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COMMITTEE REPORT

May 3, 2016

**H. 4932**

Introduced by Rep. Allison

S. Printed 5/3/16--S.

Read the first time April 13, 2016.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (H. 4932) to amend Section 56‑5‑4070, Code of Laws of South Carolina, 1976, relating to maximum lengths of vehicles that may be operated along the state’s highways, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

Amend the bill, as and if amended, page 7, line 40 by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 48-20-280 of the 1976 Code is amended to read:

“Section 48-20-280. The provisions of this chapter do not apply to those activities of the:

(1) South Carolina State Ports Authority, nor of a person acting under contract with the authority; undertaken solely in connection with the construction, repair, and maintenance of the authority’s shipping container terminals; or

(2) Department of Transportation, nor of a person acting under contract with the department, on highway rights-of-way or borrow pits maintained solely in connection with the construction, repair, and maintenance of the public road systems of the State. This exemption does not become effective until the department has adopted reclamation standards applying to those activities and the standards have been approved by the council. At the discretion of the department, the provisions of this chapter may apply to mining on federal lands.”

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND SECTION 56‑5‑4070, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAXIMUM LENGTHS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE A MAXIMUM LENGTH FOR TRAILERS OR SEMITRAILERS USED TO TRANSPORT VEHICLES USED IN CONNECTION WITH MOTORSPORTS COMPETITION EVENTS; TO AMEND SECTION 56‑5‑4130, RELATING TO THE MAXIMUM GROSS WEIGHT UPON ANY WHEEL OF CERTAIN VEHICLES ALLOWED TO OPERATE ALONG THE HIGHWAYS OF THIS STATE, SO AS TO PROVIDE AN OVER-THE-ROAD BUS, MOTORHOME, OR CERTAIN VEHICLES USED AS INTRASTATE PUBLIC AGENCY TRANSIT PASSENGER BUSES ARE EXCLUDED FROM AXLE SPACING REQUIREMENTS BUT ARE LIMITED TO A MAXIMUM SINGLE AXLE WEIGHT LIMIT, AND TO PROVIDE THAT THESE VEHICLES MUST HAVE REASONABLE ACCESS TO CERTAIN HIGHWAY FACILITIES; TO AMEND SECTION 56‑5‑4140, AS AMENDED, RELATING TO THE MAXIMUM GROSS WEIGHT OF VEHICLES ALLOWED TO OPERATE ALONG THE STATE’S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT AN OVER‑THE‑ROAD BUS, MOTORHOME, OR CERTAIN VEHICLES USED AS INTRASTATE PUBLIC AGENCY TRANSIT PASSENGER BUSES ARE EXCLUDED FROM CERTAIN AXLE SPACING REQUIREMENTS BUT ARE LIMITED TO A MAXIMUM SINGLE AXLE WEIGHT LIMIT, AND TO PROVIDE THAT THESE VEHICLES MUST HAVE REASONABLE ACCESS TO CERTAIN HIGHWAY FACILITIES; TO AMEND SECTION 56‑5‑4160, AS AMENDED, RELATING TO THE ENFORCEMENT OF PROVISIONS THAT ESTABLISH WEIGHT LIMITS FOR VEHICLES THAT OPERATE ALONG THE STATE’S HIGHWAYS, SO AS TO REVISE THE MAXIMUM WEIGHT LIMIT ALLOWED FOR A VEHICLE OR COMBINATION OF VEHICLES EQUIPPED WITH AN IDLE REDUCTION SYSTEM; AND TO AMEND SECTION 56‑35‑30, RELATING TO VEHICLES EQUIPPED WITH AUXILIARY POWER UNITS, SO AS TO REVISE THE ALLOWABLE GROSS WEIGHT OF THE VEHICLE USED TO DETERMINE WHETHER THE VEHICLE HAS VIOLATED PROVISIONS RELATING TO VEHICLE WEIGHT RESTRICTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑5‑4070(A)(1) of the 1976 Code is amended to read:

“(1) No trailer or semitrailer may be operated in a two unit truck tractor‑trailer or truck tractor‑semitrailer combination in excess of fifty‑three feet, inclusive of the load carried on it. A fifty‑three foot long trailer must be equipped with a rear underride guard, and the distance between the kingpin of the vehicle and the center of the rear axle assembly or to the center of the tandem axle assembly if equipped with two axles may be no greater than forty‑one feet. However, trailers or semitrailers used exclusively or primarily to transport vehicles used in connection with motorsports competition events may not exceed forty‑six feet on the distance measured from the kingpin to the center of the rear axle.”

