

SENATE BILL 72

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R6

1999 Regular Session
9lr0173

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 1999

CHAPTER _____

1 AN ACT concerning

2 **Commercial Vehicles - Motor Carrier Laws - Corrections**

3 FOR the purpose of updating certain definitions under the State's motor carrier laws;
4 transferring a certain provision of the motor carrier laws relating to load limits
5 and gross vehicle weights; altering the allowable gross weight of vehicles
6 transporting liquid milk; clarifying exceptions to gross vehicle weight limits; and
7 generally relating to making corrections, clarifications, and revisions to the
8 State's motor carrier laws.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 11-123, 24-111.1, 24-108(c), and 27-105(b)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

14 ~~BY repealing~~
15 ~~Article - Transportation~~
16 ~~Section 24-108(e)~~
17 ~~Annotated Code of Maryland~~
18 ~~(1998 Replacement Volume and 1998 Supplement)~~

19 BY adding to
20 Article - Transportation
21 Section 24-109(f)

1 Annotated Code of Maryland
2 (1998 Replacement Volume and 1998 Supplement)

3 ~~BY renumbering~~
4 ~~Article Transportation~~
5 ~~Section 24-108(d)~~
6 ~~to be Section 24-108(e)~~
7 ~~Annotated Code of Maryland~~
8 ~~(1998 Replacement Volume and 1998 Supplement)~~

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

11 **Article - Transportation**

12 11-123.

13 "Flammable liquid" means any liquid that has a flash point of [70] 100 degrees
14 or less Fahrenheit, as determined by a Tagliabue or equivalent closed cup test device.
15 24-108.

16 ~~{(c)}~~ ~~(+)~~ Except on interstate highways, a vehicle carrying farm products as
17 defined under § 10-601 of the Agriculture Article or forest products that have been
18 loaded in fields or other off-highway locations is permitted an axle load limit
19 tolerance of 10 percent.

20 ~~[(2)]~~ Except on interstate highways, a single unit vehicle with 3 axles, or a
21 combination of vehicles with a trailer less than 32 feet long or a semitrailer less than
22 45 feet long, either registered as a farm vehicle or carrying farm products as defined
23 under § 10-601 of the Agriculture Article that were loaded in fields or other
24 off-highway locations, is permitted an axle load limit tolerance of 5 percent from §
25 24-109(b) and (c) of this subtitle, except during harvest time when a tolerance of 15
26 percent from § 24-109(b) and (c) of this subtitle is permitted for a vehicle carrying the
27 following agricultural products:

- 28 (i) Wheat, for the period from June 1 to August 15;
- 29 (ii) Corn, for the period from July 1 to December 1;
- 30 (iii) Soybeans, for the period from September 1 to December 31; and
- 31 (iv) Vegetable crops for the period from June 1 to October 31.

32 (3) (i) Except on interstate highways, a single unit vehicle with at
33 least 3 axles or a combination of vehicles with a trailer length of less than 32 feet
34 carrying forest products that have been loaded in forests or other similar off-highway
35 locations is permitted an axle load limit tolerance of 10 percent from § 24-109(b) and
36 (c) of this subtitle.

1 (ii) Except on interstate highways, a combination of vehicles with a
 2 semitrailer length of 45 feet or less carrying forest products that have been loaded in
 3 forests or other similar off-highway locations is permitted an axle load limit tolerance
 4 of 5 percent from § 24-109(b) and (c) of this subtitle.]

5 24-109.

6 (F) (1) ~~EXCEPT ON INTERSTATE HIGHWAYS, A VEHICLE CARRYING FARM~~
 7 ~~PRODUCTS AS DEFINED UNDER § 10-601 OF THE AGRICULTURE ARTICLE OR FOREST~~
 8 ~~PRODUCTS THAT HAVE BEEN LOADED IN FIELDS OR OTHER OFF-HIGHWAY~~
 9 ~~LOCATIONS IS PERMITTED AN AXLE LOAD LIMIT TOLERANCE OF 10 PERCENT.~~

10 (⇒) EXCEPT ON INTERSTATE HIGHWAYS, A SINGLE UNIT VEHICLE WITH
 11 3 AXLES, OR A COMBINATION OF VEHICLES WITH A TRAILER LESS THAN 32 FEET
 12 LONG OR A SEMITRAILER LESS THAN 45 FEET LONG, EITHER REGISTERED AS A FARM
 13 VEHICLE OR CARRYING FARM PRODUCTS AS DEFINED UNDER § 10-601 OF THE
 14 AGRICULTURE ARTICLE THAT WERE LOADED IN FIELDS OR OTHER OFF-HIGHWAY
 15 LOCATIONS, IS PERMITTED AN AXLE LOAD LIMIT TOLERANCE OF 5 PERCENT FROM
 16 SUBSECTIONS (B) AND (C) OF THIS SECTION, EXCEPT DURING HARVEST TIME WHEN A
 17 TOLERANCE OF 15 PERCENT FROM SUBSECTIONS (B) AND (C) OF THIS SECTION IS
 18 PERMITTED FOR A VEHICLE CARRYING THE FOLLOWING AGRICULTURAL PRODUCTS:

19 (I) WHEAT, FOR THE PERIOD FROM JUNE 1 TO AUGUST 15;

20 (II) CORN, FOR THE PERIOD FROM JULY 1 TO DECEMBER 1;

21 (III) SOYBEANS, FOR THE PERIOD FROM SEPTEMBER 1 TO
 22 DECEMBER 31; AND

23 (IV) VEGETABLE CROPS, FOR THE PERIOD FROM JUNE 1 TO
 24 OCTOBER 31.

25 (⇒) (2) (I) EXCEPT ON INTERSTATE HIGHWAYS, A SINGLE UNIT
 26 VEHICLE WITH AT LEAST 3 AXLES OR A COMBINATION OF VEHICLES WITH A TRAILER
 27 LENGTH OF LESS THAN 32 FEET CARRYING FOREST PRODUCTS THAT HAVE BEEN
 28 LOADED IN FORESTS OR OTHER SIMILAR OFF-HIGHWAY LOCATIONS IS PERMITTED
 29 AN AXLE LOAD LIMIT TOLERANCE OF 10 PERCENT FROM SUBSECTIONS (B) AND (C) OF
 30 THIS SECTION.

31 (II) EXCEPT ON INTERSTATE HIGHWAYS, A COMBINATION OF
 32 VEHICLES WITH A SEMITRAILER LENGTH OF 45 FEET OR LESS CARRYING FOREST
 33 PRODUCTS THAT HAVE BEEN LOADED IN FORESTS OR OTHER SIMILAR
 34 OFF-HIGHWAY LOCATIONS IS PERMITTED AN AXLE LOAD LIMIT TOLERANCE OF 5
 35 PERCENT FROM SUBSECTIONS (B) AND (C) OF THIS SECTION.

36 24-111.1.

37 (a) Except as otherwise provided in this section, as to any vehicle found to
 38 exceed the weight limits permitted under this subtitle, if the overweight does not

1 exceed 5,000 pounds, a police officer may require the driver to unload the excess
2 weight.

3 (b) Except as otherwise provided in this section, as to any vehicle found to
4 exceed the weight limits permitted under this subtitle, if the overweight exceeds
5 5,000 pounds, the vehicle may not be moved until the excess weight is unloaded.

6 (c) [If] EXCEPT ON INTERSTATE HIGHWAYS, IF an overweight vehicle bears
7 registration plates issued by this State and is transporting liquid milk in bulk from
8 the producer, the vehicle may be granted a 5 percent tolerance on the applicable
9 registration or statutory gross weight limit. However, a tolerance granted under this
10 subsection may not permit the gross weight of the vehicle to exceed [79,000] 80,000
11 pounds.

12 (d) As to an overweight vehicle carrying an indivisible load:

13 (1) If it is the first indivisible load overweight violation by the driver of
14 the vehicle, the vehicle may be allowed to proceed, after a permit to do so is obtained
15 from the State Highway Administration; and

16 (2) If it is a second or subsequent indivisible load overweight violation by
17 the driver of the vehicle, the vehicle shall return with its load to its place of entry or
18 origin in this State, after a permit to do so is obtained from the State Highway
19 Administration.

20 (e) As to an overweight vehicle carrying perishable products as its only load:

21 (1) If it is the first perishable load overweight violation during the
22 calendar year by the driver of the vehicle, the vehicle shall be allowed to proceed to its
23 destination; and

24 (2) If it is a second or subsequent perishable load overweight violation
25 during the calendar year by the driver of the vehicle, the vehicle may not be moved
26 until the excess weight is unloaded.

27 (f) All material or cargo unloaded under this section shall be cared for by the
28 owner or operator of the vehicle at the risk of the owner or operator.

29 27-105.

30 (b) Except on interstate highways, a loading error or tolerance of 1,000 pounds
31 over a registered weight limit, statutory weight limit, or weight limit imposed by
32 signs is allowed and only weight in excess of this tolerance is a violation provided that
33 [such an]:

34 (1) AN overall gross weight may not exceed 80,000 pounds, including any
35 enforcement or statutory tolerances; OR

36 (2) THE VEHICLE IS BEING OPERATED UNDER A VALID PERMIT FOR
37 GROSS WEIGHT IN EXCESS OF 80,000 POUNDS.

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 24-108(d) of~~
2 ~~Article Transportation of the Annotated Code of Maryland be renumbered to be~~
3 ~~Section(s) 24-108(e).~~

4 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 1999.