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HOUSE BILL NO. 293

Offered January 9, 2008

Prefiled January 3, 2008

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 fixing weight limits on certain highways; penalties.*

Patron—Poisson

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 concerning weight limits on certain roads; penalties.

A. The governing body of any county may adopt ordinances providing weight limits in accordance with the weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles passing over any such roads within the boundaries of such county, and providing further for the assessment of liquidated damages as to overweight vehicles at rates and amounts not exceeding those applicable to the liquidated damages under § 46.2-1135. Such ordinances 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 such overweight vehicle at such rate and amount as may be provided in such ordinance;

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

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

4. Such sum shall be paid into the treasury of the county and allocated to the fund appropriated by the county for traffic safety enforcement.

B. Such ordinances may include additional provisions relating to the payment of such assessment and the enforcement powers applicable to such county and 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 weighing fees collected pursuant to such ordinances shall be paid to the county, and the county attorney or his designee shall represent the county in any court proceeding.

INTRODUCED

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