SECTION 2. Section 56‑5‑4130 of the 1976 Code, is amended to read:

“Section 56‑5‑4130. (A)(1) The gross weight upon any wheel of a vehicle shall not exceed eight thousand pounds when equipped with high‑pressure pneumatic, solid rubber or cushion tires, nor ten thousand pounds when equipped with low‑pressure pneumatic tires. The gross weight upon any one axle of a vehicle shall not exceed sixteen thousand pounds when equipped with high‑pressure pneumatic, solid rubber or cushion tires, nor twenty thousand pounds when equipped with low‑pressure pneumatic tires.

(2) On the interstate and noninterstate highways of this State, any over‑the‑road bus as defined by Title 49 of the United States Code, motorhome, or any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus as defined by Title 49 of the United States Code, is excluded from the axle weight limits in item (1). However, these vehicles are limited to a maximum single axle weight limit of twenty-four thousand pounds, including all enforcement tolerances.

(B) For the purpose of this section an ‘axle load’ shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle, every pneumatic tire designed for use and used when inflated with air to less than one hundred pounds pressure shall be deemed a ‘low‑pressure tire’ and every pneumatic tire inflated to one hundred pounds pressure or more shall be deemed a ‘high‑pressure tire’.”

SECTION 3. Section 56‑5‑4140 of the 1976 Code, as last amended by Act 60 of 2009, is further amended to read:

“Section 56‑5‑4140. (A)(1) The gross weight of a vehicle or combination of vehicles, operated or moved upon any ~~interstate, highway, or~~ section of highway, including the interstate highway system, except where the formula in item (4) allows for a higher weight, shall not exceed:

(The following weight limits do not include applicable tolerances)

(a) Single‑unit vehicle with two axles…….….35,000 lbs.

(b) Single‑unit vehicle with three axles…........46,000 lbs.

(c) Single‑unit vehicle with four ~~axle~~ axles..63,500 lbs. ~~Except~~ except, on the interstate, vehicles must meet axle spacing requirements and corresponding maximum overall gross weights, not to exceed 63,500 lbs., in accordance with the table in ~~(b) plus tolerances~~ item (4).

(d) Single‑unit vehicle with five or more axles..65,000 lbs.

~~Except~~ except, on the interstate, vehicles must meet axle spacing requirements and corresponding maximum overall gross weights, not to exceed 65,000 lbs., in accordance with the table in ~~(b) plus tolerances subitem~~ item (4).

(e) Combination of vehicles with three axle…...50,000 lbs.

(f) Combination of vehicles with four axles…...65,000 lbs.

(g) Combination of vehicles with five or more axles.73,280 lbs.

The gross weight imposed upon any highway or section of highway other than the interstate by two or more consecutive axles in tandem articulated from a common attachment to the vehicle and spaced not less than forty inches nor more than ninety‑six inches apart shall not exceed thirty‑six thousand pounds, and no one axle of any such group of two or more consecutive axles shall exceed the load permitted for a single axle. The load imposed on the highway by two consecutive axles, individually attached to the vehicle and spaced not less than forty inches nor more than ninety‑six inches apart, shall not exceed thirty‑six thousand pounds and no one axle of any such group of two consecutive axles shall exceed the load permitted for a single axle.

The ten percent enforcement tolerance specified in Section 56‑5‑4160 applies to the vehicle weight limits specified in ~~this section~~ item (1), and subsections (B) and (C). However, the gross weight on a single axle operated on the interstate may not exceed 20,000 pounds, including all enforcement tolerances; the gross weight on a tandem axle operated on the interstate may not exceed 35,200 pounds, including all enforcement tolerances; the overall gross weight for vehicles operated on the interstate may not exceed 75,185 pounds, including all enforcement tolerances except as provided in item (4).

(2) Enforcement tolerance is fifteen percent for a vehicle or trailer transporting unprocessed forest products ~~or~~ only on noninterstate routes.

(3) Enforcement tolerance is fifteen percent for a vehicle or trailer transporting sod only on noninterstate routes.

(4) Vehicles with an overall maximum gross weight in excess of 75,185 pounds may operate upon any ~~highway or~~ section of highway in the Interstate System up to an overall maximum of 80,000 pounds in accordance with the following:

The weight imposed upon the highway by any group of two or more consecutive axles may not, unless specially permitted by the Department of Public Safety, exceed an overall gross weight produced by the application of the following formula:

W = 500 (LN/N‑1 + 12N + 36)

In the formula W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration.

