

WIDTH, HEIGHT, LENGTH, AND WEIGHT RESTRICTIONS ON MOTOR VEHICLES - NORTH DAKOTA LAW

Under North Dakota Century Code (NDCC) Chapter 39-12, motor vehicles are limited as to width, height, length, and weight but are allowed special permits under certain circumstances and are exempt if of a certain type. This memorandum reviews state law and the recent legislative history relating to width, height, length, and weight restrictions.

STATE LAW

Width Limitations

North Dakota Century Code Section 39-12-04 provides for width, height, and length limitations and exceptions to those limitations. The width limitation is 8 feet 6 inches. However, the limitation does not apply to:

1. Construction equipment up to 10 feet.
2. Implements of husbandry by resident farmers but not at night on interstate highways.
3. Daytime, noncommercial movement of haystacks or bales.
4. Commercial movement of haystacks or bales, self-propelled fertilizer spreaders or chemical applicators, portable grain cleaners, forage harvesters, and hay grinders. However, these vehicles need a seasonal permit valid for daytime. The permits are valid anytime for fertilizer spreaders and chemical applicators. The permits require proof of financial responsibility. By rule, the permits for haystacks and bales allow for up to 12 feet if not designed for hay, and 12 feet 10 inches if bail handler trailers.
5. Safety devices required by the Highway Patrol.
6. Nonload-carrying safety appurtenances.

North Dakota Century Code Section 39-12-06 prohibits a motor vehicle from having a load beyond 12 inches from the fenders.

Height Limitation

The height limitation is 14 feet; however, the limitation does not apply to vehicles up to 15 feet 6 inches which are implements of husbandry not used on the interstate highway for short daytime trips.

Length Limitations

The length limitation is 50 feet for a single unit vehicle with two or more axles, 75 feet for a combination of 2, 3, or 4 units, 110 feet for a combination of 2, 3, or 4 units operated on four-lane divided highways and designated highways, 53 feet for a trailer or semitrailer, and 60 feet for towed vehicles. The length limitations do not apply to:

1. Building equipment.
2. Tow trucks.

3. Armed forces and National Guard vehicles.
4. Telephone company materials.
5. Truck-mounted haystack moving equipment under 56 feet.
6. A truck tractor and semitrailer or truck tractors, semitrailer, and the trailer on the interstate highway system or parts of the federal-aid primary system when designated.
7. Safety and energy conservation devices.
8. Recreational campers may exceed the width limitation by no more than six inches on either side of the vehicle if attributable to an appurtenance that extends beyond the body of the vehicle.

Weight Limitations

North Dakota Century Code Section 39-12-05 provides for weight limitations on the interstate highway system. These limitations are contained in the following table:

Wheel load limitation	10,000 pounds or one-half of axle load
Tire load limitation	550 pounds per inch of width
Single axle limitation	20,000 pounds
Multiple axles over 40 inches and under 8 feet apart	17,000 pounds per axle

The gross weight limitation is 80,000 pounds. The limitations may be less for a particular vehicle based on the distance between the extremes of any group of consecutive axles and axle numbers. A vehicle with two consecutive sets of tandem axles may carry a gross load of 34,000 pounds if there is 36 feet between the axles. North Dakota Century Code Section 39-12-05.2 allows a person to operate a vehicle on the interstate highway system at the highest weight allowed by congressional action, regardless of state law. Under federal law, 49 C.F.R. 658 and a result of congressional passage of the Surface Transportation Assistance Act of 1982 and the Intermodal Surface Transportation Efficiency Act of 1991, there are limits on the size and weight of vehicles on the interstate system and other qualifying federal-aid primary system highways. For instance, the length and weight limitations grandfathered in North Dakota for longer combination vehicles are 103 feet and 105,500 pounds. The grandfathered semitrailer length is 53 feet.

Under NDCC Section 39-12-01, the governmental entity with control over a highway may classify the highway and limit the weight and loads of vehicles on the highway.

In addition, under NDCC Section 39-12-03 the proper authority with jurisdiction over a highway may limit the weight of vehicles on a highway due to

climatic conditions. The governmental entity must direct signs with the road restrictions.

