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HOUSE BILL NO. 806

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact §§ 46.2-652, 46.2-685, 46.2-1128, 46.2-1129, 46.2-1139, 46.2-1140 through 46.2-1145, 46.2-1147 through 46.2-1149.1, 46.2-1149.3, 46.2-1149.4, and 46.2-1149.5 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-652.1, 46.2-1140.1, and 46.2-1144.2, relating to overweight and oversize vehicle permits and fees.*

Patrons—May and Keam

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-652, 46.2-685, 46.2-1128, 46.2-1129, 46.2-1139, 46.2-1140 through 46.2-1145, 46.2-1147 through 46.2-1149.1, 46.2-1149.3, 46.2-1149.4, and 46.2-1149.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-652.1, 46.2-1140.1, and 46.2-1144.2 as follows:

§ 46.2-652. Temporary registration or permit for oversize vehicles; fees.

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 size 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, the vehicle to which it refers, and the route to be traveled or other restrictions and shall be displayed in a prominent place on carried in the vehicle.

For a single-trip temporary registration or permit issued under this section, the applicant shall pay a fee of ~~\$10~~ 10 cents (\$0.10) per mile for every mile to be traveled, 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, in addition to any administrative fee required by the Department.

For any vehicle that is both overweight and oversize, the permit fees under § 46.2-652.1 shall apply.

§ 46.2-652.1. Temporary registration or permit for overweight vehicles; fees.

A. 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 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, the vehicle to which it refers, and the route to be traveled or other restrictions and shall be carried in the vehicle.

B. For a single-trip temporary registration or permit issued under this section, the applicant shall pay (i) a fee of 30 cents (\$0.30) per mile for every mile to be traveled, to be allocated as follows: (a) 20 cents (\$0.20) per mile deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (b) 10 cents (\$0.10) per mile to the Department and (ii) one of the following fees, depending on gross weight:

1. For a single-trip overweight permit issued for gross weights of 115,000 pounds or less, a \$20 administrative fee to the Department, plus, if needed, an additional \$10 to cover extra research and analysis;

2. For a single-trip overweight permit issued for gross weights of 115,001 to 150,000 pounds, a fee of \$80, to be allocated as follows: (i) \$50 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$30 administrative fee to the Department;

3. For a single-trip overweight permit issued for gross weights of 150,001 to 200,000 pounds, a fee of \$190, to be allocated as follows: (i) \$160 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$30 administrative fee to the Department;

4. For a single-trip overweight permit issued for gross weights of 200,001 to 500,000 pounds, a fee of \$280, to be allocated as follows: (i) \$250 deposited into the Highway Maintenance and Operating

INTRODUCED

HB806

59 Fund to be used to assist in funding needed highway pavement and bridge maintenance and
60 rehabilitation and (ii) a \$30 administrative fee to the Department; or

61 5. For a single-trip overweight permit issued for gross weights in excess of 500,000 pounds, a fee of
62 \$1,450, to be allocated as follows: (i) \$1,420 deposited into the Highway Maintenance and Operating
63 Fund to be used to assist in funding needed highway pavement and bridge maintenance and
64 rehabilitation and (ii) a \$30 administrative fee to the Department.

65 C. In lieu of a single-trip permit, an annual multi-trip overweight permit may be issued for the
66 following fee:

67 1. For an annual multi-trip overweight permit issued for gross weights of 115,000 pounds and below,
68 a fee of \$500, to be allocated as follows: (i) \$360 deposited into the Highway Maintenance and
69 Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and
70 rehabilitation and (ii) \$140 to the Department; or

71 2. For an annual multi-trip overweight permit issued for gross weights in excess of 115,000 pounds,
72 a fee of \$560, to be allocated as follows: (i) \$420 deposited into the Highway Maintenance and
73 Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and
74 rehabilitation and (ii) \$140 to the Department.

75 D. In lieu of an annual permit, a three-month overweight permit may be issued for a fee of \$220, to
76 be allocated as follows: (i) \$110 deposited into the Highway Maintenance and Operating Fund to be
77 used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii)
78 \$110 to the Department.

79 E. For any vehicle that is both overweight and oversize, the permit fees under this section shall
80 apply.

81 § 46.2-685. Payment of fees into special fund.

