
By: **Delegate Edwards**

Introduced and read first time: February 5, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Truck Weight Enforcement - Permissible Adjustments**

3 FOR the purpose of providing that the driver of a vehicle carrying certain loose
4 material that was loaded at certain locations may adjust the load if the
5 registered gross weight of the vehicle is not exceeded and axle limits are not
6 exceeded by more than a specified amount; limiting the right to adjust bulk
7 loads to certain regions of the State; requiring and authorizing a police officer to
8 take certain enforcement actions; providing that any adjustment of a load is
9 done at the driver's or owner's risk; defining a certain term; modifying a certain
10 definition; and generally relating to the opportunity to redistribute certain bulk
11 loads under certain circumstances to eliminate a violation.

12 BY renumbering

13 Article - Transportation
14 Section 24-111.2
15 to be Section 24-111.3
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1998 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Transportation
20 Section 24-111(a)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1998 Supplement)

23 BY adding to

24 Article - Transportation
25 Section 24-111.2
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 1998 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 24-111.2 of Article - Transportation of the Annotated
3 Code of Maryland be renumbered to be Section(s) 24-111.3.

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

6 **Article - Transportation**

7 24-111.

8 (a) In this section and in [§] §§ 24-111.1 AND 24-111.2 of this subtitle, "police
9 officer" means:

10 (1) Any uniformed police officer;

11 (2) Any civilian employee of the Department of State Police or the
12 Maryland Transportation Authority Police assigned to enforce this subtitle, but only
13 while acting under written authorization of the Secretary of the State Police; or

14 (3) Any civilian employee of a local government who is:

15 (i) Acting under the immediate direction and control of a
16 uniformed police officer;

17 (ii) Acting under written authorization of the Secretary of the State
18 Police; and

19 (iii) Certified by the Department of State Police to perform the
20 weighing and measurement authorized under this section.

21 24-111.2.

22 (A) IN THIS SECTION, "RURAL COUNTY" MEANS A COUNTY THAT, AS
23 DETERMINED IN ACCORDANCE WITH THE LATEST AVAILABLE DECENNIAL CENSUS
24 DATA, HAS AN AVERAGE POPULATION DENSITY OF LESS THAN 600 PERSONS PER
25 SQUARE MILE.

26 (B) THIS SECTION ONLY APPLIES TO A VEHICLE THAT IS CARRYING LOOSE
27 MATERIAL IN BULK THAT WAS LOADED IN A FIELD, MINING AREA, OR OTHER
28 OFF-HIGHWAY LOCATION AND THAT DOES NOT EXCEED:

29 (1) ITS REGISTERED GROSS WEIGHT LIMIT; OR

30 (2) AN AXLE LIMITATION, ADJUSTED BY ANY APPLICABLE TOLERANCE,
31 BY MORE THAN 3,000 POUNDS.

32 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN A
33 RURAL COUNTY, A POLICE OFFICER SHALL OFFER THE DRIVER OF A VEHICLE
34 COVERED UNDER SUBSECTION (B) OF THIS SECTION A 3-HOUR OPPORTUNITY TO

1 SHIFT A LOAD IN A MANNER THAT BRINGS THE VEHICLE INTO COMPLIANCE WITH
2 WEIGHT LIMITS ALLOWED UNDER THIS SUBTITLE, ADJUSTED BY ANY APPLICABLE
3 WEIGHT TOLERANCE TO WHICH THE VEHICLE IS ENTITLED.

4 (D) A POLICE OFFICER SHALL DIRECT THE DRIVER TO A CONVENIENT
5 LOCATION WHERE THE LOAD MAY BE SAFELY ADJUSTED AT THE DRIVER'S OR
6 OWNER'S RISK.

7 (E) A POLICE OFFICER MAY TAKE OTHER ENFORCEMENT ACTION
8 PERTAINING TO THE WEIGHT VIOLATION IF:

9 (1) THE DRIVER ELECTS NOT TO SHIFT THE LOAD; OR

10 (2) THE DRIVER SHIFTS THE LOAD, BUT AFTER REWEIGHING THE
11 VEHICLE, THE VEHICLE EXCEEDS A WEIGHT LIMIT ALLOWED UNDER THIS SUBTITLE,
12 ADJUSTED BY ANY APPLICABLE WEIGHT TOLERANCE TO WHICH THE VEHICLE IS
13 ENTITLED.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1999.