

CHAPTER 244  
FORMERLY  
SENATE BILL NO. 200

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO HEAVY  
VEHICLE REGISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 21, Section 2105 by deleting it in its entirety and replacing it with the following:

“§ 2105. Registration of heavy vehicles.

(a) Every person applying to register a vehicle at a registered gross vehicle weight in excess of 26,000 pounds shall provide to the Department with the application documentation of the manufacturer’s gross vehicle weight rating for such vehicle.

(b) Any of the following items shall constitute acceptable documentation of the manufacturer’s gross vehicle weight rating in accordance with this section:

(1) A valid manufacturer’s gross vehicle weight rating plate, sticker or plaque permanently affixed to the vehicle; or

(2) New vehicle delivery documents which contain the vehicle identification number (VIN), and the gross vehicle weight rating; or

(3) A written statement from the manufacturer setting forth the vehicle identification number (VIN), the weight ratings of the major component parts of the vehicle, including axle assemblies, suspension system, frame and tires, and the overall gross vehicle weight rating. The manufacturer’s statement must be based on the design weight rating of the component parts, including tires, and upon the professional judgment of the manufacturer, in the exercise of due care, that the components and their installation are in accordance with accepted industry practice and in compliance with the Federal Motor Vehicle Safety Standard found in Title 49 of the Code of Federal Regulations.

(4) In the case that a vehicle is missing a valid manufacturer’s gross vehicle weight rating plate, sticker, or plaque, or can not obtain a manufacturer’s statement, DMV shall assign a GVWR for that vehicle based on the Federal Bridge Formula, or acceptable alternative.

(c) As used in this chapter, “manufacturer” shall include any maker of new, incomplete vehicles and such maker’s authorized sales and service representatives; any maker or final assembler of vehicle bodies, components or specialized equipment; and any installer of vehicle bodies, major components or specialized equipment which alters the vehicle’s gross vehicle weight rating, or which substantially changes its use, and which conforms to the requirements of the National Traffic and Motor Vehicle Safety Act and of the Federal Motor Vehicle Safety Standard found in Title 49 of the Code of Federal Regulations.

(d) Any vehicle which has a gross weight in excess of 26,000 pounds, except as provided in § 2152 of this title, shall not be registered at a weight in excess of the manufacturer’s gross vehicle weight rating for such vehicle or the Federal Bridge Formula in the absence of a manufacturer’s gross vehicle weight rating. For those vehicles registered pursuant to § 2152 of this title, the actual gross weight of the vehicle, or each vehicle in combination, shall not exceed the manufacturer’s gross vehicle weight rating.

(e) If registered pursuant to § 2152 of this title, any vehicle which has a gross weight rating in excess of 26,000 pounds shall not be operated within this State unless such vehicle is properly registered pursuant to this section and either:

(1) Has permanently affixed to it an unaltered and legible plate, sticker or plaque which states the gross vehicle weight rating; or

(2) Has within the vehicle the manufacturer’s gross vehicle weight rating documentation required by subsection (b) of this section.

(f) Any vehicle altered so as to change its gross vehicle weight rating or substantially change its use shall not be registered or operated within this State unless the vehicle's new gross weight rating is documented in accordance with subsection (b) of this section.

(g) If the gross vehicle weight rating for a vehicle registered pursuant to this section is documented in accordance with subsection (b)(2) or (3) of this section, the Division of Motor Vehicles shall maintain such documentation of the manufacturer's gross vehicle weight rating as part of such vehicle's title file."

Section 2. Amend Section 2113(2)(f)(1), Title 21, of the Delaware Code by deleting the number 10 and replacing it with the number 20.

Section 3. Amend Section 4502, Title 21, of the Delaware Code by deleting subsections (c) in its entirety and by replacing it with the following:

(c) (1) A vehicle equipped with 2 axles, having each of the 2 axles equipped with 2 hubs, with a power brake on each hub, shall not exceed a total gross weight of 40,000 pounds or manufacturer's gross vehicle weight rating which ever is less.

