

HOUSE BILL 1246

R6

(4lr2936)

ENROLLED BILL

— *Environmental Matters/Judicial Proceedings* —

Introduced by **Delegates Malone, Afzali, Anderson, Barnes, Beitzel, Busch, Clagett, Conway, Eckardt, Elliott, Frush, Guzzone, Haddaway–Ricchio, Hogan, Hough, Jacobs, Jameson, K. Kelly, Krebs, McComas, McIntosh, Myers, Otto, Ready, Rudolph, Schuh, Schulz, Serafini, Smigiel, Stein, Stifler, Stocksdale, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Exceptional Milk Hauling Permit – Establishment**

3 FOR the purpose of authorizing the State Highway Administration to issue an
4 exceptional milk hauling permit that authorizes certain axle configurations and
5 certain increased weight limitations; establishing that the general exceptional
6 hauling permit for farm products does not apply to the transportation of milk;
7 providing for the repeal of certain provisions of this Act on a certain date;
8 requiring the Administration to enter into an agreement with a certain entity to
9 collect certain data; requiring certain data to be compiled in an annual report;
10 requiring the Administration to meet annually with a certain entity to review

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 the annual report; providing for the effective dates of this Act; and generally
 2 relating to the establishment of the exceptional milk hauling permit.

3 BY repealing and reenacting, with amendments,
 4 Article – Transportation
 5 Section 24–113.2
 6 Annotated Code of Maryland
 7 (2012 Replacement Volume and 2013 Supplement)

8 BY repealing and reenacting, with amendments,
 9 Article – Transportation
 10 Section 24–113.2(b) and (c)
 11 Annotated Code of Maryland
 12 (2012 Replacement Volume and 2013 Supplement)
 13 (As enacted by Section 1 of this Act)

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

16 **Article – Transportation**

17 24–113.2.

18 (a) Unless otherwise provided by federal law, an exceptional hauling permit
 19 issued under this section is not valid on the interstate highway system, as defined in §
 20 8–101(j) of this article.

21 (b) Notwithstanding any other provision of this title, the State Highway
 22 Administration may issue an exceptional hauling permit for a combination of vehicles
 23 that:

24 (1) **(I)** Carries farm products as defined in § 10–601(c) of the
 25 Agriculture Article, **OTHER THAN MILK**, that:

26 [(i)] **1.** Are loaded in fields or other off–highway locations;
 27 and

28 [(ii)] **2.** Are the only load of the vehicle; and

29 [(2)] **(II)** Has an axle configuration of not less than six axles and a
 30 front–to–rear centerline axle spacing of not less than 50 feet; ~~OR~~

31 **(2) (I) CARRIES TO A PROCESSING PLANT RAW LIQUID MILK**
 32 **THAT IS THE ONLY LOAD ON THE VEHICLE AND IS LOADED FROM BULK LIQUID**
 33 **MILK STORAGE TANKS AT ONE OR MORE FARM LOCATIONS; AND**

1 **(II) HAS AN AXLE CONFIGURATION OF NOT LESS THAN ~~FIVE~~**
 2 **~~SIX~~ AXLES AND A ~~DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON~~**
 3 **~~THE TRACTOR AND THE FIRST AXLE ON THE SEMITRAILER~~ FRONT-TO-REAR**
 4 **CENTERLINE AXLE SPACING OF NOT LESS THAN 50 FEET; OR**

5 **(3) (I) CARRIES TO A PROCESSING PLANT FROM MARCH 1**
 6 **UNTIL JUNE 30 RAW LIQUID MILK THAT IS THE ONLY LOAD ON THE VEHICLE**
 7 **AND IS LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE**
 8 **FARM LOCATIONS; AND**

9 **(II) HAS AN AXLE CONFIGURATION OF FIVE AXLES AND A**
 10 **DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON THE TRACTOR**
 11 **AND THE FIRST AXLE ON THE SEMITRAILER.**

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

14 (1) Comply with the following weight limits:

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

16 (ii) For any consecutive axle configuration of two or more axles
 17 on individual vehicles in the combination, the maximum gross weight specified in §
 18 24–109(c) of this subtitle; and

19 (iii) A maximum of:

20 **1. 87,000 pounds gross combination weight ~~FOR A~~**
 21 **~~COMBINATION OF VEHICLES CARRYING FARM PRODUCTS~~ OTHER THAN MILK; OR**

22 **2. ~~90,000~~ 95,000 POUNDS GROSS COMBINATION**
 23 **WEIGHT FOR A COMBINATION OF VEHICLES WITH AT LEAST 6 AXLES CARRYING**
 24 **MILK; OR**

25 **3. 88,000 POUNDS GROSS COMBINATION WEIGHT**
 26 **FOR A COMBINATION OF VEHICLES WITH 5 AXLES CARRYING MILK;**

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

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

1 (d) While operating a combination of vehicles under the authority of an
2 exceptional hauling permit issued under subsection (b) of this section, a person may
3 not:

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

5 (2) Operate the combination of vehicles on the interstate highway
6 system, as defined in § 8–101(j) of this article;

7 (3) Operate the combination of vehicles if the combination of vehicles
8 exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this
9 article; or

10 (4) Fail to comply with the terms and conditions of the exceptional
11 hauling permit.

