

(1) General Regulations for Oversize/Overweight Permits.

(A) In the design and fabrication of all vehicles, machinery, equipment, structures, buildings, or other units or components, careful consideration must be given to the legal and physical limitations applicable to all available forms of transportation between point of fabrication and the original or subsequent destinations.

(B) Permits will not be granted for travel on the state highway system for movement of a load reducible in size or weight, except for:

1. Farm products (hay) and equipment with dual tires as permitted in sections (6) and (10).
2. Emergency response vehicles loaded with salt, sand, chemicals or a combination thereof, with or without a plow or blade attached in front, and being used for the purpose of spreading the material on state highways that are or may become slick or icy, or
3. Military vehicles transporting marked military equipment or material.

Reducible portions of any oversize or overweight load shall include, but are not limited to, any attachment, accessory, member, or assembly designed to be detached with hand tools.

(C) Unladen vehicles or combinations are to comply with legal size and weight limitations as listed in Chapter 304 of the Missouri Revised Statutes unless exceptions can be justified by safety considerations based on an oversize or overweight object to be transported by the vehicle.

(D) Economic factors in either the saving of time or costs for routing will not be considered of primary importance in the routing process and the department reserves the right to designate routing and travel time for all movements. Safety, structure capacities and clearances, roadway widths, and traffic volumes will all be considered in route determination. The routing will use the designated state highway system as shown on the Missouri Vehicle Route Map and/or be as direct as possible. When other streets or highways off the state highway system are used, it will be the responsibility of the applicant to obtain approval from the agency responsible for that off-state highway and adhere to all bridge capacity postings off the state highway system.

(E) Limitations for all oversize and overweight load movements will be determined by the least hazardous road conditions and volume of traffic which will be encountered and the practical capacity of the roadway, structures, and the vehicle involved, based upon axle loads. All responses to requests for routing approval prior to application are furnished for general information only. Due to constantly changing highway conditions such routing approval is subject to change without notice.

(F) Exceptions may be made for feasible oversize and/or overweight movements certified as essential to national defense, upon receipt of written documentation by designated officials within the Defense Department.

(G) Permits may specify maximum and minimum speeds to reduce hazards or control impact factors on pavement or structures and may specify lane restrictions while crossing structures to provide for better load distribution to the structural members of that structure. Power units shall have sufficient weight and power to handle the load safely and maintain reasonable speeds.

(H) Permits for round trips will not be issued. Each single trip permit covers the movement of one (1) load only, between one origin and one destination, except for the multi-stop permit designed for transportation of farm implement delivery only (legal loads are not considered for multi-stop permits since permits are not required for legal loads). Moves must be completed in seven (7) moving days, except for multi-state permits, which must be completed in ten (10) days, and blanket permits which are for a specified period.

(I) Movement is restricted on the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).

1. The restriction for Thanksgiving will begin at 12:00 noon on Wednesday and apply until one-half (1/2) hour before sunrise on the following Monday. In the event a holiday falls on Saturday, the restriction will apply to the preceding Friday. If a holiday falls on Sunday, the restriction will apply to the following Monday. On all holidays, the restriction will begin at 12:00 noon on the day preceding the holiday or the holiday weekend period.

2. All offices are closed on the holidays listed in paragraph (1)(I). Only the Jefferson City office will be open on Martin Luther King Day (third Monday in January), Lincoln's Day (February 12), Presidents' Day (third Monday in February), Truman Day (May 8), Columbus Day (second Monday in October), and Veterans' Day (November 11). All other offices will be closed on these dates, and on any date designated by the governor as a holiday; however, movement under permit is allowed on these days.

(J) Travel under permit must be with properly licensed, insured and permitted vehicles under Chapters 260, 301 through 307, 390 and 622 of the Missouri Revised Statutes, and vehicles must be licensed for maximum weights in order to obtain overweight permits.

