

Senate Transportation and Safety Committee 1

Amendment No. 1 to SB1352

**Bailey
Signature of Sponsor**

AMEND Senate Bill No. 1352

House Bill No. 812*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-7-203, is amended by adding a new subsection (d) as follows:

(d)

(1) To the extent required by federal law, the vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle operating on the interstate highway system and within reasonable access to and from the interstate highway system to terminals and facilities for food, fuel, repairs, and rest.

(2) As used in this subsection (d), "heavy-duty tow and recovery vehicle" means a vehicle that:

(A) Is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

(B) Has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

SECTION 2. Tennessee Code Annotated, Section 55-7-203, is further amended by adding a new subsection (e) as follows:

(e)

(1) To the extent required by federal law, the vehicle weight limitations otherwise set forth in this section do not apply to an emergency fire suppression vehicle operating on the interstate highway system and within reasonable access

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to and from the interstate highway system to terminals and facilities for food, fuel, repairs, and rest. The following vehicle weight limitations shall apply instead:

(A) A maximum gross vehicle weight of eighty-six thousand pounds (86,000 lbs.);

(B) Twenty-four thousand pounds (24,000 lbs.) on a single steering axle;

(C) Thirty-three thousand five hundred pounds (33,500 lbs.) on a single drive axle;

(D) Sixty-two thousand pounds (62,000 lbs.) on a tandem axle;
and

(E) Fifty-two thousand pounds (52,000 lbs.) on a tandem rear drive steer axle.

(2) As used in this subsection (e), "emergency fire suppression vehicle" means a vehicle designed to be used under emergency conditions:

(A) To transport personnel and equipment; and

(B) To support the suppression of fires and mitigation of other hazardous situations.

SECTION 3. Tennessee Code Annotated, Section 55-7-205(h)(5), is amended by deleting the language "and mobile homes as provided in § 55-4-406" and substituting instead the following:

mobile homes as provided in § 55-4-406, and towing vehicles used to transport wrecked, disabled, or abandoned vehicles under a towing permit as provided in subdivision (n)(5)

SECTION 4. Tennessee Code Annotated, Section 55-7-205(h)(5)(H), is amended by deleting the subdivision in its entirety and substituting instead the following:

(H) No annual permit shall be available for any vehicle transporting loads with weights exceeding one hundred sixty-five thousand pounds (165,000 lbs.) or dimensions exceeding thirteen feet ten inches (13'10") in height, ninety feet (90') in length, or thirteen feet six inches (13'6") in width, and any such vehicle shall be required to obtain a special permit for the fee or fees otherwise established in subdivisions (h)(1)-(4) for a vehicle movement with excessive width, height, length, or weight; provided, however, that a vehicle holding an annual permit for excessive weight under subdivisions (h)(5)(B)-(F) may supplement that annual permit by obtaining a single trip permit allowing for the movement of a load with excessive width, height, or length not previously covered by an annual permit under this subdivision (h)(5); and

SECTION 5. Tennessee Code Annotated, Section 55-7-205(l)(2)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Shall not allow movement of vehicles exceeding twelve feet six inches (12'6") in width, fifteen feet (15') in height, or ninety feet (90') in length on the interstate system of highways between the hours of seven o'clock a.m. (7:00 a.m.) to nine o'clock a.m. (9:00 a.m.) and four o'clock p.m. (4:00 p.m.) to six o'clock p.m. (6:00 p.m.) from Monday through Friday in counties having a population exceeding two hundred fifty thousand (250,000), according to the 2010 federal census or any subsequent federal census;

SECTION 6. Tennessee Code Annotated, Section 55-7-205(l)(3), is amended by adding the following as a new subdivision:

Towing vehicles engaged in emergency towing movements in accordance with subsection (n);

SECTION 7. Tennessee Code Annotated, Section 55-7-205, is amended by adding the following as a new subsection (n):

(n)

(1) Notwithstanding this section to the contrary, the commissioner of transportation is authorized to issue a special permit allowing a towing vehicle to transport wrecked, disabled, or abandoned vehicles on the state highway system, including the interstate highway system, when the towing vehicle, or the towing vehicle and towed vehicle in combination, exceeds the maximum vehicle or axle weights allowed under § 55-7-203(b), the maximum vehicle height or width allowed under § 55-7-202, or the maximum vehicle lengths allowed under § 55-7-201.

(2) For purposes of this subsection (n):

(A) "Emergency towing movement" means the towing of a wrecked, disabled, or abandoned vehicle from a location within or adjacent to the traffic lanes or shoulders of a highway to the nearest exit or repair or terminal facility within one hundred (100) miles from the location of the wreck, disablement, or abandonment along the highway;

(B) "Secondary towing movement" means any towing movement other than an emergency towing movement; and

(C) "Towing vehicle" means a vehicle used to tow wrecked, disabled, or abandoned vehicles.

(3) When transporting a wrecked, disabled, or abandoned vehicle, the combination of towing vehicle and towed vehicle shall be considered a nondivisible load that cannot be reasonably dismantled or conveniently transported otherwise.

(4) No towing vehicle or combination of towing vehicle and towed vehicle shall be authorized to exceed any total gross vehicle weight limits or axle weight limits posted on any bridge or highway by the public official having jurisdiction over such bridge or highway.

