

1 H.698

2 Introduced by Representatives LaClair of Barre Town, Bancroft of Westford,  
3 Devereux of Mount Holly, Higley of Lowell, Purvis of  
4 Colchester, Shaw of Pittsford, Smith of New Haven, and  
5 Van Wyck of Ferrisburgh

6 Referred to Committee on

7 Date:

8 Subject: Motor vehicles; overweight vehicles; permitting

9 Statement of purpose of bill as introduced: This bill proposes to establish a  
10 centralized statewide system of overweight vehicle permitting.

11 An act relating to centralized permitting of overweight vehicles

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

13 \* \* \* Centralized Permitting of Overweight Vehicles \* \* \*

14 Sec. 1. 23 V.S.A. § 1400a is amended to read:

15 § 1400a. ~~SPECIAL LOCAL HIGHWAY AND BRIDGE LIMITS;~~

16 ~~REIMBURSEMENT FOR DAMAGES; SPECIAL PERMITS~~

17 ~~(a) A person or corporation owning or operating a traction engine, tractor~~  
18 ~~trailer, motor truck or other motor vehicle that desires to operate it in excess of~~  
19 ~~the weight limits provided in this subchapter over highways and bridges under~~  
20 ~~the jurisdiction of a municipality with the exception of class 1 town highways~~

1 and subject to the provisions of subsection 1400(c) of this title shall make  
2 application for a permit to the appropriate legislative body, or its designee.

3 (b) The application form for such a permit shall be of a uniform type, and  
4 shall be developed by the Commissioner of Motor Vehicles, after consulting  
5 with municipal officials and representatives of the State's trucking industry.

6 (c)(1) The selectboard, trustees, or the mayor are authorized to accept for  
7 the municipality compensation commensurate with the extra wear or  
8 maintenance required on the highway traveled over or on any bridge by reason  
9 of the overweight allowed by any permit approved by them or any exemption  
10 provided under section 1400d of this title, which shall be used for the  
11 maintenance of highways and bridges within the town, village, or city. The  
12 following factors, at a minimum, shall be taken into consideration when  
13 determining the amount of compensation due:

14 (A) the amount of weight allowed in excess of the normal limit;

15 (B) the configuration and number of axles of the vehicle involved;

16 (C) the number and length of trips the vehicle will be making;

17 (D) the condition of the highway before and after use by the vehicle,  
18 and costs associated with any needed repair.

19 (2) If the agreement for the compensation to be paid is in writing, failure  
20 on the part of the applicant to pay the sum or sums agreed upon shall be  
21 sufficient cause for the selectboard, trustees, or mayor to withdraw approval

1 for the permit. ~~A fee not in excess of \$5.00 may be charged for the written~~  
2 ~~approval of a municipality furnished under this section.~~

3 (d) ~~A \$5.00 fee for administration of permits imposed under this section~~  
4 ~~shall be for the period expiring March 31 of each year. As an alternative, upon~~  
5 ~~payment of an administrative fee of \$10.00, an applicant may obtain a permit~~  
6 ~~to operate all of his or her registered vehicles in that municipality, under the~~  
7 ~~conditions of the permit, for the period of the permit. In the event a fleet~~  
8 ~~permit is obtained, individual permits need not be carried in each vehicle~~  
9 ~~permitted. [Repealed.]~~

10 Sec. 2. 23 V.S.A. § 1400 is amended to read:

11 § 1400. PERMIT TO OPERATE IN EXCESS OF WEIGHT ~~AND~~ OR SIZE  
12 LIMITS; ~~STATE HIGHWAYS~~

13 (a) ~~A person or corporation owning or operating a traction engine, tractor,~~  
14 ~~trailer, motor truck, or other motor vehicle that desires to operate it over State~~  
15 ~~highways or class 1 town highways a motor vehicle in excess of the weight ~~and~~~~  
16 ~~or size limits provided by authorized under this subchapter shall apply to the~~  
17 ~~Commissioner for a permit. In his or her discretion, with or without hearing,~~  
18 ~~and only after consultation with municipal officials responsible for any town~~  
19 ~~highway upon which an overweight or overdimension vehicle would be~~  
20 ~~authorized to operate under the permit, the Commissioner may issue to the~~  
21 ~~person or corporation a permit authorizing the person to operate the ~~traction~~~~

