

1995 SESSION

LEGISLATION NOT PREPARED BY DLS INTRODUCED

LD9817000

SENATE BILL NO. 934

Offered January 23, 1995

A BILL to amend and reenact §§ 46.2-205, 46.2-711, 46.2-1001, 46.2-1139, 46.2-1140, 46.2-1142 and 46.2-1143 through 46.2-1149 of the Code of Virginia, relating to motor vehicle carriers; regulation and revenue collection.

Patrons—Goode (By Request), Miller, Y.B. and Waddell

Referred to the Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-205, 46.2-711, 46.2-1001, 46.2-1139, 46.2-1140, 46.2-1142 and 46.2-1143 through 46.2-1149 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-205. Department offices and agencies.

The Commissioner shall maintain his office in the Commonwealth at a location which he determines to be appropriate. He may appoint agents and maintain branch offices in the Commonwealth in whatever locations he determines to be necessary to carry out this title.

The personnel of each branch office and each agency shall be appointed by the Commissioner and shall be bonded in an amount fixed by the Commissioner. The person in charge of the branch office and each agency shall deposit daily in the local bank, or at such other intervals as may be designated by the Commissioner, to the account of the State Treasurer, all moneys collected, and shall submit daily to the Commissioner, or at such other intervals as may be designated by the Commissioner, a complete record of what each deposit is intended to cover. The Commissioner shall not be held liable in the event of the loss of any moneys collected by such agents resulting from their failure to deposit such money to the account of the State Treasurer.

The compensation of the personnel of each branch office and each agency is to be fixed by the Commissioner. The compensation fixed for each agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of the first \$250,000 of gross collections made by the agency, three percent of the next \$250,000 of gross collections made by the agency, two percent of the next \$500,000 of gross collection made by the agency, and one percent of all gross collections in excess of one million dollars made by the agency during each fiscal year.

The compensation awarded shall belong to the agents for their services under this section, and the Commissioner shall cause to be paid all freight, cartage, premium on bond and postage, but not any extra clerk hire or other expenses occasioned by their duties.

The Commissioner shall appoint the State Corporation Commission an agent (i) for the sale of license plates and decals issued pursuant to subsection B of § 46.2-711, (ii) to collect all moneys owed pursuant to Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of this title, and (iii) to audit and collect fuel disbursement in connection with vehicles subject to the tax imposed by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

The amount of the compensation for the services provided by the State Corporation Commission shall be set within the guidelines of this section with the exception that the individual compensation of the personnel employed by the State Corporation Commission to administer the duties of the Commission as agent for the Department will be set by the State Corporation Commission.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered motorcycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
2. Taxicabs;
3. Executive sedans as defined in § 56-338.104;
4. Limousines as defined in § 56-338.104;
5. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
6. Property-carrying vehicles to applicants who operate as private carriers only;
7. Applicants who operate as carriers for rent or hire;
8. Motor vehicles held for rental as defined in § 58.1-2401; and

INTRODUCED

SB934

9. *Motor vehicles with a registered gross vehicle weight of 26,000 pounds or less.*

C. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter.

D. Pickup or panel trucks are exempt from the provisions of subsection B of this section with reference to displaying for-hire license plates when operated as a carrier for rent or hire.

§ 46.2-1001. Removal of unsafe vehicles; penalty.

Any motor vehicle, trailer, or semitrailer examined by a law-enforcement officer certified to perform vehicle safety inspections and found to be operating with defective brakes, tires, wheels, steering mechanisms, or any other condition which is likely to cause an accident or a breakdown of the motor vehicle, trailer, or semitrailer may be removed from the highway and not permitted to operate again on the highway until the defects have been corrected and the law-enforcement officer has found the corrections to be satisfactory. Such law-enforcement officer may allow any motor vehicle, trailer, or semitrailer discovered to be in such an unsafe condition while being operated on the highway to continue in operation only to the nearest place where repairs can be safely effected and only if such operation is less hazardous to the public than to permit the motor vehicle, trailer, or semitrailer to remain on the highway.

