

HOUSE BILL 103

R7

11r0589
CF SB 19

By: **Delegates Haddaway-Riccio, Cane, Eckardt, Hershey, Jacobs, McDermott, O'Donnell, Otto, Rudolph, and Smigiel**

Introduced and read first time: January 24, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – ~~Cross Weight Limits~~ Exceptional Hauling Permits – Farm**
3 **~~Vehicles and Vehicles Carrying Farm~~ Products**

4 FOR the purpose of ~~allowing~~ authorizing the State Highway Administration to issue
5 permits for certain vehicles ~~that are registered as farm vehicles or that are~~
6 carrying certain ~~farm products, and that are loaded in a certain location, a~~
7 certain ~~gross weight limit tolerance~~ products and loads of certain maximum
8 weights to operate in certain areas ~~under~~ in certain circumstances and subject
9 to certain conditions; expanding the scope of a certain permitting process for
10 certain vehicles that carry certain forest products to include certain vehicles
11 that carry certain farm products; repealing a certain separate permitting
12 process for certain vehicles that carry certain milk products; altering certain
13 fees for permits for certain vehicles that carry certain products; altering certain
14 time periods in which certain permits for certain vehicles that carry certain
15 products are valid; defining a certain term; and generally relating to ~~gross~~
16 ~~weight limits for farm vehicles and~~ exceptional hauling permits for vehicles
17 carrying farm products.

18 BY repealing and reenacting, without amendments,
19 Article – Agriculture
20 Section 10–601(c)
21 Annotated Code of Maryland
22 (2007 Replacement Volume and 2010 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section ~~24-100~~ 24-113.2
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2010 Supplement)

6 BY repealing
 7 Article – Transportation
 8 Section 24-113.3
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2010 Supplement)

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

13 **Article – Agriculture**

14 10-601.

15 (c) “Farm product” means any agricultural, horticultural, vegetable, or fruit
 16 product of the soil, including livestock, meats, marine food products, poultry, eggs,
 17 dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest,
 18 orchard, garden or water, but does not include canned, frozen, dried, or pickled
 19 products.

20 **Article – Transportation**

21 ~~24-100.~~

22 (a) (1) ~~In this section the following words have the meanings indicated.~~

23 (2) ~~“Single axle weight” means the total weight transmitted by all~~
 24 ~~wheels whose centers may be included between 2 parallel transverse vertical planes 40~~
 25 ~~inches apart extending across the full width of the vehicle.~~

26 (3) ~~“Tandem axle weight” means the total weight transmitted to the~~
 27 ~~road by 2 or more consecutive axles whose centers may be included between parallel~~
 28 ~~vertical planes spaced more than 40 inches apart but not more than 96 inches apart~~
 29 ~~extending across the full width of the vehicle.~~

30 (b) ~~Notwithstanding any other provisions of this title, the overall gross~~
 31 ~~weight on a group of 2 or more consecutive axles may not exceed an amount produced~~
 32 ~~by application of the following formula:~~

33
$$\left(\frac{LN}{N} \right)$$

34
$$W = 500 \left(\frac{LN}{N} + 12N + 36 \right)$$

1
$$\left(\frac{W}{L(N-1)} \right)$$

2 where “W” = ~~overall gross weight on any group of 2 or more consecutive axles to the~~
 3 ~~nearest 500 pounds, “L” = distance in feet measured horizontally between the vertical~~
 4 ~~centerlines of the extreme of any group of 2 or more consecutive axles, and “N” =~~
 5 ~~number of axles in group under consideration, except that 2 consecutive sets of tandem~~
 6 ~~axles may carry a gross load of 34,000 pounds each providing the overall distance~~
 7 ~~between the first and last axles of such consecutive sets of tandem axles is 