1 ~~engine, tractor, trailer, motor truck, or other~~ motor vehicle upon State  
2 highways ~~and class 1 town highways~~ in the State as he or she may designate  
3 and containing the ~~regulation subject to which the traction engine, tractor,~~  
4 ~~trailer, motor truck, or other~~ regulations under which the motor vehicle is to be  
5 operated. The permit shall not be granted until satisfactory proof is furnished  
6 to the Commissioner that the ~~traction engine, tractor, trailer, motor truck, or~~  
7 ~~other~~ motor vehicle has been registered and the prescribed fee paid for a gross  
8 weight equal to a maximum legal load limit for its class. No additional  
9 registration fee shall be payable to authorize the use of the ~~traction engine,~~  
10 ~~tractor, trailer, motor truck, or other~~ motor vehicle in accordance with the  
11 terms of the permit. The approval may be withdrawn for cause, and may be  
12 withdrawn without cause any time after March 31 next following the date of  
13 issuance. When approval is withdrawn for cause or on March 31, the  
14 Commissioner shall forthwith revoke the permit; when approval is withdrawn  
15 otherwise, he or she shall revoke the permit within one month.

16 (b) The provisions of this section shall apply to any vehicle registered in  
17 another state ~~provided the vehicle meets all weight and size requirements of~~  
18 ~~this State and is registered or holds a permit in the other state for the weight~~  
19 ~~that the permit is sought.~~

20 (c) ~~In addition, the Commissioner may issue permits to operate vehicles in~~  
21 ~~excess of the size limits provided by this subchapter for operation over any~~

1 ~~class 2, class 3, or class 4 town highways except when the dimensions are such~~  
2 ~~that blanket permits cannot be issued under the duly adopted rules of the~~  
3 ~~Commissioner. In those instances, permits under section 1400a of this title~~  
4 ~~shall be obtained. [Repealed.]~~

5 (d) The Commissioner may enter into contracts with an electronic  
6 permitting service that will allow the service to issue single trip permits to a  
7 commercial motor vehicle operator, on behalf of the Department of Motor  
8 Vehicles. The permitting service shall be authorized to issue single trip  
9 permits for travel to and from a Vermont facility by commercial motor  
10 vehicles which are not greater than 72 feet in length on routes that have been  
11 approved by the Agency of Transportation. The permitting service may assess,  
12 collect, and retain an additional administrative fee which shall be paid by the  
13 commercial motor vehicle carrier.

14 (e) Notwithstanding any other statute or rule to the contrary, overweight  
15 permits shall not be issued to vehicles registered in another state or province,  
16 unless that state or province issues similar permits on a reciprocal basis to  
17 vehicles registered in Vermont.

18 Sec. 3. 23 V.S.A. § 1400b is amended to read:

19 § 1400b. FILING OF RESTRICTIONS, PUBLICATION

20 (a) Any municipality ~~which~~ that has enacted special weight limits which  
21 are other than State legal limits for highways or bridges within its jurisdiction

1 shall file a complete copy of the limitations with the Department of Motor  
2 Vehicles ~~not later than~~ on or before February 10 of each year. The information  
3 filed shall contain a concise listing of each highway or bridge posted, the time  
4 of the year the restrictions apply, and the weight limitations in effect on that  
5 highway or bridge, ~~and the name, address, and telephone number of the~~  
6 ~~principal person or persons responsible for issuing the local permit.~~ Additions  
7 or deletions to the listing may be made from time to time, as required, by filing  
8 with the Department.

9 (b) Any special municipal weight limits on highways or bridges shall be  
10 unenforceable unless they are on file with the Department of Motor Vehicles  
11 within three working days of the date of posting. It shall be the responsibility  
12 of the municipality to keep records documenting the time and date a highway  
13 or bridge is posted, and to keep current restrictions on file with the  
14 Department. The Department may prescribe the format which is to be used  
15 when filing restrictions under this section.

16 (c) The Department shall publish, on an annual basis, a list of municipal  
17 highways or bridges and their current weight limits. This publication shall be  
18 based on the information submitted by the municipalities under subsection (a)  
19 of this section, as well as information available through the Agency of  
20 Transportation, and shall be available to the public, at a charge not in excess of  
21 \$25.00, on or before April 1 of each year.

1 (d) The Department shall also publish, on a quarterly basis, a periodic  
2 update of current weight limits for municipal highways and bridges, and shall  
3 make that available to the general public at a cost of not more than \$5.00.

