

The Senate Committee on Transportation offered the following substitute to HB 189:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
2 relating to dimensions and weight of vehicles and loads, so as to provide for an allowable
3 variance for weight limitations upon a vehicle or load hauling certain commodities within
4 a certain range and areas of the state; to provide for automatic repeal; to provide for
5 penalties; to authorize the enforcement of excess vehicle weight violations by local law
6 enforcement; to provide for related matters; to provide for an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to
11 dimensions and weight of vehicles and loads, is amended in Code Section 32-6-26, relating
12 to weight of vehicle and load, by adding a new paragraph to subsection (g) to read as follows:
13 "(5) Notwithstanding any provisions of this Code section to the contrary, a vehicle which
14 is hauling any of the commodities listed in subparagraphs (g)(1)(A), (g)(1)(B), (g)(1)(C),
15 and (g)(1)(G) of this Code section or which is hauling any other agricultural or farm
16 product from a farm to the first point of marketing or processing shall, within a 75 mile

17 radius of the farm or point of origin and outside of a nonattainment area as such term is
 18 defined in Code Section 32-9-11, be permitted a 10 percent variance from the weight
 19 limitations in paragraph (1) of this subsection, provided that the tractor and the trailer are
 20 each certified to meet or exceed the weight allowable by such variance. A lift axle may
 21 not be used in computing the maximum total gross weight authorized for any vehicle or
 22 load under this paragraph. Any person who violates the load limitations provided for in
 23 this paragraph by exceeding a 10 percent variance per single axle, tandem axle, or
 24 maximum total gross weight shall be fined on the basis of the weight limitations of
 25 paragraph (1) of this subsection and not on the basis of the variance allowed by this
 26 paragraph. This paragraph shall stand repealed on July 1, 2024."

27

SECTION 2.

28 Said article is further amended in Code Section 32-6-27, relating to enforcement of load
 29 limitations, by revising subsection (a) and subsection (a.1) as follows:

30 "(a) Any person who violates the load limitation provisions of Code Section 32-6-26 shall
 31 be conclusively presumed to have damaged the public roads, including bridges, of this state
 32 by reason of such overloading and shall recompense the state for such damage in
 33 accordance with the following schedule:

34 (1)(A) When the total gross weight for any vehicle and load is:

35 (i) Less than or equal to 93,000 pounds, ~~5¢ Five cents~~ per pound for all excess weight
 36 over the allowed weight limitations, not including any applicable variances;

37 (ii) Greater than 93,000 pounds but less than 100,000 pounds, 10¢ per pound for all
 38 excess weight over the allowed weight limitations, not including any applicable
 39 variances; and

40 (iii) Equal to or greater than 100,000 pounds, 20¢ per pound for all excess weight
 41 over the allowed weight limitations, not including any applicable variances;

42 (B) When the load on any single axle is:

43 (i) Less than or equal 25,520 pounds, 5¢ per pound for all excess weight over the
44 allowed weight limitations, not including any applicable variances;

45 (ii) Greater than 25,520 pounds but less than 27,450 pounds, 10¢ per pound for all
46 excess weight over the allowed weight limitations, not including any applicable
47 variances; and

48 (iii) Equal to or greater than 27,450 pounds, 20¢ per pound for all excess weight over
49 the allowed weight limitations, not including any applicable variances; or

50 (C) When the load on any tandem axle without a lift axle is:

51 (i) Less than or equal 51,000 pounds, 5¢ per pound for all excess weight over the
52 allowed weight limitations, not including any applicable variances;

53 (ii) Greater than 51,000 pounds but less than 54,880 pounds, 10¢ per pound for all
54 excess weight over the allowed weight limitations, not including any applicable
55 variances; and

56 (iii) Equal to or greater than 54,880 pounds, 20¢ per pound for all excess weight over
57 the allowed weight limitations, not including any applicable variances;

58 (2) Any person who operates a vehicle with a total gross weight greater than the
59 maximum allowable weight upon a bridge where signs have been placed by the
60 department or a local authority in accordance with Code Section 32-4-41, 32-4-91, or
61 32-6-50 shall, in addition to any other applicable fine, recompense the state for damage
62 to such bridge in accordance with the following schedule:

