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**HOUSE BILL NO. 2347**

Offered January 21, 1999

*A BILL to amend the Code of Virginia by adding in Article 17 of Chapter 10 of Title 46.2 a section numbered 46.2-1138.3, relating to county ordinances imposing weight limits on certain highways.*

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Patron—Griffith (By Request)

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Referred to Committee on Transportation**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 17 of Chapter 10 of Title 46.2 a section numbered 46.2-1138.3 as follows:**

*§ 46.2-1138.3. County ordinances limiting weight of vehicles using certain highways.*

*A. The governing body of any county may by ordinance provide for the assessment and collection of liquidated damages for operation of overweight vehicles in the amounts specified in § 46.2-1135. Any such ordinance may provide that:*

*1. Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner, operator, or other person causing the operation of the overweight vehicle as is provided in the ordinance;*

*2. The assessment shall be entered by the court as a judgment for the county;*

*3. The entry of such judgment shall constitute a lien upon the overweight vehicle; and*

*4. The amount assessed shall be paid to the treasurer of the county and used for highway maintenance and construction and for expenses associated with enforcement of the ordinance.*

*B. Such ordinances may include additional provisions relating to the payment of such assessments and the enforcement powers applicable to the county, corresponding to the provisions of §§ 46.2-1131, 46.2-1133, 46.2-1134, and 46.2-1135, except that civil penalties, liquidated damages, and weighting fees collected pursuant to the ordinance shall be paid to the county, and the county attorney or his designee shall represent the county in any court proceedings.*

INTRODUCED

HB2347