

SENATE BILL 449

R6

9lr2638

By: **Senator Edwards**

Introduced and read first time: February 4, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County and Garrett County – Exceptional Hauling Permits for**
3 **Forestry Products – Sunset Repeal**

4 FOR the purpose of repealing the termination date for a certain provision of law
5 relating to the issuance of exceptional hauling permits for forestry products in
6 Allegany County and Garrett County.

7 BY repealing and reenacting, without amendments,
8 Article – Transportation
9 Section 24–113.2
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 409 of the Acts of the General Assembly of 2006
14 Section 4

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

17 **Article – Transportation**

18 24–113.2.

19 (a) An exceptional hauling permit issued under this section is valid only in
20 Allegany County and Garrett County.

21 (b) Notwithstanding any other provision of this title, the State Highway
22 Administration may issue an exceptional hauling permit for a combination of vehicles
23 that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) Carries forestry products that:
- 2 (i) Are loaded in fields or other off-highway locations; and
- 3 (ii) Are the only load of the vehicle; and
- 4 (2) Has an axle configuration of not less than six axles and a
5 front-to-rear centerline axle spacing of not less than 50 feet.
- 6 (c) A combination of vehicles operating under the authority of an exceptional
7 hauling permit issued under subsection (b) of this section shall:
- 8 (1) Comply with the following weight limits:
- 9 (i) A maximum of 20,000 pounds gross weight on a single axle;
- 10 (ii) For any consecutive axle configuration of two or more axles
11 on individual vehicles in the combination, the maximum gross weight specified in §
12 24-109(c) of this subtitle; and
- 13 (iii) A maximum of 87,000 gross combination weight;
- 14 (2) Twice each year, submit to and pass a North American Standard
15 Driver/Vehicle Level 1 inspection; and
- 16 (3) Be allowed a load limit tolerance of only 1,000 pounds for gross
17 combination weight and 15% for axle weights.
- 18 (d) While operating a combination of vehicles under the authority of an
19 exceptional hauling permit issued under subsection (b) of this section, a person may
20 not:
- 21 (1) Violate a highway restriction issued by a competent authority;
- 22 (2) Operate the combination of vehicles on the interstate highway
23 system, as defined in § 8-101(j) of this article;
- 24 (3) Operate the combination of vehicles if the combination of vehicles
25 exceeds any tire weight rating or tire speed restriction adopted under § 25-111 of this
26 article; or
- 27 (4) Fail to comply with the terms and conditions of the exceptional
28 hauling permit.
- 29 (e) While operating a combination of vehicles under the authority of an
30 exceptional hauling permit issued under subsection (b) of this section, a person shall
31 have in the person's possession:

1 (1) The original exceptional hauling permit issued for the vehicle; and

2 (2) For each vehicle in the combination of vehicles, a copy of a valid
3 North American Standard Driver/Vehicle Level 1 inspection report issued within the
4 preceding 180 days that shows no out-of-service violations.

5 (f) (1) A violation of this section, regulations adopted to implement this
6 section, or the terms and conditions of an exceptional hauling permit issued under
7 subsection (b) of this section shall:

8 (i) Void the authority granted under the exceptional hauling
9 permit;

10 (ii) Subject the vehicle to all weight requirements and
11 tolerances specified in this article; and

12 (iii) For a violation of a weight restriction specified in this
13 section that exceeds 5,000 pounds, subject the exceptional hauling permit to
14 immediate confiscation by an officer or authorized civilian employee of the
15 Department of State Police, an officer of the Maryland Transportation Authority
16 Police, or any police officer.

17 (2) A person who confiscates an exceptional hauling permit under
18 paragraph (1) of this subsection shall immediately notify the State Highway
19 Administration.

20 (3) On notification of the confiscation of an exceptional hauling permit,
21 the State Highway Administration shall review the confiscation, verify the violation of
22 a weight restriction, and, if the State Highway Administration determines that a
23 violation did occur, revoke the permit.

24 (4) An owner or operator of a combination of vehicles may appeal the
25 revocation of an exceptional hauling permit to the State Highway Administrator or the
26 Administrator's designee.

27 (g) (1) On request from the State Highway Administrator or the
28 Administrator's designee, weight and delivery records of the holder of an exceptional
29 hauling permit that are kept in the normal course of business shall be provided by:

30 (i) The holder of the exceptional hauling permit; or

31 (ii) A facility that receives forestry products delivered by a
32 vehicle operating under the authority of an exceptional hauling permit.

33 (2) If the holder of an exceptional hauling permit or a facility that
34 receives forestry products does not comply with a request under this subsection, the
35 State Highway Administration may:

- 1 (i) Suspend the holder's exceptional hauling permit; or
- 2 (ii) Prohibit a vehicle from delivering forestry products under
3 the authority of the exceptional hauling permit to the noncompliant facility.
- 4 (h) (1) An applicant for an exceptional hauling permit shall pay to the
5 State Highway Administration:
- 6 (i) \$500 for the issuance of a new permit or the annual renewal
7 of a permit;
- 8 (ii) \$1,000 for the reinstatement of a permit that was revoked
9 under subsection (f)(3) of this section for a first violation; and
- 10 (iii) \$5,000 for the reinstatement of a permit that was revoked
11 under subsection (f)(3) of this section for a second or subsequent violation within the
12 prior 24 months.
- 13 (2) A fee paid under this subsection is nonrefundable.
- 14 (i) Except as otherwise provided in this section, an exceptional hauling
15 permit is valid for 1 year from the date of issuance.
- 16 (j) In consultation with the Secretary of State Police, the State Highway
17 Administration shall adopt regulations to implement this section.

18 **Chapter 409 of the Acts of 2006**

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 2006. [It shall remain effective for a period of 4 years and, at the end of May
21 31, 2010, with no further action required by the General Assembly, this Act shall be
22 abrogated and of no further force and effect.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2009.