

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 291

SENATE BILL NO. 2183
(Committee on Transportation)
(At the request of the Highway Department)

BRIDGE INSPECTION AND ROAD BID REQUIREMENTS

AN ACT to amend and reenact sections 24-01-37, 24-02-17, and 24-08-03 of the North Dakota Century Code, relating to the time period for inspection of bridges by the state highway department and the counties, and the maximum dollar amount allowed for the awarding of contracts by the state highway department without advertising for bids.

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

SECTION 1. AMENDMENT. Section 24-01-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-37. INSPECTION OF BRIDGES. The department, at least every ~~two~~ four years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the state highway system in the state. In case any bridge on the state highway system shall be deemed unsafe for public use by the said department, it forthwith shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the state highway system shall be deemed unsafe for loads in excess of a certain weight, the department forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight.

SECTION 2. AMENDMENT. Section 24-02-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-17. CONTRACTS - BIDS. Whenever the cost of any construction improvement shall exceed the sum of ~~two~~ five thousand dollars, the department shall proceed to advertise the same, request bids, and award such contracts in the manner provided in this chapter. Whenever any proposed contract or work of the department shall be for a sum less than ~~two~~ five thousand dollars, it shall be discretionary with the department whether the same shall be awarded after advertising for bids. The department shall award such contracts in the manner provided in this chapter, but where contracts are in excess of ~~one~~ three thousand dollars, the

department shall request bids from as many contractors, manufacturers, and dealers as can be requested conveniently.

* SECTION 3. AMENDMENT. Section 24-08-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. SUPERVISION AND REPAIRS OF BRIDGE. Any bridge built under the provisions of section 24-08-01 shall be under the supervision of the board of county commissioners, and the cost of rebuilding or repairing the same shall be paid by the county. Where the cost of rebuilding or repairing a bridge would exceed the sum of thirty thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota highway department, the county commissioners shall advertise for bids and award the contract in the manner provided by section 24-08-01. When a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by delay, the county commissioners may proceed to contract for the rebuilding or repair of such bridge without advertising for bids, regardless of the cost. The board of county commissioners at least every ~~two~~ four years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. In case any bridge on the county road system shall be deemed unsafe for public use by the said board of commissioners, it forthwith shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the county road system shall be deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight. The county shall not be immune from claims or suits for damages arising out of negligent failure to perform the inspection and repair duties set out above.

Approved March 9, 1981

* NOTE: Section 24-08-03 was also amended by section 1 of Senate Bill No. 2263, chapter 293.

CHAPTER 292

HOUSE BILL NO. 1224
(Representatives Peltier, L. Hanson)
(Senator Grotberg)

ROAD MACHINERY ADVERTISING REQUIREMENT

AN ACT to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to advertising requirements for purchases or rentals by counties of road machinery or improvements of highways.

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

SECTION 1. AMENDMENT. Section 24-05-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-05-04. CONTRACTS TO BE ADVERTISED - REQUIREMENTS FOR RENTAL CONTRACTS. All purchases of county road machinery and all rental contracts or agreements for the use of road machinery and other articles or contracts for the improvement of the highways, except necessary repairs for such road machinery, which shall exceed the sum of ~~five~~ ten thousand dollars, shall be advertised in the manner provided by law for the purchase of county supplies. The board of county commissioners shall not enter into a rental contract or agreement for the use of road machinery and other articles for a longer period than twelve months from the date of such rental contract or agree to pay rental for the use of road machinery and other articles which would result in the lessor receiving rental at a rate in excess of twenty per centum per annum of the cash sale price thereof, which cash sale price of such road machinery and other articles shall be clearly set forth in all such rental contracts, and failure to include such data in any rental contract for the use of road machinery and other articles shall render any such rental contract null and void, and any payments made thereunder shall be recoverable from the county commissioners making such contract jointly and severally. Notwithstanding the provisions of this section relating to the duration of rental contracts, the board of county commissioners may enter into lease-purchase agreements for the road machinery and articles covered by this section, if those agreements provide for the complete performance and full payment of the purchase price of the machinery or articles within five years from the date of the execution of the lease-purchase agreement according to the provisions of section 44-08-01.1.

Approved March 9, 1981

CHAPTER 293

SENATE BILL NO. 2263
(Streibel)

COUNTY EMERGENCY BRIDGE CONSTRUCTION

AN ACT to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to supervision and repair of bridges.

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

* SECTION 1. AMENDMENT. Section 24-08-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. SUPERVISION AND REPAIRS OF BRIDGE. Any bridge built under the provisions of section 24-08-01 shall be under the supervision of the board of county commissioners, and the cost of rebuilding or repairing the same shall be paid by the county. Where the cost of rebuilding or repairing a bridge would exceed the sum of thirty thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota highway department, the county commissioners shall advertise for bids and award the contract ~~in the manner provided by~~ pursuant to section 24-08-01. When a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by the delay from advertising for bids and awaiting the contract pursuant to section 24-08-01, the county commissioners may ~~proceed to~~ promptly contract for the rebuilding or repair of ~~such~~ the bridge without advertising for bids, regardless of the cost. The board of county commissioners at least every two years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. In case any bridge on the county road system shall be deemed unsafe for public use by the ~~said~~ board of commissioners, it ~~forthwith~~ immediately shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the county road system shall be deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of ~~such~~ the bridge stating that ~~such~~ the bridge is unsafe for loads beyond that weight. The county shall not be immune from claims or suits for damages arising out of negligent failure to perform the inspection and repair duties ~~set-out-above~~ required by this section.

Approved March 16, 1981

* NOTE: Section 24-08-03 was also amended by section 3 of Senate Bill No. 2183, chapter 291.