

**1999 HOUSE TRANSPORTATION**

**HB 1065**

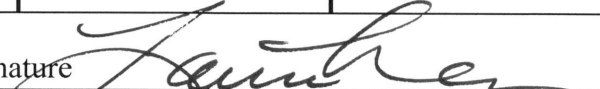
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1065

House Transportation Committee

Conference Committee

Hearing Date January 15, 1999

Tape Number	Side A	Side B	Meter #
1	x		10.9-31.1
Committee Clerk Signature 			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON HB 1065; A BILL RELATING TO AN EXEMPTION FROM WIDTH, HEIGHT, AND WEIGHT LIMITATIONS FOR COMMERCIAL PORTABLE GRAIN CLEANERS.

REP. FROSETH introduced HB 1065. (See attached testimony).

REP. BELTER asked REP. FROSETH if the experiment station has a portable mill, and if so do they have a problem with it being overweight.

REP. FROSETH replied that they do have one and have to apply for a permit every time that they want to use it. It is only good for a certain time period.

REP. JENSEN questioned the fee of \$50 per month.

REP. FROSETH said that it is a yearly seasonal fee.

REP. MEYER asked why it stated a \$50 per month fee?

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House Transportation Committee

Bill/Resolution 1065

Hearing Date January 15, 1999

REP. FROSETH replied that the weight exemption clause gave a 10% allowance over the weight limit and when it was exceeded the \$50 was tacked on. (See attached testimony).

LEANN WALD, North Dakota Highway Patrol testified in support of HB 1065. (See attached testimony).

CHAIRMAN KEISER asked Leann to walk through the process of securing a permit.

LEANN said that you purchase a permit at the beginning of the season that costs \$50 per year and expires at the end of the calendar year.

CHAIRMAN KEISER further asked when one would have to pay \$50 per month.

LEANN replied that the 10% exemption goes into effect July 15 to December 1. Only when the weight limit is violated beyond that are fines incurred.

REP. LEMIEUX asked how many permits have been issued in the past year.

LEANN said that no permits have been issued for portable cleaners. As far as seasonal permits go, 400 have been issued.

REP. LEMIEUX also questioned the area of seasons? Are spring and fall separate seasons and will there be two seasons?

LEANN said that no, it is all considered one calendar year.

REP. THORPE asked for clarification on the amendment and Leann said copies of it would be provided.

REP. MEYER asked how many \$20 permits were issued in 1998.

LEANN answered 14,000.

REP. SCHMIDT suggested that the amendment state \$50 per year.

REP. GRUMBO asked if the county would also have a special permit.

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House Transportation Committee

Bill/Resolution 1065

Hearing Date January 15, 1999

LEANN said that it is a permit only for state highways that most counties rely on. If they so choose, they can adopt one such.

REP. THORPE asked Leann if it was the bill carrier's intention to change from a seasonal to a monthly period.

LEANN replied no.

REP. LEMIEUX explained the bill in more detail so the committee better understood it.

CHAIRMAN KEISER CLOSED THE HEARING ON HB 1065.

COMMITTEE ACTION

REP. LEMIEUX moved to approve the amendment. REP. BELTER seconded the motion. The motion carried.

ROLL CALL - UNANIMOUS VOICE VOTE. 15 YAE, 0 NAE, 0 ABSENT AND NOT VOTING.

REP. WEISZ moved a DO PASS on HB 1065 as amended. REP. MEYER seconded the motion. The motion carried.

