

**HB0768/430414/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 768

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Otto” and substitute “Delegates Otto, Anderton, Beidle, Cassilly, Clark, Folden, Fraser-Hidalgo, Frush, Jacobs, Jalisi, Robinson, and Wivell”; in line 2, strike “Gross Weight and Axle Load - Poultry” and substitute “Seasonal Exceptional Poultry Hauling Permit”; strike beginning with “exempting” in line 3 down through “changes;” in line 8 and substitute “authorizing the State Highway Administration to issue a seasonal exceptional poultry hauling permit that authorizes certain axle configurations and certain increased weight limits during a certain time period annually under certain circumstances; requiring a certain combination of vehicles with a trailer or semitrailer to submit to and pass a certain inspection with a certain frequency; requiring a certain person operating a certain combination of vehicles with a trailer or semitrailer to have a copy of a certain inspection report while operating the combination of vehicles; requiring certain poultry processing facilities to submit certain information to the Administration on or before a certain date each year; establishing certain goals for the percentage of certain combinations of vehicles that have a certain axle configuration; requiring the Administration to use certain information to determine the progress made toward meeting the goals established under this Act; requiring the Administration to submit a certain report to certain committees of the General Assembly on or before a certain date each year; providing for the termination dates of this Act under certain circumstances;”; in line 9, strike “gross weight and axle load” and substitute “seasonal exceptional poultry hauling permits”; and in line 12, strike “24-109” and substitute “24-113.2”.

AMENDMENT NO. 2

On pages 1 through 6, strike in their entirety the lines beginning with line 18 on page 1 through line 9 on page 6, inclusive, and substitute:

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“24-113.2.

(a) Unless otherwise provided by federal law, an exceptional hauling permit issued under this section is not valid on the interstate highway system, as defined in § 8-101(j) of this article.

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

(1) (i) Carries farm products as defined in § 10-601(c) of the Agriculture Article, other than milk, that:

1. Are loaded in fields or other off-highway locations; and

2. Are the only load of the vehicle; and

(ii) 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]

(2) (i) 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

(ii) 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

**(3) (I) CARRIES LIVE POULTRY FROM A FARM TO A PROCESSING FACILITY FROM NOVEMBER 1 UNTIL APRIL 30 OF THE FOLLOWING YEAR IN:**

**1. CAROLINE COUNTY;**

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- 2. CECIL COUNTY;**
- 3. DORCHESTER COUNTY;**
- 4. KENT COUNTY;**
- 5. QUEEN ANNE’S COUNTY;**
- 6. SOMERSET COUNTY;**
- 7. TALBOT COUNTY;**
- 8. WICOMICO COUNTY; OR**
- 9. WORCESTER COUNTY;**

**(II) 1. A. HAS AN AXLE CONFIGURATION OF NOT LESS THAN FIVE AXLES; AND**

**B. HAS AXLES THAT ARE AT LEAST 96 INCHES APART;**

**OR**

**2. HAS AN AXLE CONFIGURATION OF NOT LESS THAN SIX AXLES; AND**

**(III) SUBMITS TO A MOTOR CARRIER SAFETY INSPECTION UNDER § 25-111 OF THIS ARTICLE.**

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(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (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 the combination, the maximum gross weight specified in § 24–109(d) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; [or]

2. 95,000 pounds gross combination weight for a combination of vehicles carrying milk; OR

3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES CARRYING LIVE POULTRY;

(2) (I) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; OR

(II) FOR A COMBINATION OF VEHICLES CARRYING LIVE POULTRY, TWICE EACH YEAR, SUBMIT TO AND PASS:

1. A NORTH AMERICAN STANDARD DRIVER/VEHICLE LEVEL 1 INSPECTION; OR

**2. A NORTH AMERICAN STANDARD VEHICLE LEVEL**  
**5 INSPECTION; and**

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (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 if the combination of vehicles 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 hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

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

(2) **(1) 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; OR**

**(II) FOR EACH VEHICLE IN THE COMBINATION OF VEHICLES CARRYING LIVE POULTRY, A COPY OF A VALID NORTH AMERICAN STANDARD DRIVER/VEHICLE LEVEL 1 INSPECTION OR A VALID NORTH AMERICAN STANDARD VEHICLE LEVEL 5 INSPECTION REPORT ISSUED WITHIN THE PRECEDING 180 DAYS THAT SHOWS NO OUT-OF-SERVICE VIOLATIONS.**

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

(i) Void the authority granted under the exceptional 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 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 hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional 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.

