

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 443

An Act to amend and reenact §§ 46.2-652, 46.2-685, 46.2-1128, 46.2-1129, 46.2-1139, 46.2-1140, 46.2-1141 through 46.2-1144.1, 46.2-1145, 46.2-1147 through 46.2-1149.1, 46.2-1149.3, 46.2-1149.4, and 46.2-1149.5 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-652.1, 46.2-1140.1, and 46.2-1144.2, relating to overweight and oversize vehicle permits and fees.

[H 806]

Approved March 30, 2012

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-652, 46.2-685, 46.2-1128, 46.2-1129, 46.2-1139, 46.2-1140, 46.2-1141 through 46.2-1144.1, 46.2-1145, 46.2-1147 through 46.2-1149.1, 46.2-1149.3, 46.2-1149.4, and 46.2-1149.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-652.1, 46.2-1140.1, and 46.2-1144.2 as follows:

§ 46.2-652. Temporary registration or permit for oversize vehicles; fees.

The Commissioner may grant a temporary registration or permit for the operation of ~~(i) a vehicle or equipment that cannot be licensed because the vehicle, excluding any load thereon, is overweight, oversize, or both or~~ ~~(ii) a licensed vehicle that exceeds statutory weight size limits on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth.~~ ~~Any temporary registration or permit issued under this section shall show the registration or permit number, the date of issue, the date of expiration, the vehicle to which it refers, and the route to be traveled or other restrictions and shall be displayed in a prominent place on carried in the vehicle.~~

For a single-trip temporary registration or permit issued under this section, the applicant shall pay a fee of ~~\$40~~ *10 cents (\$0.10)* per mile for every mile to be traveled, in addition to any administrative fee required by the Department. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of \$40, in addition to any administrative fee required by the Department.

For any vehicle that is both overweight and oversize, the permit fees under § 46.2-652.1 shall apply.

§ 46.2-652.1. Temporary registration or permit for overweight vehicles; fees.

A. The Commissioner may grant a temporary registration or permit for the operation of (i) a vehicle or equipment that cannot be licensed because the vehicle, excluding any load thereon, is overweight or (ii) a licensed vehicle that exceeds statutory weight limits on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Any temporary registration or permit issued under this section shall show the registration or permit number, the date of issue, the date of expiration, the vehicle to which it refers, and the route to be traveled or other restrictions and shall be carried in the vehicle.

B. For a single-trip temporary registration or permit issued under this section, the applicant shall pay (i) a fee of 30 cents (\$0.30) per mile for every mile to be traveled, to be allocated as follows: (a) 20 cents (\$0.20) per mile deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (b) 10 cents (\$0.10) per mile to the Department and (ii) one of the following fees, depending on gross weight:

1. For a single-trip overweight permit issued for gross weights of 115,000 pounds or less, a \$20 administrative fee to the Department, plus, if needed, an additional \$10 to cover extra research and analysis;

2. For a single-trip overweight permit issued for gross weights of 115,001 to 150,000 pounds, a fee of \$80, to be allocated as follows: (i) \$50 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$30 administrative fee to the Department;

3. For a single-trip overweight permit issued for gross weights of 150,001 to 200,000 pounds, a fee of \$190, to be allocated as follows: (i) \$160 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$30 administrative fee to the Department;

4. For a single-trip overweight permit issued for gross weights of 200,001 to 500,000 pounds, a fee of \$280, to be allocated as follows: (i) \$250 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$30 administrative fee to the Department; or

5. For a single-trip overweight permit issued for gross weights in excess of 500,000 pounds, a fee of

\$1,450, to be allocated as follows: (i) \$1,420 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$30 administrative fee to the Department.

C. In lieu of a single-trip permit, an annual multi-trip overweight permit may be issued for the following fee:

1. For an annual multi-trip overweight permit issued for gross weights of 115,000 pounds and below, a fee of \$500, to be allocated as follows: (i) \$360 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) \$140 to the Department; or

2. For an annual multi-trip overweight permit issued for gross weights in excess of 115,000 pounds, a fee of \$560, to be allocated as follows: (i) \$420 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) \$140 to the Department.

