§2360. Excess vehicle weight

1. Violation of weight provision. A person who operates or causes operation of a motor vehicle in violation of a weight provision for any axle or group of axles or gross vehicle weight commits a traffic infraction if the vehicle is:

A. One percent to 10% over allowed basic weight; [PL 2003, c. 452, Pt. Q, §66 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Eleven percent to 20% over allowed basic weight; [PL 2003, c. 452, Pt. Q, §66 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Twenty-one percent to 30% over allowed basic weight; [PL 2003, c. 452, Pt. Q, §66 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Thirty-one percent to 40% over allowed basic weight; [PL 2003, c. 452, Pt. Q, §66 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. Forty-one percent to 50% over allowed basic weight; or [PL 2003, c. 452, Pt. Q, §66 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. More than 50% over allowed basic weight. [PL 2003, c. 452, Pt. Q, §66 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. Q, §66 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalty. Notwithstanding section 101, subsection 85, a person who is guilty of excessive vehicle weight must be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed must be for the violation that results in the higher fine except that, for a violation of section 2355, a minimum fine must also be imposed for any other applicable violation of section 2355 in accordance with subsection 9.

[PL 1995, c. 546, §1 (AMD).]

3. Schedule of fines. Except as provided in section 2354, subsection 2, the fine must be based on the amount of gross vehicle weight or axle weight in excess of the limits prescribed in sections 2352 to 2355, 2357 or 2365, as appropriate.

This schedule is cumulative:

Percent over allowed basic weight	Fine for each percent
1-10%	$10 for each percent
11-20%	$100 + $65 for each percent over 10%
21-30%	$750 + $75 for each percent over 20%
31-40%	$1,500 + $105 for each percent over 30%
41-50%	$2,550 + $140 for each percent over 40%
more than 50%	$3,950 + $180 for each percent over 50%

[PL 2001, c. 267, §6 (AMD); PL 2001, c. 267, §16 (AFF).]

4. Minor gross weight violations. The fine is waived and a Violation Summons and Complaint is not issued if the allowable gross vehicle weight is exceeded by less than 500 pounds multiplied by the number of axles less one. If the allowable gross weight is exceeded by more than 500 but less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

[PL 1995, c. 584, Pt. A, §5 (AMD).]

5. Minor axle weight violations. The fine is waived and a Violation Summons and Complaint is not issued if the allowable weight on an axle or group of axles is exceeded by less than 1,000 pounds. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine is reduced by 66%. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine is reduced by 50%.

[PL 1995, c. 584, Pt. A, §5 (AMD).]

6. Axle overweight not exceeding 5%. The fine is waived and a Violation Summons and Complaint is not issued if, before any redistribution of load under subsection 7, the gross vehicle weight is not exceeded and the weight of a single-axle unit, tandem-axle unit or tri-axle unit is not more than 105% of the allowable weight for that axle unit.
[PL 1995, c. 584, Pt. A, §5 (AMD).]

7. Redistribution of load. Notwithstanding subsections 1 to 6, when an officer determines that a vehicle that is within the gross vehicle weight limit is in violation of an axle weight limit, the officer shall permit the operator to redistribute the load once before proceeding. If redistribution brings the vehicle into compliance with axle limits, then the fine is reduced as follows:

A. If the violation is less than 2,000 pounds, no penalty; and [PL 2009, c. 442, §2 (AMD).]

B. If the violation is less than 3,000 pounds, by 66%. [PL 2009, c. 442, §2 (AMD).]

C. [PL 2009, c. 442, §2 (RP).]
[PL 2009, c. 442, §2 (AMD).]

8. Multiple reductions. If multiple waivers or reductions of fines may apply, the subsection that gives the smallest fine applies. Reductions may not be combined.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

9. Minimum fine. For a vehicle using the Interstate Highway System, the minimum fine for a gross vehicle weight or axle weight violation is $60, which may not be waived, and cost of court. For a vehicle on all other highways, the minimum fine for a gross vehicle weight or axle weight violation is $30.
[PL 2001, c. 267, §7 (AMD); PL 2001, c. 267, §16 (AFF).]

