roads.

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

4 **SECTION 1.** A new section to chapter 24-06 of the North Dakota Century Code is created
5 and enacted as follows:

6 ~~**Local road remediation plan required for certain construction projects.**~~

7 ~~— If a contractor for a construction project uses local roads that are not part of a county, state,~~
8 ~~or interstate road system within the township in which the project is located, and if the~~
9 ~~contractor does not own real property in the county of the township in which the construction~~
10 ~~project is located, the contractor shall follow a local road remediation plan created by the board~~
11 ~~of township supervisors in an organized township or the board of county commissioners in an~~
12 ~~unorganized township to remedy damage to the local roads caused during the construction. The~~
13 ~~plan may be agreed to by the contractor and the township or county. If there is no agreement,~~
14 ~~the township or county may create the plan and the plan must be based on the documented~~
15 ~~damage to the road and provide for remedy equal to repairing of the road to the condition of the~~
16 ~~road before the construction project. Construction projects for residential property or on property~~
17 ~~owned or leased by a farmer or rancher and for the primary benefit of that farmer or rancher are~~
18 ~~not subject to this section. A contractor that does not make a good faith effort to follow a plan~~
19 ~~created under this section is subject to civil damages.~~

20 **County may provide agreement on haul road for township.**

21 — Upon the request of a township, a county may act for that township in making an agreement
22 with a contractor to use a township road and to restore the township road after the contractor
23 uses the township road for the movement of construction equipment and materials for a project.

- 1 | The agreement may include terms on maintenance, the inspection and recording of the
- 2 | preexisting condition of the road, and standards for restoration.