ROLL CALL - 15 YAE, 0 NAE, 0 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. LEMIEUX

# FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1065 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 12-30-98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

**Narrative:**

No fiscal impact from an administrative aspect. The commercial grain cleaners will have no impact relative to axle weight on the highway system. The legislation is proposed to allow the movement due to overweight.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>Expenditures</b>	-0-	-0-	-0-	-0-	-0-	-0-

3. What, if any, is the effect of this measure on the budget for your agency or department:


a. For rest of 1997-99 biennium: None

b. For the 1999-2001 biennium: None

c. For the 2001-03 biennium: None

4. County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

 Signed: Jerome L. Horner  
 Typed Name: JEROME L. HORNER, MAINTENANCE ENGINEER  
 Department: DEPT. OF TRANSPORTATION, MAINTENANCE & ENG.  
 Phone Number: 701-328-4443  
 Date Prepared: 1-05-99

90257.0201  
Title.0300

Adopted by the Transportation Committee  
January 18, 1999

VR  
1/18/99

**House** AMENDMENTS TO HOUSE BILL NO. 1065 TRN 1/18/99

Page 1, line 18, after "issue" insert "seasonal"

Page 2, line 1, after "The" insert "seasonal"

Page 2, line 2, after "No" insert "seasonal"

Page 2, line 4, after "The" insert "seasonal"

Page 2, line 6, after "This" insert "seasonal"

Renumber accordingly

Date: 11/15  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1065

House Transportation Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken adopt am

Motion Made By Duplemieux Seconded By Rep Belter

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch	✓				
Representative Kempenich	✓				
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz	✓				
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney	✓				
Representative Meyer	✓				
Representative Schmidt	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 11/15  
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1065

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP as am.

Motion Made By Weisz Seconded By Meyer

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch	✓				
Representative Kempenich	✓				
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz	✓				
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney	✓				
Representative Meyer	✓				
Representative Schmidt	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Lemieux

If the vote is on an amendment, briefly indicate intent:



REPORT OF STANDING COMMITTEE

HB 1065: Transportation Committee (Rep. Keiser, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the  
Sixth order on the calendar.

Page 1, line 18, after "issue" insert "seasonal"

Page 2, line 1, after "The" insert "seasonal"

Page 2, line 2, after "No" insert "seasonal"

Page 2, line 4, after "The" insert "seasonal"

Page 2, line 6, after "This" insert "seasonal"

Renumber accordingly

**1999 SENATE TRANSPORTATION**

**HB 1065**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1065

Senate Transportation Committee

Conference Committee

Hearing Date February 26, 1999

Tape Number	Side A	Side B	Meter #
1	x		1,863-4782
March 5, 1999 - Tape 1	x		1,801-2077
Committee Clerk Signature <i>Ann A. Schaeffer</i>			

Minutes:

SENATOR B. STENEHJEM called the hearing on HB 1065 to order. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

REPRESENTATIVE FROSETH, DISTRICT 6 testified in support of HB 1065 (see testimony).

SENATOR THOMPSON The dates in the testimony refers to harvest and winter time. Why is it like that?

REPRESENTATIVE FROSETH It is department policy (on the back of the testimony is the weight limitations).

LEANNA WALD, NORTH DAKOTA HIGHWAY PATROL testified in support of HB 1065 (see testimony). In regard to Senator Thompson's questions, from July 15 to December 1 you have to have a permit to haul farm products from field's to storage only, 10% over which you

can normally haul within that time period. From December 1 to March 7, all products can be hauled on highway because the bin is froze. The 10% is to accommodate farmers in getting their product out of the field to the initial point of storage. In the winter time, weight exemption is to allow anyone to haul any type of product 10% what they can normally haul at any point on state highway.

SENATOR THOMPSON Give us some examples of the harvest type products?

LEANNA WALD The difference of the type of product would be someone who is hauling two tractors on a truck tractor semi-trailer combination. If they were to purchase the 10% that would allow them to haul both tractors because normally they would have to take the second tractor off to make that hauling legal. If they were to purchase that 10% in the winter time it would allow them to haul 10% over what they would legally haul. In reference to Section 1A on HB 1065, I would like to give you some clarification on why we're requesting the change in terminology.