4 (e) Any person may request information on specific municipalities from the  
5 Department, and shall pay the Department a fee of \$3.00 per request. A single  
6 request shall be made for information on each municipality. In the event  
7 nothing is filed by a particular municipality, the Department shall provide that  
8 information, in written form, and charge the \$3.00 fee.

9 (f) The Commissioner may require prepayments for information requested  
10 pursuant to this section.

11 \* \* \* Permit Fees \* \* \*

12 Sec. 4. 23 V.S.A. § 1402 is amended to read:

13 § 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;

14 FEES

15 (a) Overweight, overwidth, indivisible overlength, and overheight permits.

16 (1) Overweight, overwidth, indivisible overlength, and overheight  
17 permits shall be signed by the Commissioner or by his or her agent and a copy  
18 shall be kept in the office of the Commissioner or in a location approved by the  
19 Commissioner. Except as provided in subsection (c) of this section, a copy  
20 shall also be available in the towing vehicle and must be available for  
21 inspection on demand of a law enforcement officer.

1           (2) Before operating a traction engine, tractor, trailer, motor truck, or  
2 other motor vehicle, the person to whom a permit to operate in excess of the  
3 weight, width, indivisible overlength, and height limits established by this title  
4 is granted shall pay a fee of \$35.00 for each single trip permit plus \$5.00 for  
5 each municipality required to be consulted under subsection 1400(a) of this  
6 title, or \$100.00 for a blanket permit plus \$10.00 for each municipality  
7 required to be consulted under subsection 1400(a), except that the fee for a  
8 fleet blanket permit shall be \$100.00 plus \$10.00 for each applicable  
9 municipality for the first unit and \$5.00 for each unit thereafter. At the option  
10 of a carrier, an annual permit for the entire fleet, to operate over any approved  
11 route, may be obtained for \$100.00 plus \$10.00 for each municipality required  
12 to be consulted under subsection 1400(a) for the first tractor and \$5.00 for each  
13 additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet  
14 permit shall be based on the entire number of tractors owned by the applicant.  
15 An applicant for a fleet permit may apply for any number of specific routes,  
16 each of which shall be reviewed with regard to the characteristics of the route  
17 and the type of equipment operated by the applicant.

18           (3) The Commissioner shall remit to each municipality required to be  
19 consulted under subsection 1400(a) the \$5.00 or \$10.00 fee collected under  
20 subdivision (a)(2) of this section.



1           (4) When the weight or size of the vehicle-load ~~are~~ is considered  
2           sufficiently excessive for the routing requested, the Agency of Transportation  
3           shall, on request of the Commissioner, conduct an engineering inspection of  
4           the vehicle-load and route, for which a fee of \$300.00 will be added to the cost  
5           of the permit if the load is a manufactured home. For all other loads of any  
6           size or with gross weight limits less than 150,000 pounds, the fee shall be  
7           \$800.00 for any engineering inspection that requires up to eight hours to  
8           conduct. If the inspection requires more than eight hours to conduct, the fee  
9           shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the  
10          vehicle and load weigh 150,000 pounds or more but not more than 200,000  
11          pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and  
12          load weigh more than 200,000 pounds but not more than 250,000 pounds, the  
13          engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh  
14          more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00.  
15          The study must be completed prior to the permit being issued.

16          (5) Prior to the issuance of a permit, an applicant whose vehicle weighs  
17          150,000 pounds or more, or is 15 or more feet in width or height, shall file  
18          with the Commissioner a special certificate of insurance showing minimum  
19          coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for  
20          death or injury to two or more persons, and \$250,000.00 for property damage,  
21          all arising out of any one crash.

1 (b) Overlength permits. Except as provided in subsections 1432(c) and (e)  
2 of this title, it shall be necessary to obtain an overlength permit as follows:

3 (1) For vehicles with a trailer or semitrailer longer than 75 feet,  
4 anywhere in the State on highways approved by the Agency of Transportation.  
5 In such cases, the vehicle may be operated with a single trip overlength permit  
6 issued by the Department of Motor Vehicles for a fee of \$25.00. If the vehicle  
7 is 100 feet or more in length, the permit applicant shall file with the  
8 Commissioner of Motor Vehicles, a special certificate of insurance showing  
9 minimum coverage of \$250,000.00 for death or injury to one person,  
10 \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for  
11 property damage, all arising out of any one crash.

