

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 116

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Transportation)

Judicial Proceedings

Environmental Matters

**Vehicle Laws - Weight and Load Requirements - Vehicles Carrying Perishable
Products**

This departmental bill alters the exemption provided to an overweight commercial vehicle carrying perishable products. Specifically, the bill expands the length of time that must lapse, from the current calendar year to 365 consecutive days, before an exemption may be granted again and imposes an overweight tolerance of 5,000 pounds, which may only be granted once per year.

Fiscal Summary

State Effect: While the bill is not expected to materially affect State finances, to the extent that the bill results in fewer road maintenance needs under the bill's enhanced control of vehicle weight limits, fewer Transportation Trust Fund expenditures may be required for system preservation and maintenance, thereby allowing a greater amount to be used for system expansion or improvement. Any increase in general fund revenues due to the collection of more overweight vehicle penalties cannot be reliably estimated but is assumed to be negligible.

Local Effect: While the bill is not expected to directly affect local finances, future road maintenance expenditures may decrease minimally due to fewer road repair and maintenance needs.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment, as discussed below. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: The driver of an overweight vehicle carrying perishable products as its only load may be allowed to proceed to the vehicle's destination without being required to unload any product once during the calendar year, regardless of the excess weight. For a second or subsequent overweight violation, the vehicle may not be moved until the excess weight is unloaded.

For vehicles carrying nonperishable loads, if the excess weight is within a 5,000 pound tolerance, law enforcement may allow the overweight vehicle to proceed to its destination; if the vehicle is overweight by more than 5,000 pounds, the excess weight must be unloaded.

An overweight vehicle carrying perishable products that violates the weight restrictions for a second time is subject to a misdemeanor penalty of up to \$1,000, increasing by up to an additional \$1,000 for subsequent violations, capped at a maximum of \$3,000. The amount of the prepayable fine (including court costs) is \$1,010 for a first offense, \$1,540 for a second offense, and \$2,040 for a third offense.

Background: According to the State Highway Administration (SHA), there is a need to allow some leniency to perishable product haulers. Health regulations require that, if any excess load is unloaded from an overweight vehicle, generally the entire load must be unloaded and will be lost. However, overweight vehicles cause damage to roadways and represent a safety issue for other motorists. The bill attempts to address these threats by capping the overweight tolerance of 5,000 pounds and allowing only one overweight load to proceed to its destination per driver within a 365-days period.

Small Business Effect: The small business impact statement submitted by MDOT states that the bill will have no impact on small businesses. Legislative Services advises that the bill will likely have at least a minimal impact on some small business perishable product haulers. The bill caps the amount of weight in excess of the limit at 5,000 pounds and generally expands the waiting period before a hauler may again use the annual "free pass" from the weight limit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2012
ncs/ljm Revised - Senate Third Reader - March 23, 2012

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws – Weight and Load Requirements – Vehicles Carrying Perishable Products

BILL NUMBER: SB 116

PREPARED BY: Maryland Department of Transportation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.