

By Senator Baker

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

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

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

25 316.535 Maximum weights.—

26 (5) With respect to those highways not in the Interstate
27 Highway System, in all cases in which it exceeds state law in
28 effect on January 4, 1975, the overall gross weight on the
29 vehicle or combination of vehicles, ~~including all enforcement~~

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30 ~~tolerances,~~ shall be as determined by the following formula:

$$32 \quad W = 500((LN \div (N-1)) + 12N + 36)$$

33
34 where W = overall gross weight of the vehicle to the nearest 500
35 pounds; L = distance in feet between the extreme of the external
36 axles; and N = number of axles on the vehicle. However, such
37 overall gross weight of any vehicle or combination of vehicles
38 may not exceed 80,000 pounds ~~including all enforcement~~
39 ~~tolerances.~~ The scale tolerance provided in s. 316.545(2) shall
40 be applicable to all weight limitations of this subsection,
41 except when a vehicle exceeds the posted weight limit on a road
42 or bridge. The scale tolerance provided in s. 316.545(2) shall
43 not apply to cranes. Fines for violations of the total gross
44 weight limitations provided for in this subsection shall be
45 based on the amount by which the actual weight of the vehicle
46 and load exceeds the allowable maximum weight determined under
47 this subsection plus the scale tolerance provided in s.
48 316.545(2).

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

51 316.545 Weight and load unlawful; special fuel and motor
52 fuel tax enforcement; inspection; penalty; review.—

53 (2) (a) Whenever an officer, upon weighing a vehicle or
54 combination of vehicles with load, determines that the axle
55 weight or gross weight is unlawful, the officer may require the
56 driver to stop the vehicle in a suitable place and remain
57 standing until a determination can be made as to the amount of
58 weight thereon and, if overloaded, the amount of penalty to be

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59 assessed as provided herein. ~~However, any gross weight over and~~
60 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
61 ~~unloaded and all material so unloaded shall be cared for by the~~
62 ~~owner or operator of the vehicle at the risk of such owner or~~
63 ~~operator.~~ Except as otherwise provided in this chapter, to
64 facilitate compliance with and enforcement of the weight limits
65 established in s. 316.535, weight tables published pursuant to
66 s. 316.535(7) shall include a 10-percent scale tolerance and
67 shall thereby reflect the maximum scaled weights allowed any
68 vehicle or combination of vehicles. As used in this section,
69 scale tolerance means the allowable deviation from legal weights
70 established in s. 316.535. Notwithstanding any other provision
71 of the weight law, if a vehicle or combination of vehicles does
72 not exceed the gross, external bridge, or internal bridge weight
73 limits imposed in s. 316.535 and the driver of such vehicle or
74 combination of vehicles can comply with the requirements of this
75 chapter by shifting or equalizing the load on all wheels or
76 axles and does so when requested by the proper authority, the
77 driver shall not be held to be operating in violation of said
78 weight limits. Any vehicle or combination of vehicles which
79 exceeds the gross or external bridge weight limits imposed in s.
80 316.535(3), (4), or (6) over and beyond 6,000 pounds shall be
81 unloaded and all material so unloaded shall be cared for by the
82 owner or operator of the vehicle at the risk of such owner or
83 operator. Any vehicle or combination of vehicles which exceeds
84 the gross or external bridge weight limits imposed in s.
85 316.535(5) shall be unloaded and all material so unloaded shall
86 be cared for by the owner or operator of the vehicle at the risk
87 of such owner or operator.

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

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117 been assessed a penalty pursuant to this paragraph for failure
118 to have a valid vehicle registration certificate pursuant to the
119 provisions of chapter 320 is not subject to the delinquent fee
120 authorized in s. 320.07 if such person obtains a valid
121 registration certificate within 10 working days after such
122 penalty was assessed.

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

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

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

143 (b) Five cents per pound for each pound of weight in excess
144 of the maximum herein provided when the excess weight exceeds
145 200 pounds. However, whenever the gross weight of the vehicle or

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146 combination of vehicles does not exceed the maximum allowable
147 gross weight, the maximum fine for the first 600 pounds of
148 unlawful axle weight shall be \$10;

149 (c) For a vehicle equipped with fully functional idle-
150 reduction technology, any penalty shall be calculated by
151 reducing the actual gross vehicle weight or the internal bridge
152 weight by the certified weight of the idle-reduction technology
153 or by 400 pounds, whichever is less. The vehicle operator must
154 present written certification of the weight of the idle-
155 reduction technology and must demonstrate or certify that the
156 idle-reduction technology is fully functional at all times. This
157 calculation is not allowed for vehicles described in s.
158 316.535(6);

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

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

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