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## Important Statutes for Overweight Cases

1. 621.007 the state can use a bill of lading as evidence in the trial.
  - a. This can actually work in your favor, so don't be scared of it.
2. 621.101 Maximum weights of commercial vehicles or combination
  - a. Single axle: 20,000 lbs including all enforcement tolerances
    - i. Question officer on the enforcement tolerances, and if they were included
    - ii. Most single axle weight cases are small dump trucks
  - b. Tandem axle: 34,000 lbs including all enforcement tolerances
    - i. Most common weight violation.
  - c. Overweight Group of axles: two or more consecutive axles that are heavier than the BRIDGE LAW.
    - i. Now, we bust of the calculator and pencils. But do not be afraid. I have won more cases with the math than without it.
    - ii.  $W=500((LN/(N-1)) + 12N + 36$
    - iii. W= maximum weight allowed on that combination of axles.
    - iv. N= number of axles in the combination
    - v. L= length of distance (in feet) between the furthest set of axles
  - d. Maximum gross weight= 80,000 lbs
    - i. Exceptions are with a super heavy load permit.
    - ii. Super heavy load permit maximum weight= 254,300 lbs Or 200,000 lbs with 95 feet or less axle spacing.
    - iii. With overweight permit, can exceed maximum weights on tandem and combination of axles.
3. 621.402 Weighing of commercial motor vehicles
  - a. Portable scales
    - i. Attack on calibration
    - ii. Attack on usage
    - iii. Attack on weight of other vehicles
  - b. (d) prior to assessment of a penalty for axle weight, owner/operator is authorized an opportunity to shift the load to reduce or eliminate such excess axle weight penalties as long as nothing is removed
4. 621.403 Unloading Vehicles if gross weight is heavier than gross allowed by law plus a tolerance allowance equal to 5%
  - a. Shall require owner/operator unload and vehicle may not be operated
  - b. Immediately unload, and cannot operate on public road or highway until it has been reduced
5. 621.404 Unloading Vehicle if axle weight
  - a. Shall require to rearrange on axles or unload
  - b. Shall not operate until reduced

<https://www.txdmv.gov/motor-carriers/oversize-overweight-permits/permmissible-weight-table>