
By: Senator Baker

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Dump Service Registration**

3 FOR the purpose of altering certain dates relating to the applicability of certain
4 maximum gross weight limitations for purposes of the registration of dump service
5 vehicles; clarifying a certain contingency relating to the approval of certain
6 provisions of law by the U.S. Congress; altering a certain date relating to the
7 authority of certain vehicles to haul loose materials in bulk under certain provisions
8 of law for a certain period; declaring that a certain contingency relating to the
9 taking effect of certain provisions has been fulfilled; repealing certain obsolete
10 provisions; providing for the effective date of this Act; providing for the retroactive
11 application of this Act; and generally relating to the registration of dump service
12 vehicles.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 13-919
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,
19 Chapter 480 of the Acts of the General Assembly of 1993, as amended by Chapter
20 677 of the Acts of the General Assembly of 1994
21 Section 6 and 9

22 BY repealing
23 Chapter 480 of the Acts of the General Assembly of 1993, as amended by Chapter
24 677 of the Acts of the General Assembly of 1994
25 Section 7

26 Preamble

27 WHEREAS, Chapter 480 of the Acts of the General Assembly of 1993 amended §
28 13-919 of the Transportation Article to increase the maximum gross weight limitations
29 for certain dump service vehicles registered after June 1, 1994, contingent on the
30 enactment by the Congress of the United States of legislation approving the increased
31 weight limits; and

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1 WHEREAS, With the clear intent to approve the provisions of Chapter 480 of the
2 Acts of 1993, the U.S. Congress amended 23 U.S.C. 127(a) (P.L. 103-331, Sec. 332
3 (1994)) to approve Maryland laws and regulations relating to maximum gross vehicle
4 weights "in effect on June 1, 1993", the effective date of Chapter 480; and

5 WHEREAS, The General Assembly enacted Chapter 677 of the Acts of 1994 which
6 further amended § 13-919 of the Transportation Article with the intent of delaying the
7 implementation of the increased weight limits, but not intending to affect the law as
8 approved by the U.S. Congress; and

9 WHEREAS, It is the intent of the General Assembly to eliminate any uncertainty
10 regarding the application of the law to the registration of dump service vehicles by
11 restoring § 13-919 of the Transportation Article to read as it did upon the enactment of
12 Chapter 480 of the Acts of 1993 in order to conform § 13-919 of the Transportation
13 Article to the law approved by the 1994 Act of Congress; now, therefore,

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 13-919.

18 (a) On application, the Administration shall issue a special Class E "dump service
19 registration" to any applicant who certifies that the vehicle for which the application is
20 made is a Class E (truck) vehicle that:

21 (1) Is designed to haul cargo and to self-unload by gravity or mechanical
22 means; and

23 (2) Is to be used to haul feed or other loose materials in bulk.

24 (b) The maximum gross weight limitation for a vehicle registered under this
25 section is for a vehicle with two axles -- 40,000 pounds.

26 (c) (1) The maximum gross weight limitation for a vehicle registered under this
27 section after December 31, 1994 is for a vehicle with three axles -- 55,000 pounds.

28 (2) Except as provided in paragraph (1) of this subsection, the maximum
29 gross weight limitation for a vehicle registered under this section after [December 31]
30 JUNE 1, 1994 is:

31 (i) In Allegany and Garrett Counties for a vehicle with four or more
32 axles in use when loaded -- 70,000 pounds; and

33 (ii) For a vehicle with four axles that is in compliance with regulations
34 adopted by the Department that specify alternative vehicle design configurations based
35 on recommendations of the Dump Truck Technical Task Force -- 70,000 pounds.

36 (d) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph,
37 three-axle vehicles registered before [December 31] JUNE 1, 1994 may continue to be
38 operated at the gross vehicle weight limit specified by the applicable law in effect on
39 [December 31] JUNE 1, 1994 for a period of 20 years beginning:

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1 1. For a new vehicle registered for the first time, the later of the
 2 vehicle's model year or date of registration; and

3 2. For a used vehicle, the vehicle's model year.

4 (ii) Notwithstanding any other provision of law, any vehicle registered
 5 under this section before [December 31] JUNE 1, 1994 may continue to be operated until
 6 [December 31] JUNE 1, 1999 under the applicable provisions of law in effect on
 7 [December 31] JUNE 1, 1994.

8 (2) (i) A vehicle may continue to be registered under this section,
 9 regardless of the vehicle's configuration, and to be operated under the same
 10 administrative regulations that were in effect on [December 31] JUNE 1, 1994, for the
 11 applicable time periods specified in paragraph (1) of this subsection, if the vehicle:

12 1. Was registered under this section before [December 31]
 13 JUNE 1, 1994; or

14 2. Is a three-axle vehicle that on [December 31] JUNE 1, 1994
 15 was in the inventory of a dealer licensed under Title 15 of this article and was sold and
 16 registered before June 1, 1995.

17 (ii) Subparagraph (i) of this paragraph does not apply to flat bed
 18 trucks used to haul concrete blocks.

19 (e) The Administration:

20 (1) Shall stamp the words "dump service" on each registration card issued
 21 for a vehicle registered under this section; and

22 (2) May issue special registration plates to distinguish registrations made
 23 under this section.

