

By Senator Campbell

32-1150A-05

1                                   A bill to be entitled  
2           An act relating to motor vehicle weights;  
3           amending s. 316.545, F.S.; revising the  
4           penalties imposed for violating the declared  
5           gross motor vehicle weight or for violating  
6           weight limits on a road or bridge; deleting  
7           limitations on the maximum fines that may be  
8           imposed for an expired license plate or  
9           registration or for operating a motor vehicle  
10          of excess weight; providing an effective date.

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

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

16           316.545 Weight and load unlawful; special fuel and  
17 motor fuel tax enforcement; inspection; penalty; review.--

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

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

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

1 ~~paragraph may not exceed \$1,000.~~ In the case of special mobile  
2 equipment as defined in s. 316.003(48), which qualifies for  
3 the license tax provided for in s. 320.08(5)(b), being  
4 operated on the highways of the state with an expired  
5 registration or otherwise not properly registered under the  
6 applicable provisions of chapter 320, a penalty of \$75 shall  
7 apply in addition to any other penalty which may apply in  
8 accordance with this chapter. A vehicle found in violation of  
9 this section may be detained until the owner or operator  
10 produces evidence that the vehicle has been properly  
11 registered. Any costs incurred by the retention of the vehicle  
12 shall be the sole responsibility of the owner. A person who  
13 has been assessed a penalty pursuant to this paragraph for  
14 failure to have a valid vehicle registration certificate  
15 pursuant to the provisions of chapter 320 is not subject to  
16 the delinquent fee authorized in s. 320.07 if such person  
17 obtains a valid registration certificate within 10 working  
18 days after such penalty was assessed.

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

1 penalties imposed in subsection (3) shall apply to those  
2 weights which exceed the limits established in s. 316.535.

3 (d) Penalties provided for in this section shall be as  
4 follows:

5  
6 Graduated fine for first violation:

7	<u>Up to 500 pounds.....</u>	<u>\$ 35 flat rate</u>
8	<u>501 to 1,000 pounds.....</u>	<u>\$.07 per pound</u>
9	<u>1,001 to 2,000 pounds.....</u>	<u>\$.10 per pound</u>
10	<u>2,001 to 5,000 pounds.....</u>	<u>\$.16 per pound</u>
11	<u>5,001 to 10,000 pounds.....</u>	<u>\$.31 per pound</u>
12	<u>Over 10,000 pounds.....</u>	<u>\$.56 per pound</u>

13  
14 Graduated fine for second violation within 1 year:

15	<u>Up to 500 pounds.....</u>	<u>\$ 50 flat rate</u>
16	<u>501 to 1,000 pounds.....</u>	<u>\$.10 per pound</u>
17	<u>1,001 to 2,000 pounds.....</u>	<u>\$.16 per pound</u>
18	<u>2,001 to 5,000 pounds.....</u>	<u>\$.31 per pound</u>
19	<u>Over 5,000 pounds.....</u>	<u>\$.56 per pound</u>

20  
21 Graduated fine for third violation within 1 year:

22	<u>Up to 500 pounds.....</u>	<u>\$ 80 flat rate</u>
23	<u>501 to 1,000 pounds.....</u>	<u>\$.16 per pound</u>
24	<u>1,001 to 2,000 pounds.....</u>	<u>\$.31 per pound</u>
25	<u>Over 2,000 pounds.....</u>	<u>\$.56 per pound</u>

26 (3) Any person who violates the overloading provisions  
27 of this chapter shall be conclusively presumed to have damaged  
28 the highways of this state by reason of such overloading,  
29 which damage is hereby fixed as provided in paragraph (2)(d).  
30 ~~follows:~~

