

SENATE BILL 771

R6

4lr2605
CF HB 1246

By: **Senators Robey, Brinkley, Conway, Currie, Edwards, Getty, Glassman, Hershey, Jacobs, Jennings, Klausmeier, Middleton, Pugh, Raskin, Shank, Stone, Young, and ~~Zirkin~~ Zirkin, Forehand, and Muse**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 24–113.2
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 24–113.2(b) and (c)
21 Annotated Code of Maryland

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.



1 (2012 Replacement Volume and 2013 Supplement)

2 (As enacted by Section 1 of this Act)

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

5 **Article – Transportation**

6 24–113.2.

7 (a) Unless otherwise provided by federal law, an exceptional hauling permit
8 issued under this section is not valid on the interstate highway system, as defined in §
9 8–101(j) of this article.

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

13 (1) **(I)** Carries farm products as defined in § 10–601(c) of the
14 Agriculture Article, ~~EXCEPT FOR~~ **OTHER THAN MILK**, that:

15 [(i)] 1. Are loaded in fields or other off–highway locations;
16 and

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

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

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

23 **(II) HAS AN AXLE CONFIGURATION OF NOT LESS THAN ~~FIVE~~**
24 **SIX AXLES AND A DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON**
25 **THE TRACTOR AND THE FIRST AXLE ON THE SEMITRAILER; OR**

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

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

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

3 (1) Comply with the following weight limits:

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

5 (ii) For any consecutive axle configuration of two or more axles
6 on individual vehicles in the combination, the maximum gross weight specified in §
7 24–109(c) of this subtitle; and

8 (iii) A maximum of:

9 1. 87,000 pounds gross combination weight **FOR A**
10 **COMBINATION OF VEHICLES CARRYING FARM PRODUCTS OTHER THAN MILK; ~~OR~~**

11 2. ~~90,000~~ 95,000 POUNDS GROSS COMBINATION
12 **WEIGHT FOR A COMBINATION OF VEHICLES WITH AT LEAST 6 AXLES CARRYING**
13 **MILK; OR**

14 3. 88,000 POUNDS GROSS COMBINATION WEIGHT
15 FOR A COMBINATION OF VEHICLES WITH 5 AXLES CARRYING MILK;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (ii) A facility that receives farm products, as defined in §
2 10–601(c) of the Agriculture Article, delivered by a vehicle operating under the
3 authority of an exceptional hauling permit.

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

7 (i) Suspend the holder’s exceptional hauling permit; or

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

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

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

14 2. \$30 for the issuance of a 30–day permit;

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

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

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

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

23 (1) 1 year from the date of issuance for an annual permit; or

24 (2) 30 consecutive days for a 30–day permit.

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

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

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

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

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

Article – Transportation

24-113.2.

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

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

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

2. Are the only load of the vehicle; and

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

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

(ii) Has an axle configuration of not less than six axles and a distance of at least 28 feet between the last axle on the tractor and the first axle on the semitrailer]; or

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

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

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

(1) Comply with the following weight limits:

- 1 (i) A maximum of 20,000 pounds gross weight on a single axle;
- 2 (ii) For any consecutive axle configuration of two or more axles
3 on individual vehicles in the combination, the maximum gross weight specified in §
4 24–109(c) of this subtitle; and
- 5 (iii) A maximum of:
- 6 1. 87,000 pounds gross combination weight for a
7 combination of vehicles carrying farm products other than milk; OR
- 8 2. 95,000 pounds gross combination weight for a
9 combination of vehicles [with at least 6 axles] carrying milk; [or
- 10 3. 88,000 pounds gross combination weight for a
11 combination of vehicles with 5 axles carrying milk.]
- 12 (2) Twice each year, submit to and pass a North American Standard
13 Driver/Vehicle Level 1 inspection; and
- 14 (3) Be allowed a load limit tolerance of only 1,000 pounds for gross
15 combination weight and 15% for axle weights.

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

- 17 (a) The State Highway Administration shall enter into an agreement with
18 the Maryland and Virginia Milk Producers Cooperative Association to collect the
19 following data:
- 20 (1) with respect to a permit issued under § 24–113.2(b)(2) of the
21 Transportation Article, as enacted by this Act, the total number of vehicles or
22 combination of vehicles operating under the permit with a gross combination weight:
- 23 (i) under 90,000 pounds;
- 24 (ii) between 90,000 and 95,000 pounds; and
- 25 (iii) over 95,000 pounds; and
- 26 (2) with respect to a permit issued under § 24–113.2(b)(3) of the
27 Transportation Article, as enacted by this Act, the total number of vehicles or
28 combination of vehicles operating under the permit with a gross combination weight:
- 29 (i) under 80,000 pounds;
- 30 (ii) between 80,000 and 88,000 pounds; and

1 (iii) over 88,000 pounds.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.