When the permit fees were initially enacted into law in 1997, the seasonal permit was inadvertently placed in that section instead of the 10% weight exemption. A seasonal permit is valid for a calendar year for \$50.00 and there is no difference between a harvest and winter time. The 10% wheat exemption is \$50 for a calendar month. Basically a seasonal permit is issued for commercial movement of hay, fertilizer, and chemical applicators. In Section 2D, we added the word "seasonal" in front of every permit because if we had not, each of these vehicles are subject to a permit on a single trip basis. This way they can purchase this annual type permit once a year.

SENATOR O'CONNELL Where does it refer to the 9 ft wide which allows for extra width?

SENATOR B. STENEHJEM The width is there, it is just putting it in a seasonal permit.

LEANNA WALD A seasonal permit is commercial movement for hay hauling, grinders, fertilizers, etc. The grain cleaner falls into the category as a seasonal type piece of equipment. A seasonal permit allows, on an annual basis, the over width type vehicle to move on the highways and doing it as a commercial business.

SENATOR COOK Subsection D is in the exemptions to a 9 foot wide vehicle.

SENATOR MUTCH It would still cost \$50 a month for this seasonal permit.

LEANNA WALD A seasonal permit is \$50 a year.

SENATOR B. STENEHJEM Currently if a person is going to legally haul a grain cleaner down the road they need to buy a single trip permit at a cost of \$20. Are these self issuing permits?

LEANNA WALD They can purchase self-issued permits. They can also purchase an ID supplement and they validate one another.

SENATOR B. STENEHJEM Is grain cleaning equipment the only thing we will bring into these seasonal permits which isn't already there?

LEANNA WALD Correct, in addition to adding "seasonal" in front of permit so that any type of seasonal permit is actually sold on an annual basis versus single trip basis. The intent is to allow those who have a commercial type business such as grain cleaner the same exemptions of those who are on a commercial basis.

SENATOR B. STENEHJEM What are we changing from trip permits to seasonal permits?

LEANNA WALD The only thing is the grain cleaner. If someone is hauling implements of husbandry commercially they need to get a \$20 trip permit.

SENATOR MUTCH I could get a 10% overweight in the winter but not in the summer.

LEANNA WALD Correct.

SENATOR THOMPSON Today, without this bill a portable grain cleaner moves three times in a month and pays \$60 and with this bill he can move as many times as he wants for \$50.

LEANNA WALD Correct. The grain cleaner is the over width type unit and the intent is to allow the individual to use it as a commercial type business. It falls in the category as hay grinders that move from one point to another. When it becomes a commercial type movement as truck mounted stack movers, truck tractor semi-trailers, fertilizer applicators, etc. This permit gives a commercial mover the same exemption as it does a farmer in allowing them to go down a highway. We sell close to 500 seasonal permits a year.

SENATOR COOK When you issue these seasonal permits, do you have the flexibility to restrict where they may travel?

LEANNA WALD Truck mounted stack movers, when they are loaded, are not allowed to travel on the interstate system because they are in extreme height. Other than that there is no other restriction as far as travel.

REPRESENTATIVE FROSETH One of the reasons I brought Section 2 forward is right now they can get a self issuing \$20 permit to travel from one place to another but that \$20 is just added on to the customer's charge for grain cleaning. It costs that farmer the additional \$20 to have his grain cleaned. Lines 11-17 in the original bill clarifies that this comes under the same category as commercial haystack and bail movers and so forth.

SENATOR B. STENEHJEM Any time we add a tax for a license plate fee or anything it is the cost for whatever the tax adds. Would anyone like to testify?

SENATOR B. STENEHJEM We will close the hearing on HB 1065.

Page 5  
Senate Transportation Committee  
Bill/Resolution Number Hb 1065  
Hearing Date February 26, 1999

SENATOR B. STENEHJEM My concern was that we didn't start an exemption process on other things.

SENATOR MUTCH We're just adding one more exclusion.

SENATOR BERCIER This just changes it to seasonal.

SENATOR THOMPSON This exempts the grain cleaners.