82 ~~All~~ Except as otherwise provided, all fees collected by the Commissioner under §§ 46.2-651;
83 ~~46.2-652, and~~ through 46.2-653 shall be paid into the state treasury and set aside as a special fund to be
84 used to meet the expenses of the Department.

85 § 46.2-1128. Extensions of weight limits; fees.

86 The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross
87 weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall
88 extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and
89 gross weight limit based on axle spacing and number of axles on such vehicle by a maximum of five
90 percent. However, no such permit shall authorize the operation of a motor vehicle whose gross weight
91 exceeds 84,000 pounds, nor shall any such permit authorize any extension of the limitations provided in
92 § 46.2-1127 for interstate highways.

93 Permits under this section shall be valid for one year and the fee shall be issued according to the
94 following fee schedule: \$250.

95	Percentage	Fee for Permit
96	1%	\$ 35
97	2%	75
98	3%	115
99	4%	160
100	5%	200

101 Such fee shall be allocated as follows: (i) \$245 deposited into the Highway Maintenance and
102 Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and
103 rehabilitation and (ii) a \$5 administrative fee paid into the state treasury and set aside as a special fund
104 to be used to meet the expenses of the Department.

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

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

115 § 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or
116 forest products.

117 The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined
118 in § 3.2-4709, from the place where they are first produced, cut, harvested, or felled to the location
119 where they are first processed may obtain from the Commissioner an extension for such vehicle of the

120 single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single
 121 axle weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the
 122 single axle weight limit, tandem axle weight limit, and gross weight limits based on axle spacing and
 123 number of axles on such vehicle by five percent, respectively. *However, no such permit shall authorize*
 124 *the operation of a motor vehicle whose gross weight exceeds 84,000 pounds.*

125 No permit issued under this section shall permit the operation on an interstate highway of any
 126 vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess
 127 of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in
 128 § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The
 129 Commissioner shall may promulgate regulations governing such permits.

130 Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but
 131 no weights beyond those permitted by the combination of the extensions provided in this section and
 132 § 46.2-1128 shall be tolerated.

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

137 § 46.2-1139. Permits for excessive size and weight generally; penalty.

138 A. The Commissioner and, *unless otherwise indicated in this article*, local authorities of cities and
 139 towns, in their respective jurisdictions, may, upon written application and good cause being shown, *and*
 140 *pursuant to the requirements of subsection A1*, issue a permit authorizing the applicant to operate on a
 141 highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit
 142 may designate the route to be traversed and contain any other restrictions or conditions deemed
 143 necessary by the body granting the permit.

144 *A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads*
 145 *from the secondary system of state highways that opts to issue permits under this article shall enter into*
 146 *a memorandum of understanding with the Commissioner that at a minimum:*

147 1. *Allows the Commissioner to issue permits on behalf of that locality; and*

148 2. *Provides that the locality shall satisfy the following requirements prior to issuing such permits:*

149 a. *The locality shall have applications for each permit type available online.*

150 b. *The locality shall have designated telephone and fax lines to address permit requests and*
 151 *inquiries.*

152 c. *The locality shall have at least one staff member whose primary function is to issue permits.*

153 d. *The locality shall have one or more engineers on staff or contracted to perform bridge inspections*
 154 *and provide analysis for overweight vehicles.*

155 e. *The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations*
 156 *and limitations.*

157 f. *The locality shall provide to the Department an emergency contact phone number and assign a*
 158 *staff person who is authorized to issue the permit or authorized to make a decision regarding the permit*
 159 *request at all times (24 hours a day, seven days a week).*

160 g. *The locality shall process a "standard permit" for a "standard vehicle" by the next business day*
 161 *after receiving the completed permit application. Each locality shall define "standard vehicle" and*
 162 *"standard permit" and provide the Department with those definitions. All other requests for permits shall*
 163 *be processed within 10 business days.*

164 h. *The locality shall retain for at least 36 months all permit data it collects.*

165 i. *The locality shall maintain an updated list of all maintenance and construction projects within that*
 166 *locality. The list shall provide starting and ending locations and dates for each project, and shall be*
 167 *updated as those dates change.*

168 j. *The locality shall maintain a list of restricted streets. This list shall indicate all times of travel*
 169 *restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.*

170 *If the locality satisfies the requirements in the memorandum of understanding, the locality may issue*
 171 *permits under this article.*