12 (2) Notwithstanding the provisions of this section, the Agency of  
13 Transportation may erect signs at those locations where it would be unsafe to  
14 operate vehicles in excess of 68 feet in length.

15 \* \* \*

16 \* \* \* Conforming Changes \* \* \*

17 Sec. 5. 23 V.S.A. § 4(70) is amended to read:

18 (70) “Agricultural custom service vehicle” means a motor truck used on  
19 a farm for planting, harvesting, or transporting crops or waste products  
20 produced on the farm, that is owned by a person providing custom services  
21 who is not a farmer as defined in 32 V.S.A. § 3752(7). In order to qualify as

1 an “agricultural custom service vehicle,” a motor truck shall be registered  
2 under either subsection 367(a) or (f) of this title and shall be exempt from  
3 ~~sections~~ section 1400 ~~and 1400a~~ of this title if the gross weight does not  
4 exceed 60,000 pounds. The operator of an “agricultural custom service  
5 vehicle” shall be exempt from the requirements of chapter 39 of this title, to  
6 the extent allowed by federal law.

7 Sec. 6. 23 V.S.A. § 370 is amended to read:

8 § 370. FARM TRUCKS, TRACTORS, AND TRAILERS

9 \* \* \*

10 (d) All farm trucks, other than those provided for in subsection (b) of this  
11 section, shall be subject to the registration requirements of subsection 367(f) of  
12 this title, and shall be exempt from the permit requirements of ~~sections~~ section  
13 1400 ~~and 1400a~~ of this title, provided the gross weight of the farm truck does  
14 not exceed 60,000 pounds and the vehicle is in compliance with the provisions  
15 of subsection 1391(a) of this title.

16 (e) A farm tractor or a farm trailer shall be exempt from the permit  
17 requirements of ~~sections~~ section 1400 ~~and 1400a~~ of this title.

18 Sec. 7. 23 V.S.A. § 1391a is amended to read:

19 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION

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

1	Statutory Citation	Name of Offense
2	23 V.S.A. § 1391	Tire and axle limits
3	23 V.S.A. § 1392	Gross limits on highways
4	23 V.S.A. § 1399	Construction and maintenance
5		equipment; fire apparatus
6	23 V.S.A. § 1400	Permit to operate in excess of weight and
7		size limits; State highways
8	<del>23 V.S.A. § 1400a</del>	<del>Special local highway and bridge limits;</del>
9		<del>reimbursement for damages; special</del>
10		<del>permits</del>
11	23 V.S.A. § 1407	Operation of overweight vehicles
12	23 V.S.A. § 1408	Operating vehicle in excess of registered
13		capacity
14		* * *

15 Sec. 8. 23 V.S.A. § 1400d is amended to read:

16 § 1400d. AGRICULTURAL SERVICE VEHICLES

17 (a) An agricultural service vehicle, as defined in subdivision 4(71) of this  
18 title, shall be exempt from the provisions of ~~sections~~ section 1400 ~~and 1400a~~ of  
19 this title if the gross weight does not exceed 60,000 pounds.

20 (b) Municipalities shall not be liable for injuries or damages to agricultural  
21 service vehicles or their operators that result from crossing a posted bridge

1 with an agricultural service vehicle that weighs more than the posted weight  
2 limit.

3 Sec. 9. IMPLEMENTATION; INTERIM REPORT

4 (a) In preparing to implement this act, the Commissioner of Motor Vehicles  
5 shall consult with representatives of the Vermont League of Cities and Towns  
6 and of the trucking industry.

7 (b) On or before January 15, 2017, the Commissioner of Motor Vehicles  
8 shall submit a written report to the House and Senate Committees on  
9 Transportation summarizing the efforts of the Department of Motor Vehicles  
10 to implement this act and to consult with affected persons as required under  
11 subsection (a) of this section. The report shall contain estimates of the costs to  
12 implement this act and any recommendations of the Commissioner to raise  
13 permit fees or other revenues in order to defray these costs.

14 \* \* \* Effective Dates \* \* \*

15 Sec. 10. EFFECTIVE DATES

16 This act shall take effect on July 1, 2017, except that this section and Sec. 9  
17 (implementation; interim report) shall take effect on July 1, 2016.