SENATOR COOK I move a Do Pass.

SENATOR MUTCH I second it.

A roll call vote was taken (7 Yeas, 0 Nays, and 0 Absent and Not Voting).

Senator Bercier will carry HB 1065.

Date: March 5, 1999

Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1065

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass

Motion Made By Sen. Cook Seconded By Sen. Mutch

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	X				
Sen. R. Schobinger-V. Chair	X				
Sen. Duane Mutch	X				
Sen. Dwight Cook	X				
Sen. David O'Connell	X				
Sen. Vern Thompson	X				
Sen. Dennis Bercier	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Bercier

If the vote is on an amendment, briefly indicate intent:



REPORT OF STANDING COMMITTEE (410)  
March 5, 1999 1:34 p.m.

Module No: SR-40-4153  
Carrier: Bercier  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HB 1065, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1065 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**

**HB 1065**

## TESTIMONY HB1065

Chairman Keiser and members of the House Transportation Committee, I'm Rep. Glen Froseth of District 6, which represents Bottineau, Renville and a portion of Ward Counties.

It is my pleasure to appear before you this morning to present HB1065 for your consideration.

This bill has two changes that affect permits of 10 percent weight exemption for movement of farm products and solid waste materials, and the addition of commercial portable grain cleaners in subdivision d of subsection 1 of section 39-12-04 of the NDCC.

**Section 1, subsection 2, subdivision a,** of the bill, removes "a seasonal permit" and adds the ten percent weight exemption clause. This means an extra 10% in weight limitations for a fee of \$50 a month, can be issued by the NDHP for the movement of farm products from the field to the initial point of storage and for the collection and transport of solid wastes, during the periods of July 15 through December 1 and from Dec. 1 through March 7 of the following year.

**Section 2, subsection 1, subdivision d,** adds commercial movement of portable grain cleaners to the list of farm and commercial equipment that can obtain a seasonal permit for a fee of \$50 for movement on state highways.

The word seasonal is also added on line 17, which more clearly defines what type of permit is needed for the movement of farm and commercial equipment.

Cleaning seed grain on the farm, by the use of portable grain cleaners, is becoming a very popular method to clean seed grains. Several portable grain cleaners are now in operation across the state and presently, if they are over the designated width, length, height and weigh to travel over the highways with regular licensing, they must apply for a special moving permit that costs them \$20 each time they move the unit. This permit is sometime difficult to obtain in a timely manner, and also becomes very expensive, as many times the portable grain cleaners move from one farm to another, probably a distance of only one-half mile. Placing them in the category to obtain seasonal permits will allow them to operate in a more timely and economically feasible manner.

Chairman Keiser and members of the Transportation Committee, I appreciate your consideration of HB1065 and ask for a favorable recommendation by the committee.

Thank you.

*(For your reference, I have attached copies of the NDHP Weigh Exemption Permit Policies.)*

In reference to Section 1., a. of HB No. 1065, apparently when this law was initially introduced there was some confusion on seasonal permit, and ten percent weight exemption. A seasonal permit is issued for the movement of commercial hay, fertilizer and chemical applicators or a hay grinder. The fee of a seasonal permit is \$50, and it is valid for a calendar year.

The ten percent weight exemption allows vehicles to haul ten percent more weight than what they could normally haul. The NDDOT Commissioner grants the NDHP authority to issue 10% weight exemption permits. The 10% harvest permit allows a vehicle to carry ten percent more weight when hauling farm products from the field to initial point of storage on state highways. The dates of movement for the 10% weight exemption for harvest are from July 15 to December 1. The wintertime 10% weight exemption allows movement of all products on state highways when the road beds are frozen. It is valid from December 1 through March 7. The fee for a 10% weight exemption permit for a 30-day period is \$50.

The initial intent was for this section of law was to read 10% weight exemption instead of seasonal permit.

