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1 A bill to be entitled  
2 An act relating to motor vehicle load weight limits;  
3 amending s. 316.535, F.S.; requiring specified scale  
4 tolerances to be applied to weight limits for vehicles on  
5 highways that are not in the Interstate Highway System;  
6 providing that specified tolerances do not apply to  
7 cranes; providing for determination of fines for  
8 violations of the total gross weight limits; amending s.  
9 316.545, F.S.; revising conditions under which vehicles in  
10 violation of specified gross or external bridge weight  
11 limits must be unloaded; providing for a reduction in the  
12 gross weight of certain vehicles equipped with idle-  
13 reduction technologies when calculating a penalty for  
14 exceeding maximum weight limits; requiring the operator to  
15 provide certification of the weight of the idle-reduction  
16 technology and to demonstrate or certify that the idle-  
17 reduction technology is fully functional at all times;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (5) of section 316.535, Florida  
23 Statutes, is amended to read:

24 316.535 Maximum weights.--

25 (5) With respect to those highways not in the Interstate  
26 Highway System, in all cases in which it exceeds state law in  
27 effect on January 4, 1975, the overall gross weight on the

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28 | vehicle or combination of vehicles, ~~including all enforcement~~  
 29 | ~~tolerances~~, shall be as determined by the following formula:

30 |

31 | 
$$W = 500((LN \div (N-1)) + 12N + 36)$$

32 |

33 | where W = overall gross weight of the vehicle to the nearest 500  
 34 | pounds; L = distance in feet between the extreme of the external  
 35 | axles; and N = number of axles on the vehicle. However, such  
 36 | overall gross weight of any vehicle or combination of vehicles  
 37 | may not exceed 80,000 pounds ~~including all enforcement~~  
 38 | ~~tolerances~~. The scale tolerance provided in s. 316.545(2) shall  
 39 | be applicable to all weight limitations of this subsection,  
 40 | except when a vehicle exceeds the posted weight limit on a road  
 41 | or bridge. The scale tolerance provided in s. 316.545(2) shall  
 42 | not apply to cranes. Fines for violations of the total gross  
 43 | weight limitations provided for in this subsection shall be  
 44 | based on the amount by which the actual weight of the vehicle  
 45 | and load exceeds the allowable maximum weight determined under  
 46 | this subsection plus the scale tolerance provided in s.  
 47 | 316.545(2).

48 | Section 2. Subsections (2) and (3) of section 316.545,  
 49 | Florida Statutes, are amended to read:

50 | 316.545 Weight and load unlawful; special fuel and motor  
 51 | fuel tax enforcement; inspection; penalty; review.--

52 | (2) (a) Whenever an officer, upon weighing a vehicle or  
 53 | combination of vehicles with load, determines that the axle  
 54 | weight or gross weight is unlawful, the officer may require the  
 55 | driver to stop the vehicle in a suitable place and remain

56 standing until a determination can be made as to the amount of  
 57 weight thereon and, if overloaded, the amount of penalty to be  
 58 assessed as provided herein. ~~However, any gross weight over and~~  
 59 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~  
 60 ~~unloaded and all material so unloaded shall be cared for by the~~  
 61 ~~owner or operator of the vehicle at the risk of such owner or~~  
 62 ~~operator.~~ Except as otherwise provided in this chapter, to  
 63 facilitate compliance with and enforcement of the weight limits  
 64 established in s. 316.535, weight tables published pursuant to  
 65 s. 316.535(7) shall include a 10-percent scale tolerance and  
 66 shall thereby reflect the maximum scaled weights allowed any  
 67 vehicle or combination of vehicles. As used in this section,  
 68 scale tolerance means the allowable deviation from legal weights  
 69 established in s. 316.535. Notwithstanding any other provision  
 70 of the weight law, if a vehicle or combination of vehicles does  
 71 not exceed the gross, external bridge, or internal bridge weight  
 72 limits imposed in s. 316.535 and the driver of such vehicle or  
 73 combination of vehicles can comply with the requirements of this  
 74 chapter by shifting or equalizing the load on all wheels or  
 75 axles and does so when requested by the proper authority, the  
 76 driver shall not be held to be operating in violation of said  
 77 weight limits. Any vehicle or combination of vehicles which  
 78 exceeds the gross or external bridge weight limits imposed in s.  
 79 316.535(3), (4), or (6) over and beyond 6,000 pounds shall be  
 80 unloaded and all material so unloaded shall be cared for by the  
 81 owner or operator of the vehicle at the risk of such owner or  
 82 operator. Any vehicle or combination of vehicles which exceeds  
 83 the gross or external bridge weight limits imposed in s.

