

**ENROLLED BILL**

-- Environmental Matters/Judicial Proceedings --

Introduced by **Delegates Edwards, Cane, Jennings, Kelly, Sossi, and Weir**  
**Weir, and Myers**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Allegany County and Garrett County - Vehicle Laws - Exceptional Hauling**  
3 **Permits - Forestry Products**

4 FOR the purpose of authorizing the State Highway Administration to issue an  
5 exceptional hauling permit valid in certain counties for a combination of vehicles  
6 that carries certain forestry products and has an axle configuration that meets  
7 certain requirements; requiring a combination of vehicles operating under the  
8 authority of an exceptional hauling permit to comply with certain weight limits;  
9 requiring a certain combination of vehicles ~~to annually, twice each year, to~~  
10 submit to and pass a certain inspection and be allowed only a certain load limit  
11 tolerance; prohibiting a person who operates a certain combination of vehicles  
12 from violating certain highway restrictions, operating the combination of  
13 vehicles on the interstate highway system, operating the combination of vehicles  
14 if it exceeds certain ratings or restrictions, or failing to comply with the terms  
15 and conditions of the permit; requiring a person who operates a certain  
16 combination of vehicles to have, in the person's possession, a certain permit and

1 certain inspection reports; specifying the penalties for the violation of certain  
 2 provisions of law or the terms and conditions of certain exceptional hauling  
 3 permits; authorizing a certain person to appeal a certain revocation; requiring  
 4 certain records to be provided to the State Highway Administrator or the  
 5 Administrator's designee on request; authorizing the State Highway  
 6 Administrator to take certain action if certain records are not received;  
 7 establishing certain fees; requiring the State Highway Administration to adopt  
 8 certain regulations; requiring a certain report; authorizing the State Highway  
 9 Administrator to stop issuing or renewing exceptional hauling permits under  
 10 certain circumstances; requiring a certain report to the General Assembly if the  
 11 State Highway Administration stops issuing or renewing exceptional hauling  
 12 permits under this Act; providing for the termination of this Act; and generally  
 13 relating to vehicle laws and exceptional hauling permits.

14 BY adding to  
 15 Article - Transportation  
 16 Section 24-113.2  
 17 Annotated Code of Maryland  
 18 (2002 Replacement Volume and 2005 Supplement)

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

21 **Article - Transportation**

22 24-113.2.

23 (A) AN EXCEPTIONAL HAULING PERMIT ISSUED UNDER THIS SECTION IS  
 24 VALID ONLY IN ALLEGANY COUNTY AND GARRETT COUNTY.

25 ~~(A)~~ (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE  
 26 STATE HIGHWAY ADMINISTRATION MAY ISSUE AN EXCEPTIONAL HAULING PERMIT  
 27 FOR A COMBINATION OF VEHICLES THAT:

28 (1) CARRIES FORESTRY PRODUCTS THAT:

29 (I) ARE LOADED IN FIELDS OR OTHER OFF-HIGHWAY LOCATIONS;  
 30 AND

31 (II) ARE THE ONLY LOAD OF THE VEHICLE; AND

32 (2) HAS AN AXLE CONFIGURATION OF NOT LESS THAN SIX AXLES AND A  
 33 FRONT-TO-REAR CENTERLINE AXLE SPACING OF NOT LESS THAN 50 FEET.

34 ~~(B)~~ (C) A COMBINATION OF VEHICLES OPERATING UNDER THE AUTHORITY  
 35 OF AN EXCEPTIONAL HAULING PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF THIS  
 36 SECTION SHALL:

37 (1) COMPLY WITH THE FOLLOWING WEIGHT LIMITS:

1 (I) A MAXIMUM OF 20,000 POUNDS GROSS WEIGHT ON A SINGLE  
2 AXLE;

3 (II) FOR ANY CONSECUTIVE AXLE CONFIGURATION OF TWO OR  
4 MORE AXLES ON INDIVIDUAL VEHICLES IN THE COMBINATION, THE MAXIMUM  
5 GROSS WEIGHT SPECIFIED IN § 24-109(C) OF THIS SUBTITLE; AND

6 (III) A MAXIMUM OF 87,000 GROSS COMBINATION WEIGHT;

7 (2) ~~ANNUALLY TWICE EACH YEAR~~, SUBMIT TO AND PASS A NORTH  
8 AMERICAN STANDARD DRIVER/VEHICLE LEVEL 1 INSPECTION; AND

9 (3) BE ALLOWED A LOAD LIMIT TOLERANCE OF ONLY 1,000 POUNDS FOR  
10 GROSS COMBINATION WEIGHT AND 15% FOR AXLE WEIGHTS.

