

**CHAPTER 38-06-02  
ADOPTION OF REGULATIONS**

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**38-06-02-01. General rules.**

1. The North Dakota highway patrol may issue annual permits for the movement of overwidth vehicles and loads and single trip permits for the movement of oversize or overweight, or both, vehicles and loads. Unless otherwise exempted by the superintendent, permits will not be issued for loads that can be reasonably made to conform to legal limits.
2. All permits must be in possession of the permittee prior to starting movement unless prior approval is obtained from the highway patrol.
3. ~~Single trip permits includes self-issuing single trip movement approval forms.~~

**History:** Effective January 1, 1988; amended effective January 1, 1992; April 1, 2008; \_\_\_\_\_.

**General Authority:** NDCC 39-12-02

**Law Implemented:** NDCC 39-12-02

**38-06-02-02. Flagging, sign, lighting, and mirror requirements.**

1. All overdimensional vehicles and loads must have minimum eighteen-inch by eighteen-inch [45.72-centimeters by 45.72-centimeters] red or bright orange flags displayed on the traffic sides front and rear.
2. When the overall length of an overdimensional movement exceeds seventy-five feet [22.86 meters] in length, when a movement is overwidth, or when the overall length of an overdimensional movement exceeds seventy-five feet [22.86 meters] in length and the movement is overwide, there must be a minimum twelve-inch by sixty-inch [304.8-millimeters by 1524-millimeters] oversize load sign on the front or roofline of the towing vehicle, and the rear of the vehicle/load. The lettering must be black on yellow background. Letters must be at least eight inches [203.2 millimeters] high with one-inch [25.4-millimeters] brush stroke. When the movement is overlength only, exceeding seventy-five feet [22.86 meters] in overall length, a long load sign that is a minimum twelve inches by sixty inches

[304.8 millimeters by 1524 millimeters] in size may be used in lieu of the oversize load sign. The lettering must be black on yellow background. The letters must be at least eight inches [203.2 millimeters] high with one-inch [25.4-millimeters] brush stroke. The sign must be covered or removed when the movement is not overdimensional.

2.3. A motor vehicle must have two outside mirrors, one on each side, to reflect to the driver a rear view of the roadway for a distance of no less than two hundred feet [60.96 meters].

3.4. Between a half hour after sunset and a half hour before sunrise, a permitted overwidth vehicle or load must be equipped with the society of automotive engineers-approved class 1 lights and reflectors, in addition to those required in North Dakota Century Code chapter 39-21 and Code of Federal Regulations, title 49, part 393.

- a. One rotating or two flashing amber lights shall be mounted above the cab and visible from the front and rear for a distance not less than five hundred feet [152.4 meters], under clear atmospheric conditions at night. If the lights on the cab are not visible to the rear, additional flashing amber lights are required at the rear.
- b. Clearance lights must be visible from the front, rear, and side, marking the outermost portion of the vehicle and load which extends beyond eight feet six inches [2.5908 meters].
- c. Vehicles must be capable of traveling at the posted highway speed unless otherwise noted on the permit.

**History:** Effective January 1, 1988; amended effective February 1, 1999; April 1, 2008; July 1, 2013; \_\_\_\_\_.

**General Authority:** NDCC 39-12-02

**Law Implemented:** NDCC 39-12-02

#### **38-06-02-06. Size and weight limitations.**

- ~~1. Unless otherwise authorized by the superintendent, single trip permits for overdimensional movements may not exceed fourteen feet six inches [4.42 meters] in overall width, fifteen feet six inches [4.72 meters] in overall height, and one hundred twenty feet [36.58 meters] in overall length.~~
2. Limitations for single trip permits for overweight movements must be as determined by department of transportation engineers.

