

HOUSE BILL 1035

R6

EMERGENCY BILL

7lr0573
CF SB 558

By: **Delegates Jacobs, Anderton, Arentz, B. Barnes, Beitzel, Busch, Cassilly, Clippinger, Folden, McIntosh, Otto, Parrott, Reilly, B. Wilson, and Wivell**

Introduced and read first time: February 8, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of authorizing the State Highway Administration to issue a seasonal
4 exceptional milk hauling permit that authorizes certain axle configurations and
5 certain increased weight limits during a certain time period annually under certain
6 circumstances; making this Act an emergency measure; and generally relating to the
7 seasonal exceptional milk hauling permit.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 24–113.2
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Transportation**

16 24–113.2.

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

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

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

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

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

7 (ii) 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; [or]

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

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

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

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

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

23 (1) Comply with the following weight limits:

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

25 (ii) For any consecutive axle configuration of two or more axles on
26 individual vehicles in the combination, the maximum gross weight specified in § 24-109(d)
27 of this subtitle; and

28 (iii) A maximum of:

29 1. 87,000 pounds gross combination weight for a combination
30 of vehicles carrying farm products other than milk; [or]

1 2. 95,000 pounds gross combination weight for a combination
2 of vehicles **WITH AT LEAST SIX AXLES** carrying milk; **OR**

3 **3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A**
4 **COMBINATION OF VEHICLES WITH FIVE AXLES CARRYING MILK;**

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

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

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

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

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

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

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

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

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

23 (2) For each vehicle in the combination of vehicles, a copy of a valid North
24 American Standard Driver/Vehicle Level 1 inspection report issued within the preceding
25 180 days that shows no out-of-service violations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 2. \$30 for the issuance of a 30-day permit;

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

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

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

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

7 (1) 1 year from the date of issuance for an annual permit; or

8 (2) 30 consecutive days for a 30-day permit.

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health or safety, has
22 been passed by a ye and nay vote supported by three-fifths of all the members elected to
23 each of the two Houses of the General Assembly, and shall take effect from the date it is
24 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.