10. Application. Subsections 4 to 7 do not apply to travel on the Interstate Highway System.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

11. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the person acting as a motor carrier as determined by the United States Department of Transportation census number.
[PL 2009, c. 598, §40 (AMD).]

12. Exception.
[PL 2009, c. 598, §41 (RP).]

13. Notice of failure to appear or noncompliance with orders. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this section, the court shall notify the Secretary of State.
[PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §10 (NEW); PL 1995, c. 65, Pt. C, §15 (AFF).]

14. Suspension of registrations. After receiving notice pursuant to subsection 13, the Secretary of State shall suspend the person's commercial registration certificates and plates and the privilege to operate a commercial motor vehicle in this State. The suspension remains in effect until the person appears in court and complies with a court order.
[PL 2009, c. 598, §42 (AMD).]

15. Portable scale allowance factor. For vehicles operating on the Interstate Highway System it is not a violation if the gross vehicle weight or axle weights measured by portable scales approved by the Department of Transportation do not exceed 104% of the allowable weights provided by section 2355, subsections 1 and 2.
[PL 1995, c. 517, §1 (NEW).]

16. Exception to fine schedule for special commodities tandem axle and tri-axle. Notwithstanding subsections 3 and 5, the following fines are imposed.

A. For a 4-axle single unit vehicle hauling special commodities other than forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 58,200 pounds, the fine is $150. [PL 2001, c. 267, §8 (NEW); PL 2001, c. 267, §16 (AFF).]

B. For a 3-axle single unit vehicle hauling special commodities other than forest products with a tandem weight for which a Violation Summons and Complaint may be issued, but which is less than 49,300 pounds, the fine is $315. [PL 2001, c. 267, §8 (NEW); PL 2001, c. 267, §16 (AFF).]

C. For a 5-axle or 6-axle tractor-semitrailer vehicle registered for less than 100,000 pounds gross weight hauling special commodities with a tandem axle weight of at least 47,000 pounds but not more than 48,260 pounds for which a Violation Summons and Complaint may be issued, the fine is $731 plus $136 for every 315 pounds over 47,000 pounds. Subsections 3 and 5 apply to tandem axle weights of less than 47,000 pounds or exceeding 48,260 pounds. [PL 2005, c. 426, §3 (NEW); PL 2007, c. 453, §2 (AFF).]

[PL 2005, c. 426, §3 (NEW); PL 2007, c. 453, §2 (AFF).]

17. Exception to fine schedule for forest products tri-axle. Notwithstanding subsections 3 and 5, for a 4-axle single unit vehicle hauling forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 66,500 pounds, the fine is $220. If the tri-axle weight is at least 66,500 pounds, but is less than 70,560 pounds, the fine is $634 plus $414 for every 580 pounds over 66,500 pounds. Subsection 3 applies to tri-axle weights of 70,560 pounds or more.

[PL 2005, c. 426, §3 (AMD); PL 2007, c. 453, §2 (AFF).]

18. Exception to fine schedule for vehicle auxiliary power units. For a heavy duty vehicle equipped with an auxiliary power unit, the gross vehicle weight or axle weight used to determine the fine for a violation under this section is the actual gross vehicle weight or axle weight reduced by 400 pounds.

[PL 2009, c. 3, §3 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §72 (COR). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §§C9,10 (AMD). PL 1995, c. 517, §1 (AMD). PL 1995, c. 546, §1 (AMD). PL 1995, c. 584, §A5 (AMD). PL 1999, c. 580, §9 (AMD). PL 2001, c. 267, §§6-8 (AMD). PL 2001, c. 267, §16 (AFF). PL 2003, c. 452, §Q66 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 426, §§3,4 (AMD). PL 2005, c. 426, §6 (AFF). PL 2007, c. 453, §2 (AFF). PL 2009, c. 3, §3 (AMD). PL 2009, c. 442, §2 (AMD). PL 2009, c. 598, §§40-42 (AMD).

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