


NORTH DAKOTA HIGHWAY PATROL POLICY MANUAL

	SUBJECT	POLICY NUMBER
	OVERLOAD ENFORCEMENT GUIDELINE	9-22 Annex B
	APPLICABLE CALEA STANDARDS	EFFECTIVE DATE
	1.2.7	7-15-09
		RESCINDS
		9-22 Annex B
		DATED
		8-13-03

PURPOSE

This guideline should be followed on all overloads unless unusual circumstances exist. Discretion should be used for vehicles that are loaded locally and driven to the weigh/inspection station to be weighed prior to leaving the locality. No maximum mileage will be imposed. The regions will determine what the local area will consist of.

A. Enforcement Guideline

1. Enforcement of Chapter 39-12-05 NDCC (interstate system). Enforcement on the interstate system will include axle grouping(s), gross, exterior bridge, and interior bridge (allow up to 400 pounds for a fully functional auxiliary power unit (APU) as stated in Policy 9-1, Procedure E.6.).
 - a. Adjust weight for all overweight 1,000 pounds or less – issue written warning.
 - b. Over 1,000 to 2,000 pounds – issue \$20 citation (NDCC 39-12-05) and get load legal.
 - c. Over 2,000 pounds – assess overload fees and get load legal.
 - d. Overloaded vehicle should be sent to the nearest safe location to get load legal.
2. Enforcement of Chapter 39-12-05.3 NDCC (on all roads other than the interstate system). Enforcement will include axle grouping(s), gross, and exterior bridge (allow up to 400 pounds for a fully functional auxiliary power unit (APU) as stated in Policy 9-1, Procedure E.6.).
 - a. Adjust weight for all overweight 1,000 pounds or less – issue written warning.
 - b. Over 1,000 to 2,000 pounds – issue \$20 citation (NDCC 39-12-05.3) and get load legal.
 - c. Over 2,000 pounds – assess overload fees and get load legal.
 - d. Overloaded vehicle should be sent to the nearest safe location to get load legal.
3. Any vehicle carrying a load of livestock is exempt from weight limitations specific to axle grouping(s). Enforcement will include gross weight and/or exterior bridge (NDCC 39-12-22).

B. Permit Overload Violation Guideline

1. When a vehicle operating with a routine overweight permit exceeds the axle weight limits shown on the permit but does not exceed maximum permissible axle weight limits, revise the permit and initial.
2. When a vehicle is operating **with** an overweight and/or oversize permit and is found to be in violation of the authorized weights:
 - a. 1,000 pounds or less over maximum permissible limits – revise the permit, initial, and issue written warning.
 - b. 1,001 to 2,000 pounds over permissible limits on any road:
 - 1) Issue \$20 citation – NDCC 39-12-05 (interstate) or 39-12-05.3 (non-interstate).
 - 2) Once weights have been reduced to within permissible limits, revise the permit and initial.
 - c. 2,000 pounds or more over permissible limits on any road:
 - 1) Assess overload fees for all weight in excess of permissible limits.
 - a) On vehicle and load movements that require bridge engineer approval, assess overload on weight in excess of limits authorized on permit.
 - 2) Once weights have been reduced to within permissible limits, revise the permit and initial (provided the vehicle or load movement does not require bridge engineer approval).

3. When a vehicle is operating with a permit and is found to be in violation of the conditions of the permit. For example, an overweight vehicle traveling on bituminous pavement (excludes interstate highways) and [1] the atmospheric temperature is 85°F or above (obtained from a weather station or service), or [2] the vehicle exceeds 40 mph. Another example is an overweight vehicle that crosses a structure restricted by the Permit Bridge Load Limitations Map.
 - a. Troopers will:
 - 1) Void the permit.
 - 2) Issue a \$100 citation (NDCC 39-12-08).
 - 3) Issue a new permit.
 - 4) If the atmospheric temperature is 85°F or above, allow the vehicle to proceed to the nearest location where the vehicle can be parked safely until the temperature drops below 85°F.
 - b. Motor carrier inspectors will:
 - 1) Void the permit.
 - 2) Issue a new permit.
 - 3) If the atmospheric temperature is 85°F or above, allow the vehicle to proceed to the nearest location where the vehicle can be parked safely until the temperature drops below 85°F.
4. When a vehicle is operating **without** an overweight and/or oversize permit and is found to be in violation of legal weights:
 - a. Issue a \$100 citation (39-12-08).
 - b. Assess overload fees if weight exceeds 2,000 pounds over legal limits.
 - c. Issue a permit if weights are within permissible limits and the vehicle or load movement does not require bridge engineer approval.