(2) Financial Responsibility

(A) An applicant for an oversize/overweight permit shall have on file with the Missouri Department of Transportation's Motor Carrier Services Division an approved proof of coverage for bodily injury to, or death of, an individual and for loss or damage to property, in a form satisfactory to the Missouri Highways and Transportation Commission. Proof of coverage shall be effective during all of the applicant's oversize/overweight operations authorized under such permit covering each motor vehicle operating under the authority of the applicant's permit in amounts not less than the following:

Schedule Of Minimum Limits Of Combined Single Limit Automobile Liability

Type of Move	Amount
1) Routine	\$750,000
2) Super Heavy and Large Loads	\$2,000,000
3) Noncommercial Building (House) Movement	\$2,000,000

(B) Public Liability Insurance and Surety Bond Forms. The proof of insurance shall be on a certificate of liability form (Acord). The certificate shall be duly completed and executed by the applicant's insurer or an agent of the insurer authorized to issue a policy on the insurer's behalf. The approved certificate of liability insurance coverage shall include any damage to the state highway system such as the road surface, shoulders, bridges, traffic control devices, utility facilities, and any other state highway system-related property which is caused by, and is the legal responsibility of, the applicant, the applicant's vehicle and/or the applicant's officers, agents, employees or operators. A surety bond (Form G) in accordance with 7 CSR 265-10.030 may be accepted in lieu of the certificate of liability. The bond shall be duly completed and executed by the surety and principal. Such surety bond shall be in a duration and amount as the commission may determine to be adequate for the commission's protection and to be provided by sureties or financial institutions satisfactory to the commission.

(C) Cargo. Any automobile insurance policy required under this administrative rule shall not include coverage of the cargo transported under the permit, and, instead, any cargo transported by the applicant under a permit issued under this administrative rule shall be insured under a separate insurance policy. Proof of cargo liability is not required to be filed with the Missouri Department of Transportation.

(D) Filing Waiver. If the applicant has proof of public liability insurance (form E) on file with the Missouri Highways and Transportation Commission pursuant to 7 CSR 265-10.030 or the motor carrier has

been approved to be self-insured for motor carrier operations, no additional proof of insurance is required to be filed, provided the limits of liability pursuant to such public liability insurance or self-insurance is consistent with the limits established in this rule.

(E) Cancellation. The applicant shall immediately notify the Missouri Department of Transportation Motor Carrier Services Director in writing of cancellation of the applicant's proof of insurance. All non-expired permits issued to the applicant shall be void and requests for additional permits shall not be granted until the applicant submits new proof of coverage consistent with this administrative rule to the Motor Carrier Services Director.

(F) Rejection. Proof of insurance may be rejected and notification sent to the applicant of the rejection, if-

1. Proof of insurance was not submitted on the proper form(s) or information contained on that form has not been completed in order for the division to determine if the limits of liability have been met;
2. The form was not properly completed;
3. The limits of liability were contrary to limits established within this rule; or
4. The proof of insurance appears to be invalid or the authenticity of the document cannot be verified.

(G) Filing of Documents. Insurance companies offering motor carrier insurance certificates, cancellation notices, or other documents for filing with the division pursuant to this rule shall deliver the documents to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102 by any of the following methods: personal delivery, U.S. mail, express courier delivery, FAX, electronic mail (E-mail), or other approved electronic media. A person or company that offers photocopies, FAX copies, or electronic documents for filing shall be bound by them as if they were signed originals.

(H) Failure to Comply. The Motor Carrier Services' director or his/her representative may reject an applicant's request for a permit or suspend the applicant's privileges of obtaining oversize/overweight permits for failure to comply with this section of the rule.

(I) Excessive Overweight. Permits issued for excessive overweight may require additional financial responsibility to protect the state in regard to excessive damage to the state highway system and its facilities.

(J) Refer to subsection (8)(C) for financial responsibility for escorts.

