

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 314

An Act to amend and reenact §§ 46.2-652, 46.2-653, 46.2-1112, 46.2-1131, 46.2-1133, 46.2-1135, 46.2-1139 through 46.2-1142, 46.2-1143, 46.2-1143.1, 46.2-1144, and 46.2-1146 through 46.2-1149.2 of the Code of Virginia, and to amend the Code of Virginia by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.3, relating to temporary registration of certain vehicles; temporary registration or permits for transportation of certain manufactured homes or house trailers; lengths of vehicles; vehicle weight limits; penalties for violations; processing of overweight violations; liquidated damages for weight limit violations; permits for excessive size and weight.

[H 1903]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-652, 46.2-653, 46.2-1112, 46.2-1131, 46.2-1133, 46.2-1135, 46.2-1139 through 46.2-1142, 46.2-1143, 46.2-1143.1, 46.2-1144, and 46.2-1146 through 46.2-1149.2 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.3 as follows:

§ 46.2-652. Temporary registration for vehicles.

~~The Commonwealth Transportation Commissioner, in cooperation with the Commissioner,~~ may grant a temporary registration or permit for the operation of (i) a vehicle or equipment that cannot be licensed because the vehicle, excluding any load thereon, is overweight, oversize, or both or (ii) a licensed vehicle that exceeds statutory weight limits on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Any temporary registration or permit issued under this section shall show the registration or permit number, the date of issue, the date of expiration, and the route to be traveled or other restrictions and shall be displayed in a prominent place on the vehicle.

For a single-trip temporary registration or permit issued under this section, the applicant shall pay a fee of ~~ten cents~~ **\$10** per mile for every mile to be traveled, in addition to any administrative fee required by the Department of Transportation. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of ~~forty dollars~~ **\$40**, in addition to any administrative fee required by the Department of Transportation.

§ 46.2-653. Temporary registration or permit for transportation of manufactured homes or house trailers exceeding the size permitted by law.

~~The Commonwealth Transportation Commissioner, in cooperation with the Commissioner,~~ may grant a temporary registration or permit for the transportation of manufactured homes or house trailers, which exceed the size permitted by law, on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Such temporary registration or permit shall show the registration or permit number, the date of issue, the date of expiration, and the route to be traveled or other restrictions and shall be displayed in a prominent place on the vehicle. The owner of every manufactured home or house trailer of this sort purchased in the Commonwealth for use within the Commonwealth or brought into the Commonwealth for use within the Commonwealth shall apply within ~~thirty~~ **30** days to the Department for title in the name of the owner. This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose of resale. After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to the realty, then the Virginia title issued for the unit may be returned to the Department for cancellation and the unit shall thereafter be transferred only as real estate is transferred. The validity of any security interest perfected pursuant to §§ 46.2-636 through 46.2-641 shall continue, notwithstanding the provisions of this section.

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these manufactured homes or house trailers may be transported, and no manufactured home or house trailer of this sort shall be transported through any city or town except along a prescribed route or routes.

For each temporary single-trip registration or permit issued hereunder, the applicant shall pay a fee of one dollar, in addition to any administrative fee required by the Department of Transportation. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of ~~forty dollars~~ **\$40**, in addition to any administrative fee required by the Department of Transportation.

No permit, as provided in this section, shall be issued covering any manufactured home or house

trailer that is subject to a license plate.

§ 46.2-1112. Length of vehicles, generally; special permits; tractor truck semitrailer combinations, etc., operating on certain highways.

Except for buses and motor homes, no motor vehicle longer than ~~forty~~ 40 feet shall be operated on any highway in the Commonwealth. The actual length of any combination of vehicles coupled together including any load thereon shall not exceed a total of ~~sixty-five~~ 65 feet. No bus or motor home longer than ~~forty-five~~ 45 feet shall be operated on any highway in the Commonwealth. No tolerance shall be allowed that exceeds ~~twelve~~ 12 inches.