63 (A) When the total gross weight of any vehicle and load exceeds the maximum weight
64 limit on such bridge by 7,500 pounds or less, 5¢ per pound for all excess weight over
65 the allowed weight limitations not including any applicable variances;

66 (B) When the total gross weight for any vehicle and load exceeds the maximum weight
67 limit on such bridge by more than 7,500 pounds but less than 15,000 pounds, 10¢ per
68 pound for all excess weight over the allowed weight limitations not including any
69 applicable variances; and

70 (C) When the total gross weight for any vehicle and load exceeds the maximum weight
 71 limit on such bridge by 15,000 pounds or more, 20¢ per pound for all excess weight
 72 over the allowed weight limitations not including any applicable variances;

73 ~~(2)~~(3) For the following vehicles, damages for excess weight shall be assessed at
 74 125 percent times the rate imposed on offending vehicles operating without a permit:

75 (A) Where a vehicle is authorized to exceed the weight limitations of Code Section
 76 32-6-26 by a permit issued pursuant to Code Section 32-6-28, the term 'excess weight'
 77 means that weight which exceeds the weight allowed by such permit; and

78 (B) Where a vehicle is authorized to exceed the weight limitations of Code
 79 Section 32-6-26 by a permit issued pursuant to Code Section 32-6-28 as a superload
 80 permit or superload plus permit, the term 'excess weight' means:

81 (i) Any single axle weight which exceeds any single axle weight allowed by such
 82 permit; and

83 (ii) All weight greater than 150,000 pounds when the gross weight of the vehicle and
 84 load exceeds the gross weight allowed by such permit or when any axle spacing is
 85 less than that specified by such permit; or

86 ~~(3)~~(4) Any vehicle that utilizes idle reduction technology shall have any penalty for
 87 violating Code Section 32-6-26, except for subsections (f) and (h), calculated by reducing
 88 from the actual gross weight, single axle weight, tandem axle weight, or the allowed
 89 weight on any group of two or more axles the manufacturer's certified weight of the idle
 90 ~~reducing~~ reduction technology or 550 pounds, whichever is less. The operator of the
 91 vehicle shall present written certification from the manufacturer specifying the weight of
 92 the idle ~~reducing~~ reduction technology and demonstrate that the idle ~~reducing~~ reduction
 93 technology is fully functional at all times when so requested by any law enforcement
 94 officer or employee of the Department of Public Safety.

95 (a.1)(1)(A) The Department of Public Safety is and local law enforcement are
 96 authorized to issue a citation to the owner or operator of any vehicle in violation of a

97 maximum weight limit on a county road which is a designated local truck route under
98 subsection (f) of Code Section 32-6-26 and for which signs have been placed and
99 maintained as required under paragraph (2) of subsection (c) of Code Section 32-6-50.

100 (B) The Department of Public Safety is and local law enforcement are authorized to
101 issue a warning to the owner or operator of any vehicle in violation of a maximum
102 weight limit on a county road which is a designated local truck route under
103 subsection (f) of Code Section 32-6-26 but for which signs have not been placed or
104 maintained as required under paragraph (2) of subsection (c) of Code Section 32-6-50
105 upon the first such violation and to issue a citation to such owner or operator for a
106 subsequent such violation.

107 (2)(A) The Department of Public Safety is and local law enforcement are authorized
108 to issue a citation to the owner or operator of any vehicle in violation of a maximum
109 weight limit on a bridge for which signs have been placed and maintained as required
110 under paragraph (3) of Code Section 32-4-41 or subsection (a.1) of Code
111 Section 32-4-91.

112 (B) The Department of Public Safety is and local law enforcement are authorized to
113 issue a warning to the owner or operator of any vehicle in violation of a maximum
114 weight limit on a bridge but for which signs have not been placed or maintained as
115 required under paragraph (3) of Code Section 32-4-41 or subsection (a.1) of Code
116 Section 32-4-91 upon the first such violation and to issue a citation to such owner or
117 operator for a subsequent such violation."