In Section 2.d., of HB 1065 Representative Froseth wishes to add commercial portable grain cleaners to Section 39-12-04. By including commercial grain cleaners it qualifies the owner/operator to purchase seasonal permit versus buying a permit on a single trip basis.

In Section 2.d., we added the word 'seasonal' in front of 'permit'. Adding 'seasonal' defines this to be an annual type permit versus requiring a single trip permit for each commercial load movement of hay, hay grinders, fertilizer and chemical applicators. On the amended version of HB No. 1065, we would like to add the word 'seasonal' anytime the word 'permit; appears, other than on Page 2, line 7. The word, 'seasonal', was inadvertently deleted a few sessions back and went unnoticed until recently. We have been advised by the Attorney General's office that if the word 'seasonal' was not added back into this section of law, we could no longer issue annual permits for this type of load movement.



FARM PRODUCT AND SOLID WASTE 10 PERCENT WEIGHT EXEMPTION  
PERMIT POLICY  
NDHP Motor Carrier Division  
Ref: 9-10 (7/97)

## PURPOSE

To establish guidelines when 10 percent extra weight permits can be issued to expedite the first haul of farm products during harvest and for the collection and transport of solid wastes.

## POLICY STATEMENT

As authorized by section 39-12-05.3 NDCC, the NDDOT Commissioner may grant the NDHP authority to issue 10 percent weight exemption permits for movement of farm products from the field to the initial point of storage and for the collection and transport of solid wastes.

**Dates of movement will be July 15 through December 1.** The permits will contain restrictions as deemed necessary by the NDHP or NDDOT. Permits may be revoked by the NDHP when the holder violates or abuses any privilege or conditions of a permit.

The following procedures outline the requirements and methods for issuing permits for movement with the 10 percent extra weight permits.

## PROCEDURE

### A. Axle Weight Limitations

1. Tire weight may not exceed 605 pounds (550 lbs. plus 10 percent) per inch width of tire.
  - a. Example:
    - 1) 8:25 tires on a steering axle = 9,983 lbs.
    - 2) 9:00 tires on a steering axle = 10,890 lbs.
    - 3) 10:00 tires on a steering axle = 12,100 lbs.
2. Single axle weight (4 tires) may not exceed 22,000 pounds (20,000 lbs. plus 10 percent).
  - a. Example:
    - 1) 8:25 tires = 18,150 lbs. plus 10 percent = 19,965 lbs.
    - 2) 9:00 tires = 19,800 lbs. plus 10 percent = 21,780 lbs.
    - 3) 10:00 tires = 20,000 lbs. plus 10 percent = 22,000 lbs.
3. Tandem axle weight (8 tires) may not exceed 37,400 pounds (34,000 lbs. plus 10 percent) (not to exceed 18,700 lbs. per axle).
  - a. Example:
    - 1) 7:50 tires = 33,000 lbs. plus 10 percent = 36,300 lbs.
    - 2) Tires that are 8:00 or larger qualify for 37,400 lbs.
4. Triple axle weight (12 tires) may not exceed 52,800 pounds (48,000 lbs. plus 10 percent) (not to exceed 18,700 lbs. per axle).

#### B. Gross Vehicle Weight Limitations

1. Gross vehicle weights are determined by the number of axles and measurement between the extreme axle centers.
  - a. Example:
    - 1) 3 axles x 16 feet = 48,000 lbs. plus 10 percent = 52,800 lbs.
    - 2) 4 axles x 22 feet = 56,500 lbs. plus 10 percent = 62,150 lbs.
    - 3) 5 axles x 48 feet = 78,000 lbs. plus 10 percent = 85,800 lbs.
    - 4) 5 axles x 51 feet = 80,000 lbs. plus 10 percent = 88,000 lbs.
  - b. Vehicle combinations of six or more axles also qualify for the 10 percent additional weight as determined by the Weight Limitations Chart, NDHP 921, but **may not exceed 105,500 pounds.**

