

CHAPTER 404

(House Bill 420)

AN ACT concerning

Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk

FOR the purpose of authorizing the State Highway Administration to issue an exceptional milk hauling permit valid in certain counties for a combination of vehicles ~~or a straight truck~~ that carries certain raw liquid milk to a processing plant and has an axle configuration that meets certain requirements; requiring a combination of vehicles ~~or a straight truck~~ operating under the authority of an exceptional milk hauling permit to comply with certain weight limits; requiring a certain combination of vehicles ~~or straight truck~~, twice each year, to submit to and pass a certain inspection and be allowed only a certain load limit tolerance; prohibiting a person who operates a certain combination of vehicles ~~or straight truck~~ from violating certain highway restrictions, operating the combination of vehicles on an interstate highway system, or operating the vehicle if it exceeds certain ratings or restrictions or fails to comply with the terms and conditions of the permit; requiring a person who operates a certain combination of vehicles ~~or straight truck~~ to have, in the person's possession, a certain permit and certain inspection reports; specifying the penalties for the violation of certain provisions of law, regulations, or the terms and conditions of certain exceptional milk hauling permits; authorizing the revocation of an exceptional milk hauling permit under certain circumstances; authorizing a certain person to appeal the revocation of an exceptional milk hauling permit; requiring certain records to be provided to the State Highway Administrator or the Administrator's designee on request; authorizing the State Highway Administrator to take certain action if certain records are not received; establishing certain fees; providing that an exceptional milk hauling permit is valid for a certain period; requiring the State Highway Administration, in consultation with the Secretary of State Police, to adopt certain regulations; requiring the State Highway Administration and the Department of State Police to submit a certain report on or before a certain date; establishing that the issuance of a permit under this Act is at the discretion of the State Highway Administrator; requiring the State Highway Administrator to report a certain decision to the General Assembly; providing for the construction of this Act; providing for the termination of this Act; and generally relating to vehicle size, weight, and load limits, and exceptional milk hauling permits.

BY adding to

Article – Transportation
 Section 24–113.3
 Annotated Code of Maryland
 (2006 Replacement Volume and 2006 Supplement)

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

Article – Transportation

24–113.3.

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

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

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

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

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

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

(1) COMPLY WITH THE FOLLOWING WEIGHT LIMITS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2007.