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HOUSE BILL NO. 1558

Offered January 12, 2011

Prefiled January 4, 2011

A *BILL to amend and reenact § 46.2-1102 of the Code of Virginia, relating to overweight farm machinery and agricultural multipurpose drying units.*

Patron—Scott, E.T.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1102 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1102. Size limitations inapplicable to farm machinery, agricultural multipurpose drying units, and fire-fighting equipment; amber warning lights.

A. ~~The~~ *Except when restricted by bridge capacity in § 46.2-1104, the vehicle size and weight* limitations contained in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business. Nor shall those limitations apply to fire-fighting equipment of any county, city, town, or fire-fighting company or association. Any farm tractor or agricultural multipurpose drying unit wider than 108 inches, however, which is so propelled, hauled, transported, or moved on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police. The light shall be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.

No overweight farm machinery or agricultural multipurpose drying unit under this section shall be operated on any Interstate Highway System component if the vehicle has:

1. *A single axle weight in excess of 20,000 pounds;*
2. *A tandem axle weight in excess of 34,000 pounds;*
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.*

B. Notwithstanding subsection A ~~of this section~~, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light as provided in § 46.2-1025. Any such light may be installed in lieu of or in addition to the safety light described in subsection A ~~of this section~~. The absence of amber flashing, blinking, or alternating warning lights on any farm tractor or other farm, agricultural, or horticultural vehicle, as authorized under this subsection, shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of any motor vehicle or farm tractor, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

INTRODUCED

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