D. In lieu of an annual permit, a three-month overweight permit may be issued for a fee of \$220, to be allocated as follows: (i) \$110 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) \$110 to the Department.

E. For any vehicle that is both overweight and oversize, the permit fees under this section shall apply.

§ 46.2-685. Payment of fees into special fund.

~~All~~ Except as otherwise provided, all fees collected by the Commissioner under §§ 46.2-651, 46.2-652, and through 46.2-653 shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-1128. Extensions of weight limits; fees.

The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and gross weight limit based on axle spacing and number of axles on such vehicle by a maximum of five percent. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds 84,000 pounds, nor shall any such permit authorize any extension of the limitations provided in § 46.2-1127 for interstate highways.

Permits under this section shall be valid for one year and the fee shall be issued according to the following fee schedule: \$250.

Percentage	Fee for Permit
1%	\$ 35
2%	75
3%	115
4%	160
5%	200-

Such fee shall be allocated as follows: (i) \$245 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1129, no weights in excess of those authorized by law shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section without a permit or the payment of any fee; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1129, such vehicle shall be required to apply for and receive a permit and pay the permit fee to operate as authorized in this section.

§ 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or forest products.

The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined in § 3.2-4709, from the place where they are first produced, cut, harvested, or felled to the location where they are first processed may obtain from the Commissioner an extension for such vehicle of the single axle weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle weight limit, and gross weight limit limits based on axle spacing and number of axles on such vehicle by five percent, respectively. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds 84,000 pounds.

No permit issued under this section shall permit the operation on an interstate highway of any vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner ~~shall~~ *may* promulgate regulations governing such permits.

Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but no weights beyond those permitted by the combination of the extensions provided in this section and § 46.2-1128 shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1128, such vehicle shall no longer be permitted to operate as authorized in this section.

§ 46.2-1139. Permits for excessive size and weight generally; penalty.

A. The Commissioner and, *unless otherwise indicated in this article*, local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, *and pursuant to the requirements of subsection A1*, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads from the secondary system of state highways that opts to issue permits under this article shall enter into a memorandum of understanding with the Commissioner that at a minimum:

- 1. Allows the Commissioner to issue permits on behalf of that locality; and*
- 2. Provides that the locality shall satisfy the following requirements prior to issuing such permits:*
 - a. The locality shall have applications for each permit type available online.*
 - b. The locality shall have designated telephone and fax lines to address permit requests and inquiries.*
 - c. The locality shall have at least one staff member whose primary function is to issue permits.*
 - d. The locality shall have one or more engineers on staff or contracted to perform bridge inspections and provide analysis for overweight vehicles.*
 - e. The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations and limitations.*
 - f. The locality shall provide to the Department an emergency contact phone number and assign a staff person who is authorized to issue the permit or authorized to make a decision regarding the permit request at all times (24 hours a day, seven days a week).*
 - g. The locality shall process a "standard permit" for a "standard vehicle" by the next business day after receiving the completed permit application. Each locality shall define "standard vehicle" and "standard permit" and provide the Department with those definitions. All other requests for permits shall be processed within 10 business days.*
 - h. The locality shall retain for at least 36 months all permit data it collects.*
 - i. The locality shall maintain an updated list of all maintenance and construction projects within that locality. The list shall provide starting and ending locations and dates for each project, and shall be updated as those dates change.*
 - j. The locality shall maintain a list of restricted streets. This list shall indicate all times of travel restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.*

If the locality satisfies the requirements in the memorandum of understanding, the locality may issue permits under this article.

B. Except for permits issued under § 46.2-1141 for overweight vehicles transporting containerized freight and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or
2. A tandem axle weight in excess of 34,000 pounds; or
3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or
4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in § 46.2-1900 or motor homes when any of such vehicles exceed the maximum width specified by law, provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

D. 1. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer or size and weight compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not invalidate the weight allowed on such permit unless (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 when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is transporting multiple items not allowed by the permit.

2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title may be transferred to another vehicle no more than two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an administrative fee of \$10 for each transfer.

E. Any permit issued by the Commissioner or local authorities of cities and towns pursuant to state law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such highway would result in a loss of federal-aid funds. Before any such permit is restricted by the Commissioner, or local authority, written notice shall be given to the permittee.

