

House Bill 149

By: Representatives Rogers of the 10th, Powell of the 32nd, Ballinger of the 23rd, Jasperse of the 11th, Roberts of the 155th, 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 dimension and weight of vehicles and loads, so as to provide authority to the
3 Department of Public Safety to enter into agreements and take action regarding weight of
4 vehicles and loads; to provide for the transfer of duties regarding the issuance and
5 verification of certain permits from the Department of Transportation to the Department of
6 Public Safety; to provide for rule-making authority; to amend Article 1 of Chapter 2 of Title
7 35 of the Official Code of Georgia Annotated, relating to general provisions relative to the
8 Department of Public Safety, so as to provide for authority of the Department of Public
9 Safety to operate vehicle weigh stations; to provide for the transfer of certain property and
10 funding from the Department of Transportation to the Department of Public Safety; to
11 provide for an effective date; to provide for related matters; to repeal conflicting laws; and
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to
16 dimension and weight of vehicles and loads, is amended in Code Section 32-6-26, relating
17 to weight of vehicles and loads, by revising subsection (e) as follows:

18 "(e) Subject to the provisions of this article, the ~~department~~ Department of Public Safety
19 shall be authorized, on behalf of the state, to enter into agreements with the United States
20 Secretary of Transportation as provided in Section 127 of Title 23 of the United States
21 Code, relating to the control of vehicle weight and width limitations, which agreements
22 shall exempt certain vehicles from the requirements of subsection (d) of this Code section.
23 The ~~department~~ Department of Public Safety shall be authorized to take action in the name
24 of the state to comply with the terms of any such agreement and to promulgate any rules
25 and regulations necessary to ensure the ~~department's~~ Department of Public Safety's

26 compliance with federal laws and to provide for the issuance of the special permits required
27 by this Code section."

28 **SECTION 2.**

29 Said article if further amended in Code Section 32-6-27, relating to enforcement of load
30 limitations, by revising paragraph (4) of subsection (c) as follows:

31 "(4) If an administrative hearing is requested, it shall be held in accordance with Chapter
32 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations
33 of the Department of Public Safety. The scope of any such hearing shall be limited to a
34 determination of:

35 (A) The weight of the offending vehicle;

36 (B) The maximum weight allowed by law on the roadway upon which the offending
37 vehicle was operated; and

38 (C) Whether the operator had in his or her actual possession a valid oversize or
39 overweight permit issued by the Department of ~~Transportation~~ Public Safety allowing
40 the vehicle to operate in excess of the maximum weight otherwise allowed by law on
41 the roadway upon which the offending vehicle was operated."

42 **SECTION 3.**

43 Said article is further amended by revising Code Section 32-6-28, relating to permits for
44 excess vehicle weight and dimensions, as follows:

45 "32-6-28.

46 (a) **Generally.**

47 (1)(A) The commissioner of public safety or an official of the ~~department~~ Department
48 of Public Safety designated by ~~the~~ such commissioner may, in his or her discretion,
49 upon application in writing and good cause being shown therefor, issue a permit in
50 writing authorizing the applicant to operate or move upon the state's public roads a
51 motor vehicle or combination of vehicles and loads whose weight, width, length, or
52 height, or combination thereof, exceeds the maximum limit specified by law, provided
53 that the load transported by such vehicle or vehicles is of such nature that it is a unit
54 which cannot be readily dismantled or separated; and provided, further, that no permit
55 shall be issued to any vehicle whose operation upon the public roads of this state
56 threatens to unduly damage a road or any appurtenance thereto, except that the
57 dismantling limitation specified in this Code section shall not apply to loads which
58 consist of cotton, tobacco, concrete pipe, and plywood that do not exceed a width of
59 nine feet or of round bales of hay that do not exceed a width of 11 feet and which are
60 not moved on part of The Dwight D. Eisenhower System of Interstate and Defense

61 Highways. However, vehicles transporting portable buildings and vehicles not
 62 exceeding 65 feet in length transporting boats on roads not a part of The Dwight D.
 63 Eisenhower System of Interstate and Defense Highways, regardless of whether the
 64 nature of such buildings or boats is such that they can be readily dismantled or
 65 separated, may exceed the lengths and widths established in this article, provided that
 66 a special permit for such purposes has been issued as provided in this Code section, but
 67 no such special permit shall be issued for a load exceeding 12 feet in width when such
 68 load may be readily dismantled or separated. A truck tractor and low boy type trailer
 69 may, after depositing its permitted load, return to its point of origin on the authorization
 70 of its original permit.

