

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 265

*An Act to amend and reenact §§ 46.2-1128, 58.1-2700.1, 58.1-2701, and 58.1-2709 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-1139.1 and 46.2-1143.1, relating to extension of vehicle weight limits; overweight vehicle permits; road tax; fees; penalties.*

[H 1244]

Approved March 22, 2002

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1128, 58.1-2700.1, 58.1-2701, and 58.1-2709 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-1139.1 and 46.2-1143.1 as follows:**

§ 46.2-1128. Extensions of weight limits; fees.

The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and gross weight limit based on axle spacing and number of axles on such vehicle. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds ~~80,000~~ 84,000 pounds, nor shall any such permit authorize any extension of the limitations provided in § 46.2-1127 for interstate highways.

Permits under this section shall be valid for one year and shall be issued according to the following fee schedule:

Percentage	Fee for Permit
1%	\$ 35
2%	75
3%	115
4%	160
5%	200

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner ~~shall~~ may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1129, no weights in excess of those authorized by law shall be tolerated.

§ 46.2-1139.1. *Delegation of permitting authority.*

*The Commonwealth Transportation Commissioner may authorize an agency of the Commonwealth to act as his agent in the issuance of designated permits pursuant to this article.*

§ 46.2-1143.1. *Overweight permits for haulers of excavated material.*

*The Commonwealth Transportation Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon written application made by the owner or operator, shall issue overweight permits for operation of certain vehicles hauling excavated material from construction-related land-clearing operations. Permits shall be issued under this section only for vehicles that have either (i) four axles with more than twenty-two feet between the first and last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping exceeding the weight permitted for a single axle. Such permits shall be issued without cost.*

*No permit issued under this section shall authorize the operation of any vehicle hauling excavated material for a distance of more than twenty-five miles from the land-clearing operation. However, such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of ten miles per*

*hour slower than the legal speed limit in fifty-five, forty-five, and thirty-five miles per hour speed limit zones.*

*For purposes of this section, the term "excavated material" shall mean natural earth materials, which includes stumps, brush, leaves, soil, and rocks, removed by any mechanized means.*

§ 58.1-2700.1. Interstate motor carrier road tax.

In accordance with the provisions of IFTA, as amended, the Department shall issue a license and vehicle identification markers to each carrier that operates qualified highway vehicles in the Commonwealth and at least one other jurisdiction participating in IFTA so as to report its road tax liabilities. The Department ~~shall~~ *may* issue vehicle identification markers to carriers that operate qualified highway vehicles in the Commonwealth ~~solely, or in the Commonwealth~~ and at least one other jurisdiction not participating in IFTA. Each application shall contain the name and address of the carrier, and such other information as may be required by the Department.

The Department shall issue to the motor carrier identification markers for each vehicle in the carrier's fleet that will be operated within the Commonwealth.

The identification markers issued to the vehicles of the IFTA-licensed carriers shall expire on December 31 of each year. All other identification markers issued to carriers shall expire on June 30 of each year. The identification markers may be renewed prior to expiration provided (i) the carrier's privilege to operate vehicles in the Commonwealth has not been revoked or canceled, (ii) all required tax reports have been filed, and (iii) all road taxes, penalties, and interest due have been paid.

The cost of the identification markers issued to each vehicle in the carrier's fleet shall be ten dollars per vehicle.

~~In an emergency~~ The Department may, by letter, telegram, or other electronic means, authorize a vehicle to be operated without identification markers for not more than ten days. Before sending such authorization, the Department shall collect from the carrier a fee of twenty dollars for each vehicle so operated.

§ 58.1-2701. Amount of tax.

A. *Except as provided in subsection B*, every motor carrier shall pay a road tax equivalent to nineteen and one-half cents per gallon calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed on a motor carrier by any other provision of law.

B. *In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles that are not registered under the International Registration Plan shall pay a fee of \$100 per year for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.*

*If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the registration fee paid is authorized by law.*

C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 58.1-2709. Penalties.

The Department may, after a hearing had upon notice, duly served not less than ten days prior to the date set for such hearing, impose a penalty, which shall be in addition to any other penalty imposed by this chapter, not exceeding \$2,500, upon any ~~non-IFTA~~ licensed motor carrier violating any provision of this chapter *or the IFTA*, or failing to comply with *IFTA or* any regulation of the Department promulgated pursuant to this chapter. Each such failure or violation shall constitute a separate offense. The penalty shall be collectible by the process of the Department as provided by law. Any person against whom an order or decision of the Commissioner has been adversely rendered relating to the tax imposed by this chapter may, within fifteen days of such order or decision, appeal from such an order or decision to the Circuit Court of the City of Richmond. In addition to imposing such penalty, or without imposing any penalty, the Department may suspend or revoke any certificate, permit or other evidence of right issued by the Department which the motor carrier holds.