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HOUSE BILL NO. 1195

Offered January 18, 2012

A BILL to amend and reenact §§ 46.2-1128 and 46.2-1129 of the Code of Virginia, relating to vehicle weight limits.

 Patron—Lewis

 Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 46.2-1128 and 46.2-1129 of the Code of Virginia are amended and reenacted as follows:**
 § 46.2-1128. Extensions of weight limits; fees.

The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of ~~34,000~~ 40,000 pounds, and gross weight limit based on axle spacing and number of axles on such vehicle. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds 84,000 pounds, nor shall any such permit authorize any extension of the limitations provided in § 46.2-1127 for interstate highways.

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

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

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 § 46.2-1129, no weights in excess of those authorized by law shall be tolerated.

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

§ 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or forest products.

The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined in § 3.2-4709, from the place where they are first produced, cut, harvested, or felled to the location where they are first processed may obtain from the Commissioner an extension for such vehicle of the single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle weight limit, and gross weight limit based on axle spacing and number of axles on such vehicle by five percent, respectively.

No permit issued under this section shall permit the operation on an interstate highway of any vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of ~~34,000~~ 40,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner shall promulgate regulations governing such permits.

Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but no weights beyond those permitted by the combination of the extensions provided in this section and § 46.2-1128 shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1128, such vehicle shall no longer be permitted to operate as authorized in this section.