#### C. Travel Restrictions

1. Federal law **does not** allow the 10 percent extra weight on the **interstate system.**
2. On state highways posted for 80,000 pounds gross vehicle weight, the gross vehicle weight may not exceed 88,000 pounds.
3. On some **sections** of state highways, it **may** be necessary to restrict axle weights to **legal weights** due to bridge structure limitations.
4. The 10 percent weight increase **will not** apply on county and other local roads unless county and local authorities grant the weight exemption for roads under their jurisdiction.
5. The 10 percent extra weight **cannot** be used in conjunction with the equipment approval policy. The 10 percent can be issued above **legal** weights only.

#### D. Registration Requirement

1. The registered gross weight does not have to include the additional 10 percent. The vehicle must be registered for the **maximum legal gross vehicle weight.**

#### E. Application Procedure

1. The fee for the exemption is \$50 per vehicle per each 30-day period. Official Receipt/Permit, SFN 3507, can be obtained from the Highway Patrol permit section, at any weigh/inspection station, or from any highway patrol trooper. The receipt/permit will show the permissible weights and must be in possession when exceeding legal weight limits.
  - a. The Motor Vehicle Division Statement of License Application, SFN 16696, will be issued to be displayed in the lower front left corner of the windshield to show proof of payment.



WINTERTIME 10 PERCENT WEIGHT EXEMPTION PERMIT POLICY  
NDHP Motor Carrier Division  
Ref: 9-11 (7/97)

## PURPOSE

To establish guidelines when 10 percent extra weight permits can be issued for movement of all products on state highways when road beds are frozen.

## POLICY STATEMENT

As authorized by section 39-12-05.3 NDCC, the NDDOT Commissioner may grant the NDHP authority to issue 10 percent weight exemption permits for movement of all products on state highways. **Dates of movement will be December 1 through March 7 of the following year.** The permits will contain restrictions as deemed necessary by the NDHP or NDDOT. Permits may be revoked by the NDHP when the holder violates or abuses any privilege or conditions of a permit.

The following procedures outline the requirements and methods for issuing permits for movement with the 10 percent extra weight permits.

## PROCEDURE

### A. Axle Weight Limitations

1. Tire weight may not exceed 605 pounds (550 lbs. plus 10 percent) per inch width of tire.
  - a. Example:
    - 1) 8:25 tires on a steering axle = 9,983 lbs.
    - 2) 9:00 tires on a steering axle = 10,890 lbs.
    - 3) 10:00 tires on a steering axle = 12,100 lbs.
2. Single axle weight (4 tires) may not exceed 22,000 pounds (20,000 lbs. plus 10 percent).
  - a. Example:
    - 1) 8:25 tires = 18,150 lbs. plus 10 percent = 19,965 lbs.
    - 2) 9:00 tires = 19,800 lbs. plus 10 percent = 21,780 lbs.
    - 3) 10:00 tires = 20,000 lbs. plus 10 percent = 22,000 lbs.
3. Tandem axle weight (8 tires) may not exceed 37,400 pounds (34,000 lbs. plus 10 percent) (not to exceed 18,700 lbs. per axle).
  - a. Example:
    - 1) 7:50 tires = 33,000 lbs. plus 10 percent = 36,300 lbs.
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4. Triple axle weight (12 tires) may not exceed 52,800 pounds (48,000 lbs. plus 10 percent) (not to exceed 18,700 lbs. per axle).