172 B. Except for permits issued under § 46.2-1141 for overweight vehicles transporting containerized
 173 freight and permits issued for overweight vehicles transporting irreducible loads, no overweight permit
 174 issued by the Commissioner or any local authority under any provision of this article shall be valid for
 175 the operation of any vehicle on an interstate highway if the vehicle has:

176 1. A single axle weight in excess of 20,000 pounds; or

177 2. A tandem axle weight in excess of 34,000 pounds; or

178 3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or

179 4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

180 C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in

181 § 46.2-1900 or motor homes when any of such vehicles exceed the maximum width specified by law,
 182 provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of
 183 § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

184 D. 1. Every permit issued under this article for the operation of oversize or overweight vehicles shall
 185 be carried in the vehicle to which it refers and may be inspected by any officer or size and weight
 186 compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1
 187 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not
 188 invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route
 189 listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less
 190 axle spacing than required by the permit when measured longitudinally from the center of the axle to
 191 center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is
 192 transporting multiple items not allowed by the permit.

193 2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or
 194 weight exceeding the maximum specified in this title may be transferred to another vehicle no more than
 195 two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to
 196 all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an
 197 administrative fee of \$10 for each transfer.

198 E. Any permit issued by the Commissioner or local authorities of cities and towns pursuant to state
 199 law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on
 200 such highway would result in a loss of federal-aid funds. Before any such permit is restricted by the
 201 Commissioner, or local authority, written notice shall be given to the permittee.

202 F. When application is made for permits issued by the Commissioner as well as local authorities of
 203 one or more cities and towns, any fees imposed therefor by the Commissioner as well as all affected
 204 local authorities may be paid by the applicant, at the applicant's option, to the Commissioner, who shall
 205 promptly transmit the local portion of the total fee to the appropriate locality or localities.

206 G. Engineering analysis, performed by the Virginia Department of Transportation or local authority,
 207 shall be conducted of a proposed routing before the Commissioner or local authority issues any permit
 208 under this section when such analysis is required to promote safety and preserve the capacity and
 209 structural integrity of highways and bridges. The Commissioner or local authority shall not issue a
 210 permit when the Virginia Department of Transportation or local authority determines that the roadway
 211 and bridges to be traversed cannot sustain the a vehicle's size and weight.

212 § 46.2-1140. Authority to use certain streets and highways in cities and towns.

213 When the Commissioner issues a permit to a person to move a vehicle of excessive size and weight
 214 along specified highways in Virginia, the Commissioner may also include within such permit, after
 215 coordinating with or notifying the authorities of a city or town, the authority to use specified highways
 216 at specified times within any such city or town which highways constitute extensions of any part of the
 217 primary highway system. No city or town otherwise having jurisdiction over its highways, shall have
 218 authority to prohibit the use of its highways to a person holding a permit issued by the Commissioner so
 219 long as such person travels upon the highways specified in the permit.

220 § 46.2-1140.1. Annual overweight permits; fees.

221 Except as otherwise provided, the annual fee for overweight permits issued under §§ 46.2-1141
 222 through 46.2-1149.5 shall be \$130, to be allocated as follows: (i) \$120 to the Highway Maintenance
 223 and Operating Fund, with a portion equal to the percentage of the Commonwealth's total lane miles
 224 represented by the lane miles eligible for maintenance payments pursuant to §§ 33.1-23.5:1 and
 225 33.1-41.1 being redistributed on the basis of lane miles to the applicable localities pursuant to
 226 §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway pavement and bridge
 227 maintenance and rehabilitation and (ii) a \$10 administrative fee to the Department.

228 Unless otherwise prohibited, overweight permits issued under §§ 46.2-1141 through 46.2-1149.5 shall
 229 be valid on all unrestricted state and local highways.

230 § 46.2-1141. Overweight permits for containerized freight.

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

238 The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the
 239 Commissioner may issue a permit under this section.

240 § 46.2-1142. Overweight permits for concrete haulers.

241 The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon
 242 written application made by the owner or operator, shall issue overweight permits for operation of

243 certain vehicles used to haul concrete. Permits under this section shall be issued only for vehicles that
 244 are used exclusively for the mixing of concrete in transit or at a project site or for transporting
 245 necessary components in a compartmentalized vehicle to produce concrete immediately upon arrival at a
 246 project site and either have (i) four axles with more than 22 feet between the first and last axle of the
 247 vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this section shall
 248 have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000 pounds for
 249 four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight of no more
 250 than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no single axle
 251 of such tri-axle grouping exceeding the weight permitted for a single axle. ~~Such~~ *The fee for such*
 252 permits shall be ~~issued without cost as provided in § 46.2-1140.1.~~ Such permit shall not designate the
 253 route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their
 254 general use of the highways.

