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 or overlength 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.

History: Effective January 1, 1988; amended effective January 1, 1992; April 1, 2008; January 1, 2016; July 1, 2019.
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.

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].

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; January 1, 2016.
General Authority: NDCC 39-12-02
Law Implemented: NDCC 39-12-02

38-06-02-03. Escort requirements.

1. All movements exceeding fourteen feet six inches [4.42 meters] in overall width but not exceeding sixteen feet [4.87 meters] in overall width shall have one pilot car precede the movement at a distance of three hundred to seven hundred feet [91.44 to 213.36 meters] on two-lane highways. In lieu of the pilot car requirement, the overwidth vehicle itself, or vehicle towing or hauling an overwidth load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum five hundred feet [152.4 meters]. On four-lane divided highways there are no pilot car requirements for movements of this size.

2. All movements exceeding sixteen feet [4.88 meters] in overall width shall have one pilot car precede the movement at a distance of three hundred to seven hundred feet [91.44 to 213.36 meters] and shall have one pilot car follow the movement at a distance of three hundred to seven hundred feet [91.44 to 213.36 meters] on two-lane highways. On four-lane divided highways one pilot car shall follow the movement at a distance of three hundred to seven hundred feet [91.44 to 213.36 meters].

3. All movements exceeding one hundred twenty feet [36.57 meters] in overall length shall have one pilot car follow the movement at a distance of three hundred to seven hundred feet [91.44 to 213.36 meters].

4. All movements exceeding eighteen feet [5.49 meters] in overall height shall have one pilot car precede the movement at a distance of three hundred to seven hundred feet [91.44 to 213.36 meters].

5. The North Dakota department of transportation chief engineer, bridge engineer, district engineers, or highway patrol may require pilot cars for movements that are overweight.

History: Effective January 1, 1988; amended effective January 1, 1992.
General Authority: NDCC 39-12-02
Law Implemented: NDCC 39-12-02

38-06-02-04. Routing of movements.

Permit issuing personnel may designate routes of travel where adequate width or height for safe traffic movement cannot be provided, or when restricted by maps as provided by North Dakota 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

38-06-02-05. Insurance requirements.

1. When towing or hauling oversize mobile home or modular units, the towing vehicle must have minimum insurance coverage of one hundred thousand dollars bodily injury liability for one person, three hundred thousand dollars bodily injury liability for one accident, and fifty thousand dollars property damage liability.

2. When requesting permits for movements exceeding two hundred thousand pounds [90718 kilograms] gross vehicle weight, or when otherwise required by the highway patrol or department of transportation engineers, the applicant must provide written verification of liability and property damage insurance coverage.

3. An insurance bond in the amount determined by the North Dakota department of transportation may be required for load or vehicle movements of excessive size or weight, showing the North Dakota department of transportation as an additional insured. Excessive size and weight shall be determined on a case-by-case basis by the North Dakota department of transportation.

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

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

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; January 1, 2016.
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. 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.

4. Permits do not authorize movements when inclement weather prevails, highways are slippery, or when visibility is one-half mile [0.8 kilometers] or less.

5. Permits do not authorize travel on shoulders of road.

6. A single trip permit is required for each movement that is overdimensional or overweight. An annual permit for overwidth or overlength vehicle and load movements can be used in lieu of the single trip permit issued for overwidth or overlength movements.

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; January 1, 2016; July 1, 2019; January 1, 2022.
General Authority: NDCC 39-12-02
Law Implemented: NDCC 39-12-02