

1 HB368
2 216626-1
3 By Representative Fincher
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 16-FEB-22

SYNOPSIS: Under existing law, motor vehicles used primarily for transporting timber products are subject to per axel weight requirements.

This bill would allow for a 10 percent variance in the required maximum gross weight per axel for motor vehicles used primarily for transporting timber products.

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles; to amend Section 32-9-20, Code of Alabama 1975, to allow motor vehicles transporting timber a variance in the required maximum gross weight per axel under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-9-20, Code of Alabama 1975, is amended to read as follows:

"§32-9-20.

1 "(a) It shall be unlawful for any person to drive or
2 move on any highway in this state any vehicle or vehicles of a
3 size or weight except in accordance with the following:

4 "(1) WIDTH. Vehicles and combinations of vehicles,
5 operating on highways with traffic lanes 12 feet or more in
6 width, shall not exceed a total outside width, including any
7 load thereon, of 102 inches, exclusive of mirrors or other
8 safety devices approved by the Department of Transportation.
9 The Director of Transportation may, in his or her discretion,
10 designate other public highways for use by vehicles and loads
11 with total outside widths not exceeding 102 inches, otherwise;
12 vehicles and combinations of vehicles, operating on highways
13 with traffic lanes less than 12 feet in width, shall not
14 exceed a total outside width, including any load thereon, of
15 96 inches, exclusive of mirrors or other safety devices
16 approved by the Department of Transportation. No passenger
17 vehicle shall carry any load extending beyond the line of the
18 fenders. No vehicle hauling forest products or culvert pipe on
19 any highway in this state shall have a load exceeding 102
20 inches in width.

21 "(2) HEIGHT. No vehicle or semitrailer or trailer
22 shall exceed in height 13 1/2 feet, including load.

23 "(3) LENGTH. No vehicle shall exceed in length 40
24 feet; except, that the length of a truck-semitrailer
25 combination, semitrailers, including load, used in a truck
26 tractor-semitrailer combination, shall not exceed 57 feet;
27 semitrailers and trailers, including load, used in a truck

1 tractor-semitrailer-trailer combination, shall not exceed 28
2 1/2 feet each; and motor vehicles designed, used, or
3 maintained primarily as a mobile dwelling, office, or
4 commercial space, commonly called motor homes, shall not
5 exceed 45 feet. Semitrailers exceeding 53 1/2 feet shall only
6 be operated on highways designated pursuant to Section 32-9-1
7 and shall only be operated when the distance between the
8 kingpin of the semitrailer and the rearmost axle or a point
9 midway between the two rear axles, if the two rear axles are
10 tandem axles, does not exceed 41 feet and if the semitrailer
11 is equipped with a rear underride guard of a substantial
12 construction consisting of a continuous lateral beam extending
13 to within four inches of the lateral extremities of the
14 semitrailer and located not more than 22 inches from the
15 surface as measured with the semitrailers empty and on a level
16 surface. For purposes of enforcement of this subdivision,
17 lengths of semitrailers and trailers refer to the cargo
18 carrying portion of the unit. Truck tractor units used
19 exclusively in combinations transporting motor vehicles may
20 directly carry a portion of the cargo, provided that the
21 combinations are restricted to truck tractor-semitrailer
22 combinations only and provided further that the overall length
23 of these particular combinations shall not exceed 65 feet;
24 except that the overall length of stinger-steered type units
25 shall not exceed 80 feet. No truck tractor-semitrailer
26 combination used exclusively for transporting motor vehicles
27 shall carry any load extending more than four feet beyond the

1 front or six feet beyond the rear of the combination. No other
2 vehicle operated on a highway shall carry any load extending
3 more than a total of five feet beyond both the front and rear,
4 inclusive, of the vehicle.

5 "(4) WEIGHT.

6 "a. The gross weight imposed on the highway by the
7 wheels of any one axle of a vehicle shall not exceed 20,000
8 pounds, or such other weight, if any, as may be permitted by
9 federal law to keep the state from losing federal funds;
10 provided, that inadequate bridges shall be posted to define
11 load limits.

12 "b. For the purpose of this section, an axle load
13 shall be defined as the total load transmitted to the road by
14 all wheels whose centers are included between two parallel
15 transverse vertical planes 40 inches apart, extending across
16 the full width of the vehicle.