255 Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be
 256 operated at a reduced speed. The reduced speed limit is to be 10 miles per hour slower than the legal
 257 speed limit in 55, 45, and 35 miles per hour speed limit zones.

258 § 46.2-1142.1. Extensions of overweight limits authorized under § 46.2-1142 for vehicles used to haul
 259 concrete; fees.

260 Owners or operators of vehicles used exclusively to haul concrete may apply for permits to extend
 261 the single axle weight limit of 20,000 pounds, the tandem axle weight limit of 40,000 pounds, the four
 262 axle weight of 70,000 pounds, the tri-axle grouping weight of 50,000 pounds, and the three-axle weight
 263 of 60,000 pounds provided for in § 46.2-1142, by ~~the percentages and upon payment of the fees set~~
 264 ~~forth in this section:~~ *a maximum of five percent. The fee for such permits shall be \$250, to be allocated*
 265 *as follows: (i) \$245 deposited into the Highway Maintenance and Operating Fund to be used to assist*
 266 *in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5*
 267 *administrative fee to the Department.*

268	Percentage	Fee for Permit
269	1%	\$35
270	2	75
271	3	115
272	4	160
273	5	200

274 Permits issued under this section shall be valid for one year from the date of issuance. No permit
 275 issued under this section shall authorize violation of any weight limitation, promulgated and posted in
 276 accordance with § 46.2-1130, applicable to bridges or culverts. Permits issued under this section shall
 277 authorize extensions of the limitation provided for in § 46.2-1128 for vehicles operating on interstate
 278 highways only to the extent that any such extension (i) is not inconsistent with federal law and (ii) will
 279 not jeopardize or require the withholding or reduction of federal transportation funding otherwise
 280 available to the Commonwealth or any of its political subdivisions.

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

286 § 46.2-1143. Overweight permits for coal haulers; trucks hauling gravel, sand, crushed stone, or
 287 liquids produced from gas or oil wells in certain counties; penalties.

288 A. The Commissioner ~~and local authorities of cities and towns in their respective jurisdictions,~~ upon
 289 written application by the owner or operator of vehicles used exclusively for hauling coal or coal
 290 byproducts from a mine or other place of production to a preparation plant, electricity-generation
 291 facility, loading dock, or railroad shall issue, ~~without cost a fee,~~ a permit authorizing those vehicles to
 292 operate with gross weights in excess of those established in § 46.2-1126 on the conditions set forth in
 293 this section.

294 B. Vehicles with three axles may have a maximum gross weight, when loaded, of no more than
 295 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no
 296 more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of
 297 no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight
 298 of no more than 50,000 pounds. Vehicles with five axles having no less than 35 feet of axle space
 299 between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000
 300 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than
 301 40,000 pounds. Vehicles with six axles may have a maximum gross weight, when loaded, of no more
 302 than 110,000 pounds, a single axle weight of no more than 24,000 pounds, a tandem axle weight of no
 303 more than 44,000 pounds, and a tri-axle weight of no more than 54,500 pounds.

304 C. No load of any vehicle operating under a permit issued according to this section shall rise above
305 the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not
306 carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed
307 by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of
308 coal. For the purposes of this section, the average weight of coal shall be 52 pounds per cubic foot.
309 Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which shall
310 be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the
311 average weight of coal. Five-axle vehicles shall not carry loads in excess of the maximum bed size for
312 such vehicle, which shall be computed by a formula of 90,000 pounds minus the weight of the truck
313 empty divided by the average weight of coal. Six-axle vehicles shall not carry loads in excess of the
314 maximum bed size for such vehicle, which shall be computed by a formula of 110,000 pounds minus
315 the weight of the truck empty divided by the average weight of coal.

