

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

|                       |               |       |
|-----------------------|---------------|-------|
| ADOPTED               | <u>      </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>      </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>      </u> | (Y/N) |
| FAILED TO ADOPT       | <u>      </u> | (Y/N) |
| WITHDRAWN             | <u>      </u> | (Y/N) |
| OTHER                 | <u>      </u> |       |

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety  
 2 Subcommittee

3 Representative Beshears offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove line 16 and insert:

7 Section 1. Paragraph (a) of subsection (2) of section  
 8 316.545, Florida Statutes, is amended to read:

9 316.545 Weight and load unlawful; special fuel and motor  
 10 fuel tax enforcement; inspection; penalty; review.—

11 (2) (a) Whenever an officer of the Florida Highway Patrol  
 12 or weight inspector of the Department of Transportation, upon  
 13 weighing a vehicle or combination of vehicles with load,  
 14 determines that the axle weight or gross weight is unlawful, the  
 15 officer may require the driver to stop the vehicle in a suitable  
 16 place and remain standing until a determination can be made as  
 17 to the amount of weight thereon and, if overloaded, the amount

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18 of penalty to be assessed as provided herein. However, any gross  
19 weight over and beyond 6,000 pounds beyond the maximum herein  
20 set shall be unloaded and all material so unloaded shall be  
21 cared for by the owner or operator of the vehicle at the risk of  
22 such owner or operator. Except as otherwise provided in this  
23 chapter, to facilitate compliance with and enforcement of the  
24 weight limits established in s. 316.535, weight tables published  
25 pursuant to s. 316.535(7) 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 this  
28 section, scale tolerance means the allowable deviation from  
29 legal weights established in s. 316.535. Notwithstanding any  
30 other provision of the weight law, if a vehicle or combination  
31 of vehicles does not exceed the gross, external bridge, or  
32 internal bridge weight limits imposed in s. 316.535 and the  
33 driver of such vehicle or combination of vehicles can comply  
34 with the requirements of this chapter by shifting or equalizing  
35 the load on all wheels or axles and does so when requested by  
36 the proper authority, the driver shall not be held to be  
37 operating in violation of said weight limits. When the driver is  
38 issued a citation for exceeding weight limits established in s.  
39 316.535 by means of portable scales the driver may proceed to  
40 the next weigh station or public scales for verification of  
41 weight. In the event the vehicle is found to be in compliance  
42 with the weight requirements of this chapter at the fixed scale  
43 the driver may submit, by US mail, both the portable scale

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44 citation and certified scale ticket to the Commercial Motor  
45 Vehicle Review Board for revocation of the penalty.

46  
47 Section 1. Effective October 1, 2015, subsection (7) of  
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**T I T L E   A M E N D M E N T**

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Remove line 3 and insert:

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Board; amending s. 316.545, F.S.; creating a weight appeal

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process to the Commercial Motor Vehicle Review Board; revising

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the