(2) A vehicle equipped with 3 axles, having each of the 3 axles equipped with 2 hubs, with a power brake on each hub, shall not exceed a total gross weight of 65,000 lbs. or manufacturer's gross vehicle weight rating which ever is less; provided, however, that it shall also be lawful to operate such a vehicle to and from any construction site located in this State when the total gross weight does not exceed 70,000 lbs.; and it shall also be lawful to operate such a vehicle containing agricultural products when the gross weight, including vehicle and load, does not exceed 70,000 lbs.; provided in either case, the total gross weight of the vehicle does not exceed the manufacturer's gross vehicle weight rating for that vehicle; provided further that a fee of \$100 per vehicle be levied for the use of this extra weight capacity.

(3) A vehicle equipped with 4 axles, having each of the rear axles equipped with 2 hubs, with a power brake on each rear hub, shall not exceed a total gross weight of 73,280 pounds or manufacturer's gross vehicle weight rating which ever is less.

(4) The total gross weight of a combination tractor and semitrailer having a total of 3 axles shall not exceed 60,000 lbs. or combined manufacturer's gross vehicle weight rating which ever is less.

(5) The total gross weight of a combination tractor and semitrailer having a total of 4 axels shall not exceed 70,000 lbs. or combined manufacturer's gross vehicle weight rating which ever is less.

(6) The total gross weight of a combination tractor and semitrailer having a total of 5 or more axles shall not exceed 80,000 lbs. or combined manufacturer's gross vehicle weight rating which ever is less.

(7) Except as otherwise provided herein, for single unit vehicles, no axle load shall exceed 22,400 pounds. With respect to any single unit vehicle, the maximum gross weight between any 3 consecutive axles that actually bear weight upon the pavement, and which have wheels spaced between 144 inches and not less than 60 inches apart when measured horizontally between their center lines, shall not exceed 60,000 lbs. With respect to any single unit vehicle, the maximum gross weight between any 2 consecutive axles that actually bear weight upon the pavement, and which have wheels spaced between 96 inches and not less than 40 inches apart when measured horizontally between their center lines, shall not exceed 40,000 pounds. With respect to any single unit vehicle, the maximum combined gross weight between any 2 consecutive axles that actually bear weight upon the pavement, and are less than 40 inches apart when measured horizontally between the center lines, shall not exceed 20,000 pounds. Where the distance between consecutive axle centers exceeds 96 inches, the weight for each such axle shall not exceed 22,400 pounds.

(8) Except as otherwise provided herein, for combination unit vehicles, no axle load shall exceed 22,400 pounds. With respect to any combination unit vehicle, the maximum gross weight between any two consecutive axles that actually bear weight upon the pavement and which have wheels spaced between 96 inches and not less than 40 inches apart, measured horizontally between their center lines, shall not exceed 36,000 pounds. Where the distance between consecutive axle centers exceeds 96 inches, the weight for each such axle shall not exceed 22,400 pounds. With respect to any combination vehicle, the maximum combined

gross weight between any 2 consecutive axles that actually bear weight upon the pavement, and are less than 40 inches apart when measured horizontally between the center lines, shall not exceed 20,000 pounds.

(9) Farm operations. Notwithstanding the other provisions of this section, the following applies to vehicles registered as (a) farm trucks or (b) registered commercial motor vehicles are controlled or operated by a farmer and while used in the operation of a farm. For these vehicles, no single axle load shall exceed 22,400 pounds, and with respect to any vehicle equipped with coupled axles spaced less than 48 inches apart measured horizontally between their center lines, the combined weight on the coupled axles shall not exceed 20,000 pounds and, with respect to a vehicle equipped with coupled axles spaced 48 inches or more apart measured horizontally between their center lines, the combined weight on the coupled axle shall not exceed 40,000 pounds. Furthermore, any farm loaded truck or farm vehicle carrying harvested products or livestock may exceed the weight limits established under this subsection by no more than 3 percent.

(10) Whenever the total gross weight permitted in any provisions of this section exceeds the total gross weight permitted as calculated herein, this section shall be void.

Approved April 27, 2010