

House Bill 189 (AS PASSED HOUSE AND SENATE)

By: Representatives Meeks of the 178th, Burchett of the 176th, Corbett of the 174th, Frye of the 122nd, Dickey of the 145th, 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 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 provide for
7 automatic repeal of certain provisions; to repeal 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, which is hauling any other agricultural or farm
16 product from a farm to the first point of marketing or processing, which is hauling

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 29 shall stand repealed on July 1, 2025."

30

SECTION 2.

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

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

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

38 (i) Less than or equal to 93,000 pounds, 5¢ Five cents per pound for all excess weight
 39 over the allowed weight limitations, including any applicable variances;

40 (ii) Greater than 93,000 pounds but less than 100,000 pounds, 10¢ per pound for all
 41 excess weight over the allowed weight limitations, including any applicable
 42 variances; and

43 (iii) Equal to or greater than 100,000 pounds, 15¢ per pound for all excess weight
44 over the allowed weight limitations, including any applicable variances;

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

46 (i) Less than or equal 25,520 pounds, 5¢ per pound for all excess weight over the
47 allowed weight limitations, including any applicable variances;

48 (ii) Greater than 25,520 pounds but less than 27,450 pounds, 10¢ per pound for all
49 excess weight over the allowed weight limitations, including any applicable
50 variances; and

51 (iii) Equal to or greater than 27,450 pounds, 15¢ per pound for all excess weight over
52 the allowed weight limitations, including any applicable variances; or

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

54 (i) Less than or equal 51,000 pounds, 5¢ per pound for all excess weight over the
55 allowed weight limitations, including any applicable variances;

56 (ii) Greater than 51,000 pounds but less than 54,880 pounds, 10¢ per pound for all
57 excess weight over the allowed weight limitations, including any applicable
58 variances; and

59 (iii) Equal to or greater than 54,880 pounds, 15¢ per pound for all excess weight over
60 the allowed weight limitations, including any applicable variances;

61 (2) Any person who operates a vehicle with a total gross weight greater than the
62 maximum allowable weight upon a bridge where signs have been placed by the
63 department or a local authority in accordance with Code Section 32-4-41, 32-4-91, or
64 32-6-50 shall, in addition to any other applicable fine, recompense the state for damage
65 to such bridge in accordance with the following schedule:

66 (A) When the total gross weight of any vehicle and load exceeds the maximum weight
67 limit on such bridge by 7,500 pounds or less, 5¢ per pound for all excess weight over
68 the allowed weight limitations including any applicable variances;

69 (B) When the total gross weight for any vehicle and load exceeds the maximum weight
 70 limit on such bridge by more than 7,500 pounds but less than 15,000 pounds, 10¢ per
 71 pound for all excess weight over the allowed weight limitations including any
 72 applicable variances; and

73 (C) When the total gross weight for any vehicle and load exceeds the maximum weight
 74 limit on such bridge by 15,000 pounds or more, 15¢ per pound for all excess weight
 75 over the allowed weight limitations including any applicable variances;

76 ~~(2)~~(3) For the following vehicles, damages for excess weight shall be assessed at
 77 125 percent times the rate imposed on offending vehicles operating without a permit:

78 (A) Where a vehicle is authorized to exceed the weight limitations of Code Section
 79 32-6-26 by a permit issued pursuant to Code Section 32-6-28, the term 'excess weight'
 80 means that weight which exceeds the weight allowed by such permit; and

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

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

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

89 ~~(3)~~(4) Any vehicle that utilizes idle reduction technology shall have any penalty for
 90 violating Code Section 32-6-26, except for subsections (f) and (h), calculated by reducing
 91 from the actual gross weight, single axle weight, tandem axle weight, or the allowed
 92 weight on any group of two or more axles the manufacturer's certified weight of the idle
 93 ~~reducing~~ reduction technology or 550 pounds, whichever is less. The operator of the
 94 vehicle shall present written certification from the manufacturer specifying the weight of
 95 the idle ~~reducing~~ reduction technology and demonstrate that the idle ~~reducing~~ reduction

96 technology is fully functional at all times when so requested by any law enforcement
97 officer or employee of the Department of Public Safety.

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

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

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

117 (B) The Department of Public Safety is and local law enforcement are authorized to
118 issue a warning to the owner or operator of any vehicle in violation of a maximum
119 weight limit on a bridge but for which signs have not been placed or maintained as
120 required under paragraph (3) of Code Section 32-4-41 or subsection (a.1) of Code
121 Section 32-4-91 upon the first such violation and to issue a citation to such owner or
122 operator for a subsequent such violation; provided, however, that local law enforcement

123 authority to issue a citation pursuant to this subparagraph shall be limited to bridges
124 located within a county road or municipal street system.

125 (b) The schedules listed in paragraphs (1), ~~and (2), and (3)~~ of subsection (a) of this Code
126 section shall apply separately to:

127 (1) The excess weight of the gross load; and

128 (2) The sum of the excess weight or weights of any axle or axles;

129 provided, however, that where both gross load and axle weight limits are exceeded, the
130 owner or operator shall be required to recompense the state only for the largest of the
131 money damages imposed under paragraphs (1), ~~and (2), and (3)~~ of this subsection."

132 **SECTION 3.**

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

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

138 **SECTION 4.**

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

142 "32-6-29.

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

145 (b) The Department of Transportation shall not, however, employ any law enforcement
146 officers or agents except as may be specifically authorized by other laws. Law
147 enforcement responsibility for enforcement of this article shall be in the Department of

148 Public Safety and with any local law enforcement officer authorized to enforce laws
 149 relating to motor vehicles and traffic upon the road or bridge on which a vehicle is
 150 traveling."

151 **SECTION 5.**

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

155 "32-6-30.

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

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

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

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

167 (2) Any law enforcement officer who observes a motor vehicle being operated upon a
 168 public road within the jurisdiction where he or she has authority to enforce the motor
 169 vehicle and traffic laws who has reason to believe the vehicle weight limitations of this
 170 article have been violated shall be authorized to stop such vehicle and weigh, measure,
 171 or inspect the same, provided that such law enforcement officer has been properly trained
 172 regarding laws governing commercial motor vehicle weight and load, equivalent to

173 training provided to certified officers in the Motor Carrier Compliance Enforcement
174 Section.

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

183 (2) In addition, the operator's driver's license or nonresident's driving privilege may be
184 suspended for a period of not more than 90 days by the Department of Driver Services
185 upon satisfactory proof of said refusal to stop or drive the vehicle upon the scales. Each
186 person who shall apply for a Georgia driver's license, or for nonresident driving
187 privileges, or for a renewal of same thereby consents to stop such vehicle for inspection
188 or to drive such vehicle upon scales whenever so ordered by a law enforcement ~~official~~
189 officer or authorized employee or law enforcement official of the Department of Public
190 Safety."

191 **SECTION 6.**

192 This Act shall become effective upon its approval by the Governor or upon its becoming law
193 without such approval. The provisions of this Act relating to enforcement of vehicle weight
194 and dimension violations by law enforcement officers other than those employed by the
195 department of Public Safety as enacted in Sections 2 through 5 of this Act shall stand
196 repealed on July 1, 2025.

197

SECTION 7.

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