

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any axle, internal bridge, external bridge, or gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be shifted, equalized, or unloaded and all material so unloaded shall be

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1 cared for by the owner or operator of the vehicle at the risk
2 of such owner or operator. Except as otherwise provided in
3 this chapter, to facilitate compliance with and enforcement of
4 the weight limits established in s. 316.535, weight tables
5 published pursuant to s. 316.535(6) shall include a 10-percent
6 scale tolerance and shall thereby reflect the maximum scaled
7 weights allowed any vehicle or combination of vehicles. As
8 used in this section, scale tolerance means the allowable
9 deviation from legal weights established in s. 316.535.
10 Notwithstanding any other provision of the weight law, if a
11 vehicle or combination of vehicles does not exceed the gross,
12 external bridge, or internal bridge weight limits imposed in
13 s. 316.535 and the driver of such vehicle or combination of
14 vehicles can comply with the requirements of this chapter by
15 shifting or equalizing the load on all wheels or axles and
16 does so when requested by the proper authority, the driver
17 shall not be held to be operating in violation of said weight
18 limits.

19 (b) The officer shall inspect the license plate or
20 registration certificate of the commercial vehicle, as defined
21 in s. 316.003(66), to determine if its gross weight is in
22 compliance with the declared gross vehicle weight. If its
23 gross weight exceeds the declared weight, the penalty shall be
24 ~~5 cents per pound on the difference between the license fee~~
25 for the gross vehicle weight range in s. 320.08(4)(a)-(1) for
26 heavy trucks and truck tractors, or s. 320.08(5)(e) for
27 wreckers, and the license fee for the gross vehicle weight
28 range the commercial vehicle is determined to be operating in
29 by its gross weight ~~such weights~~. In those cases when the
30 commercial vehicle, as defined in s. 316.003(66), is being
31 operated over the highways of the state with a license or

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1 registration that has not been expired for more than 90 days,
2 the penalty shall be the license fee for the gross vehicle
3 weight range in s. 320.08(4)(a)-(1) for heavy trucks and truck
4 tractors, and s. 320.08(5)(e) for wreckers as determined by
5 its actual gross weight with an expired registration or with
6 no registration from this or any other jurisdiction or is not
7 registered under the applicable provisions of chapter 320, the
8 penalty herein shall apply on the basis of 5 cents per pound
9 on that scaled weight which exceeds 35,000 pounds on laden
10 truck tractor-semitrailer combinations or tandem trailer truck
11 combinations, 10,000 pounds on laden straight trucks or
12 straight truck-trailer combinations, or 10,000 pounds on any
13 unladen commercial motor vehicle. If the license plate or
14 registration has not been expired for more than 90 days, or
15 the vehicle has never been registered in this or any other
16 jurisdiction, the penalty imposed under this paragraph shall
17 be twice the amount as that applied to a vehicle with a
18 current license or registration under this paragraph may not
19 exceed \$1,000. In the case of a commercial vehicle operating
20 under special restrictions mobile equipment as defined in s.
21 316.003(48), which qualifies for the reduced license taxes tax
22 provided for in s. 320.08(4)(m) and (n) and (5)(b) and (d),
23 being operated on the highways of the state with an expired
24 registration or otherwise not properly registered under the
25 applicable provisions of chapter 320, a penalty of twice the
26 amount of the reduced license fee \$75 shall apply in addition
27 to any other penalty which may apply in accordance with this
28 chapter. A vehicle found in violation of this section may be
29 detained until the owner or operator produces evidence that
30 the vehicle has been properly registered. Any costs incurred
31 by the retention of the vehicle shall be the sole

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1 responsibility of the owner. A person who has been assessed a
2 penalty pursuant to this paragraph for failure to have a valid
3 vehicle registration certificate pursuant to the provisions of
4 chapter 320 is not subject to the delinquent fee authorized in
5 s. 320.07 if such person obtains a valid registration
6 certificate within 10 working days after such penalty was
7 assessed.

8 (c) An apportioned motor vehicle, as defined in s.
9 320.01, operating on the highways of this state without being
10 properly licensed and registered shall be subject to the
11 penalties provided in paragraph (b).

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

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

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

5 (a) When the excess weight is 500 ~~200~~ pounds or less
6 than the maximum herein provided, the penalty shall be \$15.

7 ~~\$10.~~

8 (b) Five cents per pound for each pound of weight in
9 excess of the maximum herein provided when the excess weight
10 is more than 500 pounds but is not more than 6,000 pounds;
11 seven and one-half cents for each pound when the excess weight
12 is more than 6,000 pounds but is not more than 10,000 pounds;
13 and ten cents for each pound when the excess weight is more
14 than 10,000 ~~exceeds 200~~ pounds. ~~However, whenever the gross~~
15 ~~weight of the vehicle or combination of vehicles does not~~
16 ~~exceed the maximum allowable gross weight, the maximum fine~~
17 ~~for the first 600 pounds of unlawful axle weight shall be \$10.~~

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

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

26 (4)(a) No commercial vehicle, as defined in s.
27 316.003(66), shall be operated over the highways of this state
28 unless it has been properly registered under the provisions of
29 s. 207.004. Whenever any law enforcement officer identified in
30 s. 207.023(1), upon inspecting the vehicle or combination of
31 vehicles, determines that the vehicle is in violation of s.

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1 207.004, a penalty in the amount of \$50 shall be assessed, and
2 the vehicle may ~~shall~~ be detained until payment is collected
3 by the law enforcement officer.

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

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, line 3,
10 remove: all of said lines

11
12 and insert:
13 316.545, F.S.; revising penalty provisions for

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