North Dakota Century Code Section 39-12-05.3 provides for general weight limitations on highways other than the interstate system. The weight limitations are by tire, wheel, and axle loads. These limitations are contained in the following table:

Wheel load limitation	10,000 pounds or one-half of axle load
Tire load limitation	550 pounds per inch of width
Single axle limitation	20,000 pounds
Tandem axles over 40 inches and under 8 feet apart	34,000 pounds
Triple or more axles over 40 inches and under 8 feet apart	48,000 pounds

In addition, there are gross weight limitations of 105,500 pounds on the state highways and 80,000 pounds on all other highways unless otherwise designated. These limitations may be less for a particular vehicle based on distance between the two farthest axles and axle numbers.

The gross weight limitations do not apply to equipment approved by the director of the Department of Transportation and the Highway Patrol up to a limit of 105,500 pounds to which a one-year nontransferable permit is issued. The governmental entity with authority over a highway may issue harvest permits that allow a motor vehicle to exceed weight limitations by 10 percent up to 105,500 pounds. These permits are for agricultural products moving from the field of harvest to the point of initial storage or for the collection and transport of solid waste during the period of July 15 to December 1. A wintertime permit is allowed for the general movement of products from December 1 to March 7. The same may issue a permit for vehicles carrying potatoes or sugar beets from July 15 to December 1 to exceed the weight limitations by 10 percent not to exceed 105,500 pounds. The gross weight limitations do not apply to self-propelled fertilizer spreaders and agricultural chemical applicators with a single axle limitation of 22,000 pounds and a tire load limitation of 550 pounds per inch of width. However, these vehicles need a seasonal permit issued by the Highway Patrol.

The weight limitations do not apply to equipment approved by the director of the Department of Transportation and Highway Patrol for exemption, except the weight limitations for an interstate apply to these vehicles. The Highway Patrol must issue a nontransferable bridge length permit valid for a single trip or a calendar year for the movement of these vehicles.

The remainder of the chapter--NDCC Sections 39-12-07 through 39-12-22--provides for enforcement and fees for violating the chapter.

North Dakota Century Code Section 39-12-02(1) allows the Highway Patrol and, when appropriate, local authorities to charge for and issue special written

permits to operate a vehicle exceeding the size or weight maximums specified in NDCC Chapter 39-12. The permit may designate the route and name any other restriction or condition imposed by the issuer. Under this section, the Highway Patrol has adopted rules under North Dakota Administrative Code (NDAC) Chapter 38-06-02. The rules allow for single trip permits and require flags, signs, mirrors, escorts, routes, insurance, and travel restrictions. In addition, the Highway Patrol has adopted under NDAC Section 38-06-03-01 permit fees and under NDAC Section 38-06-04-01 has determined the liability of the permittee.

Under NDCC Section 39-12-02(2), there are special provisions for the movement of a new manufactured building or modular unit from outside this state to be located inside this state. In addition, Section 39-12-02(3) provides for the following minimum fees:

1. Ten percent weight exemption for harvest and wintertime - \$50 per month or \$250 per year.
2. Non-self-issuing interstate permits - \$10 per trip or \$300 per year.
3. Special mobile equipment - \$25 per trip (\$50 or \$75 for workover rig).
4. Engineering - \$25 per trip.
5. Faxing - \$5.
6. Single trip permit - \$20 per trip.
7. Bridge length permit - \$30 per trip or \$150 per year.
8. Longer combination vehicle permit - \$100 per month.
9. Overwidth vehicle - \$20 per trip or \$500 per year.
10. Noncommercial fish house - \$20 per year.

Under NDAC Section 38-06-03-01 permit fees are designated in the following amounts:

1. Identification supplement - \$10 each.
2. Excess weight on interstate - \$5 for each self-issued "interstate only" single trip or \$10 on an official receipt/permit (non-self-issuing permit).
3. Seasonal permit for certain overwidth agricultural motor vehicles - \$50.
4. Overweight single trip movements exceeding 150,000 pounds - Graduated schedule from \$30.
5. Escort fee - 30 cents per mile and \$30 per hour.

The previously listed limitations and exceptions are published by the Highway Patrol in the *Trucker's Handbook*. The portion of the *Trucker's Handbook* relating to these limitations and exceptions is attached as an [appendix](#).

RECENT LEGISLATIVE HISTORY

In the past 10 years there have been several bills relating to NDCC Chapter 39-12. The following lists those bills by bill number and year.

2007 Legislative Session

Two bills were enacted into law:

- Senate Bill No. 2406 provided for a yearly overwidth vehicle permit for a load that is 14 feet 6 inches or less for \$500 and a yearly fee of \$20 for the movement of a noncommercial fish house trailer.
- House Bill No. 1295 created a yearly permit fee of \$300 for non-self-issuing interstate permits.

