

# SENATE BILL 739

R6

11r2544

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By: **Senator Edwards**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Exceptional Milk Hauling Permit – Repeal of Sunset**  
3 **Provision**

4 FOR the purpose of repealing the termination of a certain provision of law that  
5 authorizes the State Highway Administration to issue an exceptional milk  
6 hauling permit valid in certain counties for a combination of vehicles that  
7 carries certain raw liquid milk to a processing plant and meets certain  
8 requirements; and generally relating to exceptional milk hauling permits.

9 BY repealing and reenacting, without amendments,  
10 Article – Transportation  
11 Section 24–113.3  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Chapter 404 of the Acts of the General Assembly of 2007  
16 Section 5

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 24–113.3.

21 (a) An exceptional milk hauling permit issued under this section is valid only  
22 in Allegany County, Anne Arundel County, Baltimore County, Carroll County,  
23 Frederick County, Garrett County, Howard County, Montgomery County, Prince  
24 George’s County, and Washington County.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Notwithstanding any other provision of this title, the State Highway  
2 Administration may issue an exceptional milk hauling permit for a combination of  
3 vehicles that:

4 (1) Carries to a processing plant raw liquid milk that is the only load  
5 on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm  
6 locations; and

7 (2) Has an axle configuration of not less than six axles and a  
8 front-to-rear centerline axle spacing of not less than 50 feet.

9 (c) A combination of vehicles operating under the authority of an exceptional  
10 milk hauling permit issued under subsection (b) of this section shall:

11 (1) Comply with the following weight limits:

12 (i) A maximum of 20,000 pounds gross weight on a single axle;

13 (ii) For any consecutive axle configuration of two or more axles  
14 on individual vehicles in a combination, the weight specified in § 24-109(c) of this  
15 subtitle; and

16 (iii) A maximum of 87,000 pounds gross combination weight;

17 (2) Twice each year, submit to and pass a North American Standard  
18 Driver/Vehicle Level 1 inspection; and

19 (3) Be allowed a load limit tolerance of only 1,000 pounds for gross  
20 combination weight and 15% for axle weights.

21 (d) While operating a combination of vehicles under the authority of an  
22 exceptional milk hauling permit issued under subsection (b) of this section, a person  
23 may not:

24 (1) Violate a highway restriction issued by a competent authority;

25 (2) Operate the combination of vehicles on the interstate highway  
26 system, as defined in § 8-101(j) of this article;

27 (3) Operate the combination of vehicles if the combination of vehicles  
28 exceeds any tire weight rating or tire speed restriction adopted under § 25-111 of this  
29 article; or

30 (4) Fail to comply with the terms and conditions of the exceptional  
31 milk hauling permit.

1 (e) While operating a combination of vehicles under the authority of an  
2 exceptional milk hauling permit issued under subsection (b) of this section, a person  
3 shall have in the person's possession:

4 (1) The original exceptional milk hauling permit issued for the vehicle;  
5 and

6 (2) For each vehicle in the combination of vehicles, a copy of a valid  
7 North American Standard Driver/Vehicle Level 1 inspection report issued within the  
8 preceding 180 days that shows no out-of-service violations.

9 (f) (1) A violation of this section, regulations adopted to implement this  
10 section, or the terms and conditions of an exceptional milk hauling permit issued  
11 under subsection (b) of this section shall:

12 (i) Void the authority granted under the exceptional milk  
13 hauling permit;

14 (ii) Subject the vehicle to all weight requirements and  
15 tolerances specified in this article; and

16 (iii) For a violation of a weight restriction specified in this  
17 section that exceeds 5,000 pounds, subject the exceptional milk hauling permit to  
18 immediate confiscation by an officer or authorized civilian employee of the  
19 Department of State Police, an officer of the Maryland Transportation Authority  
20 Police, or any police officer.

21 (2) A person who confiscates an exceptional milk hauling permit under  
22 paragraph (1) of this subsection shall immediately notify the State Highway  
23 Administration.

24 (3) On notification of the confiscation of an exceptional milk hauling  
25 permit, the State Highway Administration shall review the confiscation, verify the  
26 violation of a weight restriction, and, if the State Highway Administration determines  
27 that a violation did occur, revoke the permit.

28 (4) An owner or operator of a combination of vehicles may appeal the  
29 revocation of an exceptional milk hauling permit to the State Highway Administrator  
30 or the Administrator's designee.

31 (g) (1) On request from the State Highway Administrator or the  
32 Administrator's designee, weight and delivery records of the holder of an exceptional  
33 milk hauling permit that are kept in the normal course of business shall be provided  
34 by:

35 (i) The holder of the exceptional milk hauling permit;

1 (ii) A facility that receives raw liquid milk delivered by a vehicle  
2 operating under the authority of an exceptional milk hauling permit; or

3 (iii) A producer of raw liquid milk having the product  
4 transported under the authority of an exceptional milk hauling permit.

5 (2) If the holder of an exceptional milk hauling permit, a facility that  
6 receives raw liquid milk, or a producer of raw liquid milk does not comply with a  
7 request under this subsection, the State Highway Administration may:

8 (i) Suspend the holder's exceptional milk hauling permit; or

9 (ii) Prohibit a vehicle from picking up from the producer or  
10 delivering to the noncompliant facility raw liquid milk under the authority of the  
11 exceptional milk hauling permit.

12 (h) (1) An applicant for an exceptional milk hauling permit shall pay to  
13 the State Highway Administration:

14 (i) \$500 for the issuance of a new permit or the annual renewal  
15 of a permit;

16 (ii) \$1,000 for the reinstatement of a permit that was revoked  
17 under subsection (f)(3) of this section for a first violation; and

18 (iii) \$5,000 for the reinstatement of a permit that was revoked  
19 under subsection (f)(3) of this section for a second or subsequent violation within the  
20 prior 24 months.

21 (2) A fee paid under this subsection is nonrefundable.

22 (i) Except as otherwise provided in this section, an exceptional milk hauling  
23 permit is valid for 1 year from the date of issuance.

24 (j) In consultation with the Secretary of State Police, the State Highway  
25 Administration shall adopt regulations to implement this section.

## 26 Chapter 404 of the Acts of 2007

27 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2007. [It shall remain effective for a period of 4 years and, at the end of  
29 September 30, 2011, with no further action required by the General Assembly, this Act  
30 shall be abrogated and of no further force and effect.]

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2011.