

2010 SESSION

INTRODUCED

10102487D

HOUSE BILL NO. 1068

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact § 46.2-1131 of the Code of Virginia, relating to overweight vehicle penalties.*

Patron—Athey

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1131 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1131. Penalty for violation of weight limits.

Any person violating any weight limit as provided in this chapter or any permit issued by the Department or its designee or by local authorities pursuant to this article shall be subject to a civil penalty of \$25 and a processing fee of \$20 in addition to any liquidated damages and weighing fees imposed by this article. Upon collection by the Department, except as provided in § 46.2-1138, civil penalties shall be paid to the Literary Fund, but processing fees shall be paid to the state treasury and, beginning July 1, 1990, shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles. In addition, liquidated damages and weighing fees shall be distributed as provided in §§ 46.2-1135 and 46.2-1137, respectively, except as provided in § 46.2-1138.

In assessing penalties for exceeding weight limits authorized under an overweight permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, the amount of the penalty shall be based upon the amount by which the weight of the vehicle exceeds the maximum weight authorized by the permit, and shall not be based on the amount by which the weight of the vehicle exceeds that authorized by law had no permit been issued.

The penalties, damages, and fees specified in this section shall be in addition to any other liability which may be legally fixed against the owner, operator, or other person charged with the weight violation for damage to a highway or bridge attributable to such weight violation.

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