

# 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;**

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

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross 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;

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

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

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

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

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

(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.

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

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

(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.

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 yea 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.