

Senate Bill 635

By: Senator Bulloch of the 11th

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 weights of vehicles and loads, so as to define certain terms; to
3 provide certain record-keeping requirements for persons who weigh goods transported on
4 vehicles that are subject to the limitations of said article; to provide that such records may
5 be relevant evidence of violations of said article; to provide for exceptions; to provide for
6 other evidence; to provide for issuance of citations; to provide penalties; to repeal conflicting
7 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 weights of vehicles and loads, is amended by adding a new Code section to
12 read as follows:

13 "32-6-32.

14 (a) As used in this Code section, the term:

15 (1) 'Document' includes a bill of lading, freight bill, weight certification, or other similar
16 document.

17 (2) 'First haul' means:

18 (A) The first, continuous transportation of unprocessed or raw farm products from the
19 place of production or on-farm storage site to any other location within 50 miles of the
20 place of production or on-farm storage site; or

21 (B) The continuous or noncontinuous transportation of unfinished forest products from
22 the place of production to the place of final processing or manufacture located within
23 200 miles of the place of production.

24 (b) Any person who weighs goods transported on vehicles that are subject to the weight
25 limitations of this article before or after unloading or who loads or unloads such goods on
26 the basis of liquid volume measure shall keep a written record of the origin, weight, and

1 composition of each shipment, the date of loading or receipt, the name and address of the
2 shipper, the total number of axles on the vehicle or combination of vehicles, and the
3 registration number of the power unit or some other means of identification by which the
4 shipment was transported. The record shall be retained for 14 days and shall be open to
5 inspection and copying by a law enforcement officer of the Department of Public Safety
6 upon demand. No search warrant shall be required to inspect or copy the record. This
7 subsection shall not apply to any person weighing goods who is not involved in the
8 shipping, receiving, and transporting of those goods or to any person weighing raw and
9 unfinished farm products transported in a single-unit vehicle with not more than three axles
10 or by a trailer towed by a farm tractor when the transportation is the first haul of the
11 product.

12 (c)(1) Any document evidencing the receipt of goods issued by the person consigning
13 the goods for shipment or a person engaged in the business of transporting or forwarding
14 goods that states the gross weight of the vehicle and load or the weight of the load when
15 combined with the empty weight of the vehicle that is in excess of the applicable
16 maximum weight limitation provided by this article shall be relevant evidence that the
17 weight of the vehicle and load is unlawful.

18 (2) Any document required to be kept under subsection (b) of this Code section
19 indicating a unit of measure that, when converted to weight and combined with the
20 weight of the empty vehicle, indicates a gross weight in excess of the applicable
21 maximum weight limitation provided by this article shall be relevant evidence that the
22 weight of the vehicle and load is unlawful.

23 (3) This subsection shall not apply to the first haul of unprocessed or raw farm products
24 and the transportation of raw and unfinished forest products, including but not limited to
25 wood chips, when the applicable maximum weight limitation provided by this article is
26 not exceeded by more than 10 percent.

27 (d) The provisions of subsection (c) of this Code section shall not limit the introduction
28 of other competent evidence bearing upon the question of whether or not there is a
29 violation of an applicable maximum weight limitation provided by this article.

30 (e) A citation for violation of an applicable maximum weight limitation provided by this
31 article may be issued to the owner or operator of a vehicle in accordance with Code Section
32 32-6-27 based on a record of a shipment kept under subsection (b) of this Code section
33 only if a law enforcement officer of the Department of Public Safety has inspected and
34 copied the record within 14 days of the date the shipment was received by the person
35 keeping the record.

1 (f)(1) Any person who fails to keep, maintain, or open for inspection and copying those
2 documents as required in subsection (b) of this Code section shall be guilty of a
3 misdemeanor.

4 (2) Any person who does not accurately record the information required to be contained
5 in those documents required in subsection (b) of this Code section shall be guilty of a
6 misdemeanor."

7 **SECTION 2.**

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