

SENATE BILL 733

R6

71r2631
CF HB 420

By: **Senator Edwards**

Introduced and read first time: February 9, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk**

3 FOR the purpose of authorizing the State Highway Administration to issue an
4 exceptional milk hauling permit for a combination of vehicles or a straight truck
5 that carries certain raw liquid milk to a processing plant and has an axle
6 configuration that meets certain requirements; requiring a combination of
7 vehicles or a straight truck operating under the authority of an exceptional milk
8 hauling permit to comply with certain weight limits; requiring a certain
9 combination of vehicles or straight truck, twice each year, to submit to and pass
10 a certain inspection and be allowed only a certain load limit tolerance;
11 prohibiting a person who operates a certain combination of vehicles or straight
12 truck from violating certain highway restrictions, operating the combination of
13 vehicles on an interstate highway system, or operating the vehicle if it exceeds
14 certain ratings or restrictions or fails to comply with the terms and conditions of
15 the permit; requiring a person who operates a certain combination of vehicles or
16 straight truck to have, in the person's possession, a certain permit and certain
17 inspection reports; specifying the penalties for the violation of certain provisions
18 of law, regulations, or the terms and conditions of certain exceptional milk
19 hauling permits; authorizing the revocation of an exceptional milk hauling
20 permit under certain circumstances; authorizing a certain person to appeal the
21 revocation of an exceptional milk hauling permit; requiring certain records to be
22 provided to the State Highway Administrator or the Administrator's designee
23 on request; authorizing the State Highway Administrator to take certain action
24 if certain records are not received; establishing certain fees; providing that an
25 exceptional milk hauling permit is valid for a certain period; requiring the State
26 Highway Administration, in consultation with the Secretary of State Police, to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 adopt certain regulations; requiring the State Highway Administration and the
 2 Department of State Police to submit a certain report on or before a certain
 3 date; establishing that the issuance of a permit under this Act is at the
 4 discretion of the State Highway Administrator; requiring the State Highway
 5 Administrator to report a certain decision to the General Assembly; providing
 6 for the termination of this Act; and generally relating to vehicle size, weight,
 7 and load limits, and exceptional milk hauling permits.

8 BY adding to

9 Article – Transportation

10 Section 24–113.3

11 Annotated Code of Maryland

12 (2006 Replacement Volume and 2006 Supplement)

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

15 **Article – Transportation**

16 **24–113.3.**

17 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE**
 18 **STATE HIGHWAY ADMINISTRATION MAY ISSUE AN EXCEPTIONAL MILK HAULING**
 19 **PERMIT FOR A COMBINATION OF VEHICLES OR A STRAIGHT TRUCK THAT:**

20 **(1) CARRIES TO A PROCESSING PLANT RAW LIQUID MILK THAT IS**
 21 **LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM**
 22 **LOCATIONS; AND**

23 **(2) (I) FOR A COMBINATION OF VEHICLES, HAS AN AXLE**
 24 **CONFIGURATION OF NOT LESS THAN SIX AXLES AND A FRONT-TO-REAR**
 25 **CENTERLINE AXLE SPACING OF NOT LESS THAN 50 FEET; OR**

26 **(II) FOR A STRAIGHT TRUCK, HAS AN AXLE CONFIGURATION**
 27 **OF NOT LESS THAN FOUR AXLES, ONE OF WHICH MAY BE A LIFT AXLE.**

28 **(B) A COMBINATION OF VEHICLES OR A STRAIGHT TRUCK OPERATING**
 29 **UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING PERMIT ISSUED**
 30 **UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

31 **(1) COMPLY WITH THE FOLLOWING WEIGHT LIMITS:**

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

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

7 (III) 1. FOR A COMBINATION OF VEHICLES, A MAXIMUM
8 OF 87,000 POUNDS GROSS COMBINATION WEIGHT; OR

9 2. FOR A STRAIGHT TRUCK WITH FOUR AXLES, A
10 MAXIMUM OF 70,000 GROSS VEHICLE WEIGHT;

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

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

15 (C) WHILE OPERATING A COMBINATION OF VEHICLES OR A STRAIGHT
16 TRUCK UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING PERMIT
17 ISSUED UNDER SUBSECTION (A) OF THIS SECTION, A PERSON MAY NOT:

18 (1) VIOLATE A HIGHWAY RESTRICTION ISSUED BY A COMPETENT
19 AUTHORITY;

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

22 (3) OPERATE THE COMBINATION OF VEHICLES OR STRAIGHT
23 TRUCK IF THE COMBINATION OF VEHICLES OR STRAIGHT TRUCK EXCEEDS ANY
24 TIRE WEIGHT RATING OR TIRE SPEED RESTRICTION ADOPTED UNDER § 25-111
25 OF THIS ARTICLE; OR

26 (4) FAIL TO COMPLY WITH THE TERMS AND CONDITIONS OF THE
27 EXCEPTIONAL MILK HAULING PERMIT.

