

# SENATE BILL 116

R6

2lr0044

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Introduced and read first time: January 18, 2012

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Weight and Load Requirements – Vehicles Carrying**  
3 **Perishable Products**

4 FOR the purpose of altering the circumstances under which a police officer is required  
5 to allow an overweight vehicle carrying perishable products as its only load to  
6 proceed to its destination; providing that an overweight vehicle carrying  
7 perishable products as its only load shall be allowed to proceed to its destination  
8 if it is the first perishable load overweight violation by the ~~motor carrier~~ driver  
9 of the vehicle following a certain period of time without a certain violation and  
10 the overweight does not exceed a certain amount; making technical and stylistic  
11 changes; and generally relating to weight and load requirements for vehicles  
12 carrying perishable products.

13 BY repealing and reenacting, without amendments,  
14 Article – Transportation  
15 Section 11–134.2  
16 Annotated Code of Maryland  
17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Transportation  
20 Section 24–111.1  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2011 Supplement)

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

3 **Article – Transportation**

4 11–134.2.

5 (a) “Motor carrier” means a common carrier by motor vehicle, a contract  
6 carrier by motor vehicle, or a private carrier of persons or property by motor vehicle.

7 (b) “Motor carrier” includes a motor carrier’s owners, agents, officers,  
8 representatives, and employees.

9 24–111.1.

10 (a) Except as otherwise provided in this section, as to any vehicle found to  
11 exceed the weight limits permitted under this subtitle, if the overweight does not  
12 exceed 5,000 pounds, a police officer may require the driver to unload the excess  
13 weight.

14 (b) Except as otherwise provided in this section, as to any vehicle found to  
15 exceed the weight limits permitted under this subtitle, if the overweight exceeds 5,000  
16 pounds, the vehicle may not be moved until the excess weight is unloaded.

17 (c) Except on interstate highways, if an overweight vehicle bears registration  
18 plates issued by this State and is transporting liquid milk in bulk from the producer,  
19 the vehicle may be granted a 5 percent tolerance on the applicable registration or  
20 statutory gross weight limit. However, a tolerance granted under this subsection may  
21 not permit the gross weight of the vehicle to exceed 80,000 pounds.

22 (d) As to an overweight vehicle carrying an indivisible load:

23 (1) If it is the first indivisible load overweight violation by the driver of  
24 the vehicle, the vehicle may be allowed to proceed, after a permit to do so is obtained  
25 from the State Highway Administration; and

26 (2) If it is a second or subsequent indivisible load overweight violation  
27 by the driver of the vehicle, the vehicle shall return with its load to its place of entry or  
28 origin in this State, after a permit to do so is obtained from the State Highway  
29 Administration.

30 (e) As to an overweight vehicle carrying perishable products as its only load[:

31 (1) If it], **THE VEHICLE SHALL BE ALLOWED TO PROCEED TO ITS**  
32 **DESTINATION IF:**

1           **(1)** IT is the first perishable load overweight violation [during the  
 2 calendar year by the driver of the vehicle, the vehicle shall be allowed to proceed to its  
 3 destination] ~~BY THE MOTOR CARRIER~~ **DRIVER OF THE VEHICLE FOLLOWING A**  
 4 **PERIOD OF AT LEAST 365 CONSECUTIVE DAYS WITHOUT A PERISHABLE LOAD**  
 5 **OVERWEIGHT VIOLATION; and**

6           (2) [If it is a second or subsequent perishable load overweight  
 7 violation during the calendar year by the driver of the vehicle, the vehicle may not be  
 8 moved until the excess weight is unloaded] **THE OVERWEIGHT DOES NOT EXCEED**  
 9 **5,000 POUNDS.**

10           (f) All material or cargo unloaded under this section shall be cared for by the  
 11 [owner] **MOTOR CARRIER** or operator of the vehicle at the risk of the [owner] **MOTOR**  
 12 **CARRIER** or operator.

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 14 October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.