

2006 SPECIAL SESSION I

HOUSE SUBSTITUTE

066052444

HOUSE BILL NO. 5061

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on September 26, 2006)

(Patron Prior to Substitute—Delegates Oder and Cosgrove [HB 5081])

A *BILL to amend and reenact § 46.2-1110 of the Code of Virginia, relating to height of vehicles; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1110 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1110. Height of vehicles; damage to overhead obstruction; penalty.

No loaded or unloaded vehicle shall exceed a height of 13 feet, six inches.

Nothing contained in this section shall require either the public authorities or railroad companies to provide vertical clearances of overhead bridges or structures in excess of 12 feet, six inches, or to make any changes in the vertical clearances of existing overhead bridges or structures crossing highways. The driver or owner of vehicles on highways shall be held financially responsible for any damage to overhead bridges or structures that results from collisions therewith.

The driver or owner of any vehicle colliding with an overhead bridge or structure shall immediately notify, either in person or by telephone, a law-enforcement officer or the public authority or railroad company, owning or maintaining such overhead bridge or structure of the fact of such collision, and his name, address, driver's license number, and the registration number of his vehicle. Failure to give such notice immediately, either in person or by telephone, shall constitute a Class 1 misdemeanor.

On any highway over which there is a bridge or structure having a vertical clearance of less than 14 feet, the Commonwealth Transportation Commissioner shall have at least two signs erected setting forth the height of the bridge or structure. Such signs shall be located at least 1,500 feet ahead of the bridge or structure.

The Virginia Department of Transportation may install and use overheight vehicle optical detection systems to identify vehicles that exceed the overhead clearance of the westbound tunnel of the Hampton Roads Bridge Tunnel on Interstate Route 64. When the optical system sensor located closest to the westbound tunnel entrance is used in identifying such vehicles, the system shall be installed at the specified height as determined by measurement standards that have been certified by the Commissioner of the Virginia Department of Agriculture and Consumer Services, and are traceable to national standards of measurement. Such identification by such system shall, for all purposes of law, be equivalent to having measured the height of the vehicle with a tape measure or other measuring device.

Any person who drives or attempts to drive any vehicle or combination of vehicles into or through any tunnel when the height of such vehicle, any vehicle in a combination of vehicles, or any load on any such vehicle exceeds that permitted for such tunnel, shall be guilty of a Class 3 misdemeanor and, in addition, shall be assessed three driver demerit points. *In addition, the driver of any such vehicle shall be fined \$1,000, of which \$1,000 shall be a mandatory minimum. For subsequent offenses, the owner of any such vehicle shall be fined \$2,500, of which 2,500 shall be a mandatory minimum.*

A violation of this section shall be deemed for all purposes a moving violation.

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