11 ~~(C)~~ (D) WHILE OPERATING A COMBINATION OF VEHICLES UNDER THE  
12 AUTHORITY OF AN EXCEPTIONAL HAULING PERMIT ISSUED UNDER SUBSECTION ~~(A)~~  
13 (B) OF THIS SECTION, A PERSON MAY NOT:

14 (1) VIOLATE A HIGHWAY RESTRICTION ISSUED BY A COMPETENT  
15 AUTHORITY;

16 (2) OPERATE THE COMBINATION OF VEHICLES ON THE INTERSTATE  
17 HIGHWAY SYSTEM, AS DEFINED IN § 8-101(J) OF THIS ARTICLE;

18 (3) OPERATE THE COMBINATION OF VEHICLES IF THE COMBINATION OF  
19 VEHICLES EXCEEDS ANY TIRE WEIGHT RATING OR TIRE SPEED RESTRICTION  
20 ADOPTED UNDER § 25-111 OF THIS ARTICLE; OR

21 (4) FAIL TO COMPLY WITH THE TERMS AND CONDITIONS OF THE  
22 EXCEPTIONAL HAULING PERMIT.

23 ~~(D)~~ (E) WHILE OPERATING A COMBINATION OF VEHICLES UNDER THE  
24 AUTHORITY OF AN EXCEPTIONAL HAULING PERMIT ISSUED UNDER SUBSECTION ~~(A)~~  
25 (B) OF THIS SECTION, A PERSON SHALL HAVE IN THE PERSON'S POSSESSION:

26 (1) THE ORIGINAL EXCEPTIONAL HAULING PERMIT ISSUED FOR THE  
27 VEHICLE; AND

28 (2) FOR EACH VEHICLE IN THE COMBINATION OF VEHICLES, A COPY OF  
29 A VALID NORTH AMERICAN STANDARD DRIVER/VEHICLE LEVEL 1 INSPECTION  
30 REPORT ISSUED WITHIN THE PRECEDING ~~12 MONTHS~~ 180 DAYS THAT SHOWS NO  
31 OUT-OF-SERVICE VIOLATIONS.

32 ~~(E)~~ (F) (1) A VIOLATION OF THIS SECTION, REGULATIONS ADOPTED TO  
33 IMPLEMENT THIS SECTION, OR THE TERMS AND CONDITIONS OF AN EXCEPTIONAL  
34 HAULING PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION SHALL:

35 (I) VOID THE AUTHORITY GRANTED UNDER THE EXCEPTIONAL  
36 HAULING PERMIT;

1 (II) SUBJECT THE VEHICLE TO ALL WEIGHT REQUIREMENTS AND  
2 TOLERANCES SPECIFIED IN THIS ARTICLE; AND

3 (III) FOR A VIOLATION OF A WEIGHT RESTRICTION SPECIFIED IN  
4 THIS SECTION THAT EXCEEDS 5,000 POUNDS, SUBJECT THE EXCEPTIONAL HAULING  
5 PERMIT TO IMMEDIATE CONFISCATION BY AN OFFICER OR AUTHORIZED CIVILIAN  
6 EMPLOYEE OF THE DEPARTMENT OF STATE POLICE, AN OFFICER OF THE MARYLAND  
7 TRANSPORTATION AUTHORITY POLICE, OR ANY POLICE OFFICER.

8 (2) A PERSON WHO CONFISCATES AN EXCEPTIONAL HAULING PERMIT  
9 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL IMMEDIATELY NOTIFY THE  
10 STATE HIGHWAY ADMINISTRATION.

11 (3) ON NOTIFICATION OF THE CONFISCATION OF AN EXCEPTIONAL  
12 HAULING PERMIT, THE STATE HIGHWAY ADMINISTRATION SHALL REVIEW THE  
13 CONFISCATION, VERIFY THE VIOLATION OF A WEIGHT RESTRICTION, AND, IF THE  
14 STATE HIGHWAY ADMINISTRATION DETERMINES THAT A VIOLATION DID OCCUR,  
15 REVOKE THE PERMIT.