The ~~Commonwealth Transportation Board~~ Commissioner, however, when good cause is shown, may issue a special permit for combinations either in excess of ~~sixty-five~~ 65 feet, including any load thereon, or where the object or objects to be carried cannot be moved otherwise. Such permits may also be issued by the ~~Board~~ Department when the total number of otherwise overdimensional loads of modular housing of no more than two units may be reduced by permitting the use of an overlength trailer not exceeding ~~fifty-four~~ 54 feet. *No permit shall be issued by the Commissioner until an engineering analysis of a proposed routing has been conducted by the Commonwealth Transportation Commissioner to assess the ability of the roadway to be traversed to sustain the vehicle's size.*

No overall length restrictions, however, shall be imposed on any tractor truck semitrailer combinations drawing one trailer or any tractor truck semitrailer combinations when operated on any interstate highway or on any highway as designated by the Commonwealth Transportation Board. No such designation shall be made, however, until notice of any proposed designation has been provided by the Commonwealth Transportation Commissioner to the governing body of every locality wherein any highway affected by the proposed designation is located.

No individual semitrailer or trailer being drawn in a tractor truck semitrailer trailer combination, however, shall exceed ~~twenty-eight and one-half~~ 28 1/2 feet in length, and no semitrailer being operated in a tractor truck semitrailer combination shall exceed ~~forty-eight~~ 48 feet in length, except when semitrailers have a distance of not more than ~~forty-one~~ 41 feet between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles, such semitrailer shall be allowed not more than ~~fifty-three~~ 53 feet in length.

The length limitations on semitrailers and trailers in the foregoing provisions of this section shall be exclusive of safety and energy conservation devices, steps and handholds for entry and egress, rubber dock guards, flexible fender extensions, mudflaps, refrigeration units, and air compressors. The Commonwealth Transportation Board shall designate reasonable access to terminals, facilities for food, fuel, repairs and rest. Household goods carriers and any tractor truck semitrailer combination in which the semitrailer has a length of no more than ~~twenty-eight and one-half~~ 28 1/2 feet shall not be denied reasonable access to points of loading and unloading, except as designated, based on safety considerations, by the Commonwealth Transportation Board.

§ 46.2-1131. Penalty for violation of weight limits; record of conviction, etc., forwarded to Department.

Any person violating any weight limit as provided in this chapter or any permit issued by ~~either~~ the Department of Transportation or its designee or by local authorities pursuant to this article shall be subject to a civil penalty of ~~twenty-five dollars~~ \$25 and a processing fee of ~~twenty dollars~~ \$20 in addition to any liquidated damages and weighing fees imposed by this article. Upon collection by the Department, except as provided in § 46.2-1138, civil penalties shall be paid to the Literary Fund, but processing fees shall be paid to the state treasury and, beginning July 1, 1990, shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles. In addition, liquidated damages and weighing fees shall be distributed as provided in §§ 46.2-1135 and 46.2-1137, respectively, except as provided in § 46.2-1138.

The penalties, damages, and fees specified in this section shall be in addition to any other liability which may be legally fixed against the owner, operator, or other person charged with the weight violation for damage to a highway or bridge attributable to such weight violation.

§ 46.2-1133. Special processing provisions for overweight violations.

Notwithstanding any other provision of law, all violations of any weight limit as provided in this article or any permit issued by ~~either~~ the Department of Transportation or its designee or by local authorities pursuant to this chapter shall be processed in the following manner:

1. The officer charging the violation shall serve a citation on the operator of the overweight vehicle. The citation shall be directed to the owner, operator, or other person responsible for the overweight violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the weight violation as provided in § 46.2-1136.

2. The officer charging the violation shall cause the citation to be delivered or mailed by first-class mail to the Department within ~~twenty-four~~ 24 hours after it is served.

3. The owner, operator, or other person charged with the weight violation shall, within ~~twenty-one~~ 21 days after the citation is served upon the vehicle operator, either make full payment to the Department of the civil penalty, liquidated damages, weighing fee, and processing fee as stated on the citation, or

deliver to the Department a written notice of his election to contest the overweight charge in court.

4. Failure of the owner, operator, or other person charged with the weight violation to timely deliver to the Department either payment in full of the uncontested civil penalty, liquidated damages, weighing fee, and processing fee or a notice of contest of the weight violation shall cause the Department to issue an administrative order of assessment against such person. A copy of the order shall be sent by first-class mail to the person charged with the weight violation. Any such administrative order shall have the same effect as a judgment for liquidated damages entered by a general district court.

