

HOUSE BILL NO. 1457

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on _____)

(Patron Prior to Substitute—Delegate Morefield)

A BILL to amend and reenact § 46.2-1131 of the Code of Virginia, relating to vehicle weight limits; violations; owner of commercial motor vehicle hauling coal.

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1131 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1131. Penalty for violation of weight limits.**

Any person violating 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.

For any commercial motor 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 while engaged in hauling coal, the owner of such vehicle shall be the person charged with such weight violation.