

# HOUSE BILL 1035

R6

EMERGENCY BILL

7lr0573  
CF SB 558

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By: **Delegates Jacobs, Anderton, Arentz, B. Barnes, Beitzel, Busch, Cassilly, Clippinger, Folden, McIntosh, Otto, Parrott, Reilly, B. Wilson, and Wivell**  
Introduced and read first time: February 8, 2017  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Seasonal Exceptional Milk Hauling Permit**

3 FOR the purpose of authorizing the State Highway Administration to issue a seasonal  
4 exceptional milk hauling permit that authorizes certain axle configurations and  
5 certain increased weight limits during a certain time period annually under certain  
6 circumstances; making this Act an emergency measure; and generally relating to the  
7 seasonal exceptional milk hauling permit.

8 BY repealing and reenacting, with amendments,  
9 Article – Transportation  
10 Section 24–113.2  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Transportation**

16 24–113.2.

17 (a) Unless otherwise provided by federal law, an exceptional hauling permit  
18 issued under this section is not valid on the interstate highway system, as defined in §  
19 8–101(j) of this article.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 2. Are the only load of the vehicle; and

3 (ii) Has an axle configuration of not less than six axles and a  
4 front-to-rear centerline axle spacing of not less than 50 feet; [or]

5 (2) (i) Carries to a processing plant raw liquid milk that is the only load  
6 on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm  
7 locations; and

8 (ii) Has an axle configuration of not less than six axles and a  
9 front-to-rear centerline axle spacing of not less than 50 feet; OR

10 **(3) (I) CARRIES TO A PROCESSING PLANT FROM MARCH 1 UNTIL**  
11 **JUNE 30 RAW LIQUID MILK THAT IS THE ONLY LOAD ON THE VEHICLE AND IS**  
12 **LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM**  
13 **LOCATIONS; AND**

14 **(II) HAS AN AXLE CONFIGURATION OF FIVE AXLES AND A**  
15 **DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON THE TRACTOR AND**  
16 **THE FIRST AXLE ON THE SEMITRAILER.**

17 (c) A combination of vehicles operating under the authority of an exceptional  
18 hauling permit issued under subsection (b) of this section shall:

19 (1) Comply with the following weight limits:

20 (i) A maximum of 20,000 pounds gross weight on a single axle;

21 (ii) For any consecutive axle configuration of two or more axles on  
22 individual vehicles in the combination, the maximum gross weight specified in § 24-109(d)  
23 of this subtitle; and

24 (iii) A maximum of:

25 1. 87,000 pounds gross combination weight for a combination  
26 of vehicles carrying farm products other than milk; [or]

27 2. 95,000 pounds gross combination weight for a combination  
28 of vehicles WITH AT LEAST SIX AXLES carrying milk; OR

29 3. **88,000 POUNDS GROSS COMBINATION WEIGHT FOR A**  
30 **COMBINATION OF VEHICLES WITH FIVE AXLES CARRYING MILK;**

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

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

5           (d) While operating a combination of vehicles under the authority of an  
6 exceptional hauling permit issued under subsection (b) of this section, a person may not:

7           (1) Violate a highway restriction issued by a competent authority;

8           (2) Operate the combination of vehicles on the interstate highway system,  
9 as defined in § 8–101(j) of this article;

10           (3) Operate the combination of vehicles if the combination of vehicles  
11 exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this  
12 article; or

13           (4) Fail to comply with the terms and conditions of the exceptional hauling  
14 permit.

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

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

19           (2) For each vehicle in the combination of vehicles, a copy of a valid North  
20 American Standard Driver/Vehicle Level 1 inspection report issued within the preceding  
21 180 days that shows no out-of-service violations.

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

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

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

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

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

4 (3) On notification of the confiscation of an exceptional hauling permit, the  
5 State Highway Administration shall review the confiscation, verify the violation of a weight  
6 restriction, and, if the State Highway Administration determines that a violation did occur,  
7 revoke the permit.

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

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

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

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

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

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

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

24 (h) (1) An applicant for an exceptional hauling permit shall pay to the State  
25 Highway Administration:

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

28 2. \$30 for the issuance of a 30-day permit;

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

31 (iii) \$5,000 for the reinstatement of a permit that was revoked under  
32 subsection (f)(3) of this section for a second or subsequent violation within the prior 24  
33 months.

1           (2)    A fee paid under this subsection is nonrefundable.

2           (i)    Except as otherwise provided in this section, an exceptional hauling permit is  
3 valid for:

4           (1)    1 year from the date of issuance for an annual permit; or

5           (2)    30 consecutive days for a 30-day permit.

6           (j)    In consultation with the Secretary of State Police, the State Highway  
7 Administration shall adopt regulations to implement this section.

8           (k)    (1)    An exceptional hauling permit is issued under this section at the  
9 discretion of the State Highway Administrator.

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

13           (3)    The State Highway Administrator shall promptly report to the General  
14 Assembly, in accordance with § 2-1246 of the State Government Article, regarding any  
15 decision to stop issuing or renewing exceptional hauling permits under this section and the  
16 reason for the decision.

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
18 measure, is necessary for the immediate preservation of the public health or safety, has  
19 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
20 each of the two Houses of the General Assembly, and shall take effect from the date it is  
21 enacted.