

House Bill 164

By: Representatives Meeks of the 178th, Hagan of the 156th, Buckner of the 137th, Dickey of the 134th, Cannon of the 172nd, and others

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 repeal automatic repeal
3 provisions relating to an allowable variance for weight limitations upon a vehicle or load
4 hauling certain commodities within a certain range and areas of the state; to provide for the
5 enforcement of such provisions by local law enforcement officers; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to
10 dimensions and weight of vehicles and loads, is amended in Code Section 32-6-26, relating
11 to weight of vehicle and load, by revising paragraph (5) of subsection (g) as follows:

12 "(5) Notwithstanding any provisions of this Code section to the contrary, a vehicle which
13 is hauling any of the commodities listed in subparagraphs ~~(g)(1)(A), (g)(1)(B), (g)(1)(C),~~
14 ~~and (g)(1)(G) of this Code section~~ (A), (B), (C), and (G) of paragraph (1) of this
15 subsection, which is hauling any other agricultural or farm product from a farm to the
16 first point of marketing or processing, which is hauling agricultural finished goods for

17 distribution or for retail sale and purchase by consumers, or which is hauling recovered
18 materials from points of generation to a processing facility shall, within a 150 mile radius
19 of the farm or point of origin and outside of a nonattainment area as of May 3, 2023, as
20 such term is defined in Code Section 32-9-11, be permitted a 10 percent variance from
21 the weight limitations in paragraph (1) of this subsection, provided that the tractor and
22 the trailer are each certified to meet or exceed the weight allowable by such variance. A
23 lift axle may not be used in computing the maximum total gross weight authorized for
24 any vehicle or load under this paragraph. Any person who violates the load limitations
25 provided for in this paragraph by exceeding a 10 percent variance per single axle, tandem
26 axle, or maximum total gross weight shall be fined on the basis of the weight limitations
27 of paragraph (1) of this subsection and not on the basis of the variance allowed by this
28 paragraph. ~~This paragraph shall stand repealed on July 1, 2025.~~

29

SECTION 2.

30 Said article is further amended in Code Section 32-6-27, relating to enforcement of load
31 limitations, as in effect on July 1, 2025, by revising subsection (a.1) as follows:

32 "(a.1)(1)(A) The Department of Public Safety is and local law enforcement officers are
33 authorized to issue a citation to the owner or operator of any vehicle in violation of a
34 maximum weight limit on a county road which is a designated local truck route under
35 subsection (f) of Code Section 32-6-26 and for which signs have been placed and
36 maintained as required under paragraph (2) of subsection (c) of Code Section 32-6-50.

37 (B) The Department of Public Safety is and local law enforcement officers are
38 authorized to issue a warning to the owner or operator of any vehicle in violation of a
39 maximum weight limit on a county road which is a designated local truck route under
40 subsection (f) of Code Section 32-6-26 but for which signs have not been placed or
41 maintained as required under paragraph (2) of subsection (c) of Code Section 32-6-50

42 upon the first such violation and to issue a citation to such owner or operator for a
43 subsequent such violation.

44 (2)(A) The Department of Public Safety is and local law enforcement officers are
45 authorized to issue a citation to the owner or operator of any vehicle in violation of a
46 maximum weight limit on a bridge for which signs have been placed and maintained
47 as required under paragraph (3) of Code Section 32-4-41 or subsection (a.1) of Code
48 Section 32-4-91; provided, however, that local law enforcement authority to issue a
49 citation pursuant to this subparagraph shall be limited to bridges located within a county
50 road or municipal street system.

51 (B) The Department of Public Safety is and local law enforcement officers are
52 authorized to issue a warning to the owner or operator of any vehicle in violation of a
53 maximum weight limit on a bridge but for which signs have not been placed or
54 maintained as required under paragraph (3) of Code Section 32-4-41 or subsection (a.1)
55 of Code Section 32-4-91 upon the first such violation and to issue a citation to such
56 owner or operator for a subsequent such violation; provided, however, that local law
57 enforcement authority to issue a citation pursuant to this subparagraph shall be limited
58 to bridges located within a county road or municipal street system."

59 **SECTION 3.**

60 Said article is further amended in Code Section 32-6-28, relating to permits for excess weight
61 and dimensions, as in effect on July 1, 2025, by revising paragraph (3) of subsection (a) as
62 follows:

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

66 **SECTION 4.**

67 Said article is further amended by revising Code Section 32-6-29, relating to responsibility
 68 of the Department of Transportation and responsibility of the Department of Public Safety,
 69 as in effect on July 1, 2025, as follows:

70 "32-6-29.

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

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

79 **SECTION 5.**

80 Said article is further amended by revising Code Section 32-6-30, relating to stopping
 81 vehicles for purposes of weighing, measuring, or inspecting, reports of violations, and refusal
 82 to stop, as in effect on July 1, 2025, as follows:

83 "32-6-30.

84 (a)(1) Any law enforcement ~~official~~ officer or employee of the Department of Public
 85 Safety to whom law enforcement authority has been designated who observes a motor
 86 vehicle being operated upon a public road of the state ~~and who~~ shall be authorized to stop
 87 the vehicle and weigh, measure, and inspect such vehicle when he or she has reason to
 88 believe that:

89 (1)(A) Any provision of this article is being violated;

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

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

97 (2) Any local law enforcement officer observing a motor vehicle being operated upon
98 a public road within the jurisdiction where he or she has authority to enforce the motor
99 vehicle and traffic laws who has reason to believe the vehicle weight limitations of this
100 article have been violated shall be authorized to stop such vehicle and weigh, measure,
101 or inspect the same, provided that such law enforcement officer has been properly trained
102 regarding the laws governing commercial motor vehicle weight and load, equivalent to
103 training provided to certified officers in the Motor Carrier Compliance Enforcement
104 Section.

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

112 (2) In addition, the operator's driver's license or nonresident's driving privilege may be
113 suspended for a period of not more than 90 days by the Department of Driver Services
114 upon satisfactory proof of said refusal to stop or drive the vehicle upon the scales. Each
115 person who shall apply for a Georgia driver's license, or for nonresident driving
116 privileges, or for a renewal of same thereby consents to stop such vehicle for inspection
117 or to drive such vehicle upon scales whenever so ordered by a law enforcement official
118 officer or authorized employee of the Department of Public Safety.

119 (c) Any violation found relating to licensing or fuel tax registration and identification
120 requirements pursuant to this Code section shall be reported to the Department of Revenue
121 by the officer or employee observing such violation."

122

SECTION 6.

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