

- I. **Proposed amendment to give DMV authority to issue special weight permits on all roads**
 1. **Add authority to have DMV issue weight as well as current dimensional permits**
 2. **The permit fee shall be remitted to the municipalities.**
 3. **The fee does not have to be \$5, or \$10. Make it what is reasonably necessary to administer the permit.**
 4. **This has been studied for years. 2004 report to Legislature.**

§ 1400. Permit to operate in excess of weight and size limits; State highways

(c) In addition, the Commissioner may issue permits to operate vehicles in excess of the **weight and** size limits provided by this subchapter for operation over any class 2, class 3, or class 4 town highways except when the dimensions are such that blanket permits cannot be issued under the duly adopted rules of the Commissioner. In those instances, permits under section 1400a of this title shall be obtained.

§ 1400a. Special local highway and bridge limits; reimbursement for damages; special permits

(a) A person or corporation owning or operating a traction engine, tractor trailer, motor truck, or other motor vehicle that desires to operate it in excess of the weight limits provided in this subchapter over highways and bridges under the jurisdiction of a municipality with the exception of class 1 town highways and subject to the provisions of subsection 1400(c) of this title shall make application for a permit to the **Commissioner appropriate legislative body, or its designee.**

(b) The application form for such a permit shall be of a uniform type, and shall be developed by the Commissioner of Motor Vehicles, after consulting with municipal officials and representatives of the State's trucking industry.

(c)(1) The selectboard, trustees, or the mayor are authorized to accept for the municipality compensation commensurate with the extra wear or maintenance required on the highway traveled over or on any bridge by reason of the overweight allowed by any permit approved by **them the Commissioner** or any exemption provided under section 1400d of this title, which shall be used for the maintenance of highways and bridges within the town, village, or city. The following factors, at a minimum, shall be taken into consideration when determining the amount of compensation due:

- (A) the amount of weight allowed in excess of the normal limit;
 - (B) the configuration and number of axles of the vehicle involved;
 - (C) the number and length of trips the vehicle will be making;
 - (D) the condition of the highway before and after use by the vehicle, and costs associated with any needed repair.
- (2) If the agreement for the compensation to be paid is in writing, failure on the part of the applicant to pay the sum or sums agreed upon shall be sufficient cause for the **selectboard, trustees, or mayor Commissioner** to withdraw approval for the permit. ~~A fee not in excess of \$5.00 may be charged for the written approval of a municipality furnished under this section.~~

(d) A \$5.00 fee for administration of permits imposed under this section shall be for the period expiring March 31 of each year. As an alternative, upon payment to the Commissioner of an administrative fee of \$???, \$10.00 for each municipality for which a permit is granted, an applicant may obtain a permit to operate all of his or her registered vehicles in that municipality, under the conditions of the permit, for the period of the permit. In the event a fleet permit is obtained, individual permits need not be carried in each vehicle permitted.

II. Example of the extremely high Overweight fines

1. Towns write tickets on their municipal ordinances which mirror the statute; therefor the State does not receive any revenue

Title 23 : Motor Vehicles

§ 1391a. Penalties for overweight operation

(b) Fine Schedule

(1) For violation of each of the above statutory sections, fines shall be imposed as follows:

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

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

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

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

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

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

Current law Example:

80,000# on 24,000# road= $75+150+225+300+450+3,150= \$4,350$

90,000# on 24,000# road= $75+150+225+300+450+6,150= \$7,350$

Proposed new example, if you remove the sliding scale by weight (bold, above):

80,000# on 24,000# road= **\$840**

90,000# on 24,000# road = **\$990**

- III. **Proposed amendment to statute to remove Route 4 length restriction**
1. **What is the purpose and benefit behind this legislation, as the rest of the state does not have it?**
 2. **This is a vestige of the 1999-2000 legislative fight over allowing 53 foot trailers in Vermont (previous national standard was 48 feet). This language was part of legislation which created truck routes, which have since been repealed. Even the referenced section 1400(d) has been repealed.**
 3. **The primary entity which enforces this is Woodstock P.D. What problem is unique to Woodstock that does not exist on many other roads in Vermont, that is 'solved' by requiring a free permit without any criteria? This is functionally a toll road for the unwary and the ignorant.**

Title 23 : Motor Vehicles

§ 1432. Length of vehicles

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(c) Operation on U.S. Route 4. Notwithstanding any other law to the contrary, vehicles with a trailer or semitrailer which are longer than 68 feet but not longer than 75 feet may be operated with a single or multiple trip overlength permit issued at no cost by the Department of Motor Vehicles or, for a fee, by an entity authorized in subsection 1400(d) of this title on U.S. Route 4 from the New Hampshire state line to the junction of VT Route 100 south, provided the distance from the kingpin of the semitrailer to the center of the rearmost axle group is not greater than 41 feet.

Fines: \$300 for first offense, \$600 for second offense, \$800 for third and subsequent offense within 2 year period

§ 1434. Penalties

(a) The operation of a vehicle on a public highway in excess of the height, width, or length limits as prescribed in section 1431 or 1432 of this title without first obtaining a permit to operate the vehicle, whether or not a permit is available, shall be a traffic violation as defined in section 2302 of this title. A violation shall be punishable by a fine of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.