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SENATE BILL NO. 1048

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact §§ 46.2-652, 46.2-653, 46.2-685, 46.2-1128, 46.2-1141, 46.2-1142, 46.2-1142.1, 46.2-1143, 46.2-1143.1, 46.2-1144, 46.2-1144.1, 46.2-1147, 46.2-1149, 46.2-1149.1, and 46.2-1149.4 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 46.2-1139.2, and to repeal § 46.2-1149.3 of the Code of Virginia, the second and third enactments of Chapter 738 of the Acts of Assembly of 2007, and the second enactment of Chapter 864 of the Acts of Assembly of 2008, relating to temporary vehicle registration; overweight and overload permits; fees.*

 Patron—Miller, Y.B.

 Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-652, 46.2-653, 46.2-685, 46.2-1128, 46.2-1141, 46.2-1142, 46.2-1142.1, 46.2-1143, 46.2-1143.1, 46.2-1144, 46.2-1144.1, 46.2-1147, 46.2-1149, 46.2-1149.1, and 46.2-1149.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1139.2 as follows:

§ 46.2-652. Temporary registration for vehicles.

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 ~~\$10 per mile for every mile to be traveled~~ \$100, in addition to any administrative fee required by the Department. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of ~~\$40~~\$250, in addition to any administrative fee required by the Department. *Such temporary registration or permit fees shall be dedicated to and deposited into the Highway Maintenance and Operating Fund.*

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

The Commissioner may grant a temporary registration or permit for the transportation of manufactured homes, 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 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 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 manufactured home shall, for purposes of this section, be deemed to be real estate and 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 Commissioner shall have prepared a list of all titles cancelled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost. The Commissioner shall not make such list available to the public nor shall any commissioner of the revenue make such list available to any third party.

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these manufactured homes may be transported, and no manufactured home of this sort

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59 shall be transported through any city or town except along a prescribed route or routes.

60 For each temporary single-trip registration or permit issued hereunder, the applicant shall pay a fee of
 61 ~~one dollar~~ \$100, in addition to any administrative fee required by the Department. In lieu of a single-trip
 62 permit, an annual multi-trip permit may be issued for a fee of ~~\$40~~\$250, in addition to any administrative
 63 fee required by the Department.

64 No permit, as provided in this section, shall be issued covering any manufactured home that is
 65 subject to a license plate.

66 *Such temporary registration or permit fees shall be dedicated to and deposited into the Highway*
 67 *Maintenance and Operating Fund.*

68 § 46.2-685. Payment of fees into special fund.

69 All fees collected by the Commissioner under §§ 46.2-651, ~~46.2-652, and 46.2-653~~ shall be paid into
 70 the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

71 § 46.2-1128. Extensions of weight limits; fees.

72 The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross
 73 weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall
 74 extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and
 75 gross weight limit based on axle spacing and number of axles on such vehicle. However, no such permit
 76 *issued under this section or § 46.2-1129* shall authorize the operation of a motor vehicle whose gross
 77 weight exceeds 84,000 pounds *or is more than five percent in excess of the vehicle's legal gross weight*
 78 *limits, whichever is the lesser*, nor shall any such permit authorize any extension of the limitations
 79 provided in § 46.2-1127 for interstate highways.

80 Permits under this section shall be valid for one year and shall be issued ~~according to the following~~
 81 ~~fee schedule:~~

82	Percentage	Fee for Permit
83	1%	\$ 35
84	2%	75
85	3%	115
86	4%	160
87	5%	200.

88 *for a fee of \$250. Overload permit fees shall be dedicated to and deposited into the Highway*
 89 *Maintenance and Operating Fund.*

90 The Commissioner shall make the permit available to vehicles registered outside the Commonwealth
 91 under the same conditions and restrictions which are applicable to vehicles registered within the
 92 Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as
 93 provided in this section and § 46.2-1129, no weights in excess of those authorized by law shall be
 94 tolerated.

95 Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized
 96 under this section without a permit or the payment of any fee; provided, however, that should such
 97 vehicle violate the weight limits permitted by this section and § 46.2-1129, such vehicle shall be
 98 required to apply for and receive a permit and pay the permit fee to operate as authorized in this
 99 section.

100 § 46.2-1139.2. *Permits for excessive weight generally; fees.*

101 *Permits issued in accordance with this article shall be assessed overweight permit fees, except that*
 102 *no overweight permit fees shall apply to permits issued in accordance with §§ 46.2-1141, 46.2-1143 A*
 103 *and H, and 46.2-1145. Permits issued under this article shall be valid for one year and shall be issued*
 104 *for a fee of \$250. Such overweight permit fees shall be dedicated to and deposited into the Highway*
 105 *Maintenance and Operating Fund.*

106 § 46.2-1141. Overweight permits for containerized freight.

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

114 § 46.2-1142. Overweight permits for concrete haulers.

115 The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon
 116 written application *and payment of permit fees* made by the owner or operator, shall issue overweight
 117 permits for operation of certain vehicles used to haul concrete. Permits under this section shall be issued
 118 only for vehicles that are used exclusively for the mixing of concrete in transit or at a project site or for
 119 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 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 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

§ 46.2-1142.1. Extensions of overweight limits authorized under § 46.2-1142 for vehicles used to haul concrete; fees.