118 **SECTION 3.**

119 Said article is further amended in Code Section 32-6-28, relating to permits for excess weight
120 and dimensions, by revising paragraph (3) of subsection (a) as follows:

121 "(3) Every such permit shall be carried in the vehicle or combination of vehicles to which
 122 it refers and shall be open to inspection by any local law enforcement officer or any
 123 police officer, state trooper, or authorized agent of the department."

124 **SECTION 4.**

125 Said article is further amended by revising Code Section 32-6-29, relating to responsibility
 126 of the Department of Transportation and responsibility of the Department of Public Safety,
 127 as follows:

128 "32-6-29.

129 (a) The Department of Transportation shall be responsible for rules and regulations
 130 relating to size and weight limits and issuance of permits under this article.

131 (b) The Department of Transportation shall not, however, employ any law enforcement
 132 officers or agents except as may be specifically authorized by other laws. Law
 133 enforcement responsibility for enforcement of this article shall be in the Department of
 134 Public Safety and with any local law enforcement officer authorized to enforce laws
 135 relating to motor vehicles and traffic upon the road or bridge on which a vehicle is
 136 traveling."

137 **SECTION 5.**

138 Said article is further amended by revising Code Section 32-6-30, relating to stopping
 139 vehicles for purposes of weighing, measuring, or inspecting, reports of violations, and refusal
 140 to stop, as follows:

141 "32-6-30.

142 (a)(1) Any law enforcement ~~officer~~ official or employee of the Department of Public
 143 Safety to whom law enforcement authority has been designated who observes a motor
 144 vehicle being operated upon a public road of the state and who has reason to believe that:

145 ~~(A)~~ (A) Any provision of this article is being violated;

146 ~~(2)(B)~~ The vehicle is improperly licensed in violation of Code Sections 40-2-150
147 through 40-2-162; or

148 ~~(3)(C)~~ A fuel tax registration card is not being carried or that a proper distinguishing
149 identification marker is not affixed to the vehicle in violation of Code Section 48-9-39
150 ~~is shall be~~ authorized to stop such vehicle and weigh, measure, or inspect the same.
151 Violations of such licensing or fuel tax registration and identification requirements shall
152 be reported to the Department of Revenue.

153 (2) Any law enforcement officer who observes a motor vehicle being operated upon a
154 public road within the jurisdiction where he or she has authority to enforce the motor
155 vehicle and traffic laws who has reason to believe the vehicle weight limitations of this
156 article have been violated shall be authorized to stop such vehicle and weigh, measure,
157 or inspect the same.

158 (b)(1) If the operator of the vehicle shall refuse to stop upon proper order as directed by
159 a person authorized by subsection (a) of this Code section to stop, weigh, measure, or
160 inspect the vehicle or its load, the operator shall be guilty of a misdemeanor and, upon
161 conviction thereof, shall be punished by a fine not to exceed \$200.00. The operator shall
162 have the right to post an appropriate bond, which shall not exceed \$400.00, when any law
163 enforcement officer or employee or law enforcement official of the Department of Public
164 Safety authorized to enforce this article apprehends said operator for any violation of this
165 article.

166 (2) In addition, the operator's driver's license or nonresident's driving privilege may be
167 suspended for a period of not more than 90 days by the Department of Driver Services
168 upon satisfactory proof of said refusal to stop or drive the vehicle upon the scales. Each
169 person who shall apply for a Georgia driver's license, or for nonresident driving
170 privileges, or for a renewal of same thereby consents to stop such vehicle for inspection
171 or to drive such vehicle upon scales whenever so ordered by a law enforcement ~~official~~

172 officer or authorized employee or law enforcement official of the Department of Public
173 Safety."

174 **SECTION 6.**

175 This Act shall become effective upon its approval by the Governor or upon its becoming law
176 without such approval.

177 **SECTION 7.**

178 All laws and parts of laws in conflict with this Act are repealed.