C. Road Restriction Enforcement Guideline

1. When a vehicle is operating on a single trip movement approval form (self-issue permit) without a validation number ending in "TM":
 - a. Void the permit.
 - b. Issue a \$100 citation (39-12-08).
 - c. Assess extraordinary road use fees for any weight in excess of spring road restriction limits.
 - d. Obtain engineer approval (if required).
 - e. Issue a new permit to complete the movement upon payment of extraordinary road use fees.
 - f. Assess and collect ton mile fees for the remaining highway miles necessary to complete the movement.
2. When a vehicle is operating on a receipt issued permit or a single trip movement approval form (self-issue permit) with a validation number ending in "TM" and exceeds weights authorized on permit:
 - a. Void the permit.
 - b. Issue a \$100 citation (39-12-08).
 - c. Assess extraordinary road use fees for any weight in excess of the amount authorized on the voided permit.
 - d. Obtain engineer approval (if required).
 - e. Issue a new permit to complete the movement.
 - f. Reassess and collect ton mile fees for the remaining highway miles necessary to complete the movement.
3. When a vehicle is operating outside of authorized routes of travel:
 - a. Void the permit.
 - b. Issue a \$100 citation (39-12-08).
 - c. Assess extraordinary road use fees for any weight in excess of spring road restriction limits.
 - d. Obtain engineer approval (if required).
 - e. Issue a new permit for authorized routes of travel.

D. Interstate (INT) Permit Enforcement Guideline

1. Vehicles exceeding 80,000 pounds GVW with legal axle weights and no permit or an invalid/incomplete single trip permit:
 - a. Void invalid or incomplete permits, if applicable (annual permits will not be voided).
 - b. Issue a \$100 citation (39-12-08).
 - c. Issue a new single trip INT permit.
2. Vehicles exceeding gross weight as determined by weight formulas or exceeding legal axle weights:
 - a. Follow tolerance as provided in Enforcement Guideline A.1.

E. Single unit trucks and end dump gravel trailers that qualify for equipment approval certificates.

1. Overloads on single unit trucks and truck tractor end dump gravel trailers eligible to obtain approved equipment certificates will first be charged extraordinary road use fees (overloads).
2. If vehicles are within the weight allowed in the approved equipment policy, complete the Application for Certificate of Equipment Approval, SFN 3484, and collect the \$15 fee. **NOTE:** As of January 1, 1986, these vehicles must operate within the bridge formula on the interstate system.
3. Increase the unit's registered gross weight, if required (reference 39-04-22 NDCC).
4. Units that are not eligible to obtain equipment approval certificates will be charged extraordinary road use fees for all weights in excess of legal axle or bridge weights.

F. 10 Percent Extra Weight Enforcement Guideline – Enforcement will include axle grouping(s), gross, and exterior bridge.

1. When a vehicle is operating without a 10 percent extra weight permit with a load authorized by the 10 percent extra weight permit policy (Policy 9-10 or 9-11):
 - a. Follow the tolerance as provided for in Enforcement Guideline A.2.
 - b. Issue 10 percent weight permit for a minimum of 30 days. The operator may purchase more than 30 days as authorized by the 10 percent extra weight policy.
2. When a vehicle is operating with a 10 percent extra weight permit on state highways with a load authorized by the 10 percent extra weight permit (Policy 9-10 or 9-11) and is found to be in violation of the authorized weights:
 - a. Adjust load for all excess weights of 1,000 pounds or less – issue written warning.
 - b. 1,001 to 2,000 pounds – issue \$20 citation (39-12-05.3).
 - 1) Overloaded vehicle should be sent to nearest safe location to get load legal.
 - 2) Vehicle may be released when weights have been reduced to within permissible limits.
 - c. Over 2,000 pounds – assess overload fees for weight in excess of permissible limits.
 - 1) Overloaded vehicle should be sent to nearest safe location to get load legal.
 - 2) Vehicle may be released when weights have been reduced to within permissible limits.
 - d. The 10 percent weight exemption permit cannot be used in conjunction with the equipment approval certificate.

