

TESTIMONY OF

Major Tom Iverson, Chief of Operations

Good afternoon Chairman Ruby and members of the committee. My name is Tom Iverson and I serve as the chief of operations for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2120.

This bill amends NDCC 39-12-11, 39-12-17, and 39-12-22 pertaining to overweight vehicles. A local North Dakota states attorney had recently shared a concern with NDCC 39-12-17 related to overload fees. It was pointed out that this section of law references 39-12-03, addressing spring load restrictions, and 39-12-05, addressing overweight vehicles on the interstate system, but it does not mention 39-12-05.3, addressing overweight vehicles on highways other than the interstate system. Consequently, it is her interpretation that overload fees may not be assessed on highways other than the interstate system. I am confident that this was merely an oversight as 39-12-17 refers to "highways, streets, or roads of this state". In addition, 39-12-14.1 states, "The extraordinary road use fees for a violation on an interstate or on a state highway must be deposited with the state treasurer to be credited to the state highway fund. Extraordinary road use fees for a violation that did not occur on an interstate or a state highway must be deposited in the general fund of the jurisdiction having authority over the road on which the violation occurred..."

Adding 39-12-05.3 which is located on line 18 of the bill addresses the concern and makes it clear that an overload fee may be assessed on a highway other than the interstate system.

While working with the states attorney, we decided that it would be best to insert 39-12-05.3, addressing overweight vehicles on highways other than the interstate system within 39-12-11 as well as 39-12-22. Doing so clears up any confusion and makes it clear that these sections of law apply to all highways, streets, or roads within the state.

This concludes my testimony. I am happy to answer any questions you may have.