F. When application is made for permits issued by the Commissioner as well as local authorities of one or more cities and towns, any fees imposed therefor by the Commissioner as well as all affected local authorities may be paid by the applicant, at the applicant's option, to the Commissioner, who shall promptly transmit the local portion of the total fee to the appropriate locality or localities.

G. Engineering analysis, performed by the Virginia Department of Transportation or local authority, shall be conducted of a proposed routing before the Commissioner or local authority issues any permit under this section when such analysis is required to promote safety and preserve the capacity and structural integrity of highways and bridges. The Commissioner or local authority shall not issue a permit when the Virginia Department of Transportation or local authority determines that the roadway and bridges to be traversed cannot sustain the a vehicles' vehicle's size and weight.

§ 46.2-1140. Authority to use certain streets and highways in cities and towns.

When the Commissioner issues a permit to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the Commissioner may also include within such permit, after coordinating with or notifying the authorities of a city or town, the authority to use specified highways at specified times within any such city or town which highways constitute extensions of any part of the primary highway system. No city or town otherwise having jurisdiction over its highways, shall have authority to prohibit the use of its highways to a person holding a permit issued by the Commissioner so long as such person travels upon the highways specified in the permit.

§ 46.2-1140.1. Annual overweight permits; fees.

Except as otherwise provided, the annual fee for overweight permits issued under §§ 46.2-1141 through 46.2-1149.5 shall be \$130, to be allocated as follows: (i) \$120 to the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$10 administrative fee to the Department.

Unless otherwise prohibited, overweight permits issued under §§ 46.2-1141 through 46.2-1149.5 shall be valid on all unrestricted state and local highways.

§ 46.2-1141. Overweight permits for containerized freight.

Permits to operate on the highways a vehicle exceeding the maximum weight specified in this title shall be granted without costs if the vehicle is hauling containerized cargo in a sealed, seagoing container bound to or from a seaport and has been or will be transported by marine shipment. In order to qualify for such a permit the contents of such seagoing container shall not be changed from the time it is loaded by the consignor or his agents to the time it is delivered to the consignee or his agents. Cargo moving in vehicles conforming to specifications shown in this section shall be considered irreducible and eligible for permits under regulations of the Commissioner.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

§ 46.2-1142. Overweight permits for concrete haulers.

The Commissioner and local authorities of cities and towns, in their respective jurisdictions, upon written application made by the owner or operator, shall issue overweight permits for operation of certain vehicles used to haul concrete. Permits under this section shall be issued only for vehicles that are used exclusively for the mixing of concrete in transit or at a project site or for transporting necessary components in a compartmentalized vehicle to produce concrete immediately upon arrival at a project site and either have (i) four axles with more than 22 feet between the first and last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping exceeding the weight permitted for a single axle. Such The fee for such permits shall be issued without cost as provided in § 46.2-1140.1. Such permit shall not designate the

route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed. The reduced speed limit is to be 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

§ 46.2-1142.1. Extensions of overweight limits authorized under § 46.2-1142 for vehicles used to haul concrete; fees.

Owners or operators of vehicles used exclusively to haul concrete may apply for permits to extend the single axle weight limit of 20,000 pounds, the tandem axle weight limit of 40,000 pounds, the four axle weight of 70,000 pounds, the tri-axle grouping weight of 50,000 pounds, and the three-axle weight of 60,000 pounds provided for in § 46.2-1142, by the percentages and upon payment of the fees set forth in this section: a maximum of five percent. The fee for such permits shall be \$250, to be allocated as follows: (i) \$245 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.

Percentage	Fee for Permit
1%	\$35
2	75
3	115
4	160
5	200

Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. Permits issued under this section shall authorize extensions of the limitation provided for in § 46.2-1128 for vehicles operating on interstate highways only to the extent that any such extension (i) is not inconsistent with federal law and (ii) will not jeopardize or require the withholding or reduction of federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1142, no weights in excess of those authorized by law shall be tolerated.

§ 46.2-1143. Overweight permits for coal haulers; trucks hauling gravel, sand, crushed stone, or liquids produced from gas or oil wells in certain counties; penalties.

