

Tips for Defending Overweight Citations In Virginia

This is a simple guide for transport companies and drivers to follow to aid a knowledgeable attorney in defending against Overweight Citations in the Commonwealth of Virginia.

Step 1: What to do before you start to move the load.

Have all permits signed and available for inspection in the cabin of the vehicle. Double check the terms and conditions of the State and Local permits to ensure that you are in compliance (I.E. make sure you have front and rear certified escorts if required). Take photographs of the load before moving it to its location.

Step 2: What to do when you are stopped.

Be cooperative and courteous to the officer. If the place where the vehicle is stopped is ten miles or less from a permanent weighing station the driver should request to have the vehicle weighted at the nearest station in lieu of being weight by portable scales. See Virginia Code § 46.2-1137

If the load is within its gross limits but over on axle weight ask the officer for the opportunity to shift the load to avoid the citation. See Virginia Code § 46.2-1137

Take photographs of the load and the location and manner in which it is being weighed if the officers are using portable scales.

Step 3: Be sure to contest the fine.

On the overweight citation is a box you check to elect to contest the overweight charge and have a civil proceeding on the merits. You must check the box, sign the citation and mail it to the Virginia Department of Motor Vehicles within 21 days after the citation is served on the driver. Failure to contest the citation will result in a default judgment against you in the full amount. See Virginia Code § 46.2-1133

Step 4: Contact Stephen P. Pfeiffer, Esq.

Call me to discuss the merits of your case and any possible defenses. An overweight citation can be very costly. In fact pursuant to Virginia Code § 46.2-1135 you can be charged up to \$0.60 per pound for every pound over your permitted weight. It is imperative that you consult an attorney who has the experience in defending these technical cases.

****Legal notes are not legal advice. Because legal problems are factually intensive, the reader must always consult their counsel before acting on any legal matter.**