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84 316.535(5) shall be unloaded and all material so unloaded shall  
85 be cared for by the owner or operator of the vehicle at the risk  
86 of such owner or operator.

87 (b) The officer shall inspect the license plate or  
88 registration certificate of the commercial vehicle, as defined  
89 in s. 316.003(66), to determine if its gross weight is in  
90 compliance with the declared gross vehicle weight. If its gross  
91 weight exceeds the declared weight, the penalty shall be 5 cents  
92 per pound on the difference between such weights. In those cases  
93 when the commercial vehicle, as defined in s. 316.003(66), is  
94 being operated over the highways of the state with an expired  
95 registration or with no registration from this or any other  
96 jurisdiction or is not registered under the applicable  
97 provisions of chapter 320, the penalty herein shall apply on the  
98 basis of 5 cents per pound on that scaled weight which exceeds  
99 35,000 pounds on laden truck tractor-semitrailer combinations or  
100 tandem trailer truck combinations, 10,000 pounds on laden  
101 straight trucks or straight truck-trailer combinations, or  
102 10,000 pounds on any unladen commercial motor vehicle. If the  
103 license plate or registration has not been expired for more than  
104 90 days, the penalty imposed under this paragraph may not exceed  
105 \$1,000. In the case of special mobile equipment as defined in s.  
106 316.003(48), which qualifies for the license tax provided for in  
107 s. 320.08(5)(b), being operated on the highways of the state  
108 with an expired registration or otherwise not properly  
109 registered under the applicable provisions of chapter 320, a  
110 penalty of \$75 shall apply in addition to any other penalty  
111 which may apply in accordance with this chapter. A vehicle found

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112 | in violation of this section may be detained until the owner or  
113 | operator produces evidence that the vehicle has been properly  
114 | registered. Any costs incurred by the retention of the vehicle  
115 | shall be the sole responsibility of the owner. A person who has  
116 | been assessed a penalty pursuant to this paragraph for failure  
117 | to have a valid vehicle registration certificate pursuant to the  
118 | provisions of chapter 320 is not subject to the delinquent fee  
119 | authorized in s. 320.07 if such person obtains a valid  
120 | registration certificate within 10 working days after such  
121 | penalty was assessed.

122 |       (c) Weight limits established and posted for a road or  
123 | bridge pursuant to s. 316.555 and weight limits specified in  
124 | special permits issued pursuant to s. 316.550 shall be deemed to  
125 | include all allowable tolerances. In those cases when a vehicle  
126 | or combination of vehicles exceeds the weight limits established  
127 | and posted for a road or bridge pursuant to s. 316.555, or  
128 | exceeds the weight limits permitted in a special permit issued  
129 | pursuant to s. 316.550, the penalty shall be 5 cents per pound  
130 | on the difference between the scale weight of the vehicle and  
131 | the weight limits for such posted road or bridge or permitted in  
132 | such special permit. However, if a special permit is declared  
133 | invalid in accordance with rules promulgated pursuant to s.  
134 | 316.550, the penalties imposed in subsection (3) shall apply to  
135 | those weights which exceed the limits established in s. 316.535.

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

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140 (a) When the excess weight is 200 pounds or less than the  
141 maximum herein provided, the penalty shall be \$10;

142 (b) Five cents per pound for each pound of weight in  
143 excess of the maximum herein provided when the excess weight  
144 exceeds 200 pounds. However, whenever the gross weight of the  
145 vehicle or combination of vehicles does not exceed the maximum  
146 allowable gross weight, the maximum fine for the first 600  
147 pounds of unlawful axle weight shall be \$10;

148 (c) For a vehicle equipped with fully functional idle-  
149 reduction technology, any penalty shall be calculated by  
150 reducing the actual gross vehicle weight or the internal bridge  
151 weight by the certified weight of the idle-reduction technology  
152 or by 400 pounds, whichever is less. The vehicle operator must  
153 present written certification of the weight of the idle-  
154 reduction technology and must demonstrate or certify that the  
155 idle-reduction technology is fully functional at all times. This  
156 calculation is not allowed for vehicles described in s.  
157 316.535(6);

158 (d)-(e) An apportioned motor vehicle, as defined in s.  
159 320.01, operating on the highways of this state without being  
160 properly licensed and registered shall be subject to the  
161 penalties as herein provided; and

162 (e)-(d) Vehicles operating on the highways of this state  
163 from nonmember International Registration Plan jurisdictions  
164 which are not in compliance with the provisions of s. 316.605  
165 shall be subject to the penalties as herein provided.

166 Section 3. This act shall take effect July 1, 2010.