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HOUSE BILL NO. 1457

Offered January 23, 2026

A BILL to amend and reenact §§ 46.2-1131, 46.2-1133, 46.2-1136, 46.2-1138, 46.2-1138.1, and 46.2-1138.2 of the Code of Virginia, relating to vehicle weight limits; violations; owner of vehicle.

Patrons—Morefield and Laufer

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1131, 46.2-1133, 46.2-1136, 46.2-1138, 46.2-1138.1, and 46.2-1138.2 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1131. Penalty for violation of weight limits.

Any person violating ~~The owner of any vehicle in violation of~~ any weight limit as provided in this chapter or any permit issued by the Department or its designee or by local authorities pursuant to this article shall be subject to a civil penalty of \$25 and a processing fee of \$20 in addition to any liquidated damages and weighing fees imposed by this article. Upon collection by the Department, except as provided in § 46.2-1138, civil penalties shall be paid to the Literary Fund, but processing fees shall be paid to the state treasury and, beginning July 1, 1990, shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles. In addition, liquidated damages and weighing fees shall be distributed as provided in §§ 46.2-1135 and 46.2-1137, respectively, except as provided in § 46.2-1138.

The penalties, damages, and fees specified in this section shall be in addition to any other liability which may be legally fixed against the ~~owner, operator, or other~~ person charged with the weight violation for damage to a highway or bridge attributable to such weight violation.

§ 46.2-1133. Special processing provisions for overweight violations.

Notwithstanding any other provision of law, all violations of any weight limit as provided in this article or any permit issued by either the Department or its designee or by local authorities pursuant to this chapter shall be processed in the following manner:

1. The officer or size and weight compliance agent charging the violation shall serve a citation on the operator of the overweight vehicle. The citation shall be directed to the owner, ~~operator,~~ or other person responsible for the overweight violation as determined by the officer or size and weight compliance agent. Service of the citation on the vehicle operator shall constitute service of process upon the owner, ~~operator,~~ or other person charged with the weight violation as provided in § 46.2-1136.

2. The officer or size and weight compliance agent charging the violation shall cause the citation to be delivered or mailed by first-class mail to the Department within 24 hours after it is served.

3. The ~~owner, operator, or other~~ person charged with the weight violation shall, within 21 days after the citation is served upon the vehicle operator, either make full payment to the Department of the civil penalty, liquidated damages, weighing fee, and processing fee as stated on the citation, or deliver to the Department a written notice of his election to contest the overweight charge in court.

4. Failure of the ~~owner, operator, or other~~ person charged with the weight violation to timely deliver to the Department either payment in full of the uncontested civil penalty, liquidated damages, weighing fee, and processing fee or a notice of contest of the weight violation shall cause the Department to issue an administrative order of assessment against such person. A copy of the order shall be sent by first-class mail to the person charged with the weight violation. Any such administrative order shall have the same effect as a judgment for liquidated damages entered by a general district court.

5. Upon timely receipt of a notice of contest of an overweight charge, the Department shall:

a. Forward the citation to the general district court named in the citation, and

b. Send by first-class mail to the person charged with the weight violation, and to the officer or size and weight compliance agent who issued the citation, confirmation that the citation has been forwarded to the court for trial.

6. Notices and pleadings may be served by first-class mail sent to the address shown on the citation as the address of the person charged with the weight violation or, if none is shown, to the address of record for the person to whom the vehicle is registered.

7. An alleged weight violation which is contested shall be tried as a civil case. The attorney for the Commonwealth shall represent the interests of the Commonwealth. The disposition of the case shall be recorded in an appropriate order, a copy of which shall be sent to the Department in lieu of any record which may be otherwise required by § 46.2-383. If judgment is for the Commonwealth, payment shall be made to the Department.

8. Notwithstanding any other provisions of this section, any and all citations and notices required by this

59 section to be provided to the person charged with a violation or received from the person charged with a  
60 violation, with the exclusion of the citation as set out in subdivision 1, may be served or provided in an  
61 electronic manner if the Department and the person charged with the violation have agreed to utilize  
62 electronic notification.

63 **§ 46.2-1136. Procedures for issuing and serving process in overweight vehicle cases.**

64 Any officer or size and weight compliance agent authorized to enforce overweight vehicle laws may issue  
65 a citation for a violation of such laws. Such officer may also serve an attachment summons issued by a judge  
66 or magistrate in connection with a weight violation.

