

**Chap. 494.** AN ACT RELATIVE TO PERMITS FOR THE MOVEMENT OF CERTAIN VEHICLES OVER THE WAYS OF THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to resolve the issues raised by the Temporary Restraining Order issued by the U.S. District Court, to assure the free flow of intrastate commerce, and to prevent undue interference with interstate commerce and the regulation thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Section 30 of chapter 85 of the General Laws is hereby amended by striking out the second, third, fourth and fifth paragraphs, inserted by section 3 of chapter 851 of the acts of 1974.

SECTION 2. Said chapter 85 is hereby further amended by inserting after section 30, the following section: —

*Section 30A.* The owner or lessee of any motor vehicle, trailer, semi-trailer or semi-trailer unit, as defined in section one of chapter ninety, which may lawfully be operated on the ways of this commonwealth may apply to the commissioner of public works for a permit authorizing the operation of such motor vehicle, trailer, semi-trailer or semi-trailer unit upon any state highway or way determined by the Department of Public Works to be a through route when the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit together with its load would exceed the weight limitations prescribed by section thirty or by the provisions of chapter ninety. No such application shall be approved by the commissioner of public works if the weight sought in such application exceeds either the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit, together with its load, for which such motor vehicle, trailer, semi-trailer or semi-trailer unit is registered, or the gross vehicle weight rating established by a manufacturer of such vehicle or otherwise established in accordance with the provisions of section nineteen D of chapter ninety. All such applications shall be made on forms provided by the commissioner of public works which shall include, but not be limited to, the following:

(1) The make, model and year of the motor vehicle, trailer, semi-trailer or semi-trailer unit to which the permit is to apply, including the said gross vehicle weight rating and the weight for which it is registered.

(2) The name, business address and residential address, if any, of the owner or lessee of the motor vehicle, trailer, semi-trailer or semi-trailer unit.

(3) The name and address of the insurer of the motor vehicle, trailer, semi-trailer or semi-trailer unit.

(4) The maximum weight sought for such motor vehicle, trailer, semi-trailer or semi-trailer unit.

(5) The period of time for which such permit is sought, which shall not exceed one year from the date on which it is issued by the commissioner of public works.

Within seven days after his receipt of such application, the commissioner of public works shall notify the applicant of the approval or disapproval of his application. If the application is disapproved, the commissioner of public works shall notify the applicant, in writing, setting forth his reasons for such disapproval. If the application is approved, the commissioner of public works shall issue to the applicant written evidence of such approval, and the form of such approval shall set forth a description of the motor vehicle, trailer, semi-trailer or semi-trailer unit and its owner or lessee as provided in (1) through (4) above, the maximum weight allowed under such permit, and the expiration date of such permit. Such permit may be issued to allow the operation of any motor vehicle, trailer, semi-trailer or semi-trailer unit having three axles which with its load weighs not more than seventy-three thousand pounds, or any motor vehicle, trailer, semi-trailer or semi-trailer unit having four axles which with its load weighs not more than eighty-seven thousand pounds, or any motor vehicle, trailer, semi-trailer or semi-trailer unit having five or more axles which with its load weighs not more than ninety-nine thousand pounds, but such permit shall not allow the operation of any motor vehicle, trailer, semi-trailer or semi-trailer unit which with its load exceeds either the weight for which such motor vehicle, trailer, semi-trailer or semi-trailer unit is registered or the said gross vehicle weight rating. The commissioner of public works may, however, issue under such conditions and limitations as he shall prescribe, special permits for the carrying of so-called irreducible loads with weights greater than those provided in the preceding sentence, except that the weight authorized by such irreducible load permit shall not exceed the weight for which the motor vehicle, trailer, semi-trailer or semi-trailer unit is registered.

No motor vehicle, trailer, semi-trailer or semi-trailer unit which is the subject of any such permit issued by the commissioner of public works, other than a permit for the carrying of said so-called irreducible loads, shall be operated on any public way until the registrar of motor vehicles shall have issued to the owner or lessee thereof the permit sticker as provided in section nineteen D of chapter ninety.