17 "c. Subject to the limit upon the weight imposed
18 upon the highway through any one axle as set forth herein, the
19 total weight with load imposed upon the highway by all the
20 axles of a vehicle or combination of vehicles shall not exceed
21 the gross weight given for the respective distances between
22 the first and last axle of the vehicle or combination of vehi-
23 cles, measured longitudinally to the nearest foot as set forth
24 in the following table:

25 COMPUTED GROSS WEIGHT TABLE

1 For various spacings of axle groupings

2 Distance in feet between first Maximum load in
3 and last axles of vehicle or pounds on all the
4 combination of vehicles axles

5		2 axles	3 axles	4 axles	5 axles	6 axles
6	8 or	36,000	42,000	42,000		
7	less					
8	9	38,000	42,500	42,500		
9	10	40,000	43,500	43,500		
10	11		44,000	44,000		
11	12		45,000	50,000	50,000	
12	13		45,500	50,500	50,500	
13	14		46,500	51,500	51,500	
14	15		47,000	52,000	52,000	
15	16		48,000	52,500	58,000	58,000
16	17		48,500	53,500	58,500	58,500
17	18		49,500	54,000	59,000	59,000
18	19		50,000	54,500	60,000	60,000
19	20		51,000	55,500	60,500	66,000
20	21		51,500	56,000	61,000	66,500

1	22	52,500	56,500	61,500	67,000
2	23	53,000	57,500	62,500	68,000
3	24	54,000	58,000	63,000	68,500
4	25	54,500	58,500	63,500	69,000
5	26	56,000	59,500	64,000	69,500
6	27	57,000	60,000	65,000	70,000
7	28	59,000	60,500	65,500	71,000
8	29	60,000	61,500	66,000	71,500
9	30		62,000	66,500	72,000
10	31		63,500	67,000	72,500
11	32		64,500	68,000	73,500
12	33		65,000	69,000	74,000
13	34		65,500	70,000	74,500
14	35		66,500	71,000	75,000
15	36		67,000	72,000	76,000
16	37		68,000	73,000	77,000
17	38		69,000	74,000	78,000
18	39		70,000	75,000	79,000
19	40		71,000	76,000	80,000
20	41		72,000	77,000	81,000
21	42		73,000	78,000	82,000
22	43		74,000	79,000	83,000

1 the overall distance between the first and last axles of the
2 consecutive sets of tandem axles is 36 feet or more; provided,
3 that the overall gross weight may not exceed 80,000 pounds,
4 including all enforcement tolerances. Nothing in this section
5 shall be construed as permitting size or weight limits on the
6 National System of Interstate and Defense Highways in this
7 state in excess of those permitted under 23 U.S.C. Section
8 127. If the federal government prescribes or adopts vehicle
9 size or weight limits greater than or less than those now
10 prescribed by 23 U.S.C. Section 127 for the National System of
11 Interstate and Defense Highways, the increased or decreased
12 limits shall become effective on the National System of
13 Interstate and Defense Highways in this state. Nothing in this
14 section shall be construed to deny the operation of any
15 vehicle or combination of vehicles that could be lawfully
16 operated upon the highways and roads of this state on January
17 4, 1975.

18 "d. For purposes of enforcement of this subdivision,
19 all weights less than or equal to the sum of the weight
20 otherwise prescribed by this subdivision, plus an additional
21 weight to be calculated by multiplying the weight prescribed
22 by this subdivision by one-tenth (.10) that shall represent a
23 scale or enforcement tolerance, shall be deemed to be in
24 compliance with the requirements of this section, and shall
25 not constitute violations thereof. No evidence shall be
26 admitted into evidence or considered by the trier of fact in
27 any civil action unless the evidence proffered would tend to

1 prove that the weight of the vehicle exceeded the amount
2 provided in this subsection. Nothing in this paragraph d.
3 shall restrict or affect the right of any defendant to place
4 in evidence such evidence tending to prove the defendant was
5 in compliance with this section.

6 "e. Dump trucks, dump trailers, concrete mixing
7 trucks, fuel oil, gasoline trucks, and trucks designated and
8 constructed for special type work or use shall not be made to
9 conform to the axle spacing requirements of paragraph (4)c ~~of~~
10 ~~this section~~; provided, that the vehicle shall be limited to a
11 weight of 20,000 pounds per axle plus scale tolerances; and,
12 provided further, that the maximum gross weight of the
13 vehicles shall not exceed the maximum weight allowed by this
14 section for the appropriate number of axles, irrespective of
15 the distance between axles, plus allowable scale tolerances.
16 All axles shall be brake equipped. Trucks delivering asphalt
17 plant mix which do not exceed the maximum allowable gross
18 weight and operate within 50 miles of their home base shall
19 not be required to conform to the requirements of paragraph
20 (4)a ~~of this section~~. Concrete mixing trucks which operate
21 within 50 miles of their home base and do not exceed the
22 maximum allowable gross weight shall not be required to
23 conform to the requirements of paragraph (4)a ~~of this section~~.
24 It shall be a violation if the vehicles named under this
25 subdivision travel upon bridges designated and posted by the
26 Transportation Director as incapable of carrying the load.