#### B. Gross Vehicle Weight Limitations

1. Gross vehicle weights are determined by the number of axles and measurement between the extreme axle centers.
  - a. Example:
    - 1) 3 axles x 16 feet = 48,000 lbs. plus 10 percent = 52,800 lbs.
    - 2) 4 axles x 22 feet = 56,500 lbs. plus 10 percent = 62,150 lbs.
    - 3) 5 axles x 48 feet = 78,000 lbs. plus 10 percent = 85,800 lbs.
    - 4) 5 axles x 51 feet = 80,000 lbs. plus 10 percent = 88,000 lbs.
  - b. Vehicle combinations of six or more axles also qualify for the 10 percent additional weight as determined by the Weight Limitations Chart, NDHP 921, but **may not exceed 105,500 pounds.**

#### C. Travel Restrictions

1. Federal law **does not** allow the 10 percent extra weight on the **interstate system.**
2. On state highways posted for 80,000 pounds gross vehicle weight, the gross vehicle weight may not exceed 88,000 pounds.
3. On some **sections** of state highways, it **may** be necessary to restrict axle weights to **legal weights** due to bridge structure limitations.
4. The 10 percent weight increase **will not** apply on county and other local roads unless county and local authorities grant the weight exemption for roads under their jurisdiction.
5. If spring road restrictions become effective prior to March 7, the 10 percent extra weight permits will be canceled.
6. The 10 percent extra weight **cannot** be used in conjunction with the equipment approval policy. The 10 percent can be issued above **legal** weights only.

#### D. Registration Requirement

1. The registered gross weight does not have to include the additional 10 percent. The vehicle must be registered for the **maximum legal gross vehicle weight.**

#### E. Application Procedure

1. The fee for the exemption is \$50 per vehicle per each 30-day period. Official Receipt/Permit, SFN 3507, can be obtained from the Highway Patrol permit section, at any weigh/inspection station, or from any highway patrol trooper. The receipt/permit will show the permissible weights and must be in possession when exceeding legal weight limits.
  - a. The Motor Vehicle Division Statement of License Application, SFN 16696, will be issued to be displayed in the lower front left corner of the windshield to show proof of payment.



Senate Transportation Committee  
Robert Stenjham, Chairman  
February 26, 1999

Leanna Wald, Administrative Officer  
North Dakota Highway Patrol  
Motor Carrier Division

HB No.1065

NDHP clarification for word changes or inserts.

In reference to Section 1., a. of HB No. 1065, I would like to give you clarification on why we are requesting a change in the terminology from "seasonal permit" to "ten percent weight exemption". When the permit fees were initially enacted into law in 1997, "seasonal permit" was inadvertently placed into this section, instead of "ten percent weight exemption permit."

A seasonal permit is issued for commercial movement of hay, fertilizer and chemical applicators or a hay grinder. The fee of a seasonal permit is \$50, and it is valid for a calendar year.

The fee for a 10% weight exemption permit for a 30-day period is \$50. The ten percent weight exemption allows vehicles to haul ten percent more weight than what they could normally haul. The NDDOT Commissioner grants the NDHP authority to issue 10% weight exemption permits. The 10% harvest permit allows a vehicle to carry ten percent more weight when hauling farm products from the field to initial point of storage on state highways. The dates of movement for the 10% weight exemption for harvest are from July 15 to December 1. The wintertime 10% weight exemption allows movement of all products on state highways when the road beds are frozen. It is valid from December 1 through March 7. The initial intent was for this section of law was to read 10% weight exemption instead of seasonal permit.

In Section 2.d., we added the word 'seasonal' in front of 'permit'. Adding 'seasonal' defines this to be an annual type permit versus requiring a single trip permit for each commercial

load movement of hay, hay grinders, fertilizer and chemical applicators. On the amended version of HB No. 1065, we would like to add the word 'seasonal' anytime the word 'permit' appears, other than on Page 2, line 7. The word, 'seasonal', was inadvertently deleted a few sessions back and went unnoticed until recently. We have been advised by the Attorney General's office that if the word 'seasonal' was not added back into this section of law, we could no longer issue annual permits for this type of load movement.

In Section 2.d., of HB 1065 Representative Froseth wishes to add commercial portable grain cleaners to Section 39-12-04. By including commercial grain cleaners it qualifies the owner/operator to purchase seasonal permit versus buying a permit on a single trip basis.