G. Motor Carrier Operations shall be informed of all permit violations (e.g. exceeding permitted weights or violating permit conditions) by sending SFN 2821, Intra-Department Memorandum, to the Permits Section or by sending an electronic message through channels to the Motor Carrier Operations Commander.

H. Extraordinary Road Use Fee Schedule (NDCC 39-12-17)

1 to 1,000 pounds	\$20	17,001 to 18,000 pounds	\$2,700
1,001 to 2,000 pounds	\$40	18,001 to 19,000 pounds	\$2,850
2,001 to 3,000 pounds	\$60	19,001 to 20,000 pounds	\$3,000
3,001 to 4,000 pounds	\$140	20,001 to 21,000 pounds	\$4,200
4,001 to 5,000 pounds	\$220	21,001 to 22,000 pounds	\$4,400
5,001 to 6,000 pounds	\$305	22,001 to 23,000 pounds	\$4,600
6,001 to 7,000 pounds	\$380	23,001 to 24,000 pounds	\$4,800
7,001 to 8,000 pounds	\$495	24,001 to 25,000 pounds	\$5,000
8,001 to 9,000 pounds	\$575	25,001 to 26,000 pounds	\$5,200
9,001 to 10,000 pounds	\$655	26,001 to 27,000 pounds	\$5,400
10,001 to 11,000 pounds	\$1,100	27,001 to 28,000 pounds	\$5,600
11,001 to 12,000 pounds	\$1,200	28,001 to 29,000 pounds	\$5,800
12,001 to 13,000 pounds	\$1,300	29,001 to 30,000 pounds	\$6,000
13,001 to 14,000 pounds	\$1,680	An additional charge of \$200 for every 1,000-pound increase over 30,000 pounds consistent with the above formula	
14,001 to 15,000 pounds	\$1,800		
15,001 to 16,000 pounds	\$1,920		
16,001 to 17,000 pounds	\$2,550		

I. Overweight Vehicle Settlement, SFN 18316

1. SFN 18316 will be completed for every overload when a voluntary settlement is made.
2. The driver should be made aware of the overload procedure and options available prior to signing the form.
3. If a voluntary settlement is not made, refer to Policy 9-22 Annex C for vehicle impoundment procedures and options.

J. Official Receipt/Permit, SFN 3507

1. An Official Receipt/Permit, SFN 3507, will be completed for every overload.
 - a. When the driver/owner of the overloaded vehicle elects to post a cash bond, the dollar amount posted with the District Court will be listed under "Extraordinary Road Use Fees" on the handwritten NDHP Official Receipt. On the computer generated receipt, "Nonbillable Receipt" found under **Fees Tab** must be marked.
 - 1) A copy of the NDHP Official Receipt and a receipt from the District Court where the money is deposited must be forwarded to Headquarters.
 - 2) A credit card **CANNOT** be used as a form of payment when posting a cash bond.

K. Procedure

1. NDHP employees will prepare a case envelope for all overloads where an extraordinary road use fee is assessed. The case envelope will include the original copy of the Overweight Vehicle Settlement (SFN 18316), a photocopy of the Driver-Vehicle Examination Report (SFN 3526), a copy of the Official Receipt/Permit (SFN 3507), and a copy of the Weight Information form (SFN 14509), if applicable.
2. An Incident/Case Summary, SFN 3457, will be completed and a copy will be placed in the case envelope.
3. The Overload Worksheet, SFN 50419, will be completed (to include axle weights) and placed in the case envelope.
4. Case envelopes will be filed as outlined in Policy 5-18.