A conviction of a violation of this section or of sections seventeen, nineteen, or nineteen A of chapter ninety arising out of the operation of any motor vehicle, trailer, semi-trailer or semi-trailer unit for which such permit, other than a permit for the carrying of said so-called irreducible loads, has been issued shall be reported forthwith by the court to the registrar of motor

vehicles, who shall, if such conviction is a second or subsequent conviction of such a violation within twelve months, immediately revoke the permit sticker and certificate issued to the owner or lessee under section nineteen D of chapter ninety; and the registrar of motor vehicles shall forthwith report such violation and such revocation to the commissioner of public works, who shall immediately revoke the permit issued for such vehicle to such owner or lessee, and no new permit for such vehicle shall be issued for a period of not less than ninety days from the date of the revocation of the permit. The commissioner of public works may, after a prior hearing, suspend or revoke for cause any permit issued by him under this section, and in the event of such revocation, shall forthwith notify the registrar of motor vehicles, who shall immediately revoke the permit sticker and certificate issued under section nineteen D of chapter ninety. Upon the revocation of any such permit or sticker, the owner or lessee of such motor vehicle, trailer, semi-trailer or semi-trailer unit shall immediately return his copy of such permit certificate to the registrar of motor vehicles under section nineteen D of chapter ninety, and shall immediately remove such permit sticker from any such motor vehicle, trailer, semi-trailer or semi-trailer unit.

SECTION 3. Said chapter 85 is hereby further amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

*Section 32.* Any person violating any provision of section thirty, thirty A, or thirty-one, or the regulations made or permits granted under authority thereof shall be punished by a fine of not more than one hundred dollars, to be paid to the commonwealth when state highways are injured and to the county, city or town when any public way is injured which is under the care of said county, city or town, for use on the public ways of said county, city or town.

SECTION 4. Said chapter 85 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section: —

*Section 33.* Nothing in sections thirty to thirty-two, inclusive, shall affect the liability of the commonwealth or of any county, city, or town to pay for any damage or injury to any person or property.

SECTION 5. Section 35 of said chapter 85, as most recently amended by section 5 of chapter 851 of the acts of 1974, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Any person operating a vehicle the weight of which, with its load, exceeds the maximum weight as posted under this section or section thirty-four shall be punished by a fine of not more than two hundred dollars, unless said vehicle is being operated in accordance with the terms of a special permit issued under the provisions of sections thirty and thirty A.

SECTION 6. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Gross Vehicle Weight Rating", inserted by section 6 of said chapter 851, and inserting in place thereof the following definition: —

"Gross vehicle weight rating", the gross vehicle weight rating established by a manufacturer when applied to a motor vehicle, trailer, semi-trailer or semi-trailer unit, including the gross combination weight rating, if any, when applied to a semi-trailer unit or to a tractor-trailer combination.

SECTION 7. Section 17 of said chapter 90 is hereby amended by striking out the fifth sentence.

SECTION 8. Section 19A of said chapter 90 is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 523 of the acts of 1961, and inserting in place thereof the following paragraph: —

Any provision of sections thirty and thirty A of chapter eighty-five to the contrary notwithstanding, a motor vehicle having two axles, which vehicle with its load weighs not more than forty-six thousand pounds, and a motor vehicle, trailer, semi-trailer or semi-trailer unit having three or more axles, which unit or vehicle with its load weighs not more than eighty thousand pounds, may travel on a public way without a permit as required by sections thirty and thirty A of chapter eighty-five; provided, that no such motor vehicle, trailer, semi-trailer or semi-trailer unit, the weight on any axle of which, measured at the ground, exceeds twenty-two thousand four hundred pounds, or, in the case of axles spaced less than six feet apart, eighteen thousand pounds, shall so travel without such a permit; provided further that in any event such a motor vehicle, trailer, semi-trailer or semi-trailer unit may travel on a public way without such a permit if the overall gross weight on a group of two or more consecutive axles thereof does not exceed the gross weight produced by application of the following formula:

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided*, that such overall gross weight may not exceed eighty thousand pounds.

