

By the Committee on Transportation; and Senator Miller

306-2237-02

1 A bill to be entitled
 2 An act relating to vehicle weight violations;
 3 amending s. 316.545, F.S.; providing penalty
 4 provisions for weight violations; providing an
 5 effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

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9 Section 1. Subsections (2) and (3) and paragraph (a)
 10 of subsection (4) of section 316.545, Florida Statutes, are
 11 amended to read:

12 316.545 Weight and load unlawful; special fuel and
 13 motor fuel tax enforcement; inspection; penalty; review.--

14 (2)(a) Whenever an officer, upon weighing a vehicle or
 15 combination of vehicles with load, determines that the axle
 16 weight or gross weight is unlawful, the officer may require
 17 the driver to stop the vehicle in a suitable place and remain
 18 standing until a determination can be made as to the amount of
 19 weight thereon and, if overloaded, the amount of penalty to be
 20 assessed as provided herein. However, any axle, internal
 21 bridge, external bridge, or gross weight over and beyond 6,000
 22 pounds beyond the maximum herein set shall be shifted,
 23 equalized, or unloaded, and all material so unloaded shall be
 24 cared for by the owner or operator of the vehicle at the risk
 25 of such owner or operator. Except as otherwise provided in
 26 this chapter, to facilitate compliance with and enforcement of
 27 the weight limits established in s. 316.535, weight tables
 28 published pursuant to s. 316.535(6) shall include a 10-percent
 29 scale tolerance and shall thereby reflect the maximum scaled
 30 weights allowed any vehicle or combination of vehicles. As
 31 used in this section, scale tolerance means the allowable

1 deviation from legal weights established in s. 316.535.
2 Notwithstanding any other provision of the weight law, if a
3 vehicle or combination of vehicles does not exceed the gross,
4 external bridge, or internal bridge weight limits imposed in
5 s. 316.535 and the driver of such vehicle or combination of
6 vehicles can comply with the requirements of this chapter by
7 shifting or equalizing the load on all wheels or axles and
8 does so when requested by the proper authority, the driver
9 shall not be held to be operating in violation of said weight
10 limits.

11 (b) The officer shall inspect the license plate or
12 registration certificate of the commercial vehicle, as defined
13 in s. 316.003(66), to determine if its gross weight is in
14 compliance with the declared gross vehicle weight. If its
15 gross weight exceeds the declared weight, the penalty shall be
16 ~~5 cents per pound~~ on the difference between the license fee
17 for the gross vehicle weight range in s. 320.08(4)(a)-(1) for
18 heavy trucks and truck tractors, or s. 320.08(5)(e) for
19 wreckers, and the license fee for the gross vehicle weight
20 range that the commercial vehicle is determined to be
21 operating in by its gross weight ~~such weights~~. In those cases
22 when the commercial vehicle, as defined in s. 316.003(66), is
23 being operated over the highways of the state with a license
24 or registration that has not been expired for more than 90
25 days, the penalty shall be the license fee for the gross
26 vehicle weight range in s. 320.08(4)(a)-(1) for heavy trucks
27 and truck tractors, and s. 320.08(5)(e) for wreckers as
28 determined by its actual gross weight.~~with an expired~~
29 ~~registration or with no registration from this or any other~~
30 ~~jurisdiction or is not registered under the applicable~~
31 ~~provisions of chapter 320, the penalty herein shall apply on~~

1 ~~the basis of 5 cents per pound on that scaled weight which~~
2 ~~exceeds 35,000 pounds on laden truck tractor-semitrailer~~
3 ~~combinations or tandem trailer truck combinations, 10,000~~
4 ~~pounds on laden straight trucks or straight truck-trailer~~
5 ~~combinations, or 10,000 pounds on any unladen commercial motor~~
6 ~~vehicle.~~If the license plate or registration has not been
7 expired for more than 90 days, or the vehicle has never been
8 registered in this or any other jurisdiction,the penalty
9 imposed under this paragraph shall be twice the amount applied
10 to a vehicle with a current license or registration under this
11 paragraph may not exceed \$1,000. In the case of a commercial
12 vehicle operating under special restrictions ~~mobile equipment~~
13 ~~as defined in s. 316.003(48),~~ which qualifies for the reduced
14 license taxes ~~tax~~ provided for in s. 320.08(4)(m) and (n)and
15 5(b) and (d)~~s. 320.08(5)(b),~~ being operated on the highways
16 of the state with an expired registration or otherwise not
17 properly registered under the applicable provisions of chapter
18 320, a penalty of twice the amount of the reduced license fee
19 ~~\$75~~ shall apply in addition to any other penalty which may
20 apply in accordance with this chapter. A vehicle found in
21 violation of this section may be detained until the owner or
22 operator produces evidence that the vehicle has been properly
23 registered. Any costs incurred by the retention of the vehicle
24 shall be the sole responsibility of the owner. A person who
25 has been assessed a penalty pursuant to this paragraph for
26 failure to have a valid vehicle registration certificate
27 pursuant to the provisions of chapter 320 is not subject to
28 the delinquent fee authorized in s. 320.07 if such person
29 obtains a valid registration certificate within 10 working
30 days after such penalty was assessed.
31

1 (c) An apportioned motor vehicle, as defined in s.
2 320.01, operating on the highways of this state without being
3 properly licensed and registered shall be subject to the
4 penalties provided in paragraph (b).