**History:** Effective January 1, 1988; amended effective January 1, 1992; \_\_\_\_\_.

**General Authority:** NDCC 39-12-02

**Law Implemented:** NDCC 39-12-02

#### **38-06-02-07. Travel restrictions.**

1. Permits may not be issued for overdimensional movements between one-half hour after sunset and one-half hour before sunrise unless otherwise authorized by the superintendent.
2. ~~Single~~ Except as authorized in this section, single trip permits for overwidth exceeding sixteen feet [4.88 meters] may not be issued authorizing movements on Saturday after twelve noon, all day Sunday, and on holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. No overwidth permit exceeding sixteen feet [4.88 meters] will be valid from twelve noon the day before the holiday until sunrise the day after the holiday.
3. The superintendent may authorize a single trip permit for weekends or holidays.
- ~~3.4.~~ Permits do not authorize movements when inclement weather prevails, highways are slippery, or when visibility is poor.
- ~~4.5.~~ Permits do not authorize travel on shoulders of road.
- ~~5.6.~~ A single trip permit is required for each movement that is overdimensional or overweight. An annual permit for overwidth vehicle and load movements is required in lieu of the single trip permit issued for overwidth movements.
- ~~6.7.~~ A minimum distance of one thousand feet [304.80 meters] is required between vehicles in a convoy of two or more vehicles.

**History:** Effective January 1, 1988; amended effective August 1, 1993; February 1, 1999; April 1, 2008; July 1, 2013; \_\_\_\_\_.

**General Authority:** NDCC 39-12-02

**Law Implemented:** NDCC 39-12-02

## CHAPTER 38-06-03 PERMIT FEES

Section

38-06-03-01                      Permit Fees

**38-06-03-01. Permit fees.** The following fees are in addition to those found in North Dakota Century Code section 39-12-02:

- ~~1. The fee for each identification supplement, identifying a motor vehicle and axle configuration so that self-issuing single trip permits can be used, is ten dollars each.~~
2. The single trip permit fee for exceeding the federal gross vehicle weight limitation of eighty thousand pounds [36287 kilograms]

on the interstate highway system is ~~five dollars per each "interstate only" single trip movement approval form.~~ If the permit is issued on official receipt/permit, SFN 3507, the fee is ten dollars.

- ~~3.2.~~ The fee for a seasonal permit is fifty dollars per year. The seasonal permit is issued to vehicles referenced in subdivision d of subsection 1 of North Dakota Century Code section 39-12-04.
- ~~4.3.~~ There is a graduated fee schedule for overweight single trip movements exceeding one hundred fifty thousand pounds [68035 kilograms] gross vehicle weight.

Gross Vehicle Weight	Permit Fee
150,001 - 160,000 pounds [68039 -72574 kilograms]	\$30
160,001 - 170,000 pounds [72575-77110 kilograms]	\$40
170,001 - 180,000 pounds [77111-81646 kilograms]	\$50
180,001 - 190,000 pounds [81647-86182 kilograms]	\$60
190,001 pounds and over [86183 kilograms and over ]	\$70

~~5.4.~~ There is an additional ton/mile [907 kilogram/1.6 kilometers] fee of \$.05 per ton per mile on all those movements that exceed two hundred thousand pounds [90718 kilograms] gross vehicle weight. The ton/mile [907 kilogram/1.6 kilometers] fee is only assessed upon that portion of gross vehicle weight exceeding two hundred thousand pounds [90718 kilograms] gross vehicle weight.

~~6.5.~~ On those movements of extraordinary size or weight that require highway patrol escort there is an escort service fee of fifty cents per mile [kilometer] and fifty dollars per hour. The superintendent shall assess a fee of fifty cents per mile [1.6 kilometers] or fifty dollars per hour, or both, per trooper, on those movements of extraordinary size or weight when an escort by the highway patrol is required or when the highway patrol is requested to weigh a vehicle with portable scales.

~~7.6.~~ The fee for an equipment approval certificate is fifteen dollars.

