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By: **Delegates Edwards, Cane, Jennings, Kelly, Sossi, ~~and Weir~~ Weir, and Myers**

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
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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  
17 certain inspection reports; specifying the penalties for the violation of certain  
18 provisions of law or the terms and conditions of certain exceptional hauling  
19 permits; authorizing a certain person to appeal a certain revocation; requiring  
20 certain records to be provided to the State Highway Administrator or the  
21 Administrator's designee on request; authorizing the State Highway  
22 Administrator to take certain action if certain records are not received;  
23 establishing certain fees; requiring the State Highway Administration to adopt  
24 certain regulations; requiring a certain report; authorizing the State Highway  
25 Administrator to stop issuing or renewing exceptional hauling permits under  
26 certain circumstances; requiring a certain report to the General Assembly if the

1 State Highway Administration stops issuing or renewing exceptional hauling  
2 permits under this Act; providing for the termination of this Act; and generally  
3 relating to vehicle laws and exceptional hauling permits.

4 BY adding to  
5 Article - Transportation  
6 Section 24-113.2  
7 Annotated Code of Maryland  
8 (2002 Replacement Volume and 2005 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 24-113.2.

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

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

18 (1) CARRIES FORESTRY PRODUCTS THAT:

19 (I) ARE LOADED IN FIELDS OR OTHER OFF-HIGHWAY LOCATIONS;  
20 AND

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

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

24 ~~(B)~~ (C) A COMBINATION OF VEHICLES OPERATING UNDER THE AUTHORITY  
25 OF AN EXCEPTIONAL HAULING PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF THIS  
26 SECTION SHALL:

27 (1) COMPLY WITH THE FOLLOWING WEIGHT LIMITS:

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

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

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

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

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

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

8           (1)     VIOLATE A HIGHWAY RESTRICTION ISSUED BY A COMPETENT  
9 AUTHORITY;

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

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

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

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

20          (1)     THE ORIGINAL EXCEPTIONAL HAULING PERMIT ISSUED FOR THE  
21 VEHICLE; AND

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

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

29                   (I)     VOID THE AUTHORITY GRANTED UNDER THE EXCEPTIONAL  
30 HAULING PERMIT;

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

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

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

4 (3) ON NOTIFICATION OF THE CONFISCATION OF AN EXCEPTIONAL  
5 HAULING PERMIT, THE STATE HIGHWAY ADMINISTRATION SHALL REVIEW THE  
6 CONFISCATION, VERIFY THE VIOLATION OF A WEIGHT RESTRICTION, AND, IF THE  
7 STATE HIGHWAY ADMINISTRATION DETERMINES THAT A VIOLATION DID OCCUR,  
8 REVOKE THE PERMIT.

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

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

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

17 (II) A FACILITY THAT RECEIVES FORESTRY PRODUCTS DELIVERED  
18 BY A VEHICLE OPERATING UNDER THE AUTHORITY OF AN EXCEPTIONAL HAULING  
19 PERMIT.

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

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

24 (II) PROHIBIT A VEHICLE FROM DELIVERING FORESTRY PRODUCTS  
25 UNDER THE AUTHORITY OF THE EXCEPTIONAL HAULING PERMIT TO THE  
26 NONCOMPLIANT FACILITY.

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

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

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

34 (III) \$5,000 FOR THE REINSTATEMENT OF A PERMIT THAT WAS  
35 REVOKED UNDER SUBSECTION (E)(1)(III) OF THIS SECTION FOR A SECOND OR  
36 SUBSEQUENT VIOLATION WITHIN THE PRIOR 24 MONTHS.

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway  
7 Administration, in conjunction with the Department of State Police, shall report to  
8 the General Assembly on or before December 1, ~~2007~~ 2008, in accordance with §  
9 2-1246 of the State Government Article, on the use and enforcement of exceptional  
10 hauling permits, including compliance with this Act, regulations adopted to  
11 implement this Act, and the terms and conditions of exceptional hauling permits.

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

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