SECTION 9. Said section 19A of said chapter 90 is hereby further amended by striking out the third paragraph, as appearing in section 8 of chapter 851 of the acts of 1974, and inserting in place thereof the following paragraph: —

No motor vehicle, trailer, semi-trailer or semi-trailer unit

shall be operated, nor shall the owner or bailee thereof require or permit such operation, when the gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit exceeds either the weight provided by this chapter or that specified in any permit issued by the commissioner of public works under sections thirty and thirty A of chapter eighty-five, whichever is the greater, but in no event in excess of the gross weight for which such vehicle is registered; nor shall any person load or cause to be loaded such vehicle in excess of such weights. If the gross weight of any such motor vehicle, trailer, semi-trailer or semi-trailer unit does not exceed one hundred and five per cent of the maximum gross weight provided by said permit, such motor vehicle, trailer, semi-trailer or semi-trailer unit shall not be deemed to be operating in violation of the provisions of sections thirty and thirty A of chapter eighty-five; but if the gross vehicle weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit does exceed the said one hundred and five per cent of the maximum gross weight provided by said permit, any penalty provided in this chapter shall be determined on the difference between the actual gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit and the weight permitted by this section or the weight permitted by the said permit for such motor vehicle, trailer, semi-trailer or semi-trailer unit, whichever is the greater, at the time of such violation.

SECTION 10. The fourth paragraph of said section 19A of said chapter 90, as so appearing, is hereby amended by adding the following sentence: — No officer authorized to enforce the provisions of this chapter shall detain for weighing on portable scales more than two motor vehicles, with or without trailers or semi-trailers attached thereto, at any one place at any one time.

SECTION 11. Said chapter 90 is hereby further amended by striking out section 19D, inserted by section 9 of chapter 851 of the acts of 1974, and inserting in place thereof the following section: —

*Section 19D.* Except for special permits for the carrying of so-called irreducible loads, for which permit stickers shall not be required, the registrar shall issue to the owner or lessee of a motor vehicle, trailer, semi-trailer or semi-trailer unit for which a permit, other than a special permit for the carrying of so-called irreducible loads, has been issued under the provisions of sections thirty and thirty A of chapter eighty-five, a permit sticker to be affixed to the upper center portion of the windshield, or in case of a trailer or a semi-trailer to the lower right front, upon the payment by such owner or lessee of the fee provided in section thirty-three of chapter ninety; provided that such owner or lessee shall have filed with the registrar the written approval of the commissioner of public works of his application for such permit, together with a certificate of the gross vehicle weight rating of such motor vehicle, trailer, semi-trailer or semi-trailer unit. If standards promulgated by the United States Department

of Transportation, or such agency as may succeed to its powers and responsibilities, are applicable to such vehicle, its gross vehicle weight rating shall be reported to the registrar in accordance with such standards. Such certificates shall be in such form as the registrar shall prescribe, but it shall be divided in two sections, one to be executed by the owner or lessee, and the other to be executed by a manufacturer of the vehicle or the authorized representative of such manufacturer. The owner or lessee's section shall include, but not be limited to: (a) the make, model and year of the motor vehicle, trailer, semi-trailer or semi-trailer unit; (b) the vehicle identification number; (c) the name and address of the owner or lessee; (d) the gross weight for which such vehicle is registered; (e) the maximum weight authorized by the commissioner of public works for such vehicle; (f) a statement by the owner or lessee that to its knowledge, no alterations have been made to the motor vehicle, trailer, semi-trailer or semi-trailer unit which would tend to reduce the said gross vehicle weight rating, and that the chassis, axles, tires, rims, brakes, steering components and suspension system are maintained in good order; (g) the date of permit approval by the commissioner of public works, and any number assigned thereto by him; and (h) the expiration date of such permit, which shall also be the expiration date of said permit sticker. The said manufacturer's section shall include, but not be limited to: (a) the manufacturer's name and address and its representative's name and address, if any, providing the gross vehicle weight rating, and (b) the said gross vehicle weight rating in pounds.