316 D. For the purposes of this section, ~~the term bed shall~~ "bed" means that part of the vehicle used to
317 haul coal. Bed size shall be ~~measured by~~ based on its interior dimensions, *which may be determined by*
318 *measuring the exterior of the bed*, with volume expressed in cubic feet. In order to ensure compliance
319 with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as
320 provided above, the owner or operator shall be required to paint a horizontal line two inches wide on
321 the sides of the outside of the bed of the vehicle, clearly visible to indicate the uppermost limit of the
322 maximum bed size applicable to the vehicle as provided in this section. In addition, one hole two inches
323 high and six inches long on each side of the bed shall be cut in the center of the bed and at the top of
324 the painted line. Any vehicle in violation of this section shall subject the vehicle's owner or operator or
325 both to a penalty of \$250 for a first offense, \$500 for a second offense within a 12-month period, and
326 \$1,000 and revocation of the permit for a third offense within a 12-month period from the first offense.

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

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

339 G. No such permit shall be valid for the operation of any such vehicle for a distance of more than
340 85 miles within the Commonwealth of Virginia from the preparation plant, loading dock, or railroad.

341 ~~Until July 1, 2012, in~~ H. In counties that impose a severance tax on coal and gases as authorized by
342 § 58.1-3712, ~~the weight limits prescribed in subsection B of this section shall also apply to trucks~~
343 *Commissioner, upon written application by the owner or operator of vehicles used exclusively for*
344 *hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination, shall issue a*
345 *permit authorizing those vehicles to operate with the weight limits prescribed in subsection B.* Nothing
346 contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for
347 operation on interstate highways. Any weight violation hauling sand, gravel, or crushed stone under this
348 subsection shall be subject to the penalties authorized by § 46.2-1135.

349 *The fee for a permit issued under this subsection shall be \$70, to be allocated as follows: (i) \$65 to*
350 *the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the*
351 *Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments*
352 *pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable*
353 *localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway*
354 *pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.*

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

362 § 46.2-1143.1. Overweight permits for haulers of excavated material.

363 The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon
364 written application made by the owner or operator, shall issue overweight permits for operation of
365 certain vehicles hauling excavated material from construction-related land-clearing operations. Permits

366 shall be issued under this section only for vehicles that have either (i) four axles with more than 22 feet
 367 between the first and last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit
 368 issued pursuant to this section shall have a gross weight of no more than 60,000 pounds for three-axle
 369 vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds,
 370 tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than
 371 50,000 pounds, with no single axle of such tri-axle grouping exceeding the weight permitted for a single
 372 axle. ~~Such~~ *The fee for such permits shall be issued without cost as provided in § 46.2-1140.1.*

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

379 For purposes of this section, the term "excavated material" shall mean natural earth materials, which
 380 includes stumps, brush, leaves, soil, and rocks, removed by any mechanized means.

381 § 46.2-1144. Overweight permits for solid waste haulers.

382 The Commissioner, upon written application by the owner or operator of vehicles used exclusively
 383 for hauling solid waste other than hazardous waste, shall issue ~~without cost~~ a permit authorizing the
 384 operation on the highway of such vehicles at gross weights in excess of those set forth in § 46.2-1126.

385 No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds
 386 or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross
 387 weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a
 388 three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The
 389 Commissioner ~~shall~~ *may* promulgate regulations governing such permits.

390 No such permit shall authorize the operation of any vehicle enumerated in this section beyond the
 391 boundary of the county or city where it is principally garaged or for a distance of more than 25 miles
 392 from the place where it is principally garaged, whichever is greater. However, the permit shall not
 393 designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles
 394 in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit
 395 issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the
 396 legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

397 *The fee for a permit issued under this section shall be as provided in § 46.2-1140.1.*

398 For the purposes of this section, the terms "solid waste" and "hazardous waste" shall have the
 399 meanings provided in § 10.1-1400.

400 § 46.2-1144.1. Overweight permits for tank wagons.

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

403 The overweight permit fees shall be based on a fee schedule established by the Commissioner of
 404 Highways. Such fees shall be dedicated to and deposited into the Highway Maintenance and Operating
 405 Fund.

406 The Commissioner may also assess a separate application fee for applications pursuant to this section
 407 that covers the administrative expenses of the Department. Funds from the application fee are to be
 408 designated as specified in § 46.2-1149.3 *The fee for such permit shall be as provided in § 46.2-1140.1.*

409 No permit issued under this section shall authorize a single axle weight of more than 24,000 pounds
 410 and a total gross weight in excess of 40,000 pounds. Permits issued under this section shall be valid for
 411 one year from the date of issuance. No permit issued under this section shall authorize violation of any
 412 weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or
 413 culverts. This permit shall not be combined with any other overweight permit or extension of weight
 414 limits.