(3) Agreements and Conditions

(A) The permittee agrees to the following conditions when a permit is issued:

1. The permittee named therein agrees to assume full responsibility for injury to persons or damage to public or private property, including the state highway system and its facilities, caused by the movement of the vehicle or its load under the special permit involved;

2. The permittee agrees to hold harmless the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants and employees, from any and all claims, judgments, damages or expenses of any kind on the part of the applicant, permittee, or any person, firm, or corporation having an interest in either the vehicle, the load, or other property involved in the movement over the route prescribed in said permit;

3. The permittee, as a condition to the issuance of a special permit, agrees to indemnify the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants or employees, for any sums which it, its agents, servants or employees are or may be required to expend in defense of any claims or actions for damages and to indemnify the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants or employees, arising out of the movement, under this special permit, of a vehicle or load over the route prescribed by the Missouri Department of Transportation, its agents, servants or employees;

4. The permittee will cause the operators of all motor vehicles involved in the movement to take all necessary precautions to avoid hazards existing along the prescribed route, such as, but not limited to, construction projects, physical restrictions, or conditions which will not permit the movement of the vehicle and its load without detriment to the state highway or its drainage structure, signs, guardrails, signals, shoulders, pavement, right-of-way or any other facility;

5. The permittee or their representative must physically drive the proposed route to be used prior to issuance and attest that all turns, curves, etc. can be safely negotiated if the load is greater than 120' long. If the load does encounter problems negotiating such, the company will be charged new permit fees (including a bridge study analysis for superloads). In addition, penalties may be assessed and future permit applications may be denied.

6. Should the permittee or the permittee's officers, agents, employees or operators encounter a condition on the route prescribed not contemplated by the permit, or signs or markings indicating an

emergency condition creating a reasonable doubt as to the continuance of the trip, the permittee, officer, agent, employee or operator of the vehicle shall immediately notify the appropriate official or employee of Motor Carrier Services Division of the Missouri Department of Transportation for a suggested course of action. In any event, departure from a prescribed route, except by specific authorization of Motor Carrier Services Division, renders the permit void;

7. Any misrepresentation in the application for a special permit or any operation not made in strict compliance with the permit and not in compliance with 7 CSR 10-25.020, except as specifically exempted, is unlawful and renders the permit void;

8. Any permit used for a movement other than that for which granted or any permit that has been altered, is void in its entirety and the movement involved will be in violation of the law, as though such permit had never been granted;

9. Permits voided by a violation shall be surrendered to any law enforcement officer or to any employee of the Missouri Department of Transportation and permits so surrendered shall be returned to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102;

10. A new permit and required fees covering the remainder of the movement will not be issued until all charges arising out of the violation have been satisfied and the routing or movement modified to meet the regulations established herein;

11. Permits are issued by authority of law only when the public safety or public interest justifies their issuance. Any misrepresentation in the application or violation of the terms of the permit may result in denial of future applications of the violator; and

12. Permission is granted only for dimensions and up to the weight, as specified, and compliance in all other respects is required with Chapters 260, 301 through 307, 390, and 622 of the Missouri Revised Statutes as amended, all other applicable state and federal laws and rules and regulations of state and federal regulatory bodies.

13. All permittees are responsible for the accuracy of their permits and shall notify the Missouri Department of Transportation, Motor Carrier Services Division of any inaccuracies before movement commences.

(B) In addition to these agreements and conditions, the following will apply:

1. All violations or misrepresentations will be recorded and the permittee will be notified in writing that future violations may result in a suspension or revocation of privileges;

2. Flagrant or repeated violations of permit restrictions and/or traffic safety laws in combination thereof are not in the interest of public safety and the permittee will be advised in writing, if his/her record is such that future permits should not be granted in the opinion of the Missouri Department of Transportation. A suspension of such privilege shall last for two (2) weeks and a revocation of such privilege for one (1) year;

3. Suspensions, revocations and re-instatements may be modified or rescinded by the Motor Carrier Services' director or his/her representative and their decision shall be final.