71 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the
 72 commissioner of public safety or an official of the ~~department~~ Department of Public
 73 Safety designated by ~~the~~ such commissioner may, in his or her discretion, upon
 74 application in writing and good cause being shown therefor, issue to a specific tow
 75 vehicle a permit in writing authorizing the applicant to operate or move upon the state's
 76 public roads a motor vehicle or combination of vehicles and loads for transporting not
 77 more than two modular housing units or sectional housing units if the total weight,
 78 width, length, and height of the vehicle or combination of vehicles, including the load,
 79 does not exceed the limits specified in Code Sections 32-6-22 and 32-6-26. Permission
 80 to transport two modular housing units is only authorized when the modular unit
 81 transporter meets the minimum specifications contained in subparagraph (C) of this
 82 paragraph. No permit shall be issued to any vehicle or combination of vehicles whose
 83 operation upon the public roads of this state threatens the safety of others or threatens
 84 to damage unduly a road or any appurtenance thereto.

85 (C) A modular unit transporter shall meet all requirements of the Federal Motor Carrier
 86 Safety Administration and all state safety requirements, rules, and regulations. The
 87 modular unit transporter shall be properly registered and have a proper, current license
 88 plate. At a minimum, the modular unit transporter shall:

- 89 (i) Be constructed of 12 inch steel I beams doubled and welded together;
- 90 (ii) Have all axles equipped with brakes;
- 91 (iii) Have every floor joist on each modular section securely attached to the beams
 92 with lag bolts and washers, or lag bolts, washers, and cable winches; and
- 93 (iv) Have an overall length not to exceed 80 feet including the hitch.

94 (2) Permits may be issued, on application to the ~~department~~ Department of Public Safety,
 95 to persons, firms, or corporations without specifying license plate numbers in order that
 96 such permits which are issued on an annual basis may be interchanged from vehicle to
 97 vehicle. The ~~department~~ Department of Public Safety is authorized to promulgate

98 reasonable rules and regulations which are necessary or desirable to govern the issuance
99 of such permits, provided that such rules and regulations are not in conflict with this title
100 or other provisions of law.

101 (3) Every such permit shall be carried in the vehicle or combination of vehicles to which
102 it refers and shall be open to inspection by any police officer, state trooper, or authorized
103 agent of the ~~department~~ Department of Public Safety.

104 (4) The application for any such permit shall describe the type of permit applied for, as
105 said types of permits are described in subsection (c) of this Code section. In addition, the
106 application for a single-trip permit shall describe the points of departure and destination.

107 (5) The commissioner of public safety or an official of the ~~department~~ Department of
108 Public Safety designated by ~~the~~ such commissioner is authorized to withhold such permit
109 or, if such permit is issued, to establish seasonal or other time limitations within which
110 the vehicles described may be operated on the public road indicated, or otherwise to limit
111 or prescribe conditions of operation of such vehicles when necessary to ensure against
112 undue damage to the road foundation, surfaces, or bridge structures, and to require such
113 undertaking or other security as may be deemed necessary to compensate the state for any
114 injury to any roadway or bridge structure.

115 (6) For just cause, including, but not limited to, repeated and consistent past violations,
116 the commissioner of public safety or an official of the ~~department~~ Department of Public
117 Safety designated by ~~the~~ such commissioner may refuse to issue or may cancel, suspend,
118 or revoke the permit and any permit privileges of an applicant or permittee. The specific
119 period of time of any suspension shall be determined by the ~~department~~ Department of
120 Public Safety. In addition, any time the restrictions or conditions within which a
121 permitted vehicle must be operated are violated, the permit may be immediately declared
122 null and void.

123 (7) The ~~department~~ Department of Public Safety is authorized to promulgate rules and
124 regulations necessary to enforce the suspension of permits authorized in this Code
125 section.