5. Upon timely receipt of a notice of contest of an overweight charge, the Department shall:

- a. Forward the citation to the general district court named in the citation, and
- b. Send by first-class mail to the person charged with the weight violation, and to the officer who issued the citation, confirmation that the citation has been forwarded to the court for trial.

6. Notices and pleadings may be served by first-class mail sent to the address shown on the citation as the address of the person charged with the weight violation or, if none is shown, to the address of record for the person to whom the vehicle is registered.

7. An alleged weight violation which is contested shall be tried as a civil case. The attorney for the Commonwealth shall represent the interests of the Commonwealth. The disposition of the case shall be recorded in an appropriate order, a copy of which shall be sent to the Department in lieu of any record which may be otherwise required by § 46.2-383. If judgment is for the Commonwealth, payment shall be made to the Department.

§ 46.2-1135. Liquidated damages for violation of weight limits; powers of enforcement officers; forfeiture of vehicle and cargo.

A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter ~~either by the Virginia Department of Transportation or its designee~~ or by local authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages shall be:

Excess weight over the prescribed or permitted axle weight limits	Assessed amount per pound limit	Excess weight over the prescribed gross weight	Assessed amount per pound
4,000 pounds or less	1¢ per pound	4,000 pounds or less	1¢ per pound
4,001 to 8,000 pounds	10¢ per pound	4,001 to 8,000 pounds	5¢ per pound
8,001 to 12,000 pounds	20¢ per pound	8,001 to 12,000 pounds	10¢ per pound
12,001 pounds or more	30¢ per pound	12,001 pounds or more	15¢ per pound

All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

If a person has no prior violations under the motor vehicle weight laws, and the excess weight does not exceed 2,500 pounds, the general district court may waive the liquidated damages against such person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to the fund appropriated for the construction and maintenance of state highways.

B. If the gross weight of the vehicle exceeds lawful limits by at least ~~twenty-five~~ 25 percent but no more than ~~fifty~~ 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more than ~~fifty~~ 50 percent, the amount of the liquidated damages shall be three times the amount provided for in the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or panel trucks.

§ 46.2-1139. Permits for excessive size and weight generally; penalty.

A. The ~~Commonwealth Transportation~~ Commissioner and local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

B. Except for permits issued under § 46.2-1141 for overweight vehicles transporting containerized freight and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or
2. A tandem axle weight in excess of 34,000 pounds; or
3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or
4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. The ~~Commonwealth Transportation~~ Commissioner may issue permits to operate or tow one or more travel trailers as defined in § 46.2-1900 or motor homes when any of such vehicles exceed the maximum width specified by law, provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

D. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor.

E. Any permit issued by the ~~Commonwealth Transportation~~ Commissioner or local authorities of cities and towns pursuant to state law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such highway would result in a loss of federal-aid funds. Before any such permit is restricted by the Commissioner, or local authority, written notice shall be given to the permittee.

F. When application is made for permits issued by the ~~Commonwealth Transportation~~ Commissioner as well as local authorities of one or more cities and towns, any fees imposed therefor by the ~~Commonwealth Transportation~~ Commissioner as well as all affected local authorities may be paid by the applicant, at the applicant's option, to the ~~Commonwealth Transportation~~ Commissioner, who shall promptly transmit the local portion of the total fee to the appropriate locality or localities.

G. Engineering analysis, performed by the Virginia Department of Transportation, shall be conducted of a proposed routing before the Commissioner issues any permit under this section when such analysis is required to promote safety and preserve the capacity and structural integrity of highways and bridges. The Commissioner shall not issue a permit when the Virginia Department of Transportation determines that the roadway and bridges to be traversed cannot sustain the vehicles' size and weight.

§ 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, including a state agency, to issue designated permits pursuant to this article.

§ 46.2-1140. Authority to use certain streets and highways in cities and towns.

When the ~~Commonwealth Transportation~~ Commissioner issues a permit to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the Commissioner may also include within such permit, after coordinating with the authorities of a city or town, the authority to use specified highways at specified times within any such city or town which highways constitute extensions of any part of the primary highway system. No city or town otherwise having jurisdiction over its highways, shall have authority to prohibit the use of its highways to a person holding a permit issued by the Commissioner so long as such person travels upon the highways specified in the permit.