2005 Legislative Session

Two bills were enacted into law:

- Senate Bill No. 2274 provided for a fee of \$100 for violating a seasonal permit. The bill provided for a bridge length permit for a fee of \$30 per trip or \$150 per calendar year. The bill provided a penalty for operating without a proper permit of \$100, instead of \$20. The bill provided that violating the conditions of any permit automatically voids the permit. The bill required the lock or pressure valve regulator, or both, to be positioned outside the cab and inaccessible to the driver's compartment if there is more than one variable load suspension axle or retractable axle, or a combination of each, on a motor vehicle manufactured after July 31, 2005. The bill prohibited a single unit vehicle or any vehicle in combination to be equipped with more than four axles unless the additional axles are steerable, castering, or pivoting axles.
- House Bill No. 1357 provided for a longer combination vehicle permit for a fee of \$100 per month for fees paid on a monthly basis.

2003 Legislative Session

Five bills were enacted into law:

- Senate Bill No. 2407 changed the gross weight limitations on self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators on highways other than in the interstate system to exclude spreaders and applicators from weight limitations if the weight of a single axle does not exceed 22,000 pounds and does not exceed 550 pounds for each inch of tire width.
- House Bill No. 1062 excluded governmental entities from width limitations if operating implements of husbandry.
- House Bill No. 1261 exempted commercial movement of forage harvesters from width limitations after obtaining a seasonal permit issued by the Highway Patrol.
- House Bill No. 1112 provided that moving a vehicle, mobile home, or modular unit of excessive size or weight without a special permit is a moving violation with a fee of \$100. The bill exempted publicly owned vehicles that provide services beyond the agency's jurisdiction and emergency vehicles from

charges for special permits. The bill allowed the fees for a 10 percent weight exemption for harvest and wintertime to be paid on a monthly and yearly basis and the unused fees paid on a monthly basis are refundable. The bill changed from 17,000 to 19,000 pounds, the axle load that may not be exceeded for axle space over 40 inches and under 18 feet apart, and created a maximum of 34,000 pounds gross weight on a tandem axle. The bill changed the charges for the extraordinary use of highways in violation of weight limitations to a scale based upon weight in thousand-pound increments ranging from 1 to 30,000 pounds and \$20 to \$6,000 with an additional charge of \$200 for every 1,000 pounds over 30,000 pounds.

- Senate Bill No. 2313 allowed recreational campers to exceed width limitations by six inches if attributable to an appurtenance, including a shade awning and support hardware.

2001 Legislative Session

Two bills were enacted into law:

- Senate Bill No. 2054 created special weight limitations for self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators operating on highways not part of the interstate system. The bill provided a self-propelled fertilizer spreader may operate on these highways if the spreader does not exceed 80,000 pounds and does not travel over 30 miles per hour when loaded over half capacity. In addition, the bill provided a self-propelled agricultural chemical applicator may travel on these highways if the gross weight does not exceed 45,000 pounds and the vehicle does not travel at speeds in excess of 30 miles per hour when loaded over half capacity. The bill required the Highway Patrol to issue seasonal permits for self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators exempted from gross weight limitations under the bill.
- Senate Bill No. 2089 created a \$5 fee for faxing a permit for vehicles of excessive size or weight.

1999 Legislative Session

Four bills were enacted into law:

- House Bill No. 1065 exempted commercial movement of portable grain cleaners from width limitations.
- House Bill No. 1229 allowed the director and local authorities to issue permits that allow haulers of potatoes or sugar beets to exceed weight limitations by 10 percent during the period from July 15 to December 1.
- House Bill No. 1405 deemed an application for a permit to move a new manufactured building

or modular unit from outside this state to inside this state to be a certification by the manufacturer that the building or unit needs applicable building codes and requires the manufacturer of the building or unit to make any changes so that the building or unit may be energized.

- Senate Bill No. 2015 created a continuing appropriation of the proceeds from the sale of an overweight vehicle.

1997 Legislative Session

Two bills were enacted into law:

- House Bill No. 1186 provided for a permit that is valid at all times for the movement of otherwise overwidth self-propelled fertilizer spreaders and agricultural chemical applicators and requires hazard warning signal lamps for nighttime movement.
- Senate Bill No. 2012 set minimum fees for special permits for oversized and overwidth vehicles.

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