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HOUSE BILL NO. 2344

Offered January 17, 1997

A BILL to amend and reenact § 46.2-1104 of the Code of Virginia, relating to reductions of vehicle weight limits.

Patrons—Wardrup, Croshaw, Drake, Purkey, Tata and Wagner; Senators: Quayle, Schrock and Stolle

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1104 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1104. Reduction of limits by Commonwealth Transportation Commissioner and local authorities; penalties.

The Commonwealth Transportation Commissioner, acting through district or resident engineers, may prescribe the weight, width, height, length, or speed of any vehicle or combination of vehicles passing over any highway or section of highway or bridge constituting a part of the interstate, primary, or secondary system of highways. Any limitations thus prescribed may be less than those prescribed in this title whenever an engineering study discloses that it would promote the safety of travel or is necessary for the protection of any such highway.

If the reduction of limits as provided in this section is to be effective for more than ninety days, the Commonwealth Transportation Commissioner shall prescribe such reduction in writing which shall be kept on file at the central office of the Department of Transportation. In instances where the limits, including speed limits, are to be temporarily reduced, the resident engineer for the Department of Transportation in the county wherein such highway is located shall immediately notify the Chief Engineer for the Department of Transportation of such reduction. The Chief Engineer shall either affirm or rescind the action of reducing such limits within five days from the date the limits have been posted as hereinafter provided. A list of all highways on which there has been a reduction of limits as herein provided shall be kept on file at the central office of the Department of Transportation. Anyone aggrieved by such reduction of limits may appeal directly to the Commonwealth Transportation Commissioner for redress, and if he affirms the action of reducing such limits, the Commonwealth Transportation Board shall afford any such aggrieved person the opportunity of being heard at its next regular meeting.

The local authorities of counties, cities, and towns, where the highways are under their jurisdiction, may adopt regulations or pass ordinances decreasing the weight limits prescribed in this title ~~for a total period of no more than ninety days in any calendar year~~ for such period of time as shall be specified in any such ordinance, when an engineering study discloses that operation over such highways or streets by reason of deterioration, rain, snow, or other climatic conditions will seriously damage such highways or endanger public safety unless such weights are reduced.

In all instances where the limits for weight, size, or speed have been reduced by the Commonwealth Transportation Commissioner or the weights have been reduced by local authorities pursuant to this section, signs stating the weight, height, width, length, or speed permitted on such highway shall be erected at each end of the section of highway affected and no such reduced limits shall be effective until such signs have been posted.

It shall be unlawful to operate a vehicle or combination of vehicles on any public highway or section thereof when the weight, size, or speed thereof exceeds the maximum posted by authority of the Commonwealth Transportation Commissioner or local authorities pursuant to this section.

Any violation of any provision of this section shall constitute a Class 2 misdemeanor. Furthermore, the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and costs have been satisfied.

INTRODUCED

HB2344