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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RS | . | |
| 04/07/2010 | . | |
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The Committee on Community Affairs (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 221 - 224
and insert:

Section 2. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, ~~including all enforcement tolerances,~~ shall be as determined by the following formula:



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$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. The scale tolerance provided in s. 316.545(2) applies to all weight limitations described in this subsection, except when a vehicle exceeds the posted weight limit on a road or bridge. The scale tolerance provided in s. 316.545(2) does not apply to cranes. Fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).

Section 3. Subsections (2) and (3) 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 gross weight over and~~



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42 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
43 ~~unloaded and all material so unloaded shall be cared for by the~~
44 ~~owner or operator of the vehicle at the risk of such owner or~~
45 ~~operator.~~ Except as otherwise provided in this chapter, to
46 facilitate compliance with and enforcement of the weight limits
47 established in s. 316.535, weight tables published pursuant to
48 s. 316.535(7) shall include a 10-percent scale tolerance and
49 shall thereby reflect the maximum scaled weights allowed any
50 vehicle or combination of vehicles. As used in this section,
51 scale tolerance means the allowable deviation from legal weights
52 established in s. 316.535. Notwithstanding any other provision
53 of the weight law, if a vehicle or combination of vehicles does
54 not exceed the gross, external bridge, or internal bridge weight
55 limits imposed in s. 316.535 and the driver of such vehicle or
56 combination of vehicles can comply with the requirements of this
57 chapter by shifting or equalizing the load on all wheels or
58 axles and does so when requested by the proper authority, the
59 driver shall not be held to be operating in violation of said
60 weight limits. Any vehicle or combination of vehicles which
61 exceeds the gross or external bridge weight limits imposed in s.
62 316.535(3), (4), or (6) over and beyond 6,000 pounds shall be
63 unloaded, and all material so unloaded shall be cared for by the
64 owner or operator of the vehicle at the risk of such owner or
65 operator. Any vehicle or combination of vehicles which exceeds
66 the gross or external bridge weight limits imposed in s.
67 316.535(5) shall be unloaded, and all material so unloaded shall
68 be cared for by the owner or operator of the vehicle at the risk
69 of such owner or operator.

70 (b) The officer shall inspect the license plate or



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71 registration certificate of the commercial vehicle, as defined
72 in s. 316.003(66), to determine if its gross weight is in
73 compliance with the declared gross vehicle weight. If its gross
74 weight exceeds the declared weight, the penalty shall be 5 cents
75 per pound on the difference between such weights. In those cases
76 when the commercial vehicle, as defined in s. 316.003(66), is
77 being operated over the highways of the state with an expired
78 registration or with no registration from this or any other
79 jurisdiction or is not registered under the applicable
80 provisions of chapter 320, the penalty herein shall apply on the
81 basis of 5 cents per pound on that scaled weight which exceeds
82 35,000 pounds on laden truck tractor-semitrailer combinations or
83 tandem trailer truck combinations, 10,000 pounds on laden
84 straight trucks or straight truck-trailer combinations, or
85 10,000 pounds on any unladen commercial motor vehicle. If the
86 license plate or registration has not been expired for more than
87 90 days, the penalty imposed under this paragraph may not exceed
88 \$1,000. In the case of special mobile equipment as defined in s.
89 316.003(48), which qualifies for the license tax provided for in
90 s. 320.08(5)(b), being operated on the highways of the state
91 with an expired registration or otherwise not properly
92 registered under the applicable provisions of chapter 320, a
93 penalty of \$75 shall apply in addition to any other penalty
94 which may apply in accordance with this chapter. A vehicle found
95 in violation of this section may be detained until the owner or
96 operator produces evidence that the vehicle has been properly
97 registered. Any costs incurred by the retention of the vehicle
98 shall be the sole responsibility of the owner. A person who has
99 been assessed a penalty pursuant to this paragraph for failure



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100 to have a valid vehicle registration certificate pursuant to the
101 provisions of chapter 320 is not subject to the delinquent fee
102 authorized in s. 320.07 if such person obtains a valid
103 registration certificate within 10 working days after such
104 penalty was assessed.

105 (c) Weight limits established and posted for a road or
106 bridge pursuant to s. 316.555 and weight limits specified in
107 special permits issued pursuant to s. 316.550 shall be deemed to
108 include all allowable tolerances. In those cases when a vehicle
109 or combination of vehicles exceeds the weight limits established
110 and posted for a road or bridge pursuant to s. 316.555, or
111 exceeds the weight limits permitted in a special permit issued
112 pursuant to s. 316.550, the penalty shall be 5 cents per pound
113 on the difference between the scale weight of the vehicle and
114 the weight limits for such posted road or bridge or permitted in
115 such special permit. However, if a special permit is declared
116 invalid in accordance with rules promulgated pursuant to s.
117 316.550, the penalties imposed in subsection (3) shall apply to
118 those weights which exceed the limits established in s. 316.535.

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

121 And the title is amended as follows:

122 Delete line 11

123 and insert:

124 to pay tolls; amending s. 316.535, F.S.; requiring
125 that specific scale tolerances be applied to weight
126 limits for vehicles on highways not part of the
127 Interstate Highway System; providing that specified
128 tolerances do not apply to cranes; providing for the



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129 determination of fines for violations of the total
130 gross weight limits; amending s. 316.545, F.S.;
131 revising conditions under which vehicles in violation
132 of specified gross or external bridge weight limits
133 must be unloaded; providing for