No person shall operate a motor vehicle, trailer, or semitrailer which has been removed from service as provided in the foregoing provisions of this section prior to correction and proper authorization by a law-enforcement officer certified to perform vehicle safety inspection procedures.

For the purpose of this section, the term "law-enforcement officer certified to perform vehicle safety inspections" shall include (i) State Police officers, and (ii) those law-enforcement officers of the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Norfolk, the City of Virginia Beach, Arlington County, Chesterfield County, Fairfax County and any city contiguous thereto, Henrico County, Loudoun County, or Prince William County *as well as (iii) agents, inspectors, or investigators of the State Corporation Commission* who have satisfactorily completed a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, in federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. Those law-enforcement officers certified to place vehicles out of service must receive annual in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The Superintendent of State Police shall be responsible for coordinating the annual in-service training. The agency administrator of the law-enforcement agencies authorized to perform vehicle safety inspections shall submit to the Department of Criminal Justice Services the names of each law-enforcement officer certified to perform vehicle safety inspections who has satisfactorily completed a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety. The Department of Criminal Justice Services shall also be responsible for approval of the annual in-service training and recording the certification of the state and local law-enforcement officers who satisfactorily complete the annual in-service training.

Every vehicle inspected by a local law-enforcement officer pursuant to this section and found to be free of defects which would constitute grounds for removal of the vehicle from service shall be issued a sticker as evidence of such inspection and freedom from defects. Such stickers shall be valid for ninety days. Any vehicle displaying a valid sticker shall be exempt from local or State Police inspections under this section. However, the fact that a vehicle displays a valid sticker shall not prevent any local or State Police officer from stopping and inspecting the vehicle if he observes an obvious safety defect. The Superintendent of State Police shall work cooperatively with local law-enforcement agencies of localities whose officers are authorized to perform inspections pursuant to this section to develop a standard sticker as provided for in this section and uniform policies and procedures for issuance and display of such stickers.

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

A. The Commonwealth Transportation Board and local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, ~~issue~~ *authorize the issuance of* a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body ~~granting~~ *authorizing* the permit. *All applications and permits authorized by this section will be accepted and granted by the State Corporation Commission.*

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

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

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.

C. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor.

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

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

When the Commonwealth Transportation Commission ~~issues~~ *authorizes* a permit *to be issued by the State Corporation Commission* to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the Commonwealth Transportation Board may also include within such permit, after coordinating with the authorities of a city or town, the authority to use specified highways at specified times within any such city or town which highways constitute extensions of any part of the primary highway system. No city or town otherwise having jurisdiction over its highways, shall have authority to prohibit the use of its highways to a person holding a permit issued by the Commonwealth Transportation Board so long as such person travels upon the highways specified in the permit.

§ 46.2-1142. Overweight permits for concrete haulers.

The Commonwealth Transportation Board and local authorities of cities and towns, in their respective jurisdictions, upon written application made by the owner or operator, shall ~~issue~~ *authorize to be issued by the State Corporation Commission* overweight permits for operation of certain vehicles used to haul concrete. Permits under this section shall be issued only for three-axle vehicles used exclusively for the mixing of concrete in transit or at a project site or for transporting necessary components in a compartmentalized vehicle to produce concrete immediately upon arrival at a project site. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds. 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 ten miles per hour slower than the legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones.

§ 46.2-1143. Overweight permits for coal haulers; penalties.

The Commonwealth Transportation Board 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~~ *authorize to be issued by the State Corporation Commission*, 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.

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 thirty-five 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.

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 fifty-two 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.

For the purposes of this section, the term bed shall mean that part of the vehicle used to haul coal. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as provided above, the owner or operator shall be required to paint a horizontal line two

183 inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the
184 uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In
185 addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center
186 of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the
187 vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense
188 within a twelve-month period, and \$1,000 and revocation of the permit for a third offense within a
189 twelve-month period from the first offense.

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

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

202 No such permit shall be valid for the operation of any such vehicle for a distance of more than
203 thirty-five miles from the preparation plant, loading dock, or railroad.