(5) The commissioner may issue a single trip permit or an annual permit for the movement of a towing vehicle that by itself or in combination with a towed vehicle exceeds the maximum vehicle or axle weights allowed under § 55-7-203(b), the maximum vehicle height or width allowed under § 55-7-202, or the maximum vehicle lengths allowed under § 55-7-201, subject to the following conditions:

(A) When not towing a wrecked, disabled, or abandoned vehicle, the towing vehicle shall not exceed thirteen feet six inches (13'6") in height, nine feet (9') in width, or forty-five feet (45') in length. The maximum gross vehicle weight of the towing vehicle shall not exceed eighty-five thousand pounds (85,000 lbs.). The total weight on any single axle shall not exceed twenty-three thousand pounds (23,000 lbs.); the total weight on any tandem axle group shall not exceed forty-six thousand pounds (46,000 lbs.); and the total weight on any tridem axle group shall not exceed sixty thousand pounds (60,000 lbs.);

(B)

(i) When towing a wrecked, disabled, or abandoned vehicle, the combination of towing vehicle and towed vehicle shall not exceed thirteen feet ten inches (13'10") in height; twelve feet six inches (12'6") in width; or ninety feet (90') in length if the movement is a secondary towing movement that is not exempt from length restrictions under § 55-7-201(h). These size limits

shall apply to all annual permits and to single trip permits except as provided in subdivision (n)(5)(B)(ii); and

(ii) A towing movement exceeding the size limits set in subdivision (n)(5)(B)(i), but not exceeding fifteen feet (15') in height or sixteen feet (16') in width, may be permitted under a single trip permit in accordance with the rules of the department of transportation if the movement is accompanied by an escort vehicle or escort vehicles. For the purpose of complying with this escort vehicle requirement, the towing vehicle itself may substitute for a front escort vehicle so long as the towing vehicle is operating with flashing amber lights displayed to the front of the vehicle;

(C)

(i) When towing a wrecked, disabled, or abandoned vehicle, the combination of the towing vehicle and towed vehicle shall not exceed one hundred sixty-five thousand pounds (165,000 lbs.) in total gross vehicle weight. The total weight on any single axle not in a tandem or tridem axle group shall not exceed twenty-five thousand pounds (25,000 lbs.); the total weight on any tandem axle group shall not exceed fifty thousand pounds (50,000 lbs.); and the total weight on any tridem axle group shall not exceed seventy-five thousand pounds (75,000 lbs.). These weight limits shall apply to all annual permits and to single trip permits except as provided in subdivision (n)(5)(C)(ii); and

(ii) A secondary towing movement exceeding the combined gross vehicle weight of one hundred sixty-five thousand pounds (165,000 lbs.), but not exceeding the maximum axle

weight limits established in subdivision (n)(5)(C)(i), may be permitted under a single trip permit in accordance with the rules of the department of transportation, subject to the additional fees and charges provided in subdivision (n)(5)(E);

(D) The single trip permit or annual permit issued pursuant to this subdivision (n)(5) shall be issued to each specific towing vehicle that is engaged in the towing of wrecked, disabled, or abandoned vehicles; and

(E)

(i) The cost of a single trip permit shall be in accordance with the fees established in subdivisions (h)(1)-(3) for overdimensional and overweight permits; provided, however, that if the combined weight of the towing vehicle and towed vehicle exceeds one hundred sixty-five thousand pounds (165,000 lbs.), the cost of the permit shall also include the additional fee of twelve cents (12¢) per ton-mile for all weight in excess of one hundred sixty-five thousand pounds (165,000 lbs.) together with the applicable charge for evaluating bridges and other structures as provided in subdivision (h)(4); and

(ii) The cost of an annual towing permit issued pursuant to this subdivision (n)(5) shall be five hundred dollars (\$500). No annual permit shall be available for any towing movement where the combined weight of the towing vehicle and towed vehicle exceeds one hundred sixty-five thousand pounds (165,000 lbs.); provided, however, that a towing vehicle holding an annual permit may supplement that annual permit by obtaining a single trip permit allowing for the movement of additional excessive weight at

the cost of twenty dollars (\$20.00) plus twelve cents (12¢) per ton-mile for all weight in excess of one hundred sixty-five thousand pounds (165,000 lbs.) together with the applicable charge for evaluating bridges and other structures as provided in subdivision (h)(4).

(6) A towing vehicle with a valid permit under subdivision (n)(5) may be authorized to undertake an emergency towing movement where the combination of the towing vehicle and the towed vehicle exceeds the height, width, or weight limits established in subdivision (n)(5) if the department of transportation, the department of safety, or a local traffic law enforcement agency requests the assistance of the towing vehicle to remove a wrecked, disabled, or abandoned vehicle from the highway. In such case, the wrecked, disabled, or abandoned vehicle shall be towed only to the nearest rest area, weigh station, truck parking area, or other safe location away from the highway traffic lanes and shoulders as designated by the agency requesting the assistance. The department of transportation may require a bridge evaluation pursuant to subdivision (h)(4) and may impose route restrictions based on the condition of the roadway and bridges.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.