

April 2010

## JURISDICTIONAL ISSUES WITH OVERWEIGHT VEHICLE PERMITS

Under North Dakota Century Code Section 39-12-02, the Highway Patrol and local authorities in their respective jurisdictions may issue a special written permit authorizing the applicant to operate an overweight vehicle. An applicant moving an overweight vehicle across multiple jurisdictions must apply for and receive an overweight permit from each jurisdiction. The permit is issued by the governmental entity with jurisdiction over the road or highway. Therefore, an overweight vehicle with a state permit on a state highway within city limits may travel through a city. If the person with the overweight permit is traveling on a state highway within city limits, the state permit will show that highway as allowed under the permit. If the person with the overweight permit is traveling on city streets, the state permit is marked that the person must contact the local entities to travel on those streets and lists the telephone number for that city. If a person is driving only within city limits, only a city permit is generally needed, even if the

overweight vehicle drives on a state highway within the city limits because of agreements between the cities and the state. Under any circumstance, however, a state permit is required for driving on the interstate system.

In practicality, the road or highway designation dictates what permits are required. The designation is based on whether the highway is part of the state highway system under Section 24-01-02, the county road system under Section 24-05-16, or a municipal street system under Section 40-05-01. Under Section 24-01-07, the Department of Transportation must provide maps of the state highway system, the county road system, and the municipal arterial street system.

There are some permits that allow multijurisdictional use. There is a multicounty permit for the oil-producing counties. As for state jurisdiction, there is a western states multiregional permit. At this time, this state is not a member.