A. The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of vehicles used exclusively for hauling coal or coal byproducts from a mine or other place of production to a preparation plant, electricity-generation facility, loading dock, or railroad shall issue, without cost a fee, a permit authorizing those vehicles to operate with gross weights in excess of those established in § 46.2-1126 on the conditions set forth in this section.

B. Vehicles with three axles may have a maximum gross weight, when loaded, of no more than 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight of no more than 50,000 pounds. Vehicles with five axles having no less than 35 feet of axle space between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds. Vehicles with six axles may have a maximum gross weight, when loaded, of no more than 110,000 pounds, a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 44,000 pounds, and a tri-axle weight of no more than 54,500 pounds.

C. No load of any vehicle operating under a permit issued according to this section shall rise above the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of coal. For the purposes of this section, the average weight of coal shall be 52 pounds per cubic foot. Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which shall be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the average weight of coal. Five-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle, which shall be computed by a formula of 90,000 pounds minus the weight of the truck empty divided by the average weight of coal. Six-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle, which shall be computed by a formula of 110,000 pounds minus the weight of the truck empty divided by the average weight of coal.

D. For the purposes of this section, ~~the term bed shall "bed"~~ *mean means* that part of the vehicle used to haul coal. Bed size shall be ~~measured by~~ *based on* its interior dimensions, ~~which may be determined by measuring the exterior of the bed,~~ with volume expressed in cubic feet. In order to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as provided above, the owner or operator shall be required to paint a horizontal line two inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the vehicle's owner or operator or both to a penalty of \$250 for a first offense, \$500 for a second offense within a 12-month period, and \$1,000 and revocation of the permit for a third offense within a 12-month period from the first offense.

E. If the bed of any vehicle is enlarged beyond the maximum bed size for which its permit was granted, or if the line or holes required are altered so that the vehicle exceeds the bed size for which its permit was granted, the owner, operator, or both shall be subject to a penalty of \$1,000 for each offense and revocation of the permit. Upon revocation, a permit shall not be reissued for six months. The penalties provided in this section shall be in lieu of those imposed under § 46.2-1135.

F. For any vehicle with a valid permit issued pursuant to the conditions required by this section, when carrying loads which do not rise above the top of the bed or the line indicating the bed's maximum size, if applicable, it shall be, in the absence of proof to the contrary, prima facie evidence that the load is within the applicable weight limits. If any vehicle is stopped by enforcement officials for carrying a load rising above the top of the bed or the line indicating the bed's maximum size, the operator of the vehicle shall be permitted to shift his load within the bed to determine whether the load can be contained in the bed without rising above its top or above the line.

G. No such permit shall be valid for the operation of any such vehicle for a distance of more than 85 miles within the Commonwealth of Virginia from the preparation plant, loading dock, or railroad.

~~Until July 1, 2012, in~~ *H. In* counties that impose a severance tax on coal and gases as authorized by § 58.1-3712, ~~the weight limits prescribed in subsection B of this section shall also apply to trucks~~ *Commissioner, upon written application by the owner or operator of vehicles used exclusively for hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination, shall issue a permit authorizing those vehicles to operate with the weight limits prescribed in subsection B.* Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation hauling sand, gravel, or crushed stone under this subsection shall be subject to the penalties authorized by § 46.2-1135.

The fee for a permit issued under this subsection shall be \$70, to be allocated as follows: (i) \$65 to the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.

~~H. I.~~ *In* counties that impose a severance tax on coal and gases as authorized by § 58.1-3712, the weight limits prescribed in subsection B shall also apply to motor vehicles hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation involving hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well under this subsection shall be subject to the penalties authorized by § 46.2-1135.

§ 46.2-1143.1. Overweight permits for haulers of excavated material.

~~The Commissioner and local authorities of cities and towns, in their respective jurisdictions,~~ upon written application made by the owner or operator, shall issue overweight permits for operation of certain vehicles hauling excavated material from construction-related land-clearing operations. Permits shall be issued under this section only for vehicles that have either (i) four axles with more than 22 feet between the first and last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping exceeding the weight permitted for a single axle. ~~Such~~ *The fee for such permits shall be issued without cost as provided in § 46.2-1140.1.*

No permit issued under this section shall authorize the operation of any vehicle hauling excavated material for a distance of more than 25 miles from the land-clearing operation. However, such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

For purposes of this section, the term "excavated material" shall mean natural earth materials, which includes stumps, brush, leaves, soil, and rocks, removed by any mechanized means.

