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39.03.80 - RULES GOVERNING LEGALIZATION OF OVERLOADED VEHICLES

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000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 40-312 and 49-1001(8)(c), Idaho Code. (3-3-92)

001. TITLE AND SCOPE.

Section 49-1001(8), Idaho Code, provides that certain overweight vehicles may not proceed past the place of weighing until brought into compliance with the applicable weight limitations; however, these vehicles may be authorized to proceed to a location where they can be safely brought into compliance if it is determined that it would be unsafe or impractical to do so at the place of weighing. This rule addresses the implementation of this procedure. (3-3-92)

002. -- 009. (RESERVED).

010. DEFINITIONS.

01. Place of Weighing. That location where a motor vehicle, semitrailer, trailer, or combination thereof, is weighed by enforcement personnel to determine its legal allowable axle, combination of axles, or gross weight. Such locations include: (3-3-92)

a. Permanent ports of entry; (3-3-92)

b. Temporary weigh sites where vehicles are weighed on portable scales; (3-3-92)

c. Privately owned scales which are currently certified by the Idaho Department of Agriculture, Bureau of Weights and Measures (when directed by a peace officer or authorized Idaho Transportation Department employee). (3-3-92)

02. Perishable Commodity. Any product that will spoil, die, or otherwise become unusable for human or animal consumption, or becomes unmarketable when not properly cared for, maintained, or preserved. (3-3-92)

03. Legalization. Bringing a vehicle or load into compliance with applicable weight limitations by adjusting or shifting the load on the vehicle or by off-loading a portion of the load to another vehicle or place of storage. (3-3-92)

04. Safely Legalized. A process which will not create undue risk to the driver of a vehicle, the general public, weight enforcement officials, or the commodity itself during removal of portions of the load from the transport vehicle. (3-3-92)

05. Safe Point of Legalization. That point closest to the place of weighing where qualified personnel, equipment, or material exist to safely shift, off-load, or transfer cargo from a vehicle to a place of storage or to another vehicle. (3-3-92)

06. Travel Authorization. A document authorizing a specific vehicle and its load to travel in an overweight condition from its place of weighing to a safe point of legalization. (3-3-92)

011. -- 099. (RESERVED).

100. GENERAL PROVISIONS.

01. Place to Legalize. All vehicles exceeding the overweight tolerances of Section 49-1001(8), Idaho Code, shall be required to legalize at the place of weighing unless, in the judgment of the weight enforcement official, it would be unsafe and/or impractical to do so. (3-3-92)

02. Travel Authorization. Those overweight vehicles, which in the judgment of the weight enforcement official cannot be safely or practically legalized at the place of weighing, shall obtain a travel authorization to travel to a safe point of legalization by payment of the statutory fee. (3-3-92)

a. The safe point of legalization shall be determined by the weight enforcement official in consultation with the vehicle operator or other persons having interest in the vehicle or load. (3-3-92)

b. Vehicles hauling the following commodities shall be considered unsafe or impractical to legalize at the place of weighing. This list is illustrative and not all inclusive of the following: Bulk hazardous materials and hazardous waste as defined by Section 49-109, Idaho Code; livestock; hot asphalt; concrete; dead animals or parts thereof; highly perishable commodities (i.e., live fish, fresh milk, etc.); bees; and any load where removal of the tie downs may create a possible safety hazard. (3-3-92)

c. The owner or operator of vehicles required to off-load portions of their load shall adhere to all applicable safety regulations of the Occupational Safety and Health Administration (OSHA), United States Department of Transportation, and the Idaho Department of Labor. (3-3-92)

d. A supervisor within the port of entry chain of command shall determine if loads of questionable safety should be off-loaded at the place of weighing or be allowed to purchase a travel authorization. (3-3-92)

03. Permission to Off-load. No off-loaded commodity shall be left at the place of weighing unless done so with permission of the appropriate authority. (3-3-92)

a. Any commodity left at the place of weighing may be removed and stored by the Department at the hauler's expense. (3-3-92)

b. A trailer as defined by Section 49-121(6), Idaho Code, may be left at the place of weighing for a reasonable time not to exceed five (5) days if the weight enforcement official determines a traffic hazard will not be created. (3-3-92)

c. Any commodity left at a privately owned place of weighing should be done so with the knowledge and express permission of the owner of the site. (3-3-92)

04. Travel Authorization Restrictions. (3-3-92)

a. Travel authorization shall not be issued to vehicles traveling under the authority of an overweight permit issued pursuant to Section 49-1004, Idaho Code. (3-3-92)

b. Travel authorization shall not be issued to allow travel across a restricted structure at weights exceeding its maximum allowable weight or when such weight exceeds the maximum weight that would be permitted under Section 49-1004, Idaho Code. (3-3-92)

101. -- 999. (RESERVED).