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SENATE BILL NO. 1321

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 1, 2007)

(Patron Prior to Substitute—Senator Houck)

A BILL to amend and reenact § 46.2-1149.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1144.1, relating to overweight permits for tank wagons.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1149.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding section numbered 46.2-1144.1 and as follows:

§ 46.2-1144.1. Overweight permits for tank wagons.

The Commissioner, upon written application and payment of a fee by the owner of tank wagon vehicles as defined in § 58.1-2201, shall issue overweight permits for operation of said vehicles.

The overweight permit fees shall be based on a fee schedule established by the Commonwealth Transportation Commissioner. Such fees shall be dedicated to and deposited into the Highway Maintenance and Operating Fund.

The Commissioner may also assess a separate application fee for applications pursuant to this section that covers the administrative expenses of the Department. Funds from the application fee are to be designated as specified in § 46.2-1149.3.

No permit issued under this section shall authorize a single axle weight of more than 24,000 pounds and a total gross weight in excess of 36,000 pounds. Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. This permit shall not be combined with any other overweight permit or extension of weight limits.

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

All Except as provided in § 46.2-1144.1, 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 the Department of Transportation shall conduct a study of the damage sustained to Virginia highways that are attributed to overweight vehicles, including those authorized under this section. The results of such study and a recommended permit fee for permits to be issued under this section shall be provided to the Governor and the Chairmen of the House and Senate Committees on Transportation no later than December 1, 2007. In developing such study, the Department of Transportation shall consult with and consider the comments from interested parties, including the motor carrier industry, and shall specifically consider the impact of tank wagon delivery vehicles. Such study shall be used by the Commonwealth Transportation Commissioner in establishing the fee structure for overweight permits under this section. The Commonwealth Transportation Commissioner shall publish the fee schedule no later than by January 1, 2008.

3. That from July 1, 2007 to July 1, 2008, the annual overweight permit fee shall be \$800 for each eligible vehicle. The Commonwealth Transportation Commissioner shall establish a fee structure that shall become effective on July 1, 2008, based on the results of the study of overweight vehicles required by the second enactment of this act.

4. That the fee structure established by the Commonwealth Transportation Commissioner pursuant to § 46.2-1144.1 shall not be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).