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Vehicle weight exemptions for APUs

Remember the federal law from a few years ago that was intended to give truckers a 400-pound weight exemption for auxiliary power units? The industry hailed it as good news until we found out the law was not a "mandate." A federal law that carries no clout with the states is not much of a law if your business is hauling interstate.

Land Line published a copy of the federal language for truckers to carry in their trucks. Still, many truckers told us the states regarded it with little more than a "so what?"

The exemption, which was signed into law by President George W. Bush in August 2005 as part of the Energy Policy Act of 2005, increases a vehicle's maximum gross vehicle weight limit and axle weight limit by 400 pounds. This allows for the adding of qualified idle-reduction technology, such as an APU.

While the rule was approved, a memo out of the Federal Highway Administrations Size and Weight Division in November 2005 threw water on the good news by adding that the exemption wouldn't be treated as a federal mandate.

Here's an excerpt from the FHWA memo: "We determined that (the exemption) does not pre-empt state regulations or compel the states to grant the increased weight tolerance."

Despite the lack of a mandate, more and more states are adopting the weight exemption. The following is a list of all states and their respective status on adopting the 400-pound weight exemption for APUs.

Now with the implementation of the new highway bill, MAP-21, the weight tolerance has been expanded by the feds to 550 pounds, prompting a new round of state legislation. The chart below notes the various states with exemptions, tolerances and pending legislation (designated with a footnote related to the tolerance sought).

It should be noted that states designated with asterisk do not have a state law that allows for the 400-pound weight exception. However, there are enforcement policies in place that would allow for the extra weight.

The list is compiled from information from the U.S. Department of Energy and Land Line reports on state legislation.

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State	400-lb Exemption	No Exemption	Legislation pending
Alabama	X		
Alaska	X		
Arizona	X		
Arkansas	X* 550 lbs.		
California		X	

State	400-lb Exemption	No Exemption	Legislation pending
Colorado	X 550 lbs.		
Connecticut	X 550 lbs.		
Delaware	X		
District of Columbia		X	
Florida	X 550 lbs.		
Georgia	X 550 lbs.		
Hawaii		X	
Idaho	X*		
Illinois	X		
Indiana	X		
Iowa	X*		
Kansas	X		
Kentucky		X	
Louisiana	X*		
Maine	X		
Maryland	X 550 lbs.		
Massachusetts	X		
Michigan	X*		
Minnesota	X 550 lbs.		
Mississippi	X*		
Missouri	X 550 lbs.		
Montana	X*		
Nebraska	X		
Nevada	X*		
New Hampshire	X 550 lbs.		
New Jersey	X*		
New Mexico	X		
New York	X		
North Carolina		X	

State	400-lb Exemption	No Exemption	Legislation pending	Translate
North Dakota	X*			
Ohio	X*			
Oklahoma	X			
Oregon	X			
Pennsylvania	X			
Rhode Island		X		
South Carolina	X 550 lbs.			
South Dakota	X*			
Tennessee	X 550 lbs.			
Texas	X			
Utah	X*			
Vermont	X*			
Virginia	X 550 lbs.			
Washington	X 550 lbs.			
West Virginia	X 550 lbs.			
Wisconsin	X 550 lbs.			
Wyoming	X*			

** These states have an allowance granted
by enforcement policy rather than by state law.*

Source: U.S. Department of Energy and Land Line Magazine
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