

**OPINION
68-221**

October 30, 1968 (OPINION)

Mr. Alph J. Overby

Griggs County State's Attorney

RE: Motor Vehicles - Excessive Size - Duration of Special Permits

This is in reply to your letter of date 22 October 1968 with regard to special permits for vehicles of excessive size.

You inform us that the local utility operates a 3/4 ton 4x4 Army Surplus Vehicle with a Boom mounted on the front bumper. Overall length of the Vehicle is less than 20 feet, however, the boom extends more than three feet beyond the front of the vehicle, making it subject to excess size permit as provided for in section 39-12-02 of the 1967 Supplement to the North Dakota Code.

The utility has applied to the County Commissioners for an overall permit to operate on county roads only to be issued annually. The County Commissioners question the wording of the statute in regard to single trips on state highways.

You ask that we render our opinion as to whether the Commissioners can issue a permit for more than one trip.

We note with interest that the current amendment of the statute provides:

All permits for the movement of excessive size and weight on state highways shall be single trips only."

We note further that the 1963 version of this provision made no mention of single or multiple trip permits. We also note that the 1927 version of this provision provides in part: " * * * Every such permit shall be issued for a single trip, * * * " without limiting the single trip feature to any particular type of highway.

We note further that the statute authorizes the permits to be granted by "The commissioner and local authorities in their respective jurisdictions * * *."

On such basis it is our opinion that the term "state highways" is used in this statute to distinguish between highways where the highway commissioner would grant the permit and highways where local authorities would issue same. It is therefore our conclusion that your board of county commissioners could issue permits authorizing more than a single trip, allowing this vehicle to use "county" as opposed to "state" highways.

HELGI JOHANNESON

Attorney General