As an exception, two consecutive sets of tandem axles may carry a gross load of 68,000 pounds if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more. The formula is expressed by the following table:

Distance in feet Maximum load in pounds carried

between the on any group of 2

extremes of any of 2 or more consecutive axles

group of 2 or

more consecutive

axles

2 axles 3 axles 4 axles 5 axles 6 axles 7 axles

4 35,200

5 35,200

6 35,200

7 35,200

8 and less 35,200 35,200

more than 8 8,000 42,000

9 39,000 42,500

10 40,000 43,500

11 44,000

12 45,000 50,000

13 45,500 50,500

14 46,500 51,500

15 47,500 52,000

16 48,000 52,500 58,000

17 50,500 54,500 60,000

20 51,000 55,500 60,500 66,000

21 51,500 56,000 61,000 66,500

22 52,500 56,500 61,500 67,000

23 53,000 57,500 62,500 68,000

24 54,000 58,000 63,000 68,500 74,000

25 54,500 58,500 63,500 69,000 74,500

26 55,500 59,500 64,000 69,500 75,000

27 56,000 60,000 65,000 70,000 75,500

28 57,000 60,500 65,500 71,000 76,500

29 57,500 61,500 66,000 71,500 77,000

30 58,500 62,000 66,500 72,000 77,500

31 59,000 62,500 67,500 72,500 78,000

32 60,000 63,500 68,000 73,000 78,500

33 64,000 68,500 74,000 79,000

34 64,500 69,000 74,500 80,000

35 65,500 70,000 75,000

36 68,000 70,500 75,500

37 68,000 71,000 76,000

38 68,000 71,500 77,000

39 68,000 72,500 77,500

40 68,500 73,000 78,000

41 69,500 73,500 78,500

42 70,000 74,000 79,000

43 70,500 75,000 80,000

44 71,500 75,500

45 72,000 76,000

46 72,500 76,500

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48 74,000 78,000

49 74,500 78,500

50 75,500 79,000

51 76,000 80,000

52 76,500

53 77,500

54 78,000

55 78,500

56 79,500

57 80,000

(B) On the interstate and noninterstate highways of this State, any over-the-road bus as defined in Title 49 of the United States Code, motorhome, or any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus as defined in Title 49 of the United States Code, is excluded from the axle spacing requirements in subsection (A). However, these vehicles are limited to a maximum single axle weight limit of twenty-four thousand pounds, including all enforcement tolerances.

(1) Dump trucks, dump trailers, trucks carrying agricultural products, concrete mixing trucks, fuel oil trucks, line trucks, and trucks designated and constructed for special type work or use are not required to conform to the axle spacing requirements of this section. However, the vehicle is limited to a weight of twenty thousand pounds for each axle plus scale tolerances and the maximum gross weight of these vehicles may not exceed the maximum weight allowed by subsection (A)(1) for the appropriate number of axles, plus allowable scale tolerances.

(2) Concrete mixing trucks which operate within a fifteen‑mile radius of their home base are not required to conform to the requirements of this section. However, these vehicles are limited to a maximum load of the rated capacity of the concrete mixer, the true gross load not to exceed sixty‑six thousand pounds. All of these vehicles shall have at least three axles each with brake‑equipped wheels.

(3) Well‑drilling, boring rigs, and tender trucks are not required to conform to the axle spacing requirements of this section. However, the vehicle is limited to seventy thousand pounds gross vehicle weight and twenty‑five thousand pounds for each axle plus scale tolerances.”

SECTION 4. Section 56‑5‑4160(L) of the 1976 Code, as added by Act 234 of 2008, is amended to read:

“(L) Notwithstanding any other provision of law, the maximum gross vehicle weight and axle weight limit for a vehicle or combination of vehicles equipped with an idle reduction system, as provided for in 23 U.S.C. 127, may be increased by an amount equal to the weight of the system, not to exceed ~~four hundred~~ five hundred fifty pounds. Upon request by a law enforcement officer, the vehicle operator must provide proof that the system is fully functional and that the vehicle’s gross weight increase allowed pursuant to this section is attributable only to the system.”

SECTION 5. Section 56-5-4160 of the 1976 Code, as last amended by Act 234 of 2008, is further amended by adding an appropriately lettered subsection to read:

“( ) Any motor vehicle that is fueled primarily by natural gas shall be allowed to exceed the gross, single axle, tandem axle, or bridge formula weight limits, including tolerances, by no more than two thousand pounds each individually weighed, up to a maximum gross vehicle weight of eighty-two thousand pounds on the interstate, by an amount that is equal to the difference between: the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and the weight of a comparable diesel tank and fueling system. To be eligible for this exception, the operator of the vehicle must be able to demonstrate that the vehicle is a natural gas vehicle, a biofuel vehicle using natural gas, or a vehicle that has been converted to a natural gas vehicle. The operator shall provide documentation which certifies the difference between: the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and the weight of a comparable diesel tank and fueling system.”

SECTION 6. Section 56‑35‑30(B) of the 1976 Code, as added by Act 234 of 2008, is amended to read:

“(B) For a vehicle equipped with an auxiliary power unit designed for idling reduction, the gross vehicle weight or axle weight used to determine the fine for a violation of commercial vehicle weight restrictions is the actual gross vehicle weight or axle weight reduced by ~~four hundred~~ five hundred fifty pounds.”

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect upon approval by the Governor.

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