5 (d) Vehicles operating on the highways of this state
6 from nonmember International Registration Plan jurisdictions
7 which are not in compliance with the provisions of s. 316.605
8 shall be subject to the penalties provided in paragraph (b).

9 (e)~~(c)~~ Weight limits established and posted for a road
10 or bridge pursuant to s. 316.555 and weight limits specified
11 in special permits issued pursuant to s. 316.550 shall be
12 deemed to include all allowable tolerances. In those cases
13 when a vehicle or combination of vehicles exceeds the weight
14 limits established and posted for a road or bridge pursuant to
15 s. 316.555, or exceeds the weight limits permitted in a
16 special permit issued pursuant to s. 316.550, the penalty
17 shall be assessed as provided for in subsection (3)~~5 cents~~
18 ~~per pound~~ on the difference between the scale weight of the
19 vehicle and the weight limits for such posted road or bridge
20 or permitted in such special permit. However, if a special
21 permit is declared invalid in accordance with rules
22 promulgated pursuant to s. 316.550, the penalties imposed in
23 subsection (3), not to exceed \$3,000, shall apply to those
24 weights which exceed the limits established in s. 316.535.

25 (3) Any person who violates the overloading provisions
26 of this chapter shall be conclusively presumed to have damaged
27 the highways of this state by reason of such overloading,
28 which damage is hereby fixed as follows:

29 (a) When the excess weight is 500 ~~200~~ pounds or less
30 than the maximum herein provided, the penalty shall be \$15
31 ~~\$10~~;

1 (b) When the excess weight is more than 500 pounds
2 over the maximum provided in this chapter, \$15 plus 5 cents
3 per pound for the excess weight that is more than 500 pounds
4 over the maximum provided in this chapter. When the excess
5 weight is more than 6,000 pounds over the maximum provided in
6 this chapter, \$15 plus 7.5 cents per pound for the excess
7 weight that is more than 500 pounds over the maximum. When the
8 excess weight is more than 10,000 pounds over the maximum
9 provided in this chapter, \$15 plus 10 cents per pound for the
10 excess weight that is more than 500 pounds over the maximum

11 ~~(b) Five cents per pound for each pound of weight in~~
12 ~~excess of the maximum herein provided when the excess weight~~
13 ~~exceeds 200 pounds. However, whenever the gross weight of the~~
14 ~~vehicle or combination of vehicles does not exceed the maximum~~
15 ~~allowable gross weight, the maximum fine for the first 600~~
16 ~~pounds of unlawful axle weight shall be \$10.~~

17 ~~(c) An apportioned motor vehicle, as defined in s.~~
18 ~~320.01, operating on the highways of this state without being~~
19 ~~properly licensed and registered shall be subject to the~~
20 ~~penalties as herein provided; and~~

21 ~~(d) Vehicles operating on the highways of this state~~
22 ~~from nonmember International Registration Plan jurisdictions~~
23 ~~which are not in compliance with the provisions of s. 316.605~~
24 ~~shall be subject to the penalties as herein provided.~~

25 (c) For solid waste collection vehicles only, when the
26 excess weight is more than 500 pounds, but less than 10,000
27 pounds over the maximum provided in this chapter, \$15 plus 5
28 cents per pound for the excess weight that is more than 500
29 pounds over the maximum provided in this chapter. When the
30 excess weight is more than 10,000 pounds over the maximum

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1 provided in this chapter, \$15 plus 10 cents per pound for the
2 excess weight that is more than 500 pounds over the maximum.

3 (4)(a) No commercial vehicle, as defined in s.
4 316.003(66), shall be operated over the highways of this state
5 unless it has been properly registered under the provisions of
6 s. 207.004. Whenever any law enforcement officer identified in
7 s. 207.023(1), upon inspecting the vehicle or combination of
8 vehicles, determines that the vehicle is in violation of s.
9 207.004, a penalty in the amount of \$50 shall be assessed, and
10 the vehicle may ~~shall~~ be detained until payment is collected
11 by the law enforcement officer.

12 Section 2. This act shall take effect July 1, 2002.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 1872

17 This committee substitute amends s. 316.545, F.S., to revise
18 penalties for overweight, and improperly registered commercial
19 vehicles. The CS provides the fine for overweight vehicles is
20 \$15 for trucks up to 500 pounds overweight. For each pound
21 from 501 to 6,000, the fine is 5 cents plus \$15; from 6,001 to
22 10,000 pounds overweight, the fine is 7 1/2 cents per pound
23 plus \$15; and for 10,000 pounds and over, the fine is 10 cents
24 per pound plus \$15.

25 The CS provides separate weight penalties for solid waste
26 collection vehicles.

27 The CS further revises penalties for license and registration
28 violations for interstate and intrastate commercial vehicles.
29 The CS provides the penalties for overweight vehicles apply to
30 commercial vehicles with invalid special permits or vehicles
31 which violate the weight limitations of a special permit;
however, such penalty may not exceed \$3,000. The CS provides
interstate commercial motor vehicles which are found by a law
enforcement officer to violate interstate registration
requirements are not required to be detained. The CS further
allows cargo within a commercial vehicle whose axle, internal
or external bridge or gross weight is over 6,000 pound above
the legal weight to be shifted, equalized or unloaded by the
owner or operator of the vehicle.