If an owner or lessee shall be unable to obtain a manufacturer's gross vehicle weight rating for any such vehicle manufactured before January first, nineteen hundred and seventy-two and shall submit to the registrar a statement in writing from such manufacturer giving the reasons why it cannot provide such a rating, the registrar may nevertheless issue such a permit sticker limited to such weight, not exceeding registered weight, as the registrar shall prescribe.

A copy of such certificate, or certificates in case of a semi-trailer unit or a tractor operating with a trailer, shall be issued by the registrar to the owner or lessee, and it shall be kept by the operator of such vehicle in an accessible place, and it shall be produced for inspection at the request of any police officer. No such permit sticker or certificate shall be issued by the registrar if the maximum gross weight authorized by the commissioner of public works exceeds the gross weight for which such motor vehicle, trailer, semi-trailer or semi-trailer unit is registered.

Upon the transfer of ownership or possession of any motor vehicle, trailer, semi-trailer or semi-trailer unit, any such permit or sticker which has not expired or been revoked shall remain in effect until its expiration date, provided that the person in possession of such motor vehicle, trailer, semi-trailer or semi-

trailer unit after such transfer shall have notified the registrar and the commissioner of public works in writing of his name, address and the date of such transfer upon such form as the registrar shall prescribe.

Whoever knowingly and willfully makes any false statement in any application for a permit, under section thirty or thirty A of chapter eighty-five or in any certificate under this section, or whoever knowingly and willfully alters any such motor vehicle, trailer, semi-trailer or semi-trailer unit for the purpose of reducing its said gross vehicle weight rating below the weight limit set forth in the permit after such permit and sticker have been issued and while such permit and sticker are in use and effect, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment for not less than two weeks nor more than two years, or both. A conviction of a violation of this paragraph shall be reported forthwith by the court or magistrate to the registrar who shall immediately revoke the said permit sticker and no appeal, motion for new trial or exceptions shall operate to stay such revocation, and the registrar shall forthwith report such violation and revocation to the commissioner of public works who shall immediately revoke the permit issued for such vehicle. Upon the revocation of any such permit or sticker, the owner or lessee of such motor vehicle, trailer, semi-trailer or semi-trailer unit shall immediately return his copy of such certificate to the registrar, and shall immediately remove such permit sticker from any such motor vehicle, trailer, semi-trailer or semi-trailer unit.

SECTION 11A. Said chapter 90 is hereby further amended by inserting after section 19D the following section: —

*Section 19E.* Any provision of this chapter or of chapter eighty-five to the contrary notwithstanding, no motor vehicle, trailer, semi-trailer, or semi-trailer unit may be operated or permitted to operate on the System of Interstate and Defense Highways within this commonwealth with a gross vehicle weight or weight per axle such as would preclude the commonwealth from receiving federal highway aid funds under Title 23 of the United States Code.

SECTION 12. Said chapter 90 is hereby further amended by striking out section 20, as most recently amended by section 10 of said chapter 851, and inserting in place thereof the following section: —

*Section 20.* A person convicted of a violation of any provision of this chapter the punishment for which is not otherwise provided, or of a violation of any rule or regulation of the registrar made under authority of section thirty-one, or of a violation of a special speed regulation lawfully made under authority of section eighteen, shall be punished by a fine of not more than twenty-five dollars for the first offense, not less than twenty-five nor more than fifty dollars for a second offense, and not less than fifty nor more than one hundred dollars for subsequent offenses

