

2008 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

089855420

HOUSE BILL NO. 1546

Offered January 18, 2008

A BILL to amend and reenact § 46.2-1138.2 of the Code of Virginia, relating to town weight limit ordinance on certain roads.

Patron—Athey

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1138.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1138.2. Town ordinances concerning weight limits on certain roads.

A. The governing body of any town that ~~provided, on January 1, 1993~~ purchases, town-owned and -maintained weight scales for the purpose of enforcing the weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles passing over any roads in the town may adopt ordinances for the assessment of liquidated damages as to overweight vehicles in accordance with the liquidated damages under § 46.2-1135. Such ordinances may provide that:

1. Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner, operator or other person causing the operation of such overweight vehicle at such rate and amount as may be provided in such ordinance;

2. The assessment shall be entered by the court as a judgment for such town;

3. The entry of such judgment shall constitute a lien upon the overweight vehicle; and

4. Such sum shall be paid into the treasury of the town and allocated to the fund appropriated by the town for the construction and maintenance of roads under its jurisdiction.

B. Such ordinances may include additional provisions relating to the payment of such assessment and the enforcement powers applicable to such town and corresponding to the provisions of §§ 46.2-1131, 46.2-1133, 46.2-1134 and 46.2-1135, except that civil penalties, liquidated damages and weighing fees collected pursuant to such ordinances shall be paid to the town, and the town attorney or his designee shall represent the town in any court proceeding.

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