

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-1143 of the Code of Virginia, relating to overweight permits for*
3 *trucks hauling gravel, sand, or crushed stone in certain counties.*

4 [H 1243]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-1143 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-1143. Overweight permits for coal haulers; trucks hauling gravel, sand, or crushed stone in
9 certain counties; penalties.

10 A. The Commonwealth Transportation Commissioner and local authorities of cities and towns in
11 their respective jurisdictions, upon written application by the owner or operator of vehicles used
12 exclusively for hauling coal from a mine or other place of production to a preparation plant, loading
13 dock, or railroad shall issue, without cost, a permit authorizing those vehicles to operate with gross
14 weights in excess of those established in § 46.2-1126 on the conditions set forth in this section.

15 B. Vehicles with three axles may have a maximum gross weight, when loaded, of no more than
16 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no
17 more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of
18 no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight
19 of no more than 50,000 pounds. Vehicles with five axles having no less than thirty-five feet of axle
20 space between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000
21 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than
22 40,000 pounds.

23 C. No load of any vehicle operating under a permit issued according to this section shall rise above
24 the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not
25 carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed
26 by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of
27 coal. For the purposes of this section, the average weight of coal shall be fifty-two pounds per cubic
28 foot. Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which
29 shall be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the
30 average weight of coal.

31 D. For the purposes of this section, the term bed shall mean that part of the vehicle used to haul
32 coal. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order
33 to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds
34 the maximum as provided above, the owner or operator shall be required to paint a horizontal line two
35 inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the
36 uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In
37 addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center
38 of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the
39 vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense
40 within a twelve-month period, and \$1,000 and revocation of the permit for a third offense within a
41 twelve-month period from the first offense.

42 E. If the bed of any vehicle is enlarged beyond the maximum bed size for which its permit was
43 granted, or if the line or holes required are altered so that the vehicle exceeds the bed size for which its
44 permit was granted, the owner, operator, or both shall be subject to a penalty of \$1,000 for each offense
45 and revocation of the permit. Upon revocation, a permit shall not be reissued for six months. The
46 penalties provided in this section shall be in lieu of those imposed under § 46.2-1135.

47 F. For any vehicle with a valid permit issued pursuant to the conditions required by this section,
48 when carrying loads which do not rise above the top of the bed or the line indicating the bed's
49 maximum size, if applicable, it shall be, in the absence of proof to the contrary, prima facie evidence
50 that the load is within the applicable weight limits. If any vehicle is stopped by enforcement officials for
51 carrying a load rising above the top of the bed or the line indicating the bed's maximum size, the
52 operator of the vehicle shall be permitted to shift his load within the bed to determine whether the load
53 can be contained in the bed without rising above its top or above the line.

54 G. No such permit shall be valid for the operation of any such vehicle for a distance of more than
55 thirty-five miles from the preparation plant, loading dock, or railroad.

56 H. Until July 1, 2002 2007, in counties that impose a severance tax on coal and gases as authorized

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57 by § 58.1-3712, the weight limits prescribed in subsection B of this section shall also apply to trucks
58 hauling gravel, sand, or crushed stone no more than fifty miles from origin to destination. Nothing
59 contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for
60 operation on interstate highways. Any weight violation hauling sand, gravel, or crushed stone under this
61 subsection shall be subject to the penalties authorized by § 46.2-1135. The Virginia Department of
62 Transportation shall monitor the operation of vehicles under this subsection and the effects of such
63 operation on the condition of the affected highways and report to the Governor and the 2002 Regular
64 Session of the General Assembly its findings and recommendations as to whether the provisions of this
65 subsection should be allowed to expire on July 1, 2002, or continued, either in its present or some
66 modified form, for some specific or indefinite period. During such monitoring, should the Virginia
67 Department of Transportation determine that the additional weight limits authorized by this subsection
68 are negatively impacting the condition of such highways, the Department is authorized to prohibit the
69 additional weight limits authorized by this subsection.