126 (8) The ~~department~~ Department of Public Safety shall issue rules to establish a driver
127 training and certification program for drivers of vehicles escorting oversize/overweight
128 loads. Any driver operating a vehicle escorting an oversize/overweight load shall meet
129 the training requirements and obtain certification under the rules issued by the ~~department~~
130 Department of Public Safety pursuant to this Code section. The rules may provide for
131 reciprocity with other states having a similar program for escort certification.
132 Certification credentials of the driver of an escort vehicle shall be carried in the escort
133 vehicle and be readily available for inspection by law enforcement personnel or an
134 authorized employee of the ~~department~~ Department of Public Safety. The department

135 shall implement the vehicle escort driver training and certification program on or before
 136 July 1, 2010, and the requirements for training and certification shall be enforced
 137 beginning on January 1, 2011. On July 1, 2015, the duties related to the implementation
 138 and enforcement of the vehicle escort driver training and certification program shall be
 139 transferred to the Department of Public Safety.

140 (9) Permit holders shall be required to meet the following minimum insurance standards:

141 (A) For loads where the gross vehicle weight is less than or equal to 10,000 pounds:

142 (i) For bodily injury a limit of \$50,000.00 per person for injury or death as a result
 143 of any one occurrence; and

144 (ii) For property damage a limit of \$50,000.00 for damage to property of others in
 145 any one occurrence; or

146 (B) For commercial motor carriers where the gross vehicle weight is greater than
 147 10,000 pounds:

148 (i) For bodily injury a minimum of \$300,000.00 for each person and \$1 million for
 149 multiple persons for injury or death as a result of any one occurrence; and

150 (ii) For property damage a minimum of \$1 million for damage to property of others
 151 in any one occurrence.

152 (b) **Duration and limits of permits.**

153 (1) **Annual permit.** The commissioner of public safety or an official of the ~~department~~
 154 Department of Public Safety designated by ~~the~~ such commissioner may, pursuant to this
 155 Code section, issue an annual permit which shall permit a vehicle to be operated on the
 156 public roads of this state for 12 months from the date the permit is issued even though the
 157 vehicle or its load exceeds the maximum limits specified in this article. However, except
 158 as specified in paragraph (2) of this subsection, an annual permit shall not authorize the
 159 operation of a vehicle:

160 (A) Whose total gross weight exceeds 100,000 pounds;

161 (B) Whose single axle weight exceeds 25,000 pounds;

162 (C) Whose total load length exceeds 100 feet;

163 (D) Whose total width exceeds 102 inches or whose load width exceeds 144 inches;

164 or

165 (E) Whose height exceeds 14 feet and six inches.

166 (2) **Annual permit plus.** Vehicles and loads that meet the requirements for an annual
 167 permit may apply for a special annual permit to carry wider loads on the NHS. The wider
 168 load limits shall be a maximum of 14 feet wide from the base of the load to a point 10
 169 feet above the pavement and 14 feet and eight inches for the upper portion of the load.

170 (3) **Annual commercial wrecker emergency tow permit.** Pursuant to this Code
 171 section, the commissioner of public safety may issue an annual permit for vehicles towing

172 disabled, damaged, abandoned, or wrecked commercial vehicles, including combination
173 vehicles, even though such wrecker or its load exceeds the maximum limits specified in
174 this article. An annual commercial wrecker emergency tow permit shall not authorize the
175 operation of a vehicle:

- 176 (A) Whose single axle weight exceeds 25,000 pounds;
- 177 (B) Whose load on one tandem axle exceeds 50,000 pounds and whose load on any
178 secondary tandem axle exceeds 38,000 pounds; or
- 179 (C) Whose total load length exceeds 125 feet.

180 (4) **Six-month permit.** Six-month permits may be issued for loads of tobacco or
181 unginning cotton the widths of which do not exceed nine feet, provided that such loads
182 shall not be operated on The Dwight D. Eisenhower System of Interstate and Defense
183 Highways.

184 (5) **Single trip.** Pursuant to this Code section, the commissioner of public safety may
185 issue a single-trip permit to any vehicle or load allowed by federal law.

186 (6) **Multitrip.** Pursuant to this Code section, the commissioner of public safety may
187 issue a multitrip permit to any vehicle or load allowed by federal law. A multitrip permit
188 authorizes the permitted load to return to its original destination on the same permit, if
189 done so within ten days, with the same vehicle configuration, and following the same
190 route, unless otherwise specified by the ~~department~~ Department of Public Safety. A
191 multitrip permit authorizes unlimited permitted loads on the same permit, if done so
192 within the allowable ten days, with the same vehicle configuration, and following the
193 same route.

