

1 HB127
2 115283-1
3 By Representative Wren
4 RFD: Commerce
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

2
3
4
5
6
7
8 SYNOPSIS: This bill would promote reduction in fuel
9 use and emissions from motor vehicles by allowing
10 an additional 400-pound weight limit for vehicles
11 equipped with a functioning auxiliary power or idle
12 reduction technology.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to weight restrictions on certain vehicles
19 in Alabama; to amend Section 32-9-20, Code of Alabama 1975, to
20 allow weight increases of up to 400 pounds for vehicles
21 equipped with a functioning auxiliary power or idle reduction
22 technology.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 32-9-20, Code of Alabama 1975, is
25 amended to read as follows:

26 "§32-9-20.

1 "a) It shall be unlawful for any person to drive or
2 move on any highway in this state any vehicle or vehicles of a
3 size or weight except in accordance with the following:

4 "(1) WIDTH. Vehicles and combinations of vehicles,
5 operating on highways with traffic lanes 12 feet or more in
6 width, shall not exceed a total outside width, including any
7 load thereon, of 102 inches, exclusive of mirrors or other
8 safety devices approved by the State Transportation
9 Department. The Director of the State Transportation
10 Department may, in his or her discretion, designate other
11 public highways for use by vehicles and loads with total
12 outside widths not exceeding 102 inches, otherwise; vehicles
13 and combinations of vehicles, operating on highways with
14 traffic lanes less than 12 feet in width, shall not exceed a
15 total outside width, including any load thereon, of 96 inches,
16 exclusive of mirrors or other safety devices approved by the
17 State Transportation Department. No passenger vehicle shall
18 carry any load extending beyond the line of the fenders. No
19 vehicle hauling forest products or culvert pipe on any highway
20 in this state shall have a load exceeding 102 inches in width.

21 "(2) HEIGHT. No vehicle or semitrailer or trailer
22 shall exceed in height 13 1/2 feet, including load.

23 "(3) LENGTH. No vehicle shall exceed in length 40
24 feet; except, that the length of a truck-semitrailer
25 combination, semitrailers, including load, used in a truck
26 tractor-semitrailer combination, shall not exceed 57 feet;
27 semitrailers and trailers, including load, used in a truck

1 tractor-semitrailer-trailer combination, shall not exceed 28
2 1/2 feet each; and motor vehicles designed, used, or
3 maintained primarily as a mobile dwelling, office, or
4 commercial space, commonly called motor homes, shall not
5 exceed 45 feet. Semitrailers exceeding 53 1/2 feet shall only
6 be operated on highways designated pursuant to Section 32-9-1
7 and shall only be operated when the distance between the
8 kingpin of the semitrailer and the rearmost axle or a point
9 midway between the two rear axles, if the two rear axles are
10 tandem axles, does not exceed 41 feet and if the semitrailer
11 is equipped with a rear underride guard of a substantial
12 construction consisting of a continuous lateral beam extending
13 to within four inches of the lateral extremities of the
14 semitrailer and located not more than 22 inches from the
15 surface as measured with the semitrailers empty and on a level
16 surface. For purposes of enforcement of this subdivision,
17 lengths of semitrailers and trailers refer to the cargo
18 carrying portion of the unit. Truck tractor units used
19 exclusively in combinations transporting motor vehicles may
20 directly carry a portion of the cargo, provided that the
21 combinations are restricted to truck tractor-semitrailer
22 combinations only and provided further that the overall length
23 of these particular combinations shall not exceed 65 feet;
24 except that the overall length of stinger-steered type units
25 shall not exceed 75 feet. No truck tractor-semitrailer
26 combination used exclusively for transporting motor vehicles
27 shall carry any load extending more than three feet beyond the

1 front or four feet beyond the rear of the combination. No
2 other vehicle operated on a highway shall carry any load
3 extending more than a total of five feet beyond both the front
4 and rear, inclusive, of the vehicle.

5 "(4) WEIGHT.

6 "a. The gross weight imposed on the highway by the
7 wheels of any one axle of a vehicle shall not exceed 20,000
8 pounds, or such other weight, if any, as may be permitted by
9 federal law to keep the state from losing federal funds;
10 provided, that inadequate bridges shall be posted to define
11 load limits.

