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**IDAPA 39  
TITLE 03  
CHAPTER 10**

**39.03.10 - RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED**

**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.**

**01. Title.** This rule shall be cited as IDAPA 39.03.10, "Rules Governing When An Overlegal Permit Is Required," IDAPA 39, Title 03, Chapter 10. (4-5-00)

**02. Scope.** This rule lists when an overlegal permit is required and when exemptions and temporary waivers from obtaining overlegal permits are allowable. (4-5-00)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (4-2-08)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-08)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (4-2-08)

**005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W State Street with a mailing address of PO Box 7129, Boise ID 83707-1129. (4-2-08)

**02. Office Hours.** Daily office hours are 7 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-2-08)

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 334-8419. (4-2-08)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (4-2-08)

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

Refer to IDAPA 39.03.01, "Rules Governing Definitions," for definitions of the terms used in this rule. (4-2-08)

**011. -- 099. (RESERVED).**

**100. GENERAL.**

An overlegal permit, in writing, shall be required for any movement on any completed section of highway under the jurisdiction of the Department by any vehicle or vehicles with non-reducible loads which exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 and 49-1010, Idaho Code. (4-2-08)

**101. -- 199. (RESERVED).**

**200. COMPLIANCE WITH OTHER LAWS AND ORDINANCES.**

The overlegal permit will be effective only insofar as the Department has authority for its issue and does not release the permittee from complying with other existing laws, local ordinances or resolutions which may govern the movement. (4-5-00)

**201. -- 299. (RESERVED).**

**300. WAIVER OF LIMITATIONS FOR EMERGENCY MOVEMENTS.**

Notwithstanding other provisions of these rules, the Idaho Transportation Board may waive existing permit policy limitations in the event of an emergency, subject to such limitations or special requirements as the Board may impose. (8-25-94)

**01. Military Emergency Affecting National Security.** Any movement by or for a military or other government agency which is in excess of permit policy maximum limits of weight or size or which is otherwise outside established rules must be certified as a military necessity involving national security before receiving any special consideration to provide any waiver of normal permit rules. Certification of military necessity must be made by an official designated as having such authority by the Department of Defense Directory, issued by the Office of the Chief of Transportation, Department of Army. All applications for military emergency movements must be channeled through the Vehicle Size and Weight Specialist, Idaho Transportation Department. (8-25-94)

**02. Emergencies Endangering the Public Health, Safety or Welfare Including but Not Limited to Fire, Flood, or Earthquake.** During an emergency endangering the public health, safety or welfare, there may be an urgent and immediate need for equipment and it will not be in the public interest to require that an overlegal permit be in the vehicle prior to an over legal movement. Verbal approval to proceed without an overlegal permit in the vehicle may be obtained from the Overlegal Permit Office or an Idaho Port-of-Entry. Once the emergency movement is completed, formal application for an Overlegal Permit must be submitted to the Overlegal Permit Office. (4-2-08)

**03. Emergency Movement of Implements of Husbandry.** It shall be considered an emergency when an implement of husbandry being operated on an official state holiday or a weekend (the Overlegal Permit Office is closed on weekends and holidays - for hours of Permit Office operation see IDAPA 39.03.09, "Rules Governing Overlegal Permits-General Conditions and Requirements") breaks down and needs to be taken to a dealer for immediate repair, or a dealer brings replacement equipment to the farmer that exceeds the annual permit maximum width of fourteen (14) feet - six (6) inches. Verbal approval to proceed without an overlegal permit in the vehicle may be obtained from an Idaho Port of Entry. That verbal authorization will include escort vehicle requirements based on the route of travel and width of load. Once the emergency movement is completed, the permittee shall make formal application for a permit to the Overlegal Permit Office on the first working day after the occurrence. (4-2-08)

**04. Economic Emergencies.** When a circumstance occurs in which an economic hardship is expected to result due to the application of existing rules or limitations, the Transportation Board may consider a petition for the temporary waiver of those rules or limitations which are perceived as being the cause of such economic hardship. (8-25-94)

**05. Emergency Removal of Disabled Vehicles.** Annual Disabled Vehicle permits will be issued to heavy duty wrecker trucks or other vehicles used for the emergency removal and secondary movement of disabled trucks and/or trailers or combinations and their unladen return, subject to the following rules: (4-2-08)

**a.** The permitted vehicle involved in the removal of disabled vehicles shall have adequate weight and traction to control the combination of wrecker and attached vehicles, and shall provide brakes to the trailer axles and stop signal and clearance lights to such towed disabled vehicles. (12-26-90)

**b.** Loaded weight of the permitted vehicle's drive axle(s) will be permitted up to the basic allowable unit weight as shown on the current Idaho Transportation Department Route Capacity Map for the corresponding colored route, unless the highway route is posted with a weight restriction. The current Route Capacity Map is maintained by the Overlegal Permit Office and is available to the public from the Overlegal Permit Office and Idaho Ports of Entry. Length of the combination will be limited to the legal or permitted length of the disabled combination plus forty-five (45) feet. Width will be limited to ten (10) feet or to the permitted width of a permitted disabled over width vehicle/load. (4-2-08)

c. Time of travel restrictions shall be waived during the emergency movement of the disabled vehicles when necessary to clear the travel way. (4-2-08)

d. Emergency movement of disabled vehicles will be authorized from the point at which the vehicles were disabled to the nearest appropriate site having facilities for separation of vehicle combinations into single units unless by nature of the load it presents a hazard to the public (i.e: hazardous materials as defined by CFR 49) due to cargo security. In this event, the emergency movement shall be allowed to be transported to the nearest location where the cargo can be safely secured. Secondary movements of disabled vehicles that have been separated shall be covered by the disabled vehicles permit as long as the weight/size limits as listed in Paragraph 300.05.b. of this rule are not exceeded. Secondary movements of disabled vehicles that are overwidth and moving at night shall be required to operate in accordance with the lighting requirements as listed in IDAPA 39.03.12, "Rules Governing Safety Requirements of Overlegal Permits." (4-2-08)

e. The permitted vehicle involved in the removal of a disabled vehicle shall be allowed (under annual disabled vehicle permit) to tow a non-disabled vehicle to the point of disablement, to replace the disabled vehicle. (4-5-00)

**06. Emergency Movements After Dark or Weekends.** Any overwidth load moving after dark or on weekends on a red coded route of the Pilot/Escort Vehicle and Travel Time Requirements Map must be preceded by an escort vehicle displaying a rotating or flashing amber light to warn other traffic of the presence of the hazard. Any overwidth load moving after dark on black coded routes, if width exceeds ten (10) feet, must also be preceded by such a pilot/escort vehicle. All overwidth loads moved after dark shall have the extreme dimensions marked by lights as required by IDAPA 39.03.12, "Rules Governing Safety Requirements For Overlegal Permits." Self-propelled vehicles utilized to clear the travelway of snow or debris are exempt from the provisions listed in this Subsection. (4-2-08)

**301. -- 399. (RESERVED).**

**400. OVERLEGAL PERMITS FOR SELF PROPELLED VEHICLES.**

Permitted overweight/oversize self propelled vocational vehicles (such as cranes, loaders, motor graders, drills) may tow any vehicle eight thousand (8,000) pounds or less when such vehicle is used solely for return trip after delivery of the permitted vehicle. (4-2-08)

**401. -- 999. (RESERVED).**

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