24 (f) For each vehicle registered under this section, the annual registration fee is
 25 the greater of:

26 (1) \$18.50 for each thousand pounds of gross weight of the vehicle; or

27 (2) \$740.

28 (g) Except while it is operating on a divided highway with two or more lanes in
 29 each direction or while it is unloaded, a vehicle registered under this section may not be
 30 operated on any highway at a speed of more than 45 miles an hour.

31 (h) (1) Subject to the provisions of paragraph (2) of this subsection, if a vehicle
 32 registered under this section is hauling loose materials in bulk for a distance of not more
 33 than 40 miles:

34 (i) Subject to the provisions of subsection (i) of this section, the
 35 vehicle is limited as to maximum gross weight only by the allowable and paid registration
 36 weight; and

37 (ii) 1. Except in Allegany and Garrett Counties, the vehicle is not
 38 subject to any restrictions of the Maryland Vehicle Law on the weight, gross weight, or

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1 axle loads of a vehicle other than the restrictions on gross vehicle weight imposed under
2 this section; and

3 2. In Allegany and Garrett Counties, the vehicle is not subject
4 to any other restrictions of the Maryland Vehicle Law on the weight, gross weight, or axle
5 loads of a vehicle unless the vehicle exceeds its maximum registered gross weight by 10
6 percent or one of its axles is not carrying at least 15 percent of the vehicle's total gross
7 weight.

8 (2) A vehicle registered under this section may be operated on a statewide
9 basis without any distance limitations if the vehicle is:

10 (i) A three-axle vehicle with a maximum gross vehicle weight of
11 55,000 pounds; or

12 (ii) A four-axle vehicle with a maximum gross vehicle weight of 70,000
13 pounds that is in compliance with the regulations described under subsection (c)(2)(ii) of
14 this section.

15 (i) (1) Except as provided in paragraph (2) of this subsection, a vehicle
16 registered under this section with a registered maximum gross weight limitation of more
17 than 65,000 pounds that is not in compliance with the regulations described in subsection
18 (c)(2)(ii) of this section is limited to a maximum gross weight of 65,000 pounds when the
19 vehicle is operated on an interstate highway or in a county in the State other than
20 Allegany County or Garrett County.

21 (2) A vehicle used to haul coal, logs, or pulpwood that is registered under
22 this section and operated on Interstate Route 68 in Allegany County or Garrett County is
23 allowed a maximum gross weight limitation of 70,000 pounds, regardless of whether the
24 vehicle is in compliance with the regulations described in subsection (c)(2)(ii) of this
25 section.

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

28 **Chapter 480 of the Acts of 1993, as amended by Chapter 677 of the Acts of 1994**

29 SECTION 6. AND BE IT FURTHER ENACTED, That the provisions of Sections
30 1 and 9 of this Act [shall take effect December 31, 1994] ARE contingent on the
31 enactment by the Congress of the United States of legislation that authorizes the
32 statewide use of a vehicle registered in accordance with § 13-919 of the Transportation
33 Article, as amended by this Act, including the use of a four-axle vehicle with a gross
34 vehicle weight of 70,000 pounds.

35 [SECTION 7. AND BE IT FURTHER ENACTED, That if the Congress does not
36 enact the legislation specified in Section 6 of this Act before December 31, 1994, or if the
37 Department of Transportation fails to adopt regulations implementing the
38 recommendations of the Dump Truck Technical Task Force within 6 months after the
39 report of the Task Force is issued:

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1 (a) The Department shall report to the General Assembly during the 1995
2 Session on alternative measures, including possible legislative remedies, to minimize
3 damage to Maryland's highway and bridge systems; and

4 (b) With no further action required by the General Assembly, Section 1 of
5 this Act shall be abrogated and of no further force and effect.]

6 SECTION 9. AND BE IT FURTHER ENACTED, That any motor vehicle titled in
7 Maryland and registered under § 13-919 of the Transportation Article on or before
8 [December 31, 1994] MAY 31, 1994, shall be permitted to haul loose materials in bulk for
9 a distance of 100 miles under § 13-919(g) of the Transportation Article until the
10 expiration of the annual registration issued in 2009 for that motor vehicle, provided that
11 the motor vehicle complies with all applicable provisions set forth in the Transportation
12 Article.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the contingency specified
14 in Section 6 of Chapter 480 of the Acts of the General Assembly of 1993, as amended by
15 Chapter 677 of the Acts of the General Assembly of 1994 and by this Act, making the
16 taking effect of Sections 1 and 9 of Chapter 480 of the Acts of 1993 contingent on the
17 enactment of enabling legislation by the U.S. Congress, is hereby declared to have been
18 fulfilled by the enactment of P.L. 103-331, Sec. 332 (1994).

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 1997 and shall be applied retroactively and to the same effect as if the dates
21 specified in § 13-919 of the Transportation Article as enacted by Chapter 480 of the Acts
22 of the General Assembly of 1993 had remained continuously in effect and were not
23 affected by any of the provisions of Chapter 677 of the Acts of the General Assembly of
24 1994.