§ 46.2-1141. Overweight permits for containerized freight.

Permits to operate on the highways a vehicle exceeding the maximum weight specified in this title shall be granted without costs if the vehicle is hauling containerized cargo in a sealed, seagoing container bound to or from a seaport and has been or will be transported by marine shipment. In order to qualify for such a permit the contents of such seagoing container shall not be changed from the time it is loaded by the consignor or his agents to the time it is delivered to the consignee or his agents. Cargo moving in vehicles conforming to specifications shown in this section shall be considered irreducible and eligible for permits under regulations of the ~~Commonwealth Transportation~~ Commissioner.

§ 46.2-1142. Overweight permits for concrete haulers.

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 used to haul concrete. Permits under this section shall be issued only for vehicles that are used exclusively for the mixing of concrete in transit or at a project site or for transporting necessary components in a compartmentalized vehicle to produce concrete immediately upon arrival at a project site and either have (i) four axles with more than ~~twenty-two~~ 22 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. 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. The reduced speed limit is to be ~~ten~~ 10 miles per hour slower than the legal speed limit in ~~fifty-five~~ 55, ~~forty-five~~ 45, and ~~thirty-five~~ 35 miles per hour speed limit zones.

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

A. The ~~Commonwealth Transportation~~ Commissioner and local authorities of cities and towns in

their respective jurisdictions, upon written application by the owner or operator of vehicles used exclusively for hauling coal from a mine or other place of production to a preparation plant, loading dock, or railroad shall issue, without cost, a permit authorizing those vehicles to operate with gross weights in excess of those established in § 46.2-1126 on the conditions set forth in this section.

B. Vehicles with three axles may have a maximum gross weight, when loaded, of no more than 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight of no more than 50,000 pounds. Vehicles with five axles having no less than ~~thirty-five~~ 35 feet of axle space between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds.

C. No load of any vehicle operating under a permit issued according to this section shall rise above the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of coal. For the purposes of this section, the average weight of coal shall be ~~fifty-two~~ 52 pounds per cubic foot. Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which shall be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the average weight of coal.

D. For the purposes of this section, the term bed shall mean that part of the vehicle used to haul coal. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as provided above, the owner or operator shall be required to paint a horizontal line two inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense within a ~~twelve~~ 12-month period, and \$1,000 and revocation of the permit for a third offense within a ~~twelve~~ 12-month period from the first offense.

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

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

G. No such permit shall be valid for the operation of any such vehicle for a distance of more than ~~thirty-five~~ 35 miles from the preparation plant, loading dock, or railroad.

H. Until July 1, 2007, in counties that impose a severance tax on coal and gases as authorized by § 58.1-3712, the weight limits prescribed in subsection B of this section shall also apply to trucks hauling gravel, sand, or crushed stone no more than ~~fifty~~ 50 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation hauling sand, gravel, or crushed stone under this subsection shall be subject to the penalties authorized by § 46.2-1135.

§ 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~~ 22 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~~ 25 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~~ 10 miles per hour slower than the legal speed limit in ~~fifty-five~~ 55, ~~forty-five~~ 45, and ~~thirty-five~~ 35 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.

§ 46.2-1144. Overweight permits for solid waste haulers.

The ~~Commonwealth Transportation~~ Commissioner, upon written application by the owner or operator of vehicles used exclusively for hauling solid waste other than hazardous waste, shall issue without cost a permit authorizing the operation on the highway of such vehicles at gross weights in excess of those set forth in § 46.2-1126.

No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The Commissioner shall promulgate regulations governing such permits.

No such permit shall authorize the operation of any vehicle enumerated in this section beyond the boundary of the county or city where it is principally garaged or for a distance of more than ~~twenty-five~~ 25 miles from the place where it is principally garaged, whichever is greater. However, the 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~~ 10 miles per hour slower than the legal speed limit in ~~fifty-five~~ 55, ~~forty-five~~ 45, and ~~thirty-five~~ 35 miles per hour speed limit zones.

For the purposes of this section, the terms "solid waste" and "hazardous waste" shall have the meanings provided in § 10.1-1400.

