

**CHAPTER 37-11-04
CONTRACTORS AND SIGN MAINTENANCE**

Section

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37-11-04-01. Contractor required.

Tourist-oriented directional signs must be installed and maintained under an agreement between the permittee and a qualified contractor. The permittee is responsible for payment to the contractor for all services and materials rendered.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-04-02. Contractor qualifications.

Contractors who install tourist-oriented directional signs must meet the following requirements:

1. The contractor must be licensed to do business in the state of North Dakota.
2. The contractor must carry public liability and property damage insurance as follows:
 - a. Coverage. Protection against liability for bodily injury or death of persons and injury to or destruction of property which may be suffered by persons other than the contractor's employees as a result of construction operations in connection with construction of all highway projects.
 - b. Limits of liability. The policy must provide a limit of not less than five hundred thousand dollars for all damages arising out of the bodily injuries or death of one person, and subject to that limit for each person, a total limit of not less than one million dollars for all damages arising out of the bodily injuries to or death of two or more persons in any one accident. The policy must further provide a limit of not less than five hundred thousand dollars for all damages to or destruction of property in any one accident and subject to that limit a total (or aggregate) limit of not less than one million dollars for all damages to or destruction of property during the policy period.

Such coverage must be extended to cover any subcontractor hired by the contractor.

3. The contractor shall use proper safety practices when installing or maintaining a sign and is responsible for any damages to the right of way resulting from the installation or maintenance of the sign.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-04-03. Maintenance requirements.

The permittee is responsible for the maintenance of the sign structure and sign face. The following standards of maintenance must be observed:

1. Any damage must be promptly repaired.
2. Sign faces must be maintained in a legible condition. Sign faces that are badly weathered, peeling, vandalized, or damaged must be considered as requiring maintenance.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-04-04. Neglected maintenance.

If maintenance is neglected, the department shall notify the permittee, in writing, of the type of maintenance required. If the maintenance is not provided within ninety days, the department may revoke the permit and confiscate the sign face.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-04-05. Joint responsibility.

When more than one sign face is installed, the permittees have joint responsibility for the maintenance of the sign structure.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09