
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1817 Session of
1991

INTRODUCED BY TIGUE, HECKLER, PESCI, MUNDY, JAROLIN, TRICH,
KRUSZEWSKI, MELIO AND PISTELLA, JUNE 28, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 28, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for weighing and measuring
3 vehicles.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 4981(a) and (e) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding a subsection to read:

9 § 4981. Weighing and measurement of vehicles.

10 (a) Authority of police officers and qualified department
11 employees.--Any police officer or qualified department employee
12 is authorized to require the driver of any vehicle or
13 combination to stop and submit the vehicle or combination to be
14 measured and weighed. Weighing may be done by using either
15 portable or stationary scales, provided that when portable
16 scales more than one inch in height are used, sufficient ramp
17 blocks shall be made available to allow the vehicle or
18 combination to mount the scales safely. The weighing shall be

1 conducted by qualified personnel who have been trained in the
2 use of weighing equipment in a training program approved by the
3 Department of Agriculture. The personnel performing the weighing
4 on all highways and interstates in this Commonwealth shall
5 inform the drivers of the vehicle of the right to readjust or
6 rearrange the load under section 4982(c) (relating to reducing
7 or readjusting loads of vehicles). The driver or owner, if
8 present, of any vehicle or combination may, at the time of
9 weighing, witness in an orderly fashion the weighing procedure.
10 If the driver wishes to witness the procedure from outside the
11 cab of the vehicle, he shall be required to turn off the engine,
12 put the transmission in gear and set the emergency brake before
13 leaving the cab. A police officer or qualified department
14 employee may require that a vehicle or combination be driven to
15 the nearest available portable or stationary scales if the
16 scales are within two miles. For the purpose of enforcing this
17 chapter, qualified department employees shall be authorized to
18 institute criminal proceedings by citation pursuant to the
19 Pennsylvania Rules of Criminal Procedure.

20 * * *

21 (e) [Calibration] Certification of accuracy of portable
22 scales.--Portable scales shall be [calibrated] checked every 30
23 days for the purpose of certification [and] of accuracy by the
24 Department of [Agriculture.] General Services. A certificate
25 from the Department of General Services showing that portable
26 scales were checked and found to be accurate shall be competent
27 and prima facie evidence of those facts in every proceeding in
28 which a violation of this chapter is charged. This certificate
29 and the weight of a vehicle or combination as determined by
30 portable scales so certified shall not be contradicted except by

1 clear and convincing evidence.

2 (f) Certification of qualified personnel.--The competency of
3 a witness to testify concerning the weighing of a vehicle may be
4 established by a certificate from an agency of the Commonwealth
5 showing that the person was trained in the use of weighing
6 equipment in a training program approved by a Commonwealth
7 agency. This certification shall be admissible as competent and
8 prima facie evidence that the person is qualified and trained in
9 the use of weighing equipment in such a training program.

10 Section 2. This act shall take effect in 60 days.