



664096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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. Subsection (1) and paragraph (a) of subsection (2) 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.—

(1) Any officer of the Florida Highway Patrol having reason to believe that the weight of a vehicle and load is unlawful is



664096

11 authorized to require the driver to stop and submit to a
12 weighing of the same by means of either portable or fixed scales
13 and may require that such vehicle be driven to the nearest weigh
14 station or public scales, provided such a facility is within 5
15 highway miles. Upon a request by the vehicle driver, the officer
16 shall weigh the vehicle at fixed scales rather than by portable
17 scales if such a facility is available within 5 highway miles.
18 Anyone who refuses to submit to such weighing obstructs an
19 officer pursuant to s. 843.02 and is guilty of a misdemeanor of
20 the first degree, punishable as provided in s. 775.082 or s.
21 775.083. Anyone who knowingly and willfully resists, obstructs,
22 or opposes a weight and safety officer while refusing to submit
23 to such weighing by resisting the officer with violence to the
24 officer's person pursuant to s. 843.01 is guilty of a felony of
25 the third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 (2) (a) Whenever an officer of the Florida Highway Patrol or
28 weight inspector of the Department of Transportation, upon
29 weighing a vehicle or combination of vehicles with load,
30 determines that the axle weight or gross weight is unlawful, the
31 officer may require the driver to stop the vehicle in a suitable
32 place and remain standing until a determination can be made as
33 to the amount of weight thereon and, if overloaded, the amount
34 of penalty to be assessed as provided herein. However, any gross
35 weight over and beyond 6,000 pounds beyond the maximum herein
36 set shall be unloaded and all material so unloaded shall be
37 cared for by the owner or operator of the vehicle at the risk of
38 such owner or operator. Except as otherwise provided in this
39 chapter, to facilitate compliance with and enforcement of the



664096

40 weight limits established in s. 316.535, weight tables published
41 pursuant to s. 316.535(7) shall include a 10-percent scale
42 tolerance and shall thereby reflect the maximum scaled weights
43 allowed any vehicle or combination of vehicles. As used in this
44 section, scale tolerance means the allowable deviation from
45 legal weights established in s. 316.535. Notwithstanding any
46 other provision of the weight law, if a vehicle or combination
47 of vehicles does not exceed the gross, external bridge, or
48 internal bridge weight limits imposed in s. 316.535 and the
49 driver of such vehicle or combination of vehicles can comply
50 with the requirements of this chapter by shifting or equalizing
51 the load on all wheels or axles and does so when requested by
52 the proper authority, the driver shall not be held to be
53 operating in violation of said weight limits. When a driver is
54 issued a citation for exceeding the weight limits established in
55 s. 316.535 as determined by means of portable scales, the driver
56 may request to proceed to the nearest fixed scale at an official
57 weigh station or at a certified public scale for verification of
58 weight. The officer who issued the citation must escort the
59 driver at all times and must attend the reweighing. If the
60 vehicle or combination of vehicles is found to be in compliance
61 with the weight requirements of this chapter at the fixed scale,
62 the citation is void.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line 3

67 and insert:

68 Board; amending s. 316.545, F.S.; deleting a provision



664096

69 authorizing any officer of the Florida Highway Patrol
70 to require that a vehicle be driven to the nearest
71 weigh station or public scales under certain
72 circumstances; deleting a provision requiring the
73 officer to weigh the vehicle at fixed scales rather
74 than by portable scales upon a request by the vehicle
75 driver under certain circumstances; authorizing a
76 driver to request to proceed to the nearest fixed
77 scale at an official weigh station or a certified
78 public scale when he or she is issued a citation for
79 exceeding weight limits; requiring the officer issuing
80 the citation to escort the driver and attend the
81 reweighing; voiding the citation if the vehicle or
82 combination of vehicles is found to be in compliance
83 with certain weight requirements; revising the