§ 46.2-1144. Overweight permits for solid waste haulers.

The Commissioner, upon written application by the owner or operator of vehicles used exclusively for hauling solid waste other than hazardous waste, shall issue ~~without cost~~ a permit authorizing the operation on the highway of such vehicles at gross weights in excess of those set forth in § 46.2-1126.

No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The Commissioner ~~shall~~ *may* promulgate regulations governing such permits.

No such permit shall authorize the operation of any vehicle enumerated in this section beyond the boundary of the county or city where it is principally garaged or for a distance of more than 25 miles from the place where it is principally garaged, whichever is greater. However, the permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1.

For the purposes of this section, the terms "solid waste" and "hazardous waste" shall have the meanings provided in § 10.1-1400.

§ 46.2-1144.1. Overweight permits for tank wagons.

The Commissioner, upon written application and payment of a fee by the owner of tank wagon vehicles as defined in § 58.1-2201, shall issue overweight permits for operation of said vehicles.

~~The overweight permit fees shall be based on a fee schedule established by the Commissioner of Highways. Such fees shall be dedicated to and deposited into the Highway Maintenance and Operating Fund.~~

~~The Commissioner may also assess a separate application fee for applications pursuant to this section that covers the administrative expenses of the Department. Funds from the application fee are to be designated as specified in § 46.2-1149.3~~ *The fee for such permit shall be as provided in § 46.2-1140.1.*

No permit issued under this section shall authorize a single axle weight of more than 24,000 pounds and a total gross weight in excess of 40,000 pounds. Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. This permit shall not be combined with any other overweight permit or extension of weight limits.

§ 46.2-1144.2. Overweight permits for haulers of farm animal feed.

The Commissioner, upon written application by the owner or operator of certain vehicles used exclusively for hauling farm animal feed, shall issue overweight permits for operation of such vehicle. Permits shall be issued under this section only for specially designed five-axle semi-trailer combinations with bulk feed compartments and at least 51 feet of axle spacing between the first and last axle. Such permits shall not be combined with any other overweight permits or extension of weight limits.

No permits issued under this section shall authorize a tandem axle weight of more than 37,400 pounds or a total gross weight in excess of 84,000 pounds. Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1.

§ 46.2-1145. Overweight permits for certain trucks operated by Arlington County.

The Commissioner ~~of Highways~~, upon written application by Arlington County, shall issue ~~without cost~~ *a fee* to such county a permit authorizing the county's operation of vehicles used for hauling household waste and vehicles used for highway or utility construction, operation, or maintenance upon the highways of such county at gross weights exceeding those set forth in § 46.2-1126. Permits issued hereunder shall specify that vehicles with two axles may have a maximum gross weight of no more than 48,000 pounds and a single axle weight of not more than 24,000 pounds and that vehicles with three axles may have a maximum gross weight of not more than 60,000 pounds and a single axle weight of not more than 24,000 pounds and a tandem axle weight of not more than 40,000 pounds.

The permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed of ~~ten~~ 10 miles per hour slower than the legal speed limit in ~~fifty-five~~ 55, ~~forty-five~~ 45, and ~~thirty-five~~ 35 miles

per hour speed limit zones.

§ 46.2-1147. Permits for excessive size and weight for articulated buses.

The Commissioner ~~and local authorities of cities and towns in their respective jurisdictions~~, upon written application by the owner or operator of passenger buses having three or more axles consisting of two sections joined together by an articulated joint with the trailer being equipped with a mechanically steered rear axle, and having a gross weight of no more than 60,000 pounds, a single axle weight of no more than 25,000 pounds, and a width of no more than 102 inches, shall issue to such owner or operator, ~~without cost~~, a written permit authorizing the operation of such vehicles on the highways. *The fee for such permit shall be as provided in § 46.2-1140.1.*

§ 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.

