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**IDAPA 39
TITLE 03
CHAPTER 23**

39.03.23 - RULES GOVERNING REVOCATION OF OVERLEGAL 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.

01. Title. This rule shall be cited as IDAPA 39.03.23, "Rules Governing Revocation of Overlegal Permits," IDAPA 39. Title 03, Chapter 23. (3-20-14)

02. Scope. This rule identifies the circumstances when a permit can be revoked. (3-20-14)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-20-14)

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." (3-20-14)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-20-14)

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. (3-20-14)

02. Office Hours. Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (3-20-14)

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420, 1-800-662-7133 or by fax at 334-8419. (3-20-14)

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. (3-20-14)

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. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.

01. Disqualification of Permits. The permit shall become invalid and the cited vehicle may be disqualified for reissuance of permits if convicted of the following: (3-20-14)

a. The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. (3-20-14)

- b.** The vehicle combination violates permitting conditions (other than weight) for the following: (3-20-14)

 - i. Failure to travel on Extra Length or Up to 129,000 Pound designated routes. (3-20-14)
 - ii. Failure to properly display required flags and/or signs. (3-20-14)
 - iii. Failure to provide required number of pilot cars and/or proper placement. (3-20-14)
 - iv. Failure to provide required lighting for travel during hours of darkness. (3-20-14)
 - v. Failure to travel during the hours of operation as specified on the permit. (3-20-14)
 - vi. Failure to comply with wind velocity requirements when moving manufactured housing, office trailers and modular buildings. (3-20-14)
 - vii. Failure to comply when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. (3-20-14)
- c.** The vehicle combination violates weight limits under Section 49-1001 (1)(2) & (9), Idaho Code. (3-20-14)

 - i. Violating weight limits for single, tandem, tridem, quad, or other type axle groups by more than fifteen percent (15%). (3-20-14)
 - ii. Violating gross or bridge weight allowances by more than seven percent (7%). (3-20-14)
- d.** The motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration as described in Part 386 (386.73) of the Federal Motor Carrier Safety Regulations. (3-29-17)

02. Permit Revocation Process. A copy of the judgment of conviction from the court and the overlegal permit authorizing operation must be provided to the Permit Office by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. (3-20-14)

03. Disqualification Periods. When a permit has become invalid, the vehicle identified on the invalidated 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. (3-20-14)

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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