1 "f. If the driver of any vehicle can comply with the
2 weight requirements of this section by shifting or equalizing
3 the load on all wheels or axles and does so when requested by
4 the proper authority, the driver shall not be held to be
5 operating in violation of this section.

6 "g. When portable scales are used in the enforcement
7 of this section, the axles of any vehicle described or
8 commonly referred to as tandem or triaxle rigs or units (that
9 is, vehicles having two or more axles in addition to a
10 steering axle), the group of tandem or triaxles shall be
11 weighed simultaneously, and the total weight so derived shall
12 be divided by the number of axles weighed in the group to
13 arrive at the per axle weight, except that if any one axle in
14 the group exceeds 20,000 pounds in weight, it shall not exceed
15 the weight of any other axle in the group by more than 50
16 percent. When portable scales are used to determine the weight
17 of a vehicle pursuant to this section, the operator of the
18 vehicle will be permitted to move the vehicle to the nearest
19 platform scales certified by the Department of Agriculture and
20 Industries and operated by a bonded operator within a distance
21 of 10 highway miles, accompanied by an enforcement officer to
22 verify the accuracy of the portable scales used in determining
23 the vehicle weight. If the weight of the vehicle is shown by
24 the platform scales to be within the legal limits of this
25 section, the operator of the vehicle shall not be held to be
26 in violation of this section.

1 "h. The governing body of a county, by appropriate
2 resolution, may authorize limitations less than those
3 prescribed herein for vehicles operated upon the county
4 highways of the county.

5 "i. The Department of Transportation may post or
6 limit any road or bridge to weights less than those prescribed
7 by this section. It is the legislative intent and purpose that
8 this section be rigidly enforced by the Department of
9 Transportation, the Alabama State Law Enforcement Agency and
10 any other authorized law enforcement officers of the state,
11 any county, or city and incorporated towns.

12 "j. Two and three axle vehicles being used
13 exclusively for the purpose of transporting agricultural
14 commodities or products to and from a farm and for
15 agricultural purposes relating to the operation and
16 maintenance of a farm by any farmer, custom harvester or
17 husbandman may not be made to conform to the axle requirements
18 of paragraph (4)a ~~of this section~~ or the gross weight
19 requirements of paragraph (4)c ~~of this section~~.

20 "k. Vehicles being used exclusively for the purpose
21 of transporting timber products from the site of its cutting
22 to the first point of delivery where the timber is transferred
23 may exceed by no more than 10 percent the gross weight per
24 axle requirements of paragraph (4)c.

25 "(b) (1) Any vehicle utilizing an auxiliary power or
26 idle reduction technology unit in order to promote reduction
27 of fuel use and emissions because of engine idling shall be

1 allowed an additional 400 pounds total to the gross, axle,
2 tandem, or bridge formula weight limits defined in this
3 section.

4 "(2) To be eligible for the exception provided in
5 this subsection, the operator of the vehicle must provide
6 written proof or certification of the weight of the auxiliary
7 power unit (APU) and demonstrate or certify the idle reduction
8 technology is fully functional at all times.

9 "(3) Written proof or certification of the weight of
10 the APU must be available to law enforcement officers if the
11 vehicle is found in violation of applicable weight laws. The
12 weight allowed cannot exceed 400 pounds or the actual weight
13 proven or certified, whichever is less.

14 "(4) It is the intent of this subsection to apply at
15 the state highway level the weight limit increase for vehicles
16 using a functioning auxiliary power or idle reduction
17 technology as provided in the Federal Energy Policy Act of
18 2005.

19 "(c) (1) Any motor vehicle, if operated by an engine
20 fueled primarily by natural gas, may exceed any vehicle weight
21 limit, up to a maximum gross vehicle weight of 82,000 pounds,
22 under this section by an amount that is equal to the
23 difference between:

24 "a. The weight of the vehicle attributable to the
25 natural gas tank and fueling system carried by that vehicle;
26 and

1 "b. The weight of a comparable diesel tank and
2 fueling system.

3 "(2) This subsection applies on federal interstate
4 highways to the weight limit increases for vehicles using an
5 EPA certified natural gas engine or an EPA approved conversion
6 unit installed on the vehicle which allows the vehicle to
7 operate primarily on compressed natural gas or liquefied
8 natural gas."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.