In addition to other permits provided for in this article, the Commissioner ~~and local authorities of cities and towns, in their respective jurisdictions~~, upon written application by the owner or operator of any three-axle vehicle used for hauling farm produce grown in Virginia, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a gross weight of no more than 50,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 36,000 pounds. Additionally, any five-axle combination used for hauling Virginia-grown farm products may have a gross weight of no more than 80,000 pounds and any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds.

Except as otherwise provided in this section, no such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

No permit issued under this section shall authorize any vehicle whose axle weights or axle spacing would not be permissible under §§ 46.2-1122 through 46.2-1127 to cross any bridge constituting a part of any public road.

~~Permits~~ *The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i) \$40 to the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department. Such permits shall be valid only in Accomack and Northampton Counties.*

§ 46.2-1149. Unladen, oversize and overweight, rubber-tired, self-propelled haulers and loaders; permits; engineering analysis; costs.

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of any empty, oversize and overweight, rubber-tired, self-propelled hauler or loader used in the construction and coal mining industries, may issue to such owner or operator a permit authorizing operation upon the highways of such equipment with gross empty weights in excess of those established in §§ 46.2-1122 through 46.2-1127 and sizes in excess of those established in §§ 46.2-1105 through 46.2-1108. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the Virginia Department of Transportation or local authorities of counties, cities, and towns in their respective jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. ~~Costs~~ *The fee for a permit issued under this section shall be based on the costs assessed against the applicant to cover engineering analysis.*

No permit issued under this section shall be valid for the operation of the equipment for a distance of more than 35 75 miles.

§ 46.2-1149.1. Excess tandem axle weight permits for cotton module haulers.

The Commissioner, upon application made by the owner or operator of vehicles used exclusively to transport seed cotton modules, shall issue ~~without cost~~ a permit authorizing the operation on the highway of such vehicles, from September 1 through December 31 of each year, at tandem axle weights in excess of that authorized in § 46.2-1125. The Commissioner ~~shall~~ *may* promulgate regulations governing such permits. Such permits shall allow the vehicles to have tandem axle weights of no more than 44,000 pounds. No permit issued under this section shall authorize a single axle weight in excess of that authorized in § 46.2-1124 or a gross weight in excess of 56,000 pounds.

The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i) \$40 to the Highway Maintenance and Operating Fund, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.1-23.5:1 and 33.1-41.1 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.1-23.5:1 and 33.1-41.1, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.

§ 46.2-1149.3. Payment of fees into special fund.

Except as *otherwise* provided ~~in § 46.2-1144.1~~, all fees collected by the Commissioner under ~~§§ 46.2-1139 through 46.2-1149.2~~ *this article* shall be paid into the state treasury and set aside as a

special fund to be used to meet the expenses of the Department.

§ 46.2-1149.4. Overweight permits for specialized mobile equipment.

The Commissioner ~~and local authorities of cities and towns, in their respective jurisdictions~~, upon written application made by the owner or operator, shall issue ~~without cost~~ an overweight permit for the operation of specialized mobile equipment. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 64,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds. Such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. *The fee for such permit shall be as provided in § 46.2-1140.1.*

For purposes of this section, "specialized mobile equipment" means a self-propelled motor vehicle manufactured for the specific purpose of supporting well-drilling machinery on the job site and whose movement on any highway is incidental to the purpose for which it was designed and manufactured.

§ 46.2-1149.5. Overweight permits for underground pipe cleaning, hydroexcavating, and water blasting equipment.

The Commissioner ~~and local authorities of cities and towns, in their respective jurisdictions~~, upon written application made by the owner or operator, shall issue an overweight permit for the operation of underground pipe cleaning, hydroexcavating, and water blasting equipment. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 64,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds. Such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. *The fee for such permit shall be as provided in § 46.2-1140.1.*

For purposes of this section, "underground pipe cleaning equipment" means a self-propelled motor vehicle manufactured for the specific purpose of vacuuming and cleaning underground sanitary and storm pipe. "Hydroexcavating equipment" means a self-propelled motor vehicle manufactured for the specific purpose of digging with water and vacuuming of debris. "Water blasting equipment" means a self-propelled motor vehicle manufactured for the specific purpose of waterblasting flat concrete surfaces and vacuuming spent water for reuse.

2. That this act shall become effective on January 1, 2013.