§ 46.2-1146. Excess height and length permits for haulers of certain imported goods.

The ~~Commonwealth Transportation~~ Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owners or operators of motor vehicles used to transport items arriving at a Virginia port by ship from overseas points of origin and consigned to an assembly plant in this Commonwealth, shall issue without cost permits for the operation of such motor vehicles on the highways if those vehicles do not exceed the height limitation set forth in § 46.2-1110 by more than one and one-half feet and not exceeding the length limitation as set forth in §§ 46.2-1112 and 46.2-1113 by more than three feet. The Commissioner and local authorities may designate the routes such permittees shall use from the port to the assembly plant.

§ 46.2-1147. Permits for excessive size and weight for articulated buses.

The ~~Commonwealth Transportation~~ Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of passenger buses having three or more axles consisting of two sections joined together by an articulated joint with the trailer being equipped with a mechanically steered rear axle, and having a gross weight of no more than 60,000 pounds, a single axle weight of no more than 25,000 pounds and a width of no more than 102 inches shall issue to such owner or operator, without cost, a written permit authorizing the operation of such vehicles on the highways.

§ 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.

In addition to other permits provided for in this article, the ~~Commonwealth Transportation~~ Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon written application by the owner or operator of any three-axle vehicle used for hauling farm produce grown in Virginia shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a gross weight of no more than 50,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 36,000 pounds. Additionally, any five-axle combination used for hauling Virginia-grown farm products may have a gross weight of no more than 80,000 pounds and any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds.

Except as otherwise provided in this section, no such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

No permit issued under this section shall authorize any vehicle whose axle weights or axle spacing would not be permissible under §§ 46.2-1122 through 46.2-1127 to cross any bridge constituting a part of any public road.

Permits issued under this section shall be valid only in Accomack and Northampton Counties.

§ 46.2-1149. Unladen, oversize and overweight, rubber-tired, self-propelled haulers and loaders; permits; engineering analysis; costs.

The ~~Commonwealth Transportation~~ Commissioner and local authorities of cities and towns in their

respective jurisdictions, upon written application by the owner or operator of any empty, oversize and overweight, rubber-tired, self-propelled hauler or loader used in the construction and coal mining industries, may issue to such owner or operator a permit authorizing operation upon the highways of such equipment with gross empty weights in excess of those established in §§ 46.2-1122 through 46.2-1127 and sizes in excess of those established in §§ 46.2-1105 through 46.2-1108. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the *affected Virginia Department of Transportation or local authorities of counties, cities, and towns in their respective* jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. Costs shall be assessed against the applicant to cover engineering analysis.

No permit issued under this section shall be valid for the operation of the equipment for a distance of more than ~~thirty-five~~ 35 miles.

§ 46.2-1149.1. Excess tandem axle weight permits for cotton module haulers.

The ~~Commonwealth Transportation~~ Commissioner, upon application made by the owner or operator of vehicles used exclusively to transport seed cotton modules, shall issue without cost a permit authorizing the operation on the highway of such vehicles, from September 1 through December 31 of each year, at tandem axle weights in excess of that authorized in § 46.2-1125. The Commissioner shall promulgate regulations governing such permits. Such permits shall allow the vehicles to have tandem axle weights of no more than 44,000 pounds. No permit issued under this section shall authorize a single axle weight in excess of that authorized in § 46.2-1124 or a gross weight in excess of 56,000 pounds.

§ 46.2-1149.2. Permit authorizing transportation of tree-length logs.

The ~~Commonwealth Transportation~~ Commissioner, upon application made by the owner or operator of vehicles used to transport tree-length logs, shall issue a permit authorizing the operation on the highways of such vehicles in excess of lengths authorized in Article 16 (§ 46.2-1112 et seq.) of this chapter. Such permit shall be issued in accordance with regulations promulgated as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, subdivision (3) of § 33.1-12, and § 33.1-49.

§ 46.2-1149.3. *Payment of fees into special fund.*

All fees collected by the Commissioner under §§ 46.2-1139 through 46.2-1149.2 shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

2. That regulations promulgated by the Virginia Department of Transportation for the purposes of carrying out the provisions of this act shall remain in force until such regulations are amended, modified, or repealed by the Department of Motor Vehicles.