204 § 46.2-1144. Overweight permits for solid waste haulers.

205 The Commonwealth Transportation Board, upon written application by the owner or operator of
206 vehicles used exclusively for hauling solid waste other than hazardous waste shall ~~issue~~ *authorize to be*
207 *issued by the State Corporation Commission* without cost a permit authorizing the operation on the
208 highway of such vehicles at gross weights in excess of those set forth in § 46.2-1126.

209 No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds
210 or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross
211 weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a
212 three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The
213 Commonwealth Transportation Board shall promulgate regulations governing such permits.

214 No such permit shall authorize the operation of any vehicle enumerated in this section beyond the
215 boundary of the county or city where it is principally garaged or for a distance of more than twenty-five
216 miles from the place where it is principally garaged, whichever is greater. However, the permit shall not
217 designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles
218 in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit
219 issued under this section, shall be operated at a reduced speed of ten miles per hour slower than the
220 legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones.

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

223 § 46.2-1145. Overweight permits for certain trucks operated by Arlington County.

224 The Commonwealth Transportation Board, upon written application by Arlington County, shall ~~issue~~
225 *authorize to be issued by the State Corporation Commission* without cost to such county a permit
226 authorizing the county's operation of vehicles used for hauling household waste and vehicles used for
227 highway or utility construction, operation, or maintenance upon the highways of such county at gross
228 weights exceeding those set forth in § 46.2-1126. Permits issued hereunder shall specify that vehicles
229 with two axles may have a maximum gross weight of no more than 48,000 pounds and a single axle
230 weight of not more than 24,000 pounds and that vehicles with three axles may have a maximum gross
231 weight of not more than 60,000 pounds and a single axle weight of not more than 24,000 pounds and a
232 tandem axle weight of not more than 40,000 pounds.

233 The permit shall not designate the route to be traversed nor contain restrictions or conditions not
234 applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according
235 to the provisions of a permit issued under this section shall be operated at a reduced speed of ten miles
236 per hour slower than the legal speed limit in fifty-five, forty-five, and thirty-five miles per hour speed
237 limit zones.

238 § 46.2-1146. Excess height and length permits for haulers of certain imported goods.

239 The Commonwealth Transportation Board and local authorities of cities and towns in their respective
240 jurisdictions, upon written application by the owners or operators of motor vehicles used to transport
241 items arriving at a Virginia port by ship from overseas points of origin and consigned to an assembly
242 plant in this Commonwealth, shall ~~issue~~ *authorize to be issued by the State Corporation Commission*
243 without cost permits for the operation of such motor vehicles on the highways if those vehicles do not
244 exceed the height limitation set forth in § 46.2-1110 by more than one and one-half feet and not

exceeding the length limitation as set forth in §§ 46.2-1112 and 46.2-1113 by more than three feet. The Commonwealth Transportation Board and local authorities may designate the routes such permittees shall use from the port to the assembly plant.

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

The Commonwealth Transportation Board and local authorities of cities and towns in their respective jurisdictions, upon written application 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~~ *authorize to be issued by the State Corporation Commission* to such owner or operator, without cost, a written permit authorizing the operation of such vehicles on the highways.

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

In addition to other permits provided for in this article, the Commonwealth Transportation Board and local authorities of cities and towns, in their respective jurisdictions, upon written application by the owner or operator of any three-axle vehicle used for hauling farm produce grown in Virginia shall ~~issue~~ *authorize to be issued by the State Corporation Commission* permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a gross weight of no more than 50,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 36,000 pounds. Additionally, any five-axle combination used for hauling Virginia-grown farm products may have a gross weight of no more than 80,000 pounds and any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds.

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

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

Permits issued under this section shall be valid only in Accomack and Northampton Counties.

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

The Commonwealth Transportation Board and local authorities of cities and towns in their respective jurisdictions, upon written application 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~~ *authorize to be issued by the State Corporation Commission* 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 affected jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. Permits shall be issued on an individual trip basis and costs will 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 thirty-five miles.