



HB 0503

2003

1                                   A bill to be entitled  
 2           An act relating to motor vehicles; amending s. 316.545,  
 3           F.S., relating to vehicle weight and load limits; revising  
 4           enforcement and penalty provisions; providing an effective  
 5           date.

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

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

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

13           (2) (a) Whenever an officer, upon weighing a vehicle or  
 14 combination of vehicles with load, determines that the axle  
 15 weight or gross weight is unlawful, the officer may require the  
 16 driver to stop the vehicle in a suitable place and remain  
 17 standing until a determination can be made as to the amount of  
 18 weight thereon and, if overloaded, the amount of penalty to be  
 19 assessed as provided herein. However, any axle, internal bridge,  
 20 external bridge, or gross weight over and beyond 6,000 pounds  
 21 beyond the maximum herein set shall be shifted, equalized, or  
 22 unloaded and all material so unloaded shall be cared for by the  
 23 owner or operator of the vehicle at the risk of such owner or  
 24 operator. Except as otherwise provided in this chapter, to  
 25 facilitate compliance with and enforcement of the weight limits  
 26 established in s. 316.535, weight tables published pursuant to  
 27 s. 316.535(7) shall include a 10-percent scale tolerance and  
 28 shall thereby reflect the maximum scaled weights allowed any  
 29 vehicle or combination of vehicles. As used in this section,  
 30 scale tolerance means the allowable deviation from legal weights



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31 established in s. 316.535. Notwithstanding any other provision  
 32 of the weight law, if a vehicle or combination of vehicles does  
 33 not exceed the gross, external bridge, or internal bridge weight  
 34 limits imposed in s. 316.535 and the driver of such vehicle or  
 35 combination of vehicles can comply with the requirements of this  
 36 chapter by shifting or equalizing the load on all wheels or  
 37 axles and does so when requested by the proper authority, the  
 38 driver shall not be held to be operating in violation of said  
 39 weight limits.

40 (b) The officer shall inspect the license plate or  
 41 registration certificate of the commercial vehicle, as defined  
 42 in s. 316.003(66), to determine if its gross weight is in  
 43 compliance with the declared gross vehicle weight. If its gross  
 44 weight exceeds the declared weight, the penalty shall be ~~5 cents~~  
 45 ~~per pound on~~ the difference between the license fee for the  
 46 gross vehicle weight range in s. 320.08(4)(a)-(1) for heavy  
 47 trucks and truck tractors, or s. 320.08(5)(e) for wreckers, and  
 48 the license fee for the gross vehicle weight range that the  
 49 commercial vehicle is determined to be operating in by its gross  
 50 weight ~~such weights~~. In those cases when the commercial vehicle,  
 51 as defined in s. 316.003(66), is being operated over the  
 52 highways of the state with a license or registration that has  
 53 not been expired for more than 90 days, the penalty shall be the  
 54 license fee for the gross vehicle weight range in s.  
 55 320.08(4)(a)-(1) for heavy trucks and truck tractors, and s.  
 56 320.08(5)(e) for wreckers, as determined by its actual gross  
 57 weight ~~with an expired registration or with no registration from~~  
 58 ~~this or any other jurisdiction or is not registered under the~~  
 59 ~~applicable provisions of chapter 320, the penalty herein shall~~  
 60 ~~apply on the basis of 5 cents per pound on that scaled weight~~



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61 ~~which exceeds 35,000 pounds on laden truck tractor semitrailer~~  
62 ~~combinations or tandem trailer truck combinations, 10,000 pounds~~  
63 ~~on laden straight trucks or straight truck-trailer combinations,~~  
64 ~~or 10,000 pounds on any unladen commercial motor vehicle.~~ If the  
65 license plate or registration has ~~not~~ been expired for more than  
66 90 days, or the vehicle has never been registered in this or any  
67 other jurisdiction, the penalty imposed under this paragraph  
68 shall be twice the amount as that applied to a vehicle with a  
69 current license or registration under this paragraph ~~may not~~  
70 ~~exceed \$1,000.~~ In the case of a commercial vehicle operating  
71 under special restrictions ~~mobile equipment as defined in s.~~  
72 ~~316.003(48),~~ which qualifies for the reduced license taxes ~~tax~~  
73 provided for in s. 320.08(4)(m) and (n) and (5)(b) and (d),  
74 being operated on the highways of the state with an expired  
75 registration or otherwise not properly registered under the  
76 applicable provisions of chapter 320, a penalty of twice the  
77 amount of the reduced license fee ~~\$75~~ shall apply in addition to  
78 any other penalty which may apply in accordance with this  
79 chapter. A vehicle found in violation of this section may be  
80 detained until the owner or operator produces evidence that the  
81 vehicle has been properly registered. Any costs incurred by the  
82 retention of the vehicle shall be the sole responsibility of the  
83 owner. A person who has been assessed a penalty pursuant to this  
84 paragraph for failure to have a valid vehicle registration  
85 certificate pursuant to the provisions of chapter 320 is not  
86 subject to the delinquent fee authorized in s. 320.07 if such  
87 person obtains a valid registration certificate within 10  
88 working days after such penalty was assessed.

89 (c) An apportioned motor vehicle, as defined in s. 320.01,  
90 operating on the highways of this state without being properly



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91 licensed and registered shall be subject to the penalties  
 92 provided in paragraph (b).

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

97 (e) ~~(e)~~ Weight limits established and posted for a road or  
 98 bridge pursuant to s. 316.555 and weight limits specified in  
 99 special permits issued pursuant to s. 316.550 shall be deemed to  
 100 include all allowable tolerances. In those cases when a vehicle  
 101 or combination of vehicles exceeds the weight limits established  
 102 and posted for a road or bridge pursuant to s. 316.555, or  
 103 exceeds the weight limits permitted in a special permit issued  
 104 pursuant to s. 316.550, the penalty shall be assessed as  
 105 provided for in subsection (3) 5 cents per pound on the  
 106 difference between the scale weight of the vehicle and the  
 107 weight limits for such posted road or bridge or permitted in  
 108 such special permit. However, if a special permit is declared  
 109 invalid in accordance with rules promulgated pursuant to s.  
 110 316.550, the penalties imposed in subsection (3), not to exceed  
 111 \$3,000, shall apply to those weights which exceed the limits  
 112 established in s. 316.535.

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

117 (a) When the excess weight is 500 ~~200~~ pounds or less than  
 118 the maximum herein provided, the penalty shall be \$15. ~~\$10.~~

119 (b) When the excess weight is more than 500 pounds over  
 120 the maximum provided in this chapter, the penalty shall be \$15



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121 plus 5 cents per pound for the excess weight that is more than  
 122 500 pounds over the maximum provided in this chapter. When the  
 123 excess weight is more than 6,000 pounds over the maximum  
 124 provided in this chapter, the penalty shall be \$15 plus 7.5  
 125 cents per pound for the excess weight that is more than 500  
 126 pounds over the maximum. When the excess weight is more than  
 127 10,000 pounds over the maximum provided in this chapter, the  
 128 penalty shall be \$15 plus 10 cents per pound for the excess  
 129 weight that is more than 500 pounds over the maximum. Five cents  
 130 per pound for each pound of weight in excess of the maximum  
 131 herein provided when the excess weight exceeds 200 pounds.  
 132 However, whenever the gross weight of the vehicle or combination  
 133 of vehicles does not exceed the maximum allowable gross weight,  
 134 the maximum fine for the first 600 pounds of unlawful axle  
 135 weight shall be \$10;

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

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

144 Section 2. This act shall take effect July 1, 2003.