

No. 213

AN ACT

HB 759

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing for the reweighing of the gross and axle weights of vehicles, combinations of vehicles and tractors; prescribing an additional penalty in certain cases where such reweighing occurs; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 904, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended December 17, 1959 (P. L. 1920), is amended to read:

Section 904. Officers May Weigh Vehicles or Tractors [and Require Removal of Excess Load].—(a) Any peace officer who shall be in uniform, and shall exhibit his badge or other sign of authority, having reason to believe that the gross weight of a vehicle or combination of vehicles or a tractor or the weight upon any axle or pair of axles thereof is unlawful, is authorized to weigh the same, [either] by means of either a portable or stationary scales, or may require that such vehicle or combination of vehicles or tractor be driven to the nearest stationary scales in the event such scales are within a distance of two (2) miles. [If the gross weight or weight upon any axle shall exceed the maximum weight allowed therefor, the peace officer may and, if such excess in the case of a vehicle or combination of vehicles is more than three (3) percent or in the case of a tractor is more than ten (10) percent of such maximum weight allowed, he shall require the operator to reduce the load so as to bring the gross weight or weight upon an axle to not more than the maximum weight allowed except as herein provided for special permits.]

(b) Whenever the weighing on scales as prescribed by subsection (a) shall show that the gross weight of a vehicle or combination of vehicles or a tractor or the weight upon any axle or pair of axles thereof is unlawful, the operator may forthwith elect to have the same reweighed, in which case the peace officer shall reweigh the same upon different scales which shall be the nearest available stationary scales to the point at which the weighing occurred pursuant to subsection (a).

(c) The weight found pursuant to subsection (a), or in case of reweighing the weight found pursuant to subsection (a) or (b), whichever is the lesser weight, shall be deemed the actual weight for all purposes of this article IX.

(d) In the event that an operator elects a reweighing pursuant to subsection (b) and the actual weight found pursuant to subsection (c) constitutes a violation of this act, there shall be added to the fine prescribed for such violation the sum of twenty-five dollars (\$25.00).

Penalty.—Any operator who shall fail, neglect or refuse to comply with the requirements of a peace officer given pursuant to the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of one hundred dollars (\$100.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than thirty (30) days. In addition to the foregoing penalty, the secretary may suspend the operating privilege of the operator for a period of thirty ¹ (30) days. [Provided, however, That any person while operating a tractor, who refuses to unload excess weight when so ordered, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.]

Section 2. The act is amended by adding after section 904 a new section to read:

Section 904.1. Officers May Require Removal of Excess Load.—If the gross weight of any vehicle or combination of vehicles or tractor or the weight upon any axle or pair of axles thereof shall exceed the maximum weight allowed therefor, the peace officer determining such weight may and, if such excess in the case of a vehicle or combination of vehicles is more than three (3) percent or in the case of a tractor is more than ten (10) percent of such maximum weight allowed, he shall require the operator to reduce the load so as to bring the gross weight or weight upon an axle to not more than the maximum weight allowed except as herein provided for special permits.

Penalty.—Any operator of a vehicle or combination of vehicles who

¹“(30)” not in original.

shall fail, neglect or refuse to comply with the requirements of a peace officer given pursuant to the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of one hundred dollars (\$100.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than thirty (30) days, and in addition to the foregoing penalty, the secretary may suspend the operating privilege of the operator for a period of thirty (30) days. Any operator of a tractor who shall fail, neglect or refuse to comply with the requirements of a peace officer, given pursuant to the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

APPROVED—The 27th day of August, A. D. 1965.

WILLIAM W. SCRANTON

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No. 214

AN ACT

HB 764

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing for adjustment of positions of loads on vehicles or combinations of vehicles and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 904, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended December 17, 1959 (P. L. 1920), is amended to read:

Section 904. Officers May Weigh Vehicles or Tractors and Require Removal of Excess Load.—(a) Any peace officer who shall be in uniform, and shall exhibit his badge or other sign of authority, having reason to believe that the gross weight of a vehicle or combination of vehicles or a tractor or the weight upon any axle or pair of axles thereof is unlawful, is authorized to weigh the same, either by means of a portable