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**By: Senator Baker**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 1997

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## CHAPTER \_\_\_\_

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

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1 Preamble

2 WHEREAS, Chapter 480 of the Acts of the General Assembly of 1993 amended §  
3 13-919 of the Transportation Article to increase the maximum gross weight limitations  
4 for certain dump service vehicles registered after June 1, 1994, contingent on the  
5 enactment by the Congress of the United States of legislation approving the increased  
6 weight limits; and

7 WHEREAS, With the clear intent to approve the provisions of Chapter 480 of the  
8 Acts of 1993, the U.S. Congress amended 23 U.S.C. 127(a) (P.L. 103-331, Sec. 332  
9 (1994)) to approve Maryland laws and regulations relating to maximum gross vehicle  
10 weights "in effect on June 1, 1993", the effective date of Chapter 480; and

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

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

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

22 **Article - Transportation**

23 13-919.

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

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

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

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

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

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

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

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

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

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

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

11 (ii) Notwithstanding any other provision of law, any vehicle registered  
 12 under this section before [December 31] JUNE 1, 1994 may continue to be operated until  
 13 [December 31] JUNE 1, 1999 under the applicable provisions of law in effect on  
 14 [December 31] ~~JUNE 1~~ MAY 31, 1994.

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

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

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

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

26 (e) The Administration:

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

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

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

33 (1) \$18.50 for each thousand pounds of gross weight of the vehicle; or

34 (2) \$740.

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

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

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

7 (ii) 1. Except in Allegany and Garrett Counties, the vehicle is not  
8 subject to any restrictions of the Maryland Vehicle Law on the weight, gross weight, or  
9 axle loads of a vehicle other than the restrictions on gross vehicle weight imposed under  
10 this section; and

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

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

18 (i) A three-axle vehicle with a maximum gross vehicle weight of  
19 55,000 pounds; or

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

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

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

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

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

37 SECTION 6. AND BE IT FURTHER ENACTED, That the provisions of Sections  
38 1 and 9 of this Act [shall take effect December 31, 1994] ARE contingent on the  
39 enactment by the Congress of the United States of legislation that authorizes the  
40 statewide use of a vehicle registered in accordance with § 13-919 of the Transportation

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1 Article, as amended by this Act, including the use of a four-axle vehicle with a gross  
2 vehicle weight of 70,000 pounds.

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

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

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

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

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

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 June 1, 1997 and shall be applied retroactively and to the same effect as if the dates  
28 specified in § 13-919 of the Transportation Article as enacted by Chapter 480 of the Acts  
29 of the General Assembly of 1993 had remained continuously in effect and were not  
30 affected by any of the provisions of Chapter 677 of the Acts of the General Assembly of  
31 1994.