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**IDAPA 39
TITLE 03
CHAPTER 21**

39.03.21 - RULES GOVERNING OVERLEGAL PERMIT FEES

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads which are in excess of the sizes or weights allowed by 49-1001, 49-1002 or 49-1010, is adopted under the authority of Sections 40-312, 49-201, and 49-1004, Idaho Code. (3-19-07)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.21, "Rules Governing Overlegal Permit Fees," IDAPA 39, Title 03, Chapter 21. (3-19-07)

02. Scope. This rule states the fees for overlegal permits. (3-19-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-19-07)

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." (3-19-07)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-19-07)

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. (3-19-07)

02. Office Hours. Daily office hours are 7 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (3-19-07)

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419. (3-19-07)

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. (3-19-07)

007. -- 009. (RESERVED).

010. DEFINITIONS.

Refer to IDAPA 39.03.01, "Rules Governing Definitions," for definitions of the terms used in this rule. (10-2-89)

011. -- 099. (RESERVED).

100. COSTS TO BE BORNE BY PERMITTEE.

The movement of oversize or overweight vehicles or vehicles with over legal loads is a privilege not accorded every user of the highway. Administrative cost incurred in the processing, issuance and enforcement of overlegal permits shall be borne by such permittees and not by the general traveling public through expenditure of highway user funds. Overlegal permits issued for non-reducible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax supported agencies are required to obtain overlegal permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. (3-19-07)

101. -- 199. (RESERVED).

200. PAYMENT OF OVERLEGAL PERMIT FEES.

01. Payment of Fees. The Idaho Constitution prohibits the state from extending credit to any individual, corporation, municipality or association. Permit fees are collectible at the time of issuance except that the permittee may guarantee payment of permit fees in advance by posting a bond in a minimum amount as specified in Section 300, Permit Fee Account Procedures of this rule. (8-25-94)

02. Refund. Permit fees are not refundable once they have been processed into the Department's accounting system, unless the permittee contacts the Overlegal Permit Office no more than two (2) working days (during office hours) following the start date of the overlegal permit or the Department issued the overlegal permit in error. (3-19-07)

03. Permit Costs. Overlegal (oversize and/or overweight) permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance and enforcement of overlegal permit rules. (3-19-07)

04. Current Schedule of Fees. Periodic changes to the fee schedule will be subject to legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. (3-19-07)

a. Oversize only, single trip, twenty-eight dollars (\$28). (3-19-07)

b. Oversize only, two (2) trips, thirty-three dollars (\$33). (3-19-07)

c. Oversize single trip exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, fifty-three dollars (\$53). (3-19-07)

d. Oversize only, two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, seventy-one dollars (\$71). (3-19-07)

e. Oversize only, annual, twelve (12) consecutive months: Extra length combinations exceeding the limits imposed in Section 49-1010, Idaho Code, on designated routes; Overlength only; Manufactured homes, modular building and office trailers; Recreation vehicles up to twelve (12) feet wide, legal length/height; Farm tractors exceeding nine (9) feet width on Interstate and implements of husbandry; Cylindrical hay bales, two (2) wide; Emergency removal of disabled vehicles; Multiple width loads of crane booms; Multiple width loads of conveyer units; Reducible loads, up to and including fourteen (14) feet nine (9) inches high; and exceeding sixty-five (65) feet overall combination length on magenta coded routes; forty-three dollars (\$43). (3-19-07)

f. Excess weight annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred five thousand five hundred (105,500) pounds, forty-three dollars (\$43). (3-19-07)

g. Extra Length/Excess Weight (reducible) combination, annual, twelve (12) consecutive months, fifty-three dollars (\$53). (3-19-07)

h. Overweight/Oversize or Overweight only (non-reducible) single trip, thirty-three dollars (\$33). (3-19-07)

i. Overweight/Oversize or Overweight only (non-reducible), two (2) trips, forty-three dollars (\$43). (3-19-07)

j. Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, fifty-three dollars (\$53). (3-19-07)

k. Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, seventy-one dollars (\$71). (3-19-07)

l. Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, fifty-eight dollars (\$58). (3-19-07)

m. Overlegal permit manual (plus current sales tax for Idaho residents), five dollars (\$5). (3-19-07)

n. Fee for reissuance or transfers, fifteen dollars (\$15). (3-19-07)

201. -- 299. (RESERVED).

300. PERMIT FEE ACCOUNT PROCEDURES.

01. Permit Fee Account. To establish a basis for the issuance of overlegal permits on other than a cash basis, the permittee may guarantee permit fees by posting a surety bond. The bond shall have a minimum value of one thousand dollars (\$1,000) or be equal to the value of permits required by the permittee during any three (3) consecutive months, whichever is greater. (3-19-07)

02. Bond Requirements. Surety bonds for this purpose shall be furnished by a bonding or insurance company licensed to do business in Idaho. Applications to establish permit fee accounts shall be obtained from and filed with the Department along with the required bond. (3-19-07)

301. -- 999. (RESERVED).

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