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H.613

Introduced by Representatives Shaw of Pittsford, Carr of Brandon, Fagan of  
Rutland City, and Potter of Clarendon

Referred to Committee on

Date:

Subject: Motor vehicles; overweight violations; enforcement

Statement of purpose of bill as introduced: This bill proposes to create a  
secondary offense if an operator violates a law or ordinance governing motor  
vehicle weight limits or vehicle dimensions or lawful restrictions on operation  
by motor trucks on the highway and, at the time of the violation, the operator  
failed to possess and attempt to use a GPS system equipped to convey  
information about weight limits on State and town highways throughout the  
State or, during the traffic stop, failed to furnish the enforcement officer  
sufficient information to determine the same.

An act relating to enforcement of motor vehicle overweight laws

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 23 V.S.A. § 1391a is amended to read:

3 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION; SECONDARY

4 PENALTY

5 (a) Penalties for violations of the following statutory sections shall be in  
6 accordance with the schedule established in this section:

7	Statutory Citation	Name of Offense
8	23 V.S.A. § 1391	Tire and axle limits
9	23 V.S.A. § 1392	Gross limits on highways
10	23 V.S.A. § 1399	Construction and maintenance equipment; fire
11		apparatus
12	23 V.S.A. § 1400	Permit to operate in excess of weight and size
13		limits; State highways
14	23 V.S.A § 1400a	Special local highway and bridge limits;
15		reimbursement for damages; special permits
16	23 V.S.A. § 1407	Operation of overweight vehicles
17	23 V.S.A. § 1408	Operating vehicle in excess of registered capacity

18 (b) ~~Fine~~ Penalty Schedule.

19 (1) For a violation of each of the ~~above~~ statutory sections in subsection

20 (a) of this section, ~~fin~~ a penalty shall be imposed as follows:

1           \$15.00 for each 1,000 lbs. or portion thereof overweight for the first  
2           5,000 lbs. overweight;

3           \$30.00 for each 1,000 lbs. or portion thereof overweight when the gross  
4           overweight is more than 5,000 lbs. and less than 10,001 lbs.;

5           \$45.00 for each 1,000 lbs. or portion thereof overweight when the gross  
6           overweight is more than 10,000 lbs. and less than 15,001 lbs.;

7           \$60.00 for each 1,000 lbs. or portion thereof overweight when the gross  
8           overweight is more than 15,000 lbs. and less than 20,001 lbs.;

9           \$90.00 for each 1,000 lbs. or portion thereof overweight when the gross  
10          overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

11          \$150.00 for each 1,000 lbs. or portion thereof overweight when the gross  
12          overweight is more than 25,000 lbs.

13          (2) ~~Fines~~ Penalties for subsequent violations of subchapter 15, Article 1  
14          of this title shall be computed in accordance with subdivision ~~(b)~~(1) of this  
15          ~~section~~ subsection with the following percentage increases:

16                 (A) upon a second conviction of a violation occurring within one  
17                 year, five percent;

18                 (B) upon a third conviction of a violation occurring within one year,  
19                 ten percent;

20                 (C) upon a fourth or subsequent conviction occurring within one  
21                 year, 15 percent.

1           (3) In the calculation of gross overweight, the weight allowed by  
2 registration or permit, whichever is greater, shall be the basis. The tolerances  
3 allowed by sections 1391, 1392, 1408, and 1410 of this title shall not be  
4 considered in the calculation of gross overweight.

5           (c) Notwithstanding any other provisions of law to the contrary, in a  
6 ~~prosecution for a violation of those~~ an action to enforce the statutes listed in  
7 subsection (a) of this section, the proper defendant shall be either the owner or  
8 lessee of the vehicle or the person who moves or operates the vehicle.

9           (d)(1) On or before January 1 of each year, the Commissioner shall publish  
10 on the website of the Department an updated list of models of GPS systems  
11 equipped to convey up-to-date information about weight limits on State and  
12 town highways throughout the State.

13           (2) If a law enforcement officer has detained the operator of a motor  
14 vehicle for a suspected violation of a statute listed in subsection (a) of this  
15 section or for an overdimension violation, or for a violation of a lawful  
16 restriction on operation by motor trucks on the highway, and the officer is to  
17 issue the operator a traffic complaint for the violation, the operator shall  
18 furnish the enforcement officer information sufficient to enable the officer to  
19 determine whether, at the time of the violation, the operator possessed and was  
20 attempting to use a GPS system on the list most recently published on the  
21 Department's website. The failure of an operator to furnish such information,

1 or the failure to possess and attempt to use a GPS system on the list at the time  
2 of the violation, is a secondary violation subject to a civil penalty of not more  
3 than \$300.00 for a first violation and of not more than \$500.00 for a second or  
4 subsequent violation. A defendant shall not be subject to the penalty  
5 established in this subsection if the defendant is not required to pay a penalty  
6 for the primary violation.

7 (e) ~~Fines~~ Penalties imposed for violations of this section shall be deposited  
8 in the Transportation Fund, unless the ~~fines~~ penalties are the result of  
9 enforcement actions on a town highway by an enforcement officer employed  
10 by or under contract with the municipality, in which case the ~~fine~~ penalty shall  
11 be paid to the municipality, except for an administrative charge for each case  
12 in the amount specified in 13 V.S.A. § 7251, which shall be retained by the  
13 State.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on January 1, 2019.