1 **(D) WHILE OPERATING A COMBINATION OF VEHICLES OR A STRAIGHT**
2 **TRUCK UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING PERMIT**
3 **ISSUED UNDER SUBSECTION (A) OF THIS SECTION, A PERSON SHALL HAVE IN**
4 **THE PERSON'S POSSESSION:**

5 **(1) THE ORIGINAL EXCEPTIONAL MILK HAULING PERMIT ISSUED**
6 **FOR THE VEHICLE; AND**

7 **(2) FOR EACH VEHICLE IN THE COMBINATION OF VEHICLES, A**
8 **COPY OF A VALID NORTH AMERICAN STANDARD DRIVER/VEHICLE LEVEL 1**
9 **INSPECTION REPORT ISSUED WITHIN THE PRECEDING 180 DAYS THAT SHOWS**
10 **NO OUT-OF-SERVICE VIOLATIONS.**

11 **(E) (1) A VIOLATION OF THIS SECTION, REGULATIONS ADOPTED TO**
12 **IMPLEMENT THIS SECTION, OR THE TERMS AND CONDITIONS OF AN**
13 **EXCEPTIONAL MILK HAULING PERMIT ISSUED UNDER SUBSECTION (A) OF THIS**
14 **SECTION SHALL:**

15 **(I) VOID THE AUTHORITY GRANTED UNDER THE**
16 **EXCEPTIONAL MILK HAULING PERMIT;**

17 **(II) SUBJECT THE VEHICLE TO ALL WEIGHT REQUIREMENTS**
18 **AND TOLERANCES SPECIFIED IN THIS ARTICLE; AND**

19 **(III) FOR A VIOLATION OF A WEIGHT RESTRICTION**
20 **SPECIFIED IN THIS SECTION THAT EXCEEDS 5,000 POUNDS, SUBJECT THE**
21 **EXCEPTIONAL MILK HAULING PERMIT TO IMMEDIATE CONFISCATION BY AN**
22 **OFFICER OR AUTHORIZED CIVILIAN EMPLOYEE OF THE DEPARTMENT OF STATE**
23 **POLICE, AN OFFICER OF THE MARYLAND TRANSPORTATION AUTHORITY**
24 **POLICE, OR ANY POLICE OFFICER.**

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

28 **(3) ON NOTIFICATION OF THE CONFISCATION OF AN**
29 **EXCEPTIONAL MILK HAULING PERMIT, THE STATE HIGHWAY ADMINISTRATION**
30 **SHALL REVIEW THE CONFISCATION, VERIFY THE VIOLATION OF A WEIGHT**

1 RESTRICTION, AND, IF THE STATE HIGHWAY ADMINISTRATION DETERMINES
2 THAT A VIOLATION DID OCCUR, REVOKE THE PERMIT.

3 (4) AN OWNER OR OPERATOR OF A COMBINATION OF VEHICLES
4 OR A STRAIGHT TRUCK MAY APPEAL THE REVOCATION OF AN EXCEPTIONAL
5 MILK HAULING PERMIT TO THE STATE HIGHWAY ADMINISTRATOR OR THE
6 ADMINISTRATOR'S DESIGNEE.

7 (F) (1) ON REQUEST FROM THE STATE HIGHWAY ADMINISTRATOR
8 OR THE ADMINISTRATOR'S DESIGNEE, WEIGHT AND DELIVERY RECORDS OF THE
9 HOLDER OF AN EXCEPTIONAL MILK HAULING PERMIT THAT ARE KEPT IN THE
10 NORMAL COURSE OF BUSINESS SHALL BE PROVIDED BY:

11 (I) THE HOLDER OF THE EXCEPTIONAL MILK HAULING
12 PERMIT; OR

13 (II) A FACILITY THAT RECEIVES RAW LIQUID MILK
14 DELIVERED BY A VEHICLE OPERATING UNDER THE AUTHORITY OF AN
15 EXCEPTIONAL MILK HAULING PERMIT.

16 (2) IF THE HOLDER OF AN EXCEPTIONAL MILK HAULING PERMIT
17 OR A FACILITY THAT RECEIVES RAW LIQUID MILK DOES NOT COMPLY WITH A
18 REQUEST UNDER THIS SUBSECTION, THE STATE HIGHWAY ADMINISTRATION
19 MAY:

20 (I) SUSPEND THE HOLDER'S EXCEPTIONAL MILK HAULING
21 PERMIT; OR

22 (II) PROHIBIT A VEHICLE FROM DELIVERING RAW LIQUID
23 MILK UNDER THE AUTHORITY OF THE EXCEPTIONAL MILK HAULING PERMIT TO
24 THE NONCOMPLIANT FACILITY.

25 (G) (1) AN APPLICANT FOR AN EXCEPTIONAL MILK HAULING PERMIT
26 SHALL PAY TO THE STATE HIGHWAY ADMINISTRATION:

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

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

4 **(III) \$5,000 FOR THE REINSTATEMENT OF A PERMIT THAT**
5 **WAS REVOKED UNDER SUBSECTION (E)(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 **(H) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN**
9 **EXCEPTIONAL MILK HAULING PERMIT IS VALID FOR 1 YEAR FROM THE DATE OF**
10 **ISSUANCE.**

11 **(I) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE, THE**
12 **STATE HIGHWAY ADMINISTRATION SHALL ADOPT REGULATIONS TO**
13 **IMPLEMENT THIS SECTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway
15 Administration, in conjunction with the Department of State Police, shall report to the
16 General Assembly on or before December 1, 2009, in accordance with § 2-1246 of the
17 State Government Article, on the use and enforcement of exceptional hauling permits,
18 including compliance with this Act, regulations adopted to implement this Act, and the
19 terms and conditions of exceptional hauling permits.

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

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2007. It shall remain effective for a period of 4 years and, at the end of
30 September 30, 2011, with no further action required by the General Assembly, this Act
31 shall be abrogated and of no further force and effect.