

HOUSE No. 5762

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 20, 1979.

The committee on Transportation, to whom was referred the petition (accompanied by bill, House, No. 755) of Joseph H. Malloy for legislation to regulate the weight of vehicles on the Massachusetts Turnpike, reports recommending that the accompanying bill (House, No. 5762) ought to pass.

For the committee,

LOUIS R. NICKINELLO

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT REGULATING THE WEIGHT OF VEHICLES ON THE MASSACHUSETTS TURNPIKE.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 Chapter 354 of the Acts of 1952 is hereby amended by adding
2 after Section 15B, the following: —

3 *Section 15C. Overweight vehicles.* — No motor vehicle, trailer,
4 semi-trailer or semi-trailer unit, hereafter in this section called a
5 motor vehicle, shall be operated on the Massachusetts Turnpike,
6 including the Boston Extension thereof, hereafter in this section
7 called the Turnpike, nor shall the owner or bailee thereof require or
8 permit such operation when the gross weight of such motor vehicle
9 exceeds the weight provided in the rules and regulations adopted
10 by the Authority pursuant to section 5(i) or that specified in a
11 special hauling permit issued by the Authority for such motor
12 vehicle pursuant to Appendix B of said rules and regulations,
13 whichever is greater; nor shall any person load or cause to be
14 loaded such motor vehicle in excess of such weights; provided,
15 however that the authority shall not adopt or enforce any rule or
16 regulation which prohibits any motor vehicle from travelling on
17 the turnpike if said motor vehicle may travel on a public way of the
18 commonwealth, without a permit, under the provisions of section
19 19A of Chapter 90 of the General Laws, or with a permit under the
20 provisions of section 30A of Chapter 85 of the General Laws.

21 In the weighing of any motor vehicle under this section, portable
22 scales may be used, provided that such scales have been approved
23 by the director of standards under section twenty-nine of chapter
24 ninety-eight of the General Laws; and provided further, that such
25 scales shall be inspected at least one in each year by the director of
26 standards or his inspectors.

27 Enforcement of this section shall be by members of the division
28 of state police assigned to the Authority who have been appointed
29 as weighers and measures of motor vehicles and of the loads of such
30 motor vehicles pursuant to Section 87A of Chapter 41 of the
31 General Laws. In any prosecution for a violation of this section, a
32 signed certificate on oath of a member of the division of state police
33 assigned and appointed as a weigher and measurer of motor vehi-
34 cles in accordance with this paragraph shall be admissible in evi-
35 dence without further proof, and shall constitute prima facie
36 evidence of the weight of the motor vehicle described in such
37 certificate. The said certificate shall be in such form as the registrar
38 of motor vehicles shall prescribe pursuant to Section 19A of Chap-
39 ter 90 of the General Laws and shall be signed and sworn to by a
40 member of the division of state police assigned and appointed as a
41 weigher and measurer of motor vehicles in accordance with this
42 paragraph and present at the weighing of such motor vehicle, and
43 the court shall take judicial notice of the signature of such person
44 and that he is so assigned and appointed.

45 In any claim for bodily injuries or for damage to property arising
46 out of such weighing, any member of the division of the state
47 police, assigned and appointed as a weigher and measurer of motor
48 vehicles in accordance with the preceding paragraph, to enforce the
49 provisions of this section may file a written request with the
50 Authority that it defend him against such claim and the Authority
51 shall indemnify such member of the division of state police from
52 personal expenses or damages incurred and arising out of such
53 claim, provided, that the defense or settlement of such claim shall
54 have been made by the resident counsel of the Authority, by an
55 attorney retained for such purpose by the Authority, or by an
56 attorney provided by an insurer obligated under the terms of a
57 policy of insurance to defend against such claims.

58 Any person convicted of a violation of this section shall be
59 punished by a fine of not less than thirty dollars for each one
60 thousand pounds of weight or fraction thereof by which the gross
61 weight of the motor vehicle as operated, exceeds the weight pro-
62 vided in the rules and regulations adopted by the Authority pursu-
63 ant to section 5(i) or that specified in a special hauling permit issued

64 by the Authority for such motor vehicle pursuant to Appendix B of
65 said rules and regulations, whichever is greater; provided, how-
66 ever, that if the total of such excess weight is greater than ten
67 thousand pounds, the fine shall be not less than sixty dollars for
68 each one thousand pound or fraction thereof over said ten thou-
69 sand pounds.

70 Any person convicted of a violation of the provisions of the first
71 sentence of section seventeen of Chapter 90 of the General Laws for
72 operating a vehicle which is also in violation of the first paragraph
73 of this section shall be punished by a fine of not more than fifty
74 dollars nor more than seventy-five dollars for a second offense
75 committed in any twelve-month period, and not less than seventy-
76 five nor more than one hundred and fifty dollars for subsequent
77 offenses committed in any twelve month-period, and complaints of
78 such violations, notwithstanding the preceding provisions of this
79 section shall not be placed on file by the court.

80 Eighty percent of the fines imposed pursuant to this section shall
81 be accounted for and paid to the Authority.