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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/12/2015	.	
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The Committee on Transportation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Before line 16

insert:

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

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

(2) (a) Whenever an officer of the Florida Highway Patrol or weight inspector of the Department of Transportation, upon



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11 weighing a vehicle or combination of vehicles with load,
12 determines that the axle weight or gross weight is unlawful, the
13 officer may require the driver to stop the vehicle in a suitable
14 place and remain standing until a determination can be made as
15 to the amount of weight thereon and, if overloaded, the amount
16 of penalty to be assessed as provided herein. However, any gross
17 weight over and beyond 6,000 pounds beyond the maximum herein
18 set shall be unloaded and all material so unloaded shall be
19 cared for by the owner or operator of the vehicle at the risk of
20 such owner or operator. Except as otherwise provided in this
21 chapter, to facilitate compliance with and enforcement of the
22 weight limits established in s. 316.535, weight tables published
23 pursuant to s. 316.535(7) shall include a 10-percent scale
24 tolerance and shall thereby reflect the maximum scaled weights
25 allowed any vehicle or combination of vehicles. As used in this
26 section, scale tolerance means the allowable deviation from
27 legal weights established in s. 316.535. Notwithstanding any
28 other provision of the weight law, if a vehicle or combination
29 of vehicles does not exceed the gross, external bridge, or
30 internal bridge weight limits imposed in s. 316.535 and the
31 driver of such vehicle or combination of vehicles can comply
32 with the requirements of this chapter by shifting or equalizing
33 the load on all wheels or axles and does so when requested by
34 the proper authority, the driver shall not be held to be
35 operating in violation of said weight limits. When a driver is
36 issued a citation for exceeding weight limits established in s.
37 316.535 as determined by means of portable scales, the driver
38 may request to proceed to the nearest fixed scale at an official
39 weigh station or at a certified public scale for verification of



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40 weight. The officer who issued the citation must escort the
41 driver at all times and must attend the reweighing. If the
42 vehicle or combination of vehicles is found to be in compliance
43 with the weight requirements of this chapter at the fixed scale,
44 the citation is void.

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

46 And the title is amended as follows:

47 Delete line 3

48 and insert:

49 Board; amending s. 316.545, F.S.; authorizing a driver
50 to request to proceed to the nearest fixed scale at an
51 official weigh station or a certified public scale
52 when he or she is issued a citation for exceeding
53 weight limits; requiring the officer issuing the
54 citation to escort the driver and attend the
55 reweighing; voiding the citation if the vehicle or
56 combination of vehicles is found to be in compliance
57 with certain weight requirements; revising the