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

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

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

(ii) A facility that receives farm products, as defined in § 10–601(c) of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.

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

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

**(h) (1) THIS SUBSECTION APPLIES TO POULTRY PROCESSING FACILITIES LOCATED IN:**

**(I) CAROLINE COUNTY;**

**(II) CECIL COUNTY;**

**(III) DORCHESTER COUNTY;**

(Over)

(IV) KENT COUNTY;

(V) QUEEN ANNE'S COUNTY;

(VI) SOMERSET COUNTY;

(VII) TALBOT COUNTY;

(VIII) WICOMICO COUNTY; AND

(IX) WORCESTER COUNTY.

(2) BEFORE OCTOBER 1 EACH YEAR, EACH POULTRY PROCESSING FACILITY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL SUBMIT TO THE STATE HIGHWAY ADMINISTRATION A COMPLETE LIST OF REGISTERED COMBINATIONS OF VEHICLES USED FOR CARRYING LIVE POULTRY IN ACCORDANCE WITH THIS SECTION THAT INCLUDES THE FOLLOWING INFORMATION FOR EACH VEHICLE:

(I) VEHICLE IDENTIFICATION NUMBER;

(II) NUMBER OF AXLES;

(III) MOST RECENT DATE OF INSPECTION REQUIRED UNDER PARAGRAPH (C)(2)(II) OF THIS SECTION; AND

(IV) CURRENT MILEAGE.

**(3) THE GOALS FOR THE PERCENTAGE OF THE POULTRY PROCESSING FACILITY INDUSTRY'S COMBINATIONS OF VEHICLES USED FOR CARRYING LIVE POULTRY IN ACCORDANCE WITH THIS SECTION THAT HAVE AN AXLE CONFIGURATION OF NOT LESS THAN SIX AXLES ARE AS FOLLOWS:**

**(I) 15% BY OCTOBER 31, 2018;**

**(II) 30% BY OCTOBER 31, 2019;**

**(III) 45% BY OCTOBER 31, 2020;**

**(IV) 60% BY OCTOBER 31, 2021; AND**

**(V) 75% BY OCTOBER 31, 2022.**

**(4) THE STATE HIGHWAY ADMINISTRATION SHALL USE THE INFORMATION SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO DETERMINE THE PROGRESS MADE TOWARD MEETING THE GOALS ESTABLISHED IN PARAGRAPH (3) OF THIS SUBSECTION.**

**(5) ON OR BEFORE DECEMBER 31 EACH YEAR, THE STATE HIGHWAY ADMINISTRATION SHALL REPORT THE INFORMATION SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND THE DETERMINATION MADE UNDER PARAGRAPH (4) OF THIS SUBSECTION TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**

**(I) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:**

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(i) 1. \$250 for the issuance of a new annual permit or the annual renewal; or

2. \$30 for the issuance of a 30-day permit;

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (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.

**[(i)] (J)** Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance for an annual permit; or

(2) 30 consecutive days for a 30-day permit.

**[(i)] (K)** In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

**[(k)] (L)** (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

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(3) 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 exceptional hauling permits under this section and the reason for the decision.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Highway Administration shall notify the Department of Legislative Services within 5 days after determining that 45% of the poultry processing facility industry's combinations of vehicles used for carrying live poultry have an axle configuration of not less than six axles.

(b) (1) If the notice required under subsection (a) of this section is not received by the Department of Legislative Services on or before October 31, 2020, this Act shall be abrogated and of no further force and effect without the necessity of further action by the General Assembly.

(2) If the notice required under subsection (a) of this section is received by the Department of Legislative Services on or before October 31, 2020, this Act shall, at the end of October 31, 2022, be abrogated and of no further force and effect without the necessity of further action by the General Assembly."

On page 6, in line 10, strike "2." and substitute "3."; and in the same line, strike "June" and substitute "October".