

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB1068

House of Origin	<u> X </u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Athey

3. Committee: Transportation

4. Title: Overweight vehicle penalties

5. Summary: This bill provides that, in assessing penalties for vehicles whose weight exceeds that authorized in an overweight permit issued for the vehicle, the amount of the penalty is to be based on the amount by which the weight of the vehicle exceeds that authorized by the permit, not the amount by which its weight exceeds the weight limit that would have been applicable had no overweight permit been issued.

6. Fiscal impact estimates: Preliminary.

7. Budget amendment necessary: No.

8. Fiscal implications: Currently, if a vehicle is stopped and the driver produces a valid overweight permit issued by the Department of Motor Vehicles (DMV), the violation is written only for the difference between the permitted weight and the actual weight. However, if the permit is not valid due to the following conditions: (i) the permit vehicle is operating off the route listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less axle spacing than required by the permit, or (iv) the vehicle is transporting multiple items not allowed by the permit, then the violation would be written on the difference between the maximum weights as set out in §46.2-1126 and the actual weight. In these situations, the liquidated damages that are assessed and collected are paid into the Highway Maintenance and Operating Fund (HMOF).

A breakdown of monies paid into the HMOF cannot be provided, since DMV does not track permit violations separately from all other liquidated damages. Depending on how the language is interpreted in regards to a "valid permit" there is a possibility that the HMOF could see a decrease in penalties assessed and collected from overweight permit violations.

9. Specific agency or political subdivisions affected: The Department of Motor Vehicles and certain localities could see a decrease in liquidated damages collected depending on the interpretation of what constitutes a "valid overweight permit."

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 1/22/10/jlv

Document: G:\10-12\FIS\HB1068.Doc Janet Vogelgesang

Cc: Secretary of Transportation