

By Representative Jennings

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

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

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8 Section 1. Subsections (2) and (3) of section 316.545,
9 Florida Statutes, are amended to read:

10 316.545 Weight and load unlawful; special fuel and
11 motor fuel tax enforcement; inspection; penalty; review.--

12 (2)(a) Whenever an officer, upon weighing a vehicle or
13 combination of vehicles with load, determines that the axle
14 weight or gross weight is unlawful, the officer may require
15 the driver to stop the vehicle in a suitable place and remain
16 standing until a determination can be made as to the amount of
17 weight thereon and, if overloaded, the amount of penalty to be
18 assessed as provided herein. However, any gross weight over
19 and beyond 6,000 pounds beyond the maximum herein set shall be
20 unloaded and all material so unloaded shall be cared for by
21 the owner or operator of the vehicle at the risk of such owner
22 or operator. Except as otherwise provided in this chapter, to
23 facilitate compliance with and enforcement of the weight
24 limits established in s. 316.535, weight tables published
25 pursuant to s. 316.535(6) shall include a 10-percent scale
26 tolerance and shall thereby reflect the maximum scaled weights
27 allowed any vehicle or combination of vehicles. As used in
28 this section, scale tolerance means the allowable deviation
29 from legal weights established in s. 316.535. Notwithstanding
30 any other provision of the weight law, if a vehicle or
31 combination of vehicles does not exceed the gross, external

1 bridge, or internal bridge weight limits imposed in s. 316.535
2 and the driver of such vehicle or combination of vehicles can
3 comply with the requirements of this chapter by shifting or
4 equalizing the load on all wheels or axles and does so when
5 requested by the proper authority, the driver shall not be
6 held to be operating in violation of said weight limits.

7 (b) The officer shall inspect the license plate or
8 registration certificate of the commercial vehicle, as defined
9 in s. 316.003(66), to determine if its gross weight is in
10 compliance with the declared gross vehicle weight. If its
11 gross weight exceeds the declared weight, the penalty shall be
12 assessed as provided for in paragraph (d)~~5 cents per pound on~~
13 ~~the difference between such weights.~~ In those cases when the
14 commercial vehicle, as defined in s. 316.003(66), is being
15 operated over the highways of the state with an expired
16 registration or with no registration from this or any other
17 jurisdiction or is not registered under the applicable
18 provisions of chapter 320, the penalty herein shall apply ~~on~~
19 ~~the basis of 5 cents per pound~~ on that scaled weight which
20 exceeds 35,000 pounds on laden truck tractor-semitrailer
21 combinations or tandem trailer truck combinations, 10,000
22 pounds on laden straight trucks or straight truck-trailer
23 combinations, or 10,000 pounds on any unladen commercial motor
24 vehicle. ~~If the license plate or registration has not been~~
25 ~~expired for more than 90 days, the penalty imposed under this~~
26 ~~paragraph may not exceed \$1,000.~~In the case of special mobile
27 equipment as defined in s. 316.003(48), which qualifies for
28 the license tax provided for in s. 320.08(5)(b), being
29 operated on the highways of the state with an expired
30 registration or otherwise not properly registered under the
31 applicable provisions of chapter 320, a penalty of \$75 shall

1 apply in addition to any other penalty which may apply in
2 accordance with this chapter. A vehicle found in violation of
3 this section may be detained until the owner or operator
4 produces evidence that the vehicle has been properly
5 registered. Any costs incurred by the retention of the vehicle
6 shall be the sole responsibility of the owner. A person who
7 has been assessed a penalty pursuant to this paragraph for
8 failure to have a valid vehicle registration certificate
9 pursuant to the provisions of chapter 320 is not subject to
10 the delinquent fee authorized in s. 320.07 if such person
11 obtains a valid registration certificate within 10 working
12 days after such penalty was assessed.

13 (c) Weight limits established and posted for a road or
14 bridge pursuant to s. 316.555 and weight limits specified in
15 special permits issued pursuant to s. 316.550 shall be deemed
16 to include all allowable tolerances. In those cases when a
17 vehicle or combination of vehicles exceeds the weight limits
18 established and posted for a road or bridge pursuant to s.
19 316.555, or exceeds the weight limits permitted in a special
20 permit issued pursuant to s. 316.550, the penalty shall be
21 assessed as provided for in paragraph (d)~~5 cents per pound~~ on
22 the difference between the scale weight of the vehicle and the
23 weight limits for such posted road or bridge or permitted in
24 such special permit. However, if a special permit is declared
25 invalid in accordance with rules promulgated pursuant to s.
26 316.550, the penalties imposed in subsection (3) shall apply
27 to those weights which exceed the limits established in s.
28 316.535.

29 (d) Penalties provided for in this section shall be as
30 follows:
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1 Graduated Fine for First Violation:
2 Up to 500 pounds.....\$35 flat rate
3 501 to 1,000 pounds.....0.07 per pound
4 1,001 to 2,000 pounds.....0.10 per pound
5 2,001 to 5,000 pounds.....0.16 per pound
6 5,001 to 10,000 pounds.....0.31 per pound
7 Over 10,000 pounds.....0.56 per pound

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9 Graduated Fine for Second Violation Within 1 Year:
10 Up to 500 pounds.....\$50 flat rate
11 501 to 1,000 pounds.....0.10 per pound
12 1,001 to 2,000 pounds.....0.16 per pound
13 2,001 to 5,000 pounds.....0.31 per pound
14 Over 5,000 pounds.....0.56 per pound

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16 Graduated Fine for Third Violation Within 1 Year:
17 Up to 500 pounds.....\$80 flat rate
18 501 to 1,000 pounds.....0.16 per pound
19 1,001 to 2,000 pounds.....0.31 per pound
20 Over 2,000 pounds.....0.56 per pound

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

25 (a) When the excess weight is 500 ~~200~~ pounds or less
26 than the maximum herein provided, the penalty shall be as
27 provided in paragraph (2)(d)~~\$10~~;

28 (b) ~~Five cents per pound~~ For each pound of weight in
29 excess of the maximum herein provided when the excess weight
30 exceeds 500 ~~200~~ pounds, a penalty as provided in paragraph
31 (2)(d). ~~However, whenever the gross weight of the vehicle or~~

1 ~~combination of vehicles does not exceed the maximum allowable~~
2 ~~gross weight, the maximum fine for the first 600 pounds of~~
3 ~~unlawful axle weight shall be \$10;~~

4 (c) An apportioned motor vehicle, as defined in s.
5 320.01, operating on the highways of this state without being
6 properly licensed and registered shall be subject to the
7 penalties as herein provided; and

8 (d) Vehicles operating on the highways of this state
9 from nonmember International Registration Plan jurisdictions
10 which are not in compliance with the provisions of s. 316.605
11 shall be subject to the penalties as herein provided.

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

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14 HOUSE SUMMARY

15 Provides a penalty schedule for weight violations with
16 respect to motor vehicles. See bill for details.
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