16 (4) AN OWNER OR OPERATOR OF A COMBINATION OF VEHICLES MAY  
17 APPEAL THE REVOCATION OF AN EXCEPTIONAL HAULING PERMIT TO THE STATE  
18 HIGHWAY ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE.

19 (G) (1) ON REQUEST FROM THE STATE HIGHWAY ADMINISTRATOR OR THE  
20 ADMINISTRATOR'S DESIGNEE, WEIGHT AND DELIVERY RECORDS OF THE HOLDER OF  
21 AN EXCEPTIONAL HAULING PERMIT THAT ARE KEPT IN THE NORMAL COURSE OF  
22 BUSINESS SHALL BE PROVIDED BY:

23 (I) THE HOLDER OF THE EXCEPTIONAL HAULING PERMIT; OR

24 (II) A FACILITY THAT RECEIVES FORESTRY PRODUCTS DELIVERED  
25 BY A VEHICLE OPERATING UNDER THE AUTHORITY OF AN EXCEPTIONAL HAULING  
26 PERMIT.

27 (2) IF THE HOLDER OF AN EXCEPTIONAL HAULING PERMIT OR A  
28 FACILITY THAT RECEIVES FORESTRY PRODUCTS DOES NOT COMPLY WITH A  
29 REQUEST UNDER THIS SUBSECTION, THE STATE HIGHWAY ADMINISTRATION MAY:

30 (I) SUSPEND THE HOLDER'S EXCEPTIONAL HAULING PERMIT; OR

31 (II) PROHIBIT A VEHICLE FROM DELIVERING FORESTRY PRODUCTS  
32 UNDER THE AUTHORITY OF THE EXCEPTIONAL HAULING PERMIT TO THE  
33 NONCOMPLIANT FACILITY.

34 (F) (H) (1) AN APPLICANT FOR AN EXCEPTIONAL HAULING PERMIT SHALL  
35 PAY TO THE STATE HIGHWAY ADMINISTRATION:

36 (I) \$500 FOR THE ISSUANCE OF A NEW PERMIT OR THE ANNUAL  
37 RENEWAL OF A PERMIT;

1 (II) \$1,000 FOR THE REINSTATEMENT OF A PERMIT THAT WAS  
 2 REVOKED UNDER SUBSECTION ~~(E)(1)(HH)~~ ~~(F)(1)(HH)~~ (F)(3) OF THIS SECTION FOR A FIRST  
 3 VIOLATION; AND

4 (III) \$5,000 FOR THE REINSTATEMENT OF A PERMIT THAT WAS  
 5 REVOKED UNDER SUBSECTION ~~(E)(1)(HH)~~ (F)(3) OF THIS SECTION FOR A SECOND OR  
 6 SUBSEQUENT VIOLATION WITHIN THE PRIOR 24 MONTHS.

7 (2) A FEE PAID UNDER THIS SUBSECTION IS NONREFUNDABLE.

8 ~~(G)~~ (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN  
 9 EXCEPTIONAL HAULING PERMIT IS VALID FOR 1 YEAR FROM THE DATE OF ISSUANCE.

10 ~~(H)~~ (J) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE, THE  
 11 STATE HIGHWAY ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT  
 12 THIS SECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway  
 14 Administration, in conjunction with the Department of State Police, shall report to  
 15 the General Assembly on or before December 1, ~~2007~~ 2008, in accordance with §  
 16 2-1246 of the State Government Article, on the use and enforcement of exceptional  
 17 hauling permits, including compliance with this Act, regulations adopted to  
 18 implement this Act, and the terms and conditions of exceptional hauling permits.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the issuance of permits  
 20 under this Act is at the discretion of the State Highway Administrator. The State  
 21 Highway Administrator may stop issuing and renewing permits under this Act if the  
 22 Administrator determines that the use of exceptional hauling permits is adversely  
 23 affecting any part of the State highway system. The State Highway Administrator  
 24 shall promptly report to the General Assembly, in accordance with § 2-1246 of the  
 25 State Government Article, regarding any decision to stop issuing or renewing permits  
 26 under this Act and the reason for the decision.

27 SECTION ~~3-4~~. AND BE IT FURTHER ENACTED, That this Act shall take  
 28 effect June 1, 2006. It shall remain effective for a period of 4 years and, at the end of  
 29 September 30, May 31, 2010, with no further action required by the General  
 30 Assembly, this Act shall be abrogated and of no further force and effect.