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**IDAPA 39
TITLE 03
CHAPTER 04**

39.03.04 - RULES GOVERNING MOVEMENT OF DISABLED VEHICLES

000. LEGAL AUTHORITY.

This rule, governing the movement of disabled vehicles 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. (4-4-13)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.04, "Rules Governing Movement of Disabled Vehicles," IDAPA 39, Title 03, Chapter 04. (4-4-13)

02. Scope. This rule provides the requirements for the movement of disabled vehicles. (4-4-13)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (4-4-13)

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." (4-4-13)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-4-13)

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. (4-4-13)

02. Office Hours. Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-4-13)

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. (4-4-13)

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 Title 74, Chapter 1, Idaho Code. (4-4-13)

007. -- 009. (RESERVED)

010. DEFINITIONS.

Refer to IDAPA 39.03.01, "Rules Governing Definitions," for definitions of the terms used in this rule. (4-4-13)

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 which exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 or 49-1010, Idaho Code. (4-4-13)

101. -- 199. (RESERVED)

200. REMOVAL OF DISABLED VEHICLES.

Annual Disabled Vehicle permits will be issued to heavy duty wrecker trucks or other vehicles used for the removal

and secondary movement of disabled trucks and/or trailers or combinations and their unladen return, subject to the following rules: (4-4-13)

01. Permitted Vehicle. The permitted vehicle involved in the removal of disabled vehicles shall be the proper class of vehicle and shall have adequate gross vehicle 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 vehicle or vehicle combinations. (4-4-13)

02. Loaded Weight. 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 at the address listed in Section 005 of this rule, and Idaho Ports of Entry or on line at http://itd.idaho.gov/dmv/poe/documents/route_cap2.pdf. 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 the permitted disabled over-width vehicle/load. All VLS axles must be fully deployed when exceeding legal axle weights. (4-4-13)

03. Time of Travel Restrictions. Time of travel restrictions shall be waived during the first movement of the disabled vehicle or vehicle combinations when necessary to clear the travel way. 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." A front pilot vehicle will be required when disabled vehicle exceeding ten (10) feet wide are moved at night. (4-4-13)

04. First Movement. First movement of disabled vehicles will be authorized from the point at which the vehicle or vehicle combination were disabled to a location (i.e. towing company, repair or company facility) where it 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 Subsection 200.02 of this rule are not exceeded. (4-4-13)

a. First Movement of disabled vehicle or vehicle combination shall be defined as follows: point of original disablement to a location where it can safely secured (i.e. towing company, repair or company facility). (4-4-13)

b. Secondary Movement of disabled vehicles shall be defined as follows: a single vehicle or combination of disabled vehicles that have been separated into to single vehicles and are moving from other than the original point of disablement. (4-4-13)

05. Annual Disabled Vehicle Permit. The permitted vehicle involved in the removal of a disabled vehicle shall be allowed (under annual disabled vehicle permit) to tow a functional replacement vehicle to the point of disablement, to replace the disabled vehicle. (4-4-13)

300. HAZARDOUS TRAVEL CONDITIONS RESTRICTIONS.

Extreme caution in the operation of permitted vehicle combinations shall be exercised when hazardous conditions exist. The movement of overlegal vehicles and/or loads by overlegal permit shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric conditions. (4-4-13)

301. -- 999. (RESERVED)

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