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H.166

Introduced by Representatives Shaw of Pittsford, Brennan of Colchester,
Browning of Arlington, Burditt of West Rutland, Canfield of
Fair Haven, Fagan of Rutland City, Haas of Rochester, Harrison
of Chittenden, Helm of Fair Haven, Jerome of Brandon, Potter
of Clarendon, Savage of Swanton, and Sullivan of Dorset

Referred to Committee on

Date:

Subject: Motor vehicles; overweight violations; enforcement; secondary
violation; secondary penalty

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

An act relating to enforcement of overweight motor vehicle laws

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

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

3 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION

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

6	Statutory Citation	Name of Offense
7	23 V.S.A. § 1391	Tire and axle limits
8	23 V.S.A. § 1392	Gross <u>weight</u> limits on highways
9	23 V.S.A. § 1399	Construction and maintenance equipment; fire
10		apparatus
11	23 V.S.A. § 1400	Permit to operate in excess of weight and size
12		limits; State highways
13	23 V.S.A § 1400a	Special local highway and bridge limits;
14		reimbursement for damages; special permits
15	23 V.S.A. § 1407	Operation of overweight vehicles
16	23 V.S.A. § 1408	Operating vehicle in excess of registered capacity

17 (b) ~~Fine Schedule~~

18 (1) For a violation of each of the ~~above~~ statutory sections in subsection

19 (a) of this section, fines a penalty shall be imposed as follows:

20 \$15.00 for each 1,000 lbs. or portion thereof overweight for the first
21 5,000 lbs. overweight;

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

3 \$45.00 for each 1,000 lbs. or portion thereof overweight when the gross
4 overweight is more than 10,000 lbs. and less than 15,001 lbs.;

5 \$60.00 for each 1,000 lbs. or portion thereof overweight when the gross
6 overweight is more than 15,000 lbs. and less than 20,001 lbs.;

7 \$90.00 for each 1,000 lbs. or portion thereof overweight when the gross
8 overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

9 \$150.00 for each 1,000 lbs. or portion thereof overweight when the gross
10 overweight is more than 25,000 lbs.

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

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

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

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

20 (3) In the calculation of gross overweight, the weight allowed by
21 registration or permit, whichever is greater, shall be the basis. The tolerances

1 allowed by sections 1391, 1392, and 1408, and 1410 of this title shall not be
2 considered in the calculation of gross overweight.

3 (c) Notwithstanding any other provisions of law to the contrary, in a
4 ~~prosecution for a violation of these~~ an action to enforce the statutes listed in
5 subsection (a) of this section, the proper defendant shall be either the owner or
6 lessee of the vehicle or the person who moves or operates the vehicle.

7 (d) 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, an overdimension violation, or a violation of a lawful restriction on
10 operation by motor trucks on the highway, and the officer is to issue the
11 operator a traffic complaint for the violation, the operator shall furnish the
12 enforcement officer information sufficient to enable the officer to determine
13 whether, at the time of the violation, the operator possessed and was
14 attempting to use a global positioning system (GPS) device on the list most
15 recently published on the Department's website pursuant to subsection
16 1400b(g) of this title. The failure of an operator to furnish such information, or
17 the failure to possess and attempt to use a GPS device on the list at the time of
18 the violation, is a secondary violation subject to a civil penalty of not more
19 than \$300.00 for a first violation and of not more than \$500.00 for a second or
20 subsequent violation. A defendant shall not be subject to the penalty

1 established in this subsection if the defendant is not required to pay a penalty
2 for the primary violation.

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

10 Sec. 2. 23 V.S.A. § 1400b is amended to read:

11 § 1400b. FILING OF RESTRICTIONS, PUBLICATION

12 (a) Any municipality ~~which~~ that has enacted special weight limits ~~which~~
13 that are other than State legal limits for highways or bridges within its
14 jurisdiction shall file a complete copy of the limitations for the calendar year
15 commencing April 1 with the Department of Motor Vehicles not later than
16 February 10 of each year. The information filed shall contain a concise listing
17 of each highway or bridge posted, the time of the year the restrictions apply,
18 weight limitations in effect on that highway or bridge, and the name, address,
19 and telephone number of the principal person or persons responsible for
20 issuing the local permit. Additions or deletions to the listing may ~~be made~~
21 ~~from time to time, as required, by filing with the Department~~ only be made for

1 the next calendar year commencing April 1 or at the discretion of the
2 Commissioner.

3 (b) Any special municipal weight limits on highways or bridges shall be
4 unenforceable unless they are on file with the Department of Motor Vehicles
5 ~~within three working days of the date of posting.~~ It shall be the responsibility
6 of the municipality to keep records documenting the time and date a highway
7 or bridge is posted, and to keep current restrictions on file with the
8 Department. The Department may prescribe the format ~~which~~ that is to be
9 used when filing restrictions under this section.

10 (c) The Department shall publish, on ~~an annual basis~~ or before April 1 of
11 each year, a list of municipal highways or bridges and their ~~current~~ weight
12 limits for the full calendar year commencing April 1. This publication shall be
13 based on the information submitted by the municipalities under subsection (a)
14 of this section, as well as information available through the Agency of
15 Transportation, and shall be available to the public, at a charge not in excess of
16 \$25.00, on or before April 1 of each year.

17 (d) ~~The~~ In the event that the Commissioner approves an addition or
18 deletion to a municipality's special weight limits pursuant to subsection (a) of
19 this section, the Department shall also publish, ~~on a quarterly basis, a periodic~~
20 an update of ~~current~~ to the published weight limits for municipal highways and
21 bridges, and shall make that available to the general public at a cost of not

1 more than \$5.00. Notice of the approved addition or deletion shall also be
2 provided by the Department to any global positioning system (GPS)
3 manufacturers that have requested such updates.

4 * * *

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

9 Sec. 3. 23 V.S.A. § 1412 is amended to read:

10 § 1412. MULTIPLE WEIGHT VIOLATIONS

11 ~~No~~ Excluding a secondary violation imposed pursuant to subsection
12 1391a(d) of this title, no more than one overweight violation per vehicle shall
13 be written by an enforcement officer at any single incident.

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on January 1, 2020.