

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2120  
(Transportation Committee)  
(At the request of the Highway Patrol)

AN ACT to amend and reenact sections 39-12-11, 39-12-17, and 39-12-22, relating to overweight vehicle limitations; and to declare an emergency.

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

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

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

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

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

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

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

1. The storage charges and costs of the action must be assessed; and
2. An additional charge must be assessed as follows:
  - 1 to 1,000 pounds [.45 to 453.59 kilograms] of excess weight = \$20
  - 1,001 to 2,000 pounds [454.05 to 907.18 kilograms] of excess weight = \$40
  - 2,001 to 3,000 pounds [907.64 to 1360.78 kilograms] of excess weight = \$60
  - 3,001 to 4,000 pounds [1361.23 to 1814.37 kilograms] of excess weight = \$140
  - 4,001 to 5,000 pounds [1814.82 to 2267.96 kilograms] of excess weight = \$220
  - 5,001 to 6,000 pounds [2268.41 to 2721.55 kilograms] of excess weight = \$305
  - 6,001 to 7,000 pounds [2722.01 to 3175.14 kilograms] of excess weight = \$380
  - 7,001 to 8,000 pounds [3175.60 to 3628.74 kilograms] of excess weight = \$495
  - 8,001 to 9,000 pounds [3629.19 to 4082.33 kilograms] of excess weight = \$575
  - 9,001 to 10,000 pounds [4082.78 to 4535.92 kilograms] of excess weight = \$655
  - 10,001 to 11,000 pounds [4536.37 to 4989.51 kilograms] of excess weight = \$1,100

11,001 to 12,000 pounds [4989.97 to 5443.10 kilograms] of excess weight = \$1,200  
12,001 to 13,000 pounds [5443.56 to 5896.70 kilograms] of excess weight = \$1,300  
13,001 to 14,000 pounds [5897.15 to 6350.29 kilograms] of excess weight = \$1,680  
14,001 to 15,000 pounds [6350.74 to 6803.88 kilograms] of excess weight = \$1,800  
15,001 to 16,000 pounds [6804.33 to 7257.47 kilograms] of excess weight = \$1,920  
16,001 to 17,000 pounds [7257.93 to 7711.06 kilograms] of excess weight = \$2,550  
17,001 to 18,000 pounds [7711.52 to 8164.66 kilograms] of excess weight = \$2,700  
18,001 to 19,000 pounds [8165.11 to 8618.25 kilograms] of excess weight = \$2,850  
19,001 to 20,000 pounds [8618.70 to 9071.84 kilograms] of excess weight = \$3,000  
20,001 to 21,000 pounds [9072.29 to 9525.43 kilograms] of excess weight = \$4,200  
21,001 to 22,000 pounds [9525.89 to 9979.02 kilograms] of excess weight = \$4,400  
22,001 to 23,000 pounds [9979.48 to 10432.62 kilograms] of excess weight = \$4,600  
23,001 to 24,000 pounds [10433.07 to 10886.21 kilograms] of excess weight = \$4,800  
24,001 to 25,000 pounds [10886.66 to 11339.80 kilograms] of excess weight = \$5,000  
25,001 to 26,000 pounds [11340.25 to 11793.40 kilograms] of excess weight = \$5,200  
26,001 to 27,000 pounds [11793.86 to 12246.99 kilograms] of excess weight = \$5,400  
27,001 to 28,000 pounds [12247.45 to 12700.59 kilograms] of excess weight = \$5,600  
28,001 to 29,000 pounds [12701.04 to 13154.18 kilograms] of excess weight = \$5,800  
29,001 to 30,000 pounds [13154.63 to 13607.77 kilograms] of excess weight = \$6,000

An additional charge of \$200 for every 1,000-pound [453.59-kilogram] increase over 30,000 pounds [13607.77 kilograms] consistent with the above formula.

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

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

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2120 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 47                      Nays 0                      Absent 0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 85                      Nays 1                      Absent 8

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State