415 § 46.2-1144.2. Overweight permits for haulers of farm animal feed.

416 The Commissioner, upon written application by the owner or operator of certain vehicles used
 417 exclusively for hauling farm animal feed, shall issue overweight permits for operation of such vehicle.
 418 Permits shall be issued under this section only for specially designed five-axle semi-trailer combinations
 419 with bulk feed compartments and at least 51 feet of axle spacing between the first and last axle. Such
 420 permits shall not be combined with any other overweight permits or extension of weight limits.

421 No permits issued under this section shall authorize a tandem axle weight of more than 37,400
 422 pounds or a total gross weight in excess of 84,000 pounds. Permits issued under this section shall be
 423 valid for one year from the date of issuance. No permit issued under this section shall designate the
 424 route to be traversed or contain restrictions or conditions not applicable to other vehicles in their
 425 general use of the highways. However, no such permit shall authorize violation of any weight limitation
 426 applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing

427 contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for
 428 operation on interstate highways.

429 *The fee for a permit issued under this section shall be as provided in § 46.2-1140.1.*

430 § 46.2-1145. Overweight permits for certain trucks operated by Arlington County.

431 The Commissioner of Highways, upon written application by Arlington County, shall issue without
 432 cost a fee to such county a permit authorizing the county's operation of vehicles used for hauling
 433 household waste and vehicles used for highway or utility construction, operation, or maintenance upon
 434 the highways of such county at gross weights exceeding those set forth in § 46.2-1126. Permits issued
 435 hereunder shall specify that vehicles with two axles may have a maximum gross weight of no more than
 436 48,000 pounds and a single axle weight of not more than 24,000 pounds and that vehicles with three
 437 axles may have a maximum gross weight of not more than 60,000 pounds and a single axle weight of
 438 not more than 24,000 pounds and a tandem axle weight of not more than 40,000 pounds.

439 The permit shall not designate the route to be traversed nor contain restrictions or conditions not
 440 applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according
 441 to the provisions of a permit issued under this section shall be operated at a reduced speed of ~~ten~~ 10
 442 miles per hour slower than the legal speed limit in ~~fifty-five~~ 55, ~~forty-five~~ 45, and ~~thirty-five~~ 35 miles
 443 per hour speed limit zones.

444 § 46.2-1147. Permits for excessive size and weight for articulated buses.

445 The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon
 446 written application by the owner or operator of passenger buses having three or more axles consisting of
 447 two sections joined together by an articulated joint with the trailer being equipped with a mechanically
 448 steered rear axle, and having a gross weight of no more than 60,000 pounds, a single axle weight of no
 449 more than 25,000 pounds, and a width of no more than 102 inches, shall issue to such owner or
 450 operator, ~~without cost~~, a written permit authorizing the operation of such vehicles on the highways. *The*
 451 *fee for such permit shall be as provided in § 46.2-1140.1.*

452 § 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.

453 In addition to other permits provided for in this article, the Commissioner and local authorities of
 454 cities and towns, in their respective jurisdictions, upon written application by the owner or operator of
 455 any three-axle vehicle used for hauling farm produce grown in Virginia, shall issue permits for
 456 overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles
 457 to have a gross weight of no more than 50,000 pounds, a single axle weight of no more than 20,000
 458 pounds, and a tandem axle weight of no more than 36,000 pounds. Additionally, any five-axle
 459 combination used for hauling Virginia-grown farm products may have a gross weight of no more than
 460 80,000 pounds and any four-axle combination hauling Virginia-grown produce, may have a tandem axle
 461 weight of 36,000 pounds.

462 Except as otherwise provided in this section, no such permit shall designate the route to be traversed
 463 nor contain restrictions or conditions not applicable to other vehicles in their general use of the
 464 highways.

465 No permit issued under this section shall authorize any vehicle whose axle weights or axle spacing
 466 would not be permissible under §§ 46.2-1122 through 46.2-1127 to cross any bridge constituting a part
 467 of any public road.

468 *Permits The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i)*
 469 *\$40 to the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the*
 470 *Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments*
 471 *pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable*
 472 *localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway*
 473 *pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.*
 474 *Such permits shall be valid only in Accomack and Northampton Counties.*

475 § 46.2-1149. Unladen, oversize and overweight, rubber-tired, self-propelled haulers and loaders;
 476 permits; engineering analysis; costs.