12 "b. For the purpose of this section, an axle load
13 shall be defined as the total load transmitted to the road by
14 all wheels whose centers are included between two parallel
15 transverse vertical planes 40 inches apart, extending across
16 the full width of the vehicle.

17 "c. Subject to the limit upon the weight imposed
18 upon the highway through any one axle as set forth herein, the
19 total weight with load imposed upon the highway by all the
20 axles of a vehicle or combination of vehicles shall not exceed
21 the gross weight given for the respective distances between
22 the first and last axle of the vehicle or combination of vehi-
23 cles, measured longitudinally to the nearest foot as set forth
24 in the following table:

25 "COMPUTED GROSS
26 WEIGHT TABLE

1 "For various
 2 spacings of axle
 3 groupings

4 "Distance in feet between first Maximum load in
 5 and last axles of vehicle or pounds on all the
 6 combination of vehicles axles

7		2 axles	3 axles	4 axles	5 axles	6 axles
8	"8 or	36,000	42,000	42,000		
9	less					
10	"9	38,000	42,500	42,500		
11	"10	40,000	43,500	43,500		
12	"11		44,000	44,000		
13	"12		45,000	50,000	50,000	
14	"13		45,500	50,500	50,500	
15	"14		46,500	51,500	51,500	
16	"15		47,000	52,000	52,000	
17	"16		48,000	52,500	58,000	58,000
18	"17		48,500	53,500	58,500	58,500
19	"18		49,500	54,000	59,000	59,000
20	"19		50,000	54,500	60,000	60,000
21	"20		51,000	55,500	60,500	66,000

1	"21	51,500	56,000	61,000	66,500
2	"22	52,500	56,500	61,500	67,000
3	"23	53,000	57,500	62,500	68,000
4	"24	54,000	58,000	63,000	68,500
5	"25	54,500	58,500	63,500	69,000
6	"26	56,000	59,500	64,000	69,500
7	"27	57,000	60,000	65,000	70,000
8	"28	59,000	60,500	65,500	71,000
9	"29	60,000	61,500	66,000	71,500
10	"30		62,000	66,500	72,000
11	"31		63,500	67,000	72,500
12	"32		64,500	68,000	73,500
13	"33		65,000	69,000	74,000
14	"34		65,500	70,000	74,500
15	"35		66,500	71,000	75,000
16	"36		67,000	72,000	76,000
17	"37		68,000	73,000	77,000
18	"38		69,000	74,000	78,000
19	"39		70,000	75,000	79,000
20	"40		71,000	76,000	80,000
21	"41		72,000	77,000	81,000
22	"42		73,000	78,000	82,000

1 consideration; except, that two consecutive sets of tandem
2 axles may carry a gross load of 34,000 pounds each, provided
3 the overall distance between the first and last axles of the
4 consecutive sets of tandem axles is 36 feet or more; provided,
5 that the overall gross weight may not exceed 80,000 pounds,
6 including all enforcement tolerances. Nothing in this section
7 shall be construed as permitting size or weight limits on the
8 National System of Interstate and Defense Highways in this
9 state in excess of those permitted under 23 U.S.C. Section
10 127. If the federal government prescribes or adopts vehicle
11 size or weight limits greater than or less than those now
12 prescribed by 23 U.S.C. Section 127 for the National System of
13 Interstate and Defense Highways, the increased or decreased
14 limits shall become effective on the National System of
15 Interstate and Defense Highways in this state. Nothing in this
16 section shall be construed to deny the operation of any
17 vehicle or combination of vehicles that could be lawfully
18 operated upon the highways and roads of this state on January
19 4, 1975.

20 "d. For purposes of enforcement of this subdivision,
21 all weights less than or equal to the sum of the weight
22 otherwise prescribed by this subdivision, plus an additional
23 weight to be calculated by multiplying the weight prescribed
24 by this subdivision by one-tenth (.10) that shall represent a
25 scale or enforcement tolerance, shall be deemed to be in
26 compliance with the requirements of this section, and shall
27 not constitute violations thereof. No evidence shall be

1 admitted into evidence or considered by the trier of fact in
2 any civil action unless the evidence proffered would tend to
3 prove that the weight of the vehicle exceeded the amount
4 provided in this subsection. Nothing in this paragraph d.
5 shall restrict or affect the right of any defendant to place
6 in evidence such evidence tending to prove the defendant was
7 in compliance with this section.

