

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1872

SPONSOR: Transportation Committee and Senator Miller

SUBJECT: Vehicle Weight

DATE: March 6, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute amends s. 316.545, F.S., to revise penalties for overweight, and improperly registered commercial vehicles. The CS provides the fine for overweight vehicles is \$15 for trucks up to 500 pounds overweight. For each pound from 501 to 6,000, the fine is 5 cents plus \$15; from 6,001 to 10,000 pounds overweight, the fine is 7½cents per pound plus \$15; and for 10,000 pounds and over, the fine is 10 cents per pound plus \$15. The CS provides separate weight penalties for solid waste collection vehicles.

The CS further revises penalties for license and registration violations for interstate and intrastate commercial vehicles. The CS provides the penalties for overweight vehicles apply to commercial vehicles with invalid special permits or vehicles which violate the weight limitations of a special permit; however, such penalty may not exceed \$3,000. The CS provides interstate commercial motor vehicles which are found by a law enforcement officer to violate interstate registration requirements are not required to be detained. The CS further allows cargo within a commercial vehicle whose axle, internal or external bridge or gross weight is over 6,000 pound above the legal weight to be shifted, equalized or unloaded by the owner or operator of the vehicle.

This CS substantially amends section 316.545, of the Florida Statutes.

II. Present Situation:

Responsibilities of FDOT's Motor Carrier Compliance Office

Pursuant to chapters 207 and 316, F.S., the Department of Transportation's Motor Carrier Compliance Office (MCCO) enforces state and federal laws and rules regulating the safety of

commercial motor vehicles and their drivers, and the weight and size of commercial vehicles operating on the state's highways.

The MCCO officers patrolling Florida's highways perform vehicle safety inspections; determine whether commercial drivers are appropriately licensed, are not under the influence of drugs or alcohol, are maintaining required logbooks of their hours of service, and are not operating their vehicles in an unsafe manner. MCCO officers also visit truck and bus terminals to examine company vehicles and records, and in the course of performing these duties check to see that other commercial motor vehicle-related laws, such as registration and fuel taxes are complied with. This program helps to ensure trucks and buses operating in Florida are mechanically sound, are licensed, do not exceed size and weight limits, and helps to ensure vehicle operators are properly qualified, licensed, and driving their vehicles in a safe manner.

Key MCCO tasks are enforcing truck weight and size limits. MCCO's non-sworn weight inspectors weigh trucks and check truck registrations at 21 fixed-scale stations located along Florida's major highways. MCCO sworn officers use portable scales to weigh trucks when the trucks do not pass fixed scale stations or when drivers deliberately avoid weighing at the fixed scale stations.

Weight limits are established to prevent heavy trucks from causing unreasonable damage to highway systems in order to protect the public's investment in these roadways. Drivers determined to be in violation of weight and size limits must either have a valid surety bond on file with *FDOT*, or pay MCCO staff the penalty before proceeding on the highway.

Vehicle weight laws

Section 316.535, F.S., specifies weight limits for commercial vehicles based on distances between axles, but establishes a maximum gross weight of 80,000 pounds, including any enforcement "tolerances."

Section 316.545, F.S., establishes the tolerance at 10 percent of axle weight. For example, if the maximum axle load of a certain commercial vehicle is 20,000 pounds, the vehicle's actual axle weight can be up to 22,000 pounds because of the tolerance. The general penalty for overweight vehicles is 5 cents per pound for every pound the vehicle is overweight – after the 10-percent "tolerance" is subtracted.

There are two exceptions to the 5-cents-per-pound penalty. First, when the excess weight is 200 pounds or less, the fine is a flat rate of \$10. Second, if a vehicle is 600 pounds over the state's axle limits, but does not exceed the 80,000 gross weight limit, then the fine is a flat rate of \$10. In calendar year 2000, the overweight penalties generated nearly \$8.2 million.

Finally, s. 316.550, F.S., allows *FDOT* to sell "special" or "blanket" permits to commercial truckers who regularly carry loads in excess of the statutory limits. This permit fee cannot exceed \$500. Loads that exceed the permit limit also are subject to the 5-cents-per-pound fine.

Based on MCCO ticket records, the greatest number of tickets are written for weight violations between 1,000 and 5,000 pounds over the limit. *FDOT*'s current data-collection system does not track the type of loads that most frequently exceed weight limits.

Fines from the MCCO's weight and safety enforcement activities, as well as a \$5 surcharge on commercial motor vehicle tags, are deposited into the State Transportation Trust Fund. These revenues help offset the cost of the MCCO's weight and safety operations.

During FY 99-00, the program collected \$8.6 million in penalties for vehicle weight violations, \$2.4 million for safety violations, and \$278,000 for fuel tax and license violations. The MCCO's annual budget is around \$25 million. *FDOT* supplements the difference between the MCCO's dedicated funding sources and the MCCO's operating needs with general transportation revenues.

In 1998, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued Report 98-86 about the MCCO and its overweight vehicle enforcement program, and recommended raising the fines, which were established in 1953. OPPAGA recommended raising the fines because its analysis indicated the revenues currently being generated were not defraying *FDOT*'s costs to resurface roads damaged by overweight trucks, nor were they punitive enough to deter truckers from continually overloading their vehicles. OPPAGA issued a follow-up report last October, reiterating its recommendations.

III. Effect of Proposed Changes:

Section 316.545, F.S., is amended to allow cargo within a commercial vehicle whose axle, internal or external bridge or gross weight is over 6,000 pound above the legal weight to be shifted, equalized or unloaded by the owner or operator of the vehicle.

The section is amended to provide for the following penalties for license and registration violations for interstate and intrastate commercial vehicles:

- If the actual gross weight of a commercial vehicle is more than the weight the vehicle is licensed for, the penalty is the difference between the license fee paid and the license fee for the weight the vehicle is operating under.
- When a commercial vehicle is operating with a registration or license which has been expired for less than 90 days, the penalty is the license fee for the actual weight of the vehicle.
- When a commercial vehicle is operating with a registration or license which has been expired for more than 90 days, the penalty is twice the license fee for the actual weight of the vehicle.
- When a commercial vehicle which qualifies for a reduced license tax (i.e. vehicles used to haul forestry products, special machinery and wreckers) is operating with an expired registration or is not properly registered the penalty is twice the amount of the reduced license tax.

The section is further amended to provide for the following penalties for overweight violations:

- \$15 for trucks up to 500 pounds overweight;
- For each pound from 501 to 6,000 overweight, the fine is 5 cents plus \$15;

- For each pound from 6,001 to 10,000 pounds overweight, the fine is 7½cents per pound plus \$15; and
- For each pound from 10,000 pounds and over, the fine is 10 cents per pound plus \$15.

The section provides the penalties for overweight vehicles applies to commercial vehicles with invalid special permits or vehicles which violate the weight limitations of a special permit; however, such penalty may not exceed \$3,000. The section is also amended to provide interstate commercial motor vehicles with violate interstate registration requirements are not required to be detained.

The CS provides separate weight penalties for solid waste collection vehicles. For each pound from 501 pounds to 10,000 pounds overweight, the fine is 5 cents plus \$15. For each pound over 10,000 pounds overweight, the fine is 10 cents per pound plus \$15.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

See Government Sector Impact.

C. Government Sector Impact:

All penalties collected for weight and registration violations are deposited into the State Transportation Trust Fund . According to the FDOT, the increased penalties provided in this bill will have a positive fiscal impact of approximately \$2 million on the State Transportation Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