Owners or operators of vehicles used exclusively to haul concrete may apply for permits to extend the single axle weight limit of 20,000 pounds, the tandem axle weight limit of 40,000 pounds, the four axle weight of 70,000 pounds, the tri-axle grouping weight of 50,000 pounds, and the three-axle weight of 60,000 pounds provided for in § 46.2-1142, ~~by the percentages and upon written application and payment of the permit fees set forth in this section.~~

Percentage	Fee for Permit
1%	\$35
2	75
3	115
4	160
5	200

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. Permits issued under this section shall authorize extensions of the limitation provided for in § 46.2-1128 for vehicles operating on interstate highways only to the extent that any such extension (i) is not inconsistent with federal law and (ii) will not jeopardize or require the withholding or reduction of federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1142, no weights in excess of those authorized by law shall be tolerated.

§ 46.2-1143. Overweight permits for coal haulers; trucks hauling gravel, sand, crushed stone, or liquids produced from gas or oil wells in certain counties; penalties.

A. The 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 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. Vehicles with six axles may have a maximum gross weight, when loaded, of no more than 110,000 pounds, a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 44,000 pounds, and a tri-axle weight of no more than 54,500 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 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. Five-axle vehicles shall not carry loads in excess of the maximum bed size for

181 such vehicle, which shall be computed by a formula of 90,000 pounds minus the weight of the truck
182 empty divided by the average weight of coal. Six-axle vehicles shall not carry loads in excess of the
183 maximum bed size for such vehicle, which shall be computed by a formula of 110,000 pounds minus
184 the weight of the truck empty divided by the average weight of coal.

185 D. For the purposes of this section, the term bed shall mean that part of the vehicle used to haul
186 coal. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order
187 to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds
188 the maximum as provided above, the owner or operator shall be required to paint a horizontal line two
189 inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the
190 uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In
191 addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center
192 of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the
193 vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense
194 within a 12-month period, and \$1,000 and revocation of the permit for a third offense within a
195 12-month period from the first offense.

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

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

208 G. No such permit shall be valid for the operation of any such vehicle for a distance of more than
209 85 miles within the Commonwealth of Virginia from the preparation plant, loading dock, or railroad.

210 ~~Until July 1, 2009, in~~ In counties that impose a severance tax on coal and gases as authorized by
211 § 58.1-3712, the *Commissioner, upon written application and payment of permit fees, shall issue to the*
212 *owner or operator a permit authorizing the operation on the highway at weight limits prescribed in*
213 *subsection B of this section shall also apply to trucks hauling gravel, sand, or crushed stone no more*
214 *than 50 miles from origin to destination. Nothing contained in this subsection shall authorize any*
215 *extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight*
216 *violation hauling sand, gravel, or crushed stone under this subsection shall be subject to the penalties*
217 *authorized by § 46.2-1135.*

218 H. In counties that impose a severance tax on coal and gases as authorized by § 58.1-3712, the
219 weight limits prescribed in subsection B shall also apply to motor vehicles hauling liquids produced
220 from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50
221 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of
222 weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation
223 involving hauling liquids produced from a gas or oil well and water used for drilling and completion of
224 a gas or oil well under this subsection shall be subject to the penalties authorized by § 46.2-1135.

225 § 46.2-1143.1. Overweight permits for haulers of excavated material.

226 The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon
227 written application made by the owner or operator *and payment of permit fees*, shall issue overweight
228 permits for operation of certain vehicles hauling excavated material from construction-related
229 land-clearing operations. Permits shall be issued under this section only for vehicles that have either (i)
230 four axles with more than 22 feet between the first and last axle of the vehicle or (ii) three axles. Any
231 vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more
232 than 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle
233 weight of no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a
234 tri-axle grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping
235 exceeding the weight permitted for a single axle. ~~Such permits shall be issued without cost.~~

236 No permit issued under this section shall authorize the operation of any vehicle hauling excavated
237 material for a distance of more than 25 miles from the land-clearing operation. However, such permit
238 shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other
239 vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of
240 a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than
241 the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

242 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 Commissioner, upon written application *and payment of permit fees* 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 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 10 miles per hour slower than the legal speed limit in 55, 45, and 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.

§ 46.2-1144.1. 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 40,000 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.

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

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application *and payment of permit fees* 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.

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

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application *and payment of permit fees and other costs* 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 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 35 miles.

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

The Commissioner, upon application ~~made~~ *and payment of permit fees* 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

304 tandem axle weights in excess of that authorized in § 46.2-1125. The Commissioner shall promulgate
305 regulations governing such permits. Such permits shall allow the vehicles to have tandem axle weights
306 of no more than 44,000 pounds. No permit issued under this section shall authorize a single axle weight
307 in excess of that authorized in § 46.2-1124 or a gross weight in excess of 56,000 pounds.

308 § 46.2-1149.4. Overweight permits for specialized mobile equipment.

309 The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon
310 written application ~~made~~ *and payment of permit fees* by the owner or operator, shall issue without cost
311 an overweight permit for the operation of specialized mobile equipment. Any vehicle operating under a
312 permit issued pursuant to this section shall have a gross weight of no more than 64,000 pounds, a single
313 axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds.
314 Such permit shall not designate the route to be traversed nor contain restrictions or conditions not
315 applicable to other vehicles in their general use of the highways.

316 For purposes of this section, "specialized mobile equipment" means a self-propelled motor vehicle
317 manufactured for the specific purpose of supporting well-drilling machinery on the job site and whose
318 movement on any highway is incidental to the purpose for which it was designed and manufactured.

319 **2. That § 46.2-1149.3 of the Code of Virginia, the second and third enactments of Chapter 738 of**
320 **the Acts of Assembly of 2007, and the second enactment of Chapter 864 of the Acts of Assembly**
321 **of 2008 are repealed.**