

# Vermont Legislative Research Shop

## **Commercial Vehicle Weight Regulations and Penalties**

Overweight commercial vehicles have the ability to cause immense damage to the roadways of Vermont. Offending vehicles are difficult to catch. Some states punish just the driver of the offending vehicle, while others punish the driver, the company, or the owner of the vehicle, in addition to those who loaded the vehicle. These punishments range from monetary fines to the state reserving the right to confiscate the vehicle and the load.

Included below is a comparison of the policies and practices of a number of other states which choose to punish the offenders. Many states, such as Colorado and California, only unload the vehicle until it meets the road weight requirement. Included below is a summary of the Commercial weight regulations for the states of Kansas, Texas, and Washington, followed by the actual state code.

Three states identified as having comprehensive commercial vehicle policies are Kansas, Texas, and Washington. The state codes of those three are included below in summary form, followed by the state legislation.

### Kansas Regulations

The Kansas code allows the state highway patrol, or any other law enforcement agency the authority to do the following: move or shift the load, detach the trailer, take the trailer to a designated location, have the overweighted materials picked up by another trailer, force the applicant/owner of the permit to pay all of the cost for the above, fine the offenders, suspend or cancel the specific permit, and suspend or cancel the annual permit for repeat offenders. Kansas only punishes the applicant for the permit, or the owner of vehicle. Kansas also chooses to require no permit for the movement or operation of any farm equipment on any road or highway. A summary of the state weight regulations is included in state code.

### Texas Regulations

The state of Texas chooses to punish the driver of a vehicle violating height or weight regulations, as well as those who loaded the vehicle, and those who directed the operation of the vehicle. If the offender is an individual, the punishments range from monetary fines from \$100-150 for the first offense, to \$150-\$250 and up to 60 days in jail for the second offense within a year after the first offense. For the third offense, the punishments include a fine of \$200-\$500 and up to six months in jail. If the owner of the vehicle is a corporation, the fines increase after the first offense, to up to \$1000 for the second offense and up to \$2000 for the third. The above penalties are for violations less than 5,000 lbs. above the allowed weight. In addition, if the violation is between 5,000 and 10,000 lbs. Overweight, the fines increase, from \$300-\$500 for the first offense, and from \$500 to \$1000 for the second offense. For violations more than 5,000 lbs. over the weight regulations, first violations are not removed after a year as with lighter weight violations. In the higher weight violations listed above, the fines double if the violations occur within a year. A summary of the state weight regulations is listed in the state code.

### Washington Regulations

The state of Washington chooses to penalize the offenders in a number of ways. The base penalty for the first, second and third offenses are no less than \$50, \$75, and \$100. In addition, a fine is assessed on the amount of weight carried over the legal limit. For a violation of 1-4,000 pounds over the limit, the fine is 3 cents per pound. For violations of 4,001-10,000 pounds over the limit, the fine is \$120 plus 12 cents per pound. For violations 10,001-15,000 pounds over the limit, the fine is \$840, plus 16 cents per pound. For violations of 15,001-20,000 pounds over the limit, the fine is \$1640, plus 20 cents per pound. For violations over 20,001 pounds over the limit, the fine is \$2640, plus 30 cents per

pound.

For two violations occurring in any 12-month period, the license registration of the vehicle may be suspended for up to thirty days. For a third violation in a twelve month period, the license is suspended for no less than thirty days. In addition, a vehicle suspected of being overweight is allowed to be stopped at any time by an officer of the law for weighing purposes. Any officer of law finding an offending vehicle has authority to confiscate the permit of that vehicle, and that to the department of transportation, which has the choice of revoking the permit for any single violation.

Another severe ability to punish that the state of Washington chooses to pursue is the ability of the department of transportation to hold the owner or operator of an overweight vehicle for any damage incurred to the state highways, bridges, etc. The state can bring a civil suit against the owner/operator of the vehicle for any damages that they determine the roadways have suffered. The owner and operator are jointly liable for those damages. With regard to farm equipment, Washington penalizes violations only as traffic violations, punishable only by the \$50, \$75, and \$100 fines listed previously. A listing of the state weight regulations are listed in the state code.

#### Sources

- Kansas Department of Transportation Web Page- <http://www.state.ks.us/public/kdot>
- Kansas Web Page for the above Information- <http://ink.org/public/kdor/mcg/html>
- Texas Department of Transportation Web Page- <http://www.dot.state.tx.us>
- Texas Web Page for the above Information- <http://www.capitol.state.tx.us/statutes/tntoc.html>
- Washington Department of Transportation Web Page- <http://www.wsdot.wa.gov>
- Washington Web Page for the above Information [gopher://leginfo.wa.gov:70/11/pub/rcw/title\\_46/chapter\\_044](gopher://leginfo.wa.gov:70/11/pub/rcw/title_46/chapter_044)
- Political Resources Online- <http://www.politicalresources.com>
- Web Interactive Network of Government Services- <http://www.wings.gov>
- Government Information Exchange- <http://www.info.gov>

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Completed by: Group 6

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