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

15 (1) The original exceptional hauling permit issued for the vehicle; and

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

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

22 (i) Void the authority granted under the exceptional hauling
23 permit;

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

26 (iii) For a violation of a weight restriction specified in this
27 section that exceeds 5,000 pounds, subject the exceptional hauling permit to
28 immediate confiscation by an officer or authorized civilian employee of the
29 Department of State Police, an officer of the Maryland Transportation Authority
30 Police, or any police officer.

31 (2) A person who confiscates an exceptional hauling permit under
32 paragraph (1) of this subsection shall immediately notify the State Highway
33 Administration.

1 (3) On notification of the confiscation of an exceptional hauling permit,
2 the State Highway Administration shall review the confiscation, verify the violation of
3 a weight restriction, and, if the State Highway Administration determines that a
4 violation did occur, revoke the permit.

5 (4) An owner or operator of a combination of vehicles may appeal the
6 revocation of an exceptional hauling permit to the State Highway Administrator or the
7 Administrator's designee.

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

11 (i) The holder of the exceptional hauling permit; or

12 (ii) A facility that receives farm products, as defined in §
13 10-601(c) of the Agriculture Article, delivered by a vehicle operating under the
14 authority of an exceptional hauling permit.

15 (2) If the holder of an exceptional hauling permit or a facility that
16 receives farm products does not comply with a request under this subsection, the State
17 Highway Administration may:

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

19 (ii) Prohibit a vehicle from delivering farm products under the
20 authority of the exceptional hauling permit to the noncompliant facility.

21 (h) (1) An applicant for an exceptional hauling permit shall pay to the
22 State Highway Administration:

23 (i) 1. \$250 for the issuance of a new annual permit or the
24 annual renewal; or

25 2. \$30 for the issuance of a 30-day permit;

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

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

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

32 (i) Except as otherwise provided in this section, an exceptional hauling
33 permit is valid for:

1 (1) 1 year from the date of issuance for an annual permit; or

2 (2) 30 consecutive days for a 30-day permit.

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

5 (k) (1) An exceptional hauling permit is issued under this section at the
6 discretion of the State Highway Administrator.

7 (2) The State Highway Administrator may stop issuing or renewing
8 exceptional hauling permits under this section if the Administrator determines that
9 the use of the permits is adversely affecting any part of the State highway system.

10 (3) The State Highway Administrator shall promptly report to the
11 General Assembly, in accordance with § 2-1246 of the State Government Article,
12 regarding any decision to stop issuing or renewing exceptional hauling permits under
13 this section and the reason for the decision.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 Article – Transportation

17 24-113.2.

18 (b) Notwithstanding any other provision of this title, the State Highway
19 Administration may issue an exceptional hauling permit for a combination of vehicles
20 that:

21 (1) (i) Carries farm products as defined in § 10-601(c) of the
22 Agriculture Article, other than milk, that:

23 1. Are loaded in fields or other off-highway locations;
24 and

25 2. Are the only load of the vehicle; and

26 (ii) Has an axle configuration of not less than six axles and a
27 front-to-rear centerline axle spacing of not less than 50 feet; OR

28 (2) (i) Carries to a processing plant raw liquid milk that is the only
29 load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more
30 farm locations; and

1 (ii) Has an axle configuration of not less than six axles and a
2 distance of at least 28 feet between the last axle on the tractor and the first axle on the
3 semitrailer front-to-rear centerline axle spacing of not less than 50 feet]; or

4 (3) (i) Carries to a processing plant from March 1 until June 30
5 raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk
6 storage tanks at one or more farm locations; and

7 (ii) Has an axle configuration of five axles and a distance of at
8 least 28 feet between the last axle on the tractor and the first axle on the semitrailer].

9 (c) A combination of vehicles operating under the authority of an exceptional
10 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 the combination, the maximum gross weight specified in §
15 24-109(c) of this subtitle; and

16 (iii) A maximum of:

17 1. 87,000 pounds gross combination weight for a
18 combination of vehicles carrying farm products other than milk; OR

19 2. 95,000 pounds gross combination weight for a
20 combination of vehicles [with at least 6 axles] carrying milk; [or]

21 [3. 88,000 pounds gross combination weight for a
22 combination of vehicles with 5 axles carrying milk;]

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

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That:

28 (a) The State Highway Administration shall enter into an agreement with
29 the Maryland and Virginia Milk Producers Cooperative Association to collect the
30 following data:

1 (1) with respect to a permit issued under § 24–113.2(b)(2) of the
 2 Transportation Article, as enacted by this Act, the total number of vehicles or
 3 combination of vehicles operating under the permit with a gross combination weight:

4 (i) under 90,000 pounds;

5 (ii) between 90,000 and 95,000 pounds; and

6 (iii) over 95,000 pounds; and

7 (2) with respect to a permit issued under § 24–113.2(b)(3) of the
 8 Transportation Article, as enacted by this Act, the total number of vehicles or
 9 combination of vehicles operating under the permit with a gross combination weight:

10 (i) under 80,000 pounds;

11 (ii) between 80,000 and 88,000 pounds; and

12 (iii) over 88,000 pounds.

13 (b) Data collected under subsection (a) of this section shall be organized by
 14 month and compiled in an annual report.

15 (c) The State Highway Administration shall meet annually with the
 16 Maryland and Virginia Milk Producers Cooperative Association to review the most
 17 recent annual report compiled under this section.

18 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
 19 take effect October 1, 2016.

20 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in
 21 Section 4 of this Act, this Act shall take effect October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.