

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 14: Size, Weight and Load

§ 14-109. Overload, any axle or gross weight

Cite as: 47 CNCA § 14-109

A. On any road or highway within Cherokee Nation:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; and
2. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value calculated in accordance with the Federal Bridge formula imposed by 23 U. S.C., Section 127.

B. Except as to gross limits, the formula of this section shall not apply to a truck-tractor and dump semitrailer when used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds. Any vehicle operating with split tandem axles or tri-axles shall adhere to the formula.

C. Except for loads moving under special permits as provided in this title, no department or agency of this state or any county, city, or public entity thereof shall pay for any material that exceeds the legal weight limits moving in interstate or intrastate commerce in excess of the legal load limits of this state.

D. 1. An annual special overload permit may be purchased for vehicles transporting rock, sand, gravel, coal, flour, timber, pulpwood, and chips in their natural state, oil field fluids, oil field equipment or equipment used in oil and gas well drilling or exploration, and vehicles transporting grain, fertilizer, cottonseed, cotton, livestock, peanuts, canola, sunflowers, soybeans, feed, any other raw agricultural products, and any other unprocessed agricultural products, if the following conditions are met:

- a. the vehicles are registered for the maximum allowable rate,
- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,
- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and
- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a non-transferrable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

- a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or
- b. the overall gross vehicle weight of a single trailer meets or exceeds three hundred thousand (300,000) pounds, originates or terminates at the Tulsa Port of Catoosa, and the trip is confined within a thirty-mile radius of the Port.

2. Permit fees for oversize or overweight vehicles used for specialized transportation shall be in accordance with subsection A of Section 14-116 of this title.

3. Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the manufacturer's component rating which includes axle, suspension, wheels, rims, brakes, and tires as shown on the vehicle certification label or tag, and

b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways;

2. A combination of a wrecker or tow vehicle and another vehicle or vehicle combination if:

a. the service provided by the wrecker or tow vehicle is needed to remove disabled, abandoned, or accident-damaged vehicles, and

b. the wrecker or tow vehicle is towing the other vehicle or vehicle combination directly to the nearest appropriate place of repair, terminal, or vehicle storage facility;

3. A vehicle operating pursuant to the provisions of paragraph 2 of this subsection will not be allowed to operate on the National System of Interstate and Defense Highways unless it is a covered heavy-duty tow and recovery vehicle that:

a. is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility, and

b. has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported; and

4. On the interstate highway system a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations with a vehicle weight limit up to a maximum gross vehicle weight of eighty-six thousand (86,000) pounds with less than:

a. twenty-four thousand (24,000) pounds on a single steering axle,

- b. thirty-three thousand five hundred (33,500) pounds on a single drive axle,
- c. sixty-two thousand (62,000) pounds on a tandem axle, or
- d. fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.

G. 1. Any vehicle utilizing an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling shall be allowed an additional four hundred (400) pounds total to the total gross weight limits set by this section.

2. To be eligible for the exception provided in this subsection, the operator of the vehicle must obtain written proof or certification of the weight of the auxiliary power or idle reduction technology unit and be able to demonstrate or certify that the idle reduction technology is fully functional.

3. Written proof or certification of the weight of the auxiliary power or idle reduction technology unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed four hundred (400) pounds or the actual proven or certified weight of the unit, whichever is less.

H. On the Interstate Highway System, a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided, or "nondivisible".

I. Utility or refuse collection vehicles or a combination of a wrecker or tow vehicle as described in paragraphs 1 and 2 of subsection F of this section operating under exceptions shall purchase an annual special overload permit from the Department of Public Safety for One Hundred Dollars (\$100.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

Historical Data

LA 25-06, eff. October 19, 2006. Amended LA 02-21, eff. January 11, 2021.