477 The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon
 478 written application by the owner or operator of any empty, oversize and overweight, rubber-tired,
 479 self-propelled hauler or loader used in the construction and coal mining industries, may issue to such
 480 owner or operator a permit authorizing operation upon the highways of such equipment with gross
 481 empty weights in excess of those established in §§ 46.2-1122 through 46.2-1127 and sizes in excess of
 482 those established in §§ 46.2-1105 through 46.2-1108. The permits shall be issued only after an
 483 engineering analysis of a proposed routing has been conducted by the Virginia Department of
 484 Transportation or local authorities of counties, cities, and towns in their respective jurisdictions to assess
 485 the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. ~~Costs~~ *The*
 486 *fee for a permit issued under this section shall be based on the costs assessed against the applicant to*
 487 *cover engineering analysis.*

488 No permit issued under this section shall be valid for the operation of the equipment for a distance

489 of more than ~~35~~ 75 miles.

490 § 46.2-1149.1. Excess tandem axle weight permits for cotton module haulers.

491 The Commissioner, upon application made by the owner or operator of vehicles used exclusively to
 492 transport seed cotton modules, shall issue ~~without cost~~ a permit authorizing the operation on the
 493 highway of such vehicles, from September 1 through December 31 of each year, at tandem axle weights
 494 in excess of that authorized in § 46.2-1125. The Commissioner ~~shall~~ *may* promulgate regulations
 495 governing such permits. Such permits shall allow the vehicles to have tandem axle weights of no more
 496 than 44,000 pounds. No permit issued under this section shall authorize a single axle weight in excess
 497 of that authorized in § 46.2-1124 or a gross weight in excess of 56,000 pounds.

498 *The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i) \$40 to the*
 499 *Highway Maintenance and Operating Fund, with a portion equal to the percentage of the*
 500 *Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments*
 501 *pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable*
 502 *localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway*
 503 *pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.*

504 § 46.2-1149.3. Payment of fees into special fund.

505 Except as *otherwise* provided in ~~§ 46.2-1144.1~~, all fees collected by the Commissioner under
 506 ~~§§ 46.2-1139 through 46.2-1149.2~~ *this article* shall be paid into the state treasury and set aside as a
 507 special fund to be used to meet the expenses of the Department.

508 § 46.2-1149.4. Overweight permits for specialized mobile equipment.

509 The Commissioner ~~and local authorities of cities and towns, in their respective jurisdictions~~, upon
 510 written application made by the owner or operator, shall issue ~~without cost~~ an overweight permit for the
 511 operation of specialized mobile equipment. Any vehicle operating under a permit issued pursuant to this
 512 section shall have a gross weight of no more than 64,000 pounds, a single axle weight of no more than
 513 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds. Such permit shall not
 514 designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles
 515 in their general use of the highways. *The fee for such permit shall be as provided in § 46.2-1140.1.*

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

519 § 46.2-1149.5. Overweight permits for underground pipe cleaning, hydroexcavating, and water
 520 blasting equipment.

521 The Commissioner ~~and local authorities of cities and towns, in their respective jurisdictions~~, upon
 522 written application made by the owner or operator, shall issue an overweight permit for the operation of
 523 underground pipe cleaning, hydroexcavating, and water blasting equipment. Any vehicle operating under
 524 a permit issued pursuant to this section shall have a gross weight of no more than 64,000 pounds, a
 525 single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000
 526 pounds. Such permit shall not designate the route to be traversed nor contain restrictions or conditions
 527 not applicable to other vehicles in their general use of the highways. *The fee for such permit shall be as*
 528 *provided in § 46.2-1140.1.*

529 For purposes of this section, "underground pipe cleaning equipment" means a self-propelled motor
 530 vehicle manufactured for the specific purpose of vacuuming and cleaning underground sanitary and
 531 storm pipe. "Hydroexcavating equipment" means a self-propelled motor vehicle manufactured for the
 532 specific purpose of digging with water and vacuuming of debris. "Water blasting equipment" means a
 533 self-propelled motor vehicle manufactured for the specific purpose of waterblasting flat concrete surfaces
 534 and vacuuming spent water for reuse.

535 **2. That this act shall become effective on January 1, 2013.**