8 "e. Dump trucks, dump trailers, concrete mixing
9 trucks, fuel oil, gasoline trucks, and trucks designated and
10 constructed for special type work or use shall not be made to
11 conform to the axle spacing requirements of paragraph (4)c of
12 this section; provided, that the vehicle shall be limited to a
13 weight of 20,000 pounds per axle plus scale tolerances; and,
14 provided further, that the maximum gross weight of the
15 vehicles shall not exceed the maximum weight allowed by this
16 section for the appropriate number of axles, irrespective of
17 the distance between axles, plus allowable scale tolerances.
18 All axles shall be brake equipped. Concrete mixing trucks
19 which operate within 50 miles of their home base shall not be
20 required to conform to the requirements of paragraph (4)a of
21 this section; provided, that the vehicles shall be limited to
22 a maximum load of the rated capacity of the concrete mixer,
23 the true gross load not to exceed 66,000 pounds, and all the
24 vehicles shall have at least three axles, each with brake
25 equipped wheels. It shall be a violation if the vehicles named
26 under this subdivision travel upon bridges designated and

1 posted by the Transportation Director as incapable of carrying
2 the load.

3 "f. If the driver of any vehicle can comply with the
4 weight requirements of this section by shifting or equalizing
5 the load on all wheels or axles and does so when requested by
6 the proper authority, the driver shall not be held to be
7 operating in violation of this section.

8 "g. When portable scales are used in the enforcement
9 of this section, the axles of any vehicle described or
10 commonly referred to as tandem or triaxle rigs or units (that
11 is, vehicles having two or more axles in addition to a
12 steering axle), the group of tandem or triaxles shall be
13 weighed simultaneously, and the total weight so derived shall
14 be divided by the number of axles weighed in the group to
15 arrive at the per axle weight, except that if any one axle in
16 the group exceeds 20,000 pounds in weight, it shall not exceed
17 the weight of any other axle in the group by more than 50
18 percent. When portable scales are used to determine the weight
19 of a vehicle pursuant to this section, the operator of the
20 vehicle will be permitted to move the vehicle to the nearest
21 platform scales certified by the Department of Agriculture and
22 Industries and operated by a bonded operator within a distance
23 of 10 highway miles, accompanied by an enforcement officer to
24 verify the accuracy of the portable scales used in determining
25 the vehicle weight. If the weight of the vehicle is shown by
26 the platform scales to be within the legal limits of this

1 section, the operator of the vehicle shall not be held to be
2 in violation of this section.

3 "h. The governing body of a county, by appropriate
4 resolution, may authorize limitations less than those
5 prescribed herein for vehicles operated upon the county
6 highways of the county.

7 "i. The State Transportation Department may post or
8 limit any road or bridge to weights less than those prescribed
9 by this section. It is the legislative intent and purpose that
10 this section be rigidly enforced by the State Transportation
11 Department, the Department of Public Safety and any other
12 authorized law enforcement officers of the state, any county,
13 or city and incorporated towns.

14 "j. Two and three axle vehicles being used
15 exclusively for the purpose of transporting agricultural
16 commodities or products to and from a farm and for
17 agricultural purposes relating to the operation and
18 maintenance of a farm by any farmer, custom harvester or
19 husbandman may not be made to conform to the axle requirements
20 of paragraph (4)a of this section or the gross weight
21 requirements of paragraph (4)c of this section.

22 "(b)(1) Any vehicle utilizing an auxiliary power or
23 idle reduction technology unit in order to promote reduction
24 of fuel use and emissions because of engine idling shall be
25 allowed an additional 400 pounds total to the gross, axle,
26 tandem, or bridge formula weight limits defined in this
27 section.

1 "(2) To be eligible for the exception provided in
2 this subsection, the operator of the vehicle must provide
3 written proof or certification of the weight of the auxiliary
4 power unit (APU) and demonstrate or certify the idle reduction
5 technology is fully functional at all times.

6 "(3) Written proof or certification of the weight of
7 the APU must be available to law enforcement officers if the
8 vehicle is found in violation of applicable weight laws. The
9 weight allowed cannot exceed 400 pounds or the actual weight
10 proven or certified, whichever is less.

11 "(4) It is the intent of this subsection to apply at
12 the state highway level the weight limit increase for vehicles
13 using a functioning auxiliary power or idle reduction
14 technology as provided in the Federal Energy Policy Act of
15 2005."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.