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**IDAPA 39
TITLE 03
CHAPTER 23**

39.03.23 - RULES GOVERNING REVOCATION OF SPECIAL PERMITS

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads which are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312 and 49-1004, Idaho Code. (10-2-89)

001. TITLE AND SCOPE.

This rule identifies the circumstances when a permit can be revoked. (10-2-89)

002. -- 009. (RESERVED).

010. DEFINITIONS.

Refer to Rule 39.03.01 for definitions of the terms used in this rule. (10-2-89)

011. -- 099. (RESERVED).

100. REVOCATION OF PERMIT FOR UNSAFE EQUIPMENT, FOR MOVING VIOLATIONS, OR NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.

01. Invalidation and Disqualification of Permits. The special permit shall become invalid and the cited vehicle may be disqualified for reissuance of special permits if: (10-2-89)

a. The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. The permit may be restored to the permittee when repairs or corrections are made to the satisfaction of the inspecting officer. (8-25-94)

b. The permittee is apprehended exceeding size or weight limits or other provisions specified on the permit. (10-2-89)

c. The permittee is convicted of violation of size or weight limits (Sections 49-1001 and 49-1010, Idaho Code), of posted speed limits, or of any speed limit specified on the permit, or in violation of any of the following traffic regulations: reckless or inattentive driving, illegal passing or illegal turning movements. Forfeiture of bail shall be treated the same as a conviction for the purpose of this section. (10-2-89)

d. The permittee is apprehended during transportation of a manufactured home or office trailer on it's own axles when wind velocity exceeds twenty (20) miles per hour. (8-25-94)

e. The permittee is apprehended while transporting a manufactured home, modular building or office trailer not in compliance with registration or property tax requirements of Section 49-422, Idaho Code. (8-25-94)

f. The permittee, in the case of manufactured home, modular building and office trailer transporters or extra-length operators, is not able to provide proof of insurance. Reissuance of the permit may be accomplished by providing satisfactory evidence of insurance to the P.O.E. or other enforcement officer. (8-25-94)

g. The operator of an extra-length vehicle combination demonstrates non-compliance with Rule 39.03.22, Subsection 200.05, resulting in a spin-out or other loss of traction or control during hazardous road and weather conditions. (12-26-90)

h. The permitted extra-length vehicle combination is apprehended on state highways not designated for extra-length operations. (10-2-89)

02. Confiscation of Permits. When a special permit has become invalid because of non-compliance with the limits and provisions on the face of the permit, the apprehending officer may confiscate the permit, and if so,

must forward it to the Vehicle Size and Weight Specialist. The movement shall not proceed until a new permit is obtained unless directed by the officer in order to protect the public interest. An exception will allow the officer, in the case of non-compliance with weight distribution as established on the permit, to honor the permit if the permittee can make loading adjustments to satisfy the requirements of the permit. (8-25-94)

03. Disqualification Periods. When a permit has become invalid, the vehicle identified on the confiscated permit may be disqualified for reapplication for permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. (10-2-89)

04. Penalties. In addition to revocation of permits as authorized in this rule, the permittee shall be subject to all applicable penalties provided by law with regard to the provisions violated. (8-25-94)

101. -- 199. (RESERVED).

200. PERMITTEE RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY.

The permittee shall assume all responsibility for injury to persons or damage to public or private property caused directly or indirectly by the transportation of a vehicle or vehicle and load under special permit; and he shall hold harmless the Department and all its officers, agents, employees, and servants from all suits, claims, damages or proceedings, of any kind, as a direct or indirect result of the transportation of the overlegal vehicle or vehicle with overlegal load. (10-2-89)

201. -- 999. (RESERVED).

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