67 Service of any such citation shall be made upon the driver of the motor vehicle involved in the violation.  
68 Such service on the driver shall have the same legal force and validity as if served within the Commonwealth  
69 personally upon the ~~owner, operator, or other~~ person charged with the weight violation, whether such ~~owner,~~  
70 ~~operator, or other~~ person charged is a resident or nonresident.

71 **§ 46.2-1138. County ordinances fixing weight limits on roads that have been withdrawn from**  
72 **secondary system.**

73 A. The governing bodies of Arlington and Henrico Counties may adopt ordinances providing weight  
74 limits in accordance with the weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or  
75 combination of vehicles passing over any such highway under the county's jurisdiction. Any such ordinance  
76 shall provide for the assessment of liquidated damages as to overweight vehicles at rates and amounts not  
77 exceeding those applicable to the liquidated damages under § 46.2-1135.

78 B. Such ordinances may also provide that:

79 1. Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner;  
80 ~~operator, or other person causing the operation~~ of such overweight vehicle at such rate and amount as is  
81 provided in the ordinance;

82 2. The assessment shall be entered by the court as a judgment for such county;

83 3. The entry of such judgment shall constitute a lien upon the overweight vehicles;

84 4. Such sums shall be paid into the treasury of such county, and allocated to the fund appropriated by such  
85 county for the construction and maintenance of such roads under its jurisdiction.

86 C. Such ordinances may include additional provisions relating to payment of such assessment and  
87 enforcement powers applicable to such county and corresponding to the provisions of §§ 46.2-1131,  
88 46.2-1133, 46.2-1134, and 46.2-1135, except that civil penalties, liquidated damages, and the weighing fees  
89 collected pursuant to such ordinances shall be paid to the county, and the county attorney or his designee  
90 shall represent the county in any court proceeding.

91 **§ 46.2-1138.1. City ordinances fixing weight limits on certain roads.**

92 The governing body of any city may adopt ordinances providing weight limits in accordance with the  
93 weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles  
94 passing over any such roads under the jurisdiction of such city, and providing further for the assessment of  
95 liquidated damages as to overweight vehicles at rates and amounts not exceeding those applicable to the  
96 liquidated damages under § 46.2-1135. Such ordinances may provide:

97 Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner;  
98 ~~operator or other person causing the operation~~ of such overweight vehicle at such rate and amount as may be  
99 provided in such ordinance;

100 The assessment shall be entered by the court as a judgment for such city;

101 The entry of such judgment shall constitute a lien upon the overweight vehicles;

102 Such sums shall be paid into the treasury of such city, and allocated to the fund appropriated by such city  
103 for the construction and maintenance of such roads under its jurisdiction.

104 Such ordinances may include additional provisions relating to payment of such assessment and  
105 enforcement powers applicable to such city and corresponding to the provisions of §§ 46.2-1131, 46.2-1133,  
106 46.2-1134 and 46.2-1135, except that civil penalties, liquidated damages and weighing fees collected  
107 pursuant to such ordinances shall be paid to the city, and the city attorney or his designee shall represent the  
108 city in any court proceeding.

109 **§ 46.2-1138.2. Town ordinances concerning weight limits on certain roads.**

110 A. The governing body of any town that provided, on January 1, 1993, town-owned and -maintained  
111 weight scales for the purpose of enforcing the weight limits established by §§ 46.2-1123 through 46.2-1127  
112 for any vehicle or combination of vehicles passing over any roads in the town may adopt ordinances for the  
113 assessment of liquidated damages as to overweight vehicles in accordance with the liquidated damages under  
114 § 46.2-1135. Such ordinances may provide that:

115 1. Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner;  
116 ~~operator or other person causing the operation~~ of such overweight vehicle at such rate and amount as may be  
117 provided in such ordinance;

118 2. The assessment shall be entered by the court as a judgment for such town;

119 3. The entry of such judgment shall constitute a lien upon the overweight vehicle; and

120 4. Such sum shall be paid into the treasury of the town and allocated to the fund appropriated by the town

121 for the construction and maintenance of roads under its jurisdiction.  
122 B. Such ordinances may include additional provisions relating to the payment of such assessment and the  
123 enforcement powers applicable to such town and corresponding to the provisions of §§ 46.2-1131, 46.2-1133,  
124 46.2-1134 and 46.2-1135, except that civil penalties, liquidated damages and weighing fees collected  
125 pursuant to such ordinances shall be paid to the town, and the town attorney or his designee shall represent  
126 the town in any court proceeding.

**INTRODUCED**

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