~~8.7.~~ The ton-mile [907 kilogram-1.6 kilometers] fee for a vehicle or load movement that exceeds the weight limits on highways during the spring thaw or on highways with load limits year-round is as follows:

- a. One dollar per ton-mile [907 kilogram-1.6 kilometers] when exceeding axle weight limits.
- b. The fees for vehicle or vehicle combinations hauling a load and in excess of the gross vehicle weight limit:

- (1) One dollar per ton-mile [1.6 kilometers] when the gross vehicle weight exceeds one hundred five thousand five hundred pounds [47853 kilograms] and travel is on highways restricted by legal weight or eight-ton [7257 kilograms] and seven-ton [6350 kilograms] designated state highways.
  - (a) Vehicles authorized by the director of the department of transportation to haul construction equipment to state highway construction projects are exempt from one dollar per mile [1.6 kilometers] fee.
  - (b) The total number of single trip permits for a state highway construction project that may be waived from the one dollar per mile [1.6 kilometers] fee may not exceed ten single trip permits.
- (2) Five dollars per ton-mile [907 kilograms-1.6 kilometers] when the gross vehicle weight exceeds:
  - (a) One hundred thirty thousand pounds [58967 kilograms] on highways restricted by legal weight.
  - (b) One hundred twenty thousand pounds [54431 kilograms] on eight-ton [7257 kilograms] highways.
  - (c) One hundred ten thousand pounds [49895 kilograms] on seven-ton [6350 kilograms] highways.
  - (d) Eighty thousand pounds [36287 kilograms] on six-ton [5443 kilograms] highways.
- (3) The five dollar per ton-mile fee [907 kilogram-1.6 kilometers] for self-propelled special mobile equipment is assessed when the gross vehicle weight exceeds:
  - (a) One hundred five thousand five hundred pounds [58967 kilograms] on highways restricted by legal weight.
  - (b) One hundred five thousand five hundred pounds [58967 kilograms] on eight-ton [7527 kilograms] highways.
  - (c) One hundred five thousand five hundred pounds [58967 kilograms] on seven-ton [6350 kilograms] highways.
  - (d) Eighty thousand pounds [36287 kilograms] on six-ton [5443 kilograms] highways.

9.8. The fee for a weight increase on a work-over service rig is nine hundred ninety dollars. The fee shall be assessed on a work-over service rig that exceeds six hundred seventy pounds [303 kilograms] per inch [2.54 centimeters] of tire

width on a single or tandem axle, exceeds sixty thousand pounds [27215 kilograms] on a triple axle, and sixty-eight thousand pounds [30844 kilograms] on a four-axle group.

- a. The weight increase is valid for a calendar year.
- b. The weight increase can only be assessed on model year 2010 work-over service rigs and older.

40.9. All permit fees must be deposited into the state highway distribution fund.

**History:** Effective January 1, 1988; amended effective May 1, 1988; January 1, 1992; August 1, 1993; February 1, 1999; February 1, 2000; April 1, 2008, July 1, 2013; \_\_\_\_\_.

**General Authority:** NDCC 39-12-02, 39-12-03, 39-12-04, 39-12-05.3

**Law Implemented:** NDCC 39-12-02, 39-12-04, 39-12-05.3

#### **CHAPTER 38-06-04 LIABILITY OF PERMIT APPLICANT AND PERMIT CONDITIONS**

Section

38-06-04-01            Liability of Permit Applicant

38-06-04-02            Permit Cancellation and Hearing Request

**38-06-04-02. Permit cancellation and hearing request.**

1. The highway patrol ~~has the authority to may~~ revoke or cancel permit privileges when the applicant or permittee is in violation of the regulations adopted herein or conditions of the permit.
2. ~~The revocation or cancellation of permit privileges includes the privilege to use the self-issuing single trip permits.~~
3. When notification is made of the cancellation of permit privileges, the applicant or permittee has ten days to request a hearing with the superintendent.

**History:** Effective January 1, 1988; amended effective \_\_\_\_\_.

**General Authority:** NDCC 39-12-02, 39-12-04, 39-12-05.3

**Law Implemented:** NDCC 39-12-02, 39-12-04, 39-12-05.3