committed during any twelve-month period; provided, that any person convicted of operating or permitting the operation of a school bus carrying passengers in excess of the number authorized under section seven B shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and that any person convicted of violating any of the provisions of section sixteen shall be punished by a fine of not less than twenty nor more than one hundred dollars, and that any person convicted of operating a motor vehicle, trailer, semi-trailer or semi-trailer unit in violation of section nineteen shall be punished by a fine of not more than one hundred dollars and that any person convicted of knowingly operating a motor vehicle, trailer, semi-trailer or semi-trailer unit or any owner or bailee convicted of requiring or permitting the operation thereof in violation of section nineteen A or of the terms of any permit issued under sections thirty and thirty A of chapter eighty-five shall be punished by a fine of thirty dollars for each one thousand pounds of weight or fraction thereof by which the gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit as operated exceeds either that permitted by said section nineteen A or by the permit issued for such motor vehicle, trailer, semi-trailer or semi-trailer unit under sections thirty and thirty A of chapter eighty-five, whichever is greater; provided, however, that if the total of such excess weight is greater than ten thousand pounds, the fine shall be sixty dollars for each one thousand pounds or fraction thereof over said ten thousand pounds; provided, further, that in a case of so-called irreducible loads, if the owner or bailee of the motor vehicle, trailer, semi-trailer or semi-trailer unit, or his agent, servant or employee did not have reasonable means or opportunity to ascertain the weight of the load prior to applying for the permit, then the fine shall be ten dollars for each one thousand pounds of weight by which the gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit as operated exceeds either that permitted by said section nineteen A or section thirty A or the gross weight specified in such permit but in no event more than five hundred dollars. A complaint against a person for a violation of section eleven or section sixteen or section seventeen or of a regulation made under section eighteen may be placed on file at the discretion of the court if the violation appears to have been unintentional or if no person or property could have been endangered thereby. Upon a third or subsequent conviction in the same year of a violation of section sixteen or section seventeen or of a regulation made under section eighteen the registrar shall forthwith revoke the license of the person so convicted, and no new license shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of the registrar.

Any person convicted of a violation of the provisions of sec-



tion seventeen while operating any motor vehicle, trailer, semi-trailer or semi-trailer unit under a permit issued under section thirty and thirty A of chapter eighty-five and while the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit exceeds the limits provided in section nineteen A, exclusive of the additional limits provided in such permit, shall be punished by a fine of not more than fifty dollars for the first offense, not less than fifty dollars nor more than seventy-five dollars for a second offense committed in any twelve-month period, and not less than seventy-five nor more than one hundred and fifty dollars for subsequent offenses committed in any twelve-month period, and complaints of such violations, notwithstanding the preceding provisions of this section shall not be placed on file by the court.

SECTION 13. Subdivision (7) of section 33 of said chapter 90 is hereby amended by striking out the last paragraph, added by section 11 of said chapter 851, and inserting in place thereof the following paragraph:—

For the issuance of each permit sticker as provided in section nineteen D, ten dollars for every one thousand pounds or fraction thereof of the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit, including the maximum load to be carried thereon, in excess of the maximum weight for which such motor vehicle, trailer, semi-trailer or semi-trailer unit may otherwise be operated under the provisions of section nineteen A.

SECTION 14. Chapter 851 of the acts of 1974 is hereby amended by striking out section 12 and inserting in place thereof the following section:—

*Section 12.* The provisions of sections four and five of this act shall take effect on July first, nineteen hundred and seventy-six.

SECTION 15. The operation of chapter eight hundred and fifty-one of the acts of nineteen hundred and seventy-four is hereby suspended until September first, nineteen hundred and seventy-five. The provisions of this section shall take effect as of November twelfth, nineteen hundred and seventy-four.

*Approved July 15, 1975.*

**Chap. 495. AN ACT ELIMINATING THE REQUIREMENT OF CONTINUOUS AUDITS OF ALL ACCOUNTS AND RECORDS OF THE TOWN OF BROOKLINE BY THE COMPTROLLER OF SAID TOWN.**

*Be it enacted, etc., as follows:*

SECTION 1. Section 2 of chapter 67 of the acts of 1953 is hereby amended by striking out clause (c).

SECTION 2. This act shall take effect upon its passage.

*Approved July 15, 1975.*