

1 S.149

2 Representatives Haas of Rochester and Shaw of Pittsford move that the  
3 House propose to the Senate that the bill be amended by striking out Sec. 35,  
4 effective dates, and its accompanying reader assistance heading in their  
5 entireties and inserting in lieu thereof the following:

6 \* \* \* Overweight Vehicles \* \* \*

7 Sec. 35. 23 V.S.A. § 1391a is amended to read:

8 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION

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

11	Statutory Citation	Name of Offense
12	23 V.S.A. § 1391	Tire and axle limits
13	23 V.S.A. § 1392	Gross <u>weight</u> limits on highways
14	23 V.S.A. § 1399	Construction and maintenance equipment; fire
15		apparatus
16	23 V.S.A. § 1400	Permit to operate in excess of weight and size
17		limits; State highways
18	23 V.S.A § 1400a	Special local highway and bridge limits;
19		reimbursement for damages; special permits
20	23 V.S.A. § 1407	Operation of overweight vehicles
21	23 V.S.A. § 1408	Operating vehicle in excess of registered capacity

1 (b) ~~Fine Schedule~~

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

3 (a) of this section, ~~finer~~ a penalty shall be imposed as follows:

4 \$15.00 for each 1,000 lbs. or portion thereof overweight for the first  
5 5,000 lbs. overweight;

6 \$30.00 for each 1,000 lbs. or portion thereof overweight when the gross  
7 overweight is more than 5,000 lbs. and less than 10,001 lbs.;

8 \$45.00 for each 1,000 lbs. or portion thereof overweight when the gross  
9 overweight is more than 10,000 lbs. and less than 15,001 lbs.;

10 \$60.00 for each 1,000 lbs. or portion thereof overweight when the gross  
11 overweight is more than 15,000 lbs. and less than 20,001 lbs.;

12 \$90.00 for each 1,000 lbs. or portion thereof overweight when the gross  
13 overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

14 \$150.00 for each 1,000 lbs. or portion thereof overweight when the gross  
15 overweight is more than 25,000 lbs.

16 (2) ~~Fines~~ Penalties for subsequent violations of subchapter 15, ~~Article~~  
17 article 1 of this title shall be computed in accordance with subdivision ~~(b)~~(1) of

18 this ~~section~~ subsection with the following percentage increases:

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

1 (B) upon a third conviction of a violation occurring within one year,  
2 10 percent;

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

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

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

13 (d) If a law enforcement officer has detained the operator of a motor  
14 vehicle for a suspected violation of a statute listed in subsection (a) of this  
15 section, an overdimension violation, or a violation of a lawful restriction on  
16 operation by motor trucks on the highway, and the officer is to issue the  
17 operator a traffic complaint for the violation, the operator shall furnish the  
18 enforcement officer information sufficient to enable the officer to determine  
19 whether, at the time of the violation, the operator possessed and was  
20 attempting to use a global positioning system (GPS) device on the list most  
21 recently published on the Department's website pursuant to subsection

1 1400b(g) of this title. The failure of an operator to furnish such information, or  
2 the failure to possess and attempt to use a GPS device on the list at the time of  
3 the violation, is a secondary violation subject to a civil penalty of not more  
4 than \$300.00 for a first violation and of not more than \$500.00 for a second or  
5 subsequent violation. A defendant shall not be subject to the penalty  
6 established in this subsection if the defendant is not required to pay a penalty  
7 for the primary violation.

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

15 Sec. 36. 23 V.S.A. § 1400b is amended to read:

16 § 1400b. FILING OF RESTRICTIONS, PUBLICATION

17 (a) Any municipality ~~which that~~ has enacted special weight limits ~~which~~  
18 that are other than State legal limits for highways or bridges within its  
19 jurisdiction shall file a complete copy of the limitations for the calendar year  
20 commencing April 1 with the Department of Motor Vehicles not later than  
21 February 10 of each year. The information filed shall contain a concise listing

1 of each highway or bridge posted, the time of the year the restrictions apply,  
2 weight limitations in effect on that highway or bridge, and the name, address,  
3 and telephone number of the principal person or persons responsible for  
4 issuing the local permit. Additions or deletions to the listing may ~~be made~~  
5 ~~from time to time, as required, by filing with the Department~~ only be made for  
6 the next calendar year commencing April 1 or at the discretion of the  
7 Commissioner.

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

15 (c) The Department shall publish, on ~~an annual basis~~ or before April 1 of  
16 each year, a list of municipal highways or bridges and their ~~current~~ weight  
17 limits for the full calendar year commencing April 1. This publication shall be  
18 based on the information submitted by the municipalities under subsection (a)  
19 of this section, as well as information available through the Agency of  
20 Transportation, and shall be available to the public, at a charge not in excess of  
21 \$25.00, on or before April 1 of each year.

1           ~~The~~ In the event that the Commissioner approves an addition or  
2           ~~deletion to a municipality's special weight limits pursuant to subsection (a) of~~  
3           ~~this section, the~~ Department shall ~~also~~ publish, on a quarterly basis, a periodic  
4           ~~an~~ update of current to the published weight limits for municipal highways and  
5           bridges, and shall make that available to the general public at a cost of not  
6           more than \$5.00. Notice of the approved addition or deletion shall also be  
7           provided by the Department to any global positioning system (GPS)  
8           manufacturers that have requested such updates.

9   \* \* \*

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

14          Sec. 37. 23 V.S.A. § 1412 is amended to read:

15          § 1412. MULTIPLE WEIGHT VIOLATIONS

16          ~~No~~ Excluding a secondary violation imposed pursuant to subsection  
17          1391a(d) of this title, no more than one overweight violation per vehicle shall  
18          be written by an enforcement officer at any single incident.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

\* \* \* Effective Dates \* \* \*

Sec. 38. EFFECTIVE DATES

(a) This section and Secs. 26 (Department of Motor Vehicles training), 27 (translated documents and use of interpreters implementation), and 30 (master license agreement study) shall take effect on passage.

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on July 1, 2020.

(c) Secs. 35 (penalties for overweight operation), 36 (filing and publishing weight limits), and 37 (multiple weight violations) shall take effect on July 1, 2020.

(d) All other sections shall take effect on July 1, 2019.