

1 S.247

2 Introduced by Senator Flory

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; overweight violations; enforcement

6 Statement of purpose of bill as introduced: This bill proposes to create a
7 secondary offense if an operator violates a law or ordinance governing motor
8 vehicle weight limits or vehicle dimensions or lawful restrictions on operation
9 by motor trucks on the highway and, at the time of the violation, the operator
10 failed to possess and attempt to use a GPS system equipped to convey
11 information about weight limits on State and town highways throughout the
12 State or, during the traffic stop, failed to furnish the enforcement officer
13 sufficient information to determine the same.

14 An act relating to enforcement of motor vehicle overweight laws

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 23 V.S.A. § 1391a is amended to read:

17 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION; SECONDARY
18 PENALTY

19 (a) Penalties for violations of the following statutory sections shall be in
20 accordance with the schedule established in this section:

1	Statutory Citation	Name of Offense
2	23 V.S.A. § 1391	Tire and axle limits
3	23 V.S.A. § 1392	Gross limits on highways
4	23 V.S.A. § 1399	Construction and maintenance equipment; fire
5		apparatus
6	23 V.S.A. § 1400	Permit to operate in excess of weight and size
7		limits; State highways
8	23 V.S.A § 1400a	Special local highway and bridge limits;
9		reimbursement for damages; special permits
10	23 V.S.A. § 1407	Operation of overweight vehicles
11	23 V.S.A. § 1408	Operating vehicle in excess of registered capacity

12 (b) ~~Fine~~ Penalty Schedule.

13 (1) For a violation of each of the ~~above~~ statutory sections in subsection
14 (a) of this section, ~~finer~~ a penalty shall be imposed as follows:

15 \$15.00 for each 1,000 lbs. or portion thereof overweight for the first
16 5,000 lbs. overweight;

17 \$30.00 for each 1,000 lbs. or portion thereof overweight when the gross
18 overweight is more than 5,000 lbs. and less than 10,001 lbs.;

19 \$45.00 for each 1,000 lbs. or portion thereof overweight when the gross
20 overweight is more than 10,000 lbs. and less than 15,001 lbs.;

1 \$60.00 for each 1,000 lbs. or portion thereof overweight when the gross
2 overweight is more than 15,000 lbs. and less than 20,001 lbs.;

3 \$90.00 for each 1,000 lbs. or portion thereof overweight when the gross
4 overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

5 \$150.00 for each 1,000 lbs. or portion thereof overweight when the gross
6 overweight is more than 25,000 lbs.

7 (2) ~~Fines~~ Penalties for subsequent violations of subchapter 15, Article 1
8 of this title shall be computed in accordance with subdivision ~~(b)~~(1) of this
9 ~~section~~ subsection with the following percentage increases:

10 (A) upon a second conviction of a violation occurring within one
11 year, five percent;

12 (B) upon a third conviction of a violation occurring within one year,
13 ten percent;

14 (C) upon a fourth or subsequent conviction occurring within one
15 year, 15 percent.

16 (3) In the calculation of gross overweight, the weight allowed by
17 registration or permit, whichever is greater, shall be the basis. The tolerances
18 allowed by sections 1391, 1392, 1408, and 1410 of this title shall not be
19 considered in the calculation of gross overweight.

20 (c) Notwithstanding any other provisions of law to the contrary, in a
21 ~~prosecution for a violation of those~~ an action to enforce the statutes listed in

1 subsection (a) of this section, the proper defendant shall be either the owner or
2 lessee of the vehicle or the person who moves or operates the vehicle.

3 (d)(1) On or before January 1 of each year, the Commissioner shall publish
4 on the website of the Department an updated list of models of GPS systems
5 equipped to convey up-to-date information about weight limits on State and
6 town highways throughout the State.

7 (2) If a law enforcement officer has detained the operator of a motor
8 vehicle for a suspected violation of a statute listed in subsection (a) of this
9 section or for an overdimension violation, or for a violation of a lawful
10 restriction on operation by motor trucks on the highway, and the officer is to
11 issue the operator a traffic complaint for the violation, the operator shall
12 furnish the enforcement officer information sufficient to enable the officer to
13 determine whether, at the time of the violation, the operator possessed and was
14 attempting to use a GPS system on the list most recently published on the
15 Department's website. The failure of an operator to furnish such information,
16 or the failure to possess and attempt to use a GPS system on the list at the time
17 of the violation, is a secondary violation subject to a civil penalty of not more
18 than \$300.00 for a first violation and of not more than \$500.00 for a second or
19 subsequent violation. A defendant shall not be subject to the penalty
20 established in this subsection if the defendant is not required to pay a penalty
21 for the primary violation.

1 (e) ~~Fines~~ Penalties imposed for violations of this section shall be deposited
2 in the Transportation Fund, unless the ~~fin~~ penalties are the result of
3 enforcement actions on a town highway by an enforcement officer employed
4 by or under contract with the municipality, in which case the ~~fine~~ penalty shall
5 be paid to the municipality, except for an administrative charge for each case
6 in the amount specified in 13 V.S.A. § 7251, which shall be retained by the
7 State.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on January 1, 2019.