

SENATE BILL 733

R6

71r2631
CF HB 420

By: **Senator Edwards**

Introduced and read first time: February 9, 2007

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 16, 2007

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2007

CHAPTER _____

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 valid in certain counties for a combination of
5 vehicles ~~or a straight truck~~ that carries certain raw liquid milk to a processing
6 plant and has an axle configuration that meets certain requirements; requiring
7 a combination of vehicles ~~or a straight truck~~ operating under the authority of an
8 exceptional milk hauling permit to comply with certain weight limits; requiring
9 a certain combination of vehicles ~~or straight truck~~, twice each year, to submit to
10 and pass 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 revocation of an exceptional milk hauling permit; requiring certain records to be
 2 provided to the State Highway Administrator or the Administrator's designee
 3 on request; authorizing the State Highway Administrator to take certain action
 4 if certain records are not received; establishing certain fees; providing that an
 5 exceptional milk hauling permit is valid for a certain period; requiring the State
 6 Highway Administration, in consultation with the Secretary of State Police, to
 7 adopt certain regulations; requiring the State Highway Administration and the
 8 Department of State Police to submit a certain report on or before a certain
 9 date; establishing that the issuance of a permit under this Act is at the
 10 discretion of the State Highway Administrator; requiring the State Highway
 11 Administrator to report a certain decision to the General Assembly; providing
 12 for the construction of this Act; providing for the termination of this Act; and
 13 generally relating to vehicle size, weight, and load limits, and exceptional milk
 14 hauling permits.

15 BY adding to
 16 Article – Transportation
 17 Section 24–113.3
 18 Annotated Code of Maryland
 19 (2006 Replacement Volume and 2006 Supplement)

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

22 **Article – Transportation**

23 **24–113.3.**

24 **(A) AN EXCEPTIONAL MILK HAULING PERMIT ISSUED UNDER THIS**
 25 **SECTION IS VALID ONLY IN ALLEGANY COUNTY, ANNE ARUNDEL COUNTY,**
 26 **BALTIMORE COUNTY, CARROLL COUNTY, FREDERICK COUNTY, GARRETT**
 27 **COUNTY, HOWARD COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE'S**
 28 **COUNTY, AND WASHINGTON COUNTY.**

29 **~~(A)~~ (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE,**
 30 **THE STATE HIGHWAY ADMINISTRATION MAY ISSUE AN EXCEPTIONAL MILK**
 31 **HAULING PERMIT FOR A COMBINATION OF VEHICLES ~~OR A STRAIGHT TRUCK~~**
 32 **THAT:**

33 **(1) CARRIES TO A PROCESSING PLANT RAW LIQUID MILK THAT IS**
 34 **THE ONLY LOAD ON THE VEHICLE AND IS LOADED FROM BULK LIQUID MILK**
 35 **STORAGE TANKS AT ONE OR MORE FARM LOCATIONS; AND**

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

4 ~~(H) FOR A STRAIGHT TRUCK, HAS AN AXLE CONFIGURATION~~
5 ~~OF NOT LESS THAN FOUR AXLES, ONE OF WHICH MAY BE A LIFT AXLE.~~

6 ~~(B)~~ (C) A COMBINATION OF VEHICLES ~~OR A STRAIGHT TRUCK~~
7 OPERATING UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING
8 PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION SHALL:

9 (1) COMPLY WITH THE FOLLOWING WEIGHT LIMITS:

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

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

16 (III) ~~1. FOR A COMBINATION OF VEHICLES, A~~ A MAXIMUM
17 OF 87,000 POUNDS GROSS COMBINATION WEIGHT; ~~OR~~

18 ~~2. FOR A STRAIGHT TRUCK WITH FOUR AXLES, A~~
19 ~~MAXIMUM OF 70,000 GROSS VEHICLE WEIGHT;~~

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

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

24 ~~(C)~~ (D) WHILE OPERATING A COMBINATION OF VEHICLES ~~OR A~~
25 ~~STRAIGHT TRUCK~~ UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING
26 PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION, A PERSON MAY
27 NOT:

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

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

5 (3) OPERATE THE COMBINATION OF VEHICLES ~~OR STRAIGHT~~
6 ~~TRUCK~~ IF THE COMBINATION OF VEHICLES ~~OR STRAIGHT TRUCK~~ EXCEEDS ANY
7 TIRE WEIGHT RATING OR TIRE SPEED RESTRICTION ADOPTED UNDER § 25-111
8 OF THIS ARTICLE; OR

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

11 ~~(D)~~ (E) WHILE OPERATING A COMBINATION OF VEHICLES ~~OR A~~
12 ~~STRAIGHT TRUCK~~ UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING
13 PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION, A PERSON SHALL
14 HAVE IN THE PERSON'S POSSESSION:

15 (1) THE ORIGINAL EXCEPTIONAL MILK HAULING PERMIT ISSUED
16 FOR THE VEHICLE; AND

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

21 ~~(E)~~ (F) (1) A VIOLATION OF THIS SECTION, REGULATIONS
22 ADOPTED TO IMPLEMENT THIS SECTION, OR THE TERMS AND CONDITIONS OF
23 AN EXCEPTIONAL MILK HAULING PERMIT ISSUED UNDER SUBSECTION ~~(A)~~ (B) OF
24 THIS SECTION SHALL:

25 (I) VOID THE AUTHORITY GRANTED UNDER THE
26 EXCEPTIONAL MILK HAULING PERMIT;

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

29 (III) FOR A VIOLATION OF A WEIGHT RESTRICTION
30 SPECIFIED IN THIS SECTION THAT EXCEEDS 5,000 POUNDS, SUBJECT THE

1 EXCEPTIONAL MILK HAULING PERMIT TO IMMEDIATE CONFISCATION BY AN
2 OFFICER OR AUTHORIZED CIVILIAN EMPLOYEE OF THE DEPARTMENT OF STATE
3 POLICE, AN OFFICER OF THE MARYLAND TRANSPORTATION AUTHORITY
4 POLICE, OR ANY POLICE OFFICER.

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

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

13 (4) AN OWNER OR OPERATOR OF A COMBINATION OF VEHICLES
14 ~~OR A STRAIGHT TRUCK~~ MAY APPEAL THE REVOCATION OF AN EXCEPTIONAL
15 MILK HAULING PERMIT TO THE STATE HIGHWAY ADMINISTRATOR OR THE
16 ADMINISTRATOR'S DESIGNEE.

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

21 (I) THE HOLDER OF THE EXCEPTIONAL MILK HAULING
22 PERMIT; ~~OR~~

23 (II) A FACILITY THAT RECEIVES RAW LIQUID MILK
24 DELIVERED BY A VEHICLE OPERATING UNDER THE AUTHORITY OF AN
25 EXCEPTIONAL MILK HAULING PERMIT; OR

26 (III) A PRODUCER OF RAW LIQUID MILK HAVING THE
27 PRODUCT TRANSPORTED UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK
28 HAULING PERMIT.

29 (2) IF THE HOLDER OF AN EXCEPTIONAL MILK HAULING PERMIT,
30 ~~OR~~ A FACILITY THAT RECEIVES RAW LIQUID MILK, OR A PRODUCER OF RAW
31 LIQUID MILK DOES NOT COMPLY WITH A REQUEST UNDER THIS SUBSECTION,
32 THE STATE HIGHWAY ADMINISTRATION MAY:

1 (I) SUSPEND THE HOLDER'S EXCEPTIONAL MILK HAULING
2 PERMIT; OR

3 (II) PROHIBIT A VEHICLE FROM PICKING UP FROM THE
4 PRODUCER OR DELIVERING TO THE NONCOMPLIANT FACILITY RAW LIQUID
5 MILK UNDER THE AUTHORITY OF THE EXCEPTIONAL MILK HAULING PERMIT ~~TO~~
6 ~~THE NONCOMPLIANT FACILITY.~~

7 ~~(G)~~ (H) (1) AN APPLICANT FOR AN EXCEPTIONAL MILK HAULING PERMIT
8 SHALL PAY TO THE STATE HIGHWAY ADMINISTRATION:

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

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

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

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

18 ~~(H)~~ (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
19 EXCEPTIONAL MILK HAULING PERMIT IS VALID FOR 1 YEAR FROM THE DATE OF
20 ISSUANCE.

21 ~~(I)~~ (J) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE,
22 THE STATE HIGHWAY ADMINISTRATION SHALL ADOPT REGULATIONS TO
23 IMPLEMENT THIS SECTION.

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That the issuance of permits
 2 under this Act is at the discretion of the State Highway Administrator. The State
 3 Highway Administrator may stop issuing and renewing permits under this Act if the
 4 Administrator determines that the use of exceptional milk hauling permits is
 5 adversely affecting any part of the State highway system. The State Highway
 6 Administrator shall promptly report to the General Assembly, in accordance with §
 7 2-1246 of the State Government Article, regarding any decision to stop issuing or
 8 renewing permits under this Act and the reason for the decision.

9 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall
 10 be construed to exempt a holder of an exceptional milk hauling permit from any
 11 applicable State or federal motor carrier requirements not specifically addressed in
 12 this Act.

13 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
 14 effect October 1, 2007. It shall remain effective for a period of 4 years and, at the end
 15 of September 30, 2011, with no further action required by the General Assembly, this
 16 Act shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.