194 (c) **Fees.** The ~~department~~ Department of Public Safety may promulgate rules and
195 regulations concerning the issuance of permits and charge a fee for the issuance thereof as
196 follows:

- 197 (1) **Annual.** Charges for the issuance of annual permits shall be \$150.00 per permit.
- 198 (2) **Annual permit plus.** Charges for the issuance of annual permits plus shall be
199 \$500.00 per permit.
- 200 (3) **Annual commercial wrecker emergency tow permit.** Charges for the issuance of
201 annual commercial wrecker emergency tow permits shall be \$500.00 per permit.
- 202 (4) **Six months.** The charges for the issuance of six-month permits for loads of tobacco
203 or unginning cotton shall be \$25.00 per permit.
- 204 (5) **Single trip.** Charges for the issuance of single-trip permits shall be as follows:
 - 205 (A) Any load not greater than 16 feet wide, not greater than 16 feet high, and
206 not weighing more than 150,000 pounds or any load greater than 100 feet long
207 which does not exceed the maximum width, height, and weight limits specified
208 by this subparagraph \$ 30.00

209 (B) **Superload permit.** Any load having a width, height, or weight exceeding
 210 the maximum limit therefor specified in subparagraph (A) of this paragraph
 211 and not weighing more than 180,000 pounds 125.00

212 (C) **Superload plus permit.** Any load having a weight exceeding the
 213 maximum limit therefor specified in subparagraph (B) of this paragraph . . . 500.00

214 (6) **Multitrip.** Charges for the issuance of multitrip permits shall be \$100.00 for any
 215 load not greater than 16 feet wide, not greater than 16 feet high, and not weighing more
 216 than 150,000 pounds or any load greater than 100 feet long which does not exceed the
 217 maximum width, height, and weight limits specified by this paragraph.

218 (d) Notwithstanding any provision of Code Section 48-2-17 to the contrary, all fees
 219 collected in accordance with this Code section shall be paid to the treasurer of the
 220 ~~department~~ Department of Public Safety to help defray the expenses of enforcing the
 221 limitations set forth in this article ~~and may also be used for public road maintenance~~
 222 ~~purposes~~ in addition to any sums appropriated therefor to the ~~department~~ Department of
 223 Public Safety."

224 **SECTION 4.**

225 Said article is further amended by revising Code Section 32-6-29, relating to responsibilities
 226 of the Department of Transportation and the Department of Public Safety relative to weight
 227 limits and the issuance of permits, as follows:

228 "32-6-29.

229 (a) The Department of ~~Transportation~~ Public Safety shall be responsible for rules and
 230 regulations relating to size and weight limits and issuance of permits under this article.

231 (b) ~~The Department of Transportation shall not, however, employ any law enforcement~~
 232 ~~officers or agents except as may be specifically authorized by other laws.~~ Law
 233 enforcement responsibility for enforcement of this article shall be in the Department of
 234 Public Safety."

235 **SECTION 5.**

236 Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to
 237 general provisions relative to the Department of Public Safety, is amended by adding a new
 238 Code section to read as follows:

239 "35-2-15.

240 (a) In addition to the powers specifically delegated to it in this title, the department shall
 241 have the authority to perform all acts which are necessary, proper, or incidental to the
 242 efficient operation of weigh stations.

243 (b)(1) On or after July 1, 2015, the department shall be authorized to operate, maintain,
244 and perform all acts which are necessary, proper, or incidental to the efficient operation
245 of weigh stations located throughout this state.

246 (2) On July 1, 2015, the Department of Transportation shall transfer to the department
247 the custody and control of the physical property and equipment utilized for the operation
248 of weigh stations in this state, including all permanent and semi-permanent weigh
249 stations.

250 (3) All permanent and semi-permanent weigh stations and all budgeted operating funds
251 associated with permanent and semi-permanent weigh stations shall become the property,
252 funds, and budgeted operating funds of the department on July 1, 2015."

253 **SECTION 6.**

254 This Act shall become effective on July 1, 2015.

255 **SECTION 7.**

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