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

To amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to dimensions and weight of vehicles and loads, so as to repeal automatic repeal provisions relating to an allowable variance for weight limitations upon a vehicle or load hauling certain commodities within a certain range and areas of the state; to provide for the enforcement of such provisions by local law enforcement officers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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 ~~This paragraph shall stand repealed on July 1, 2025.~~″

SECTION 2.

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

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

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

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

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

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

SECTION 3.

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

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

SECTION 4.

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

"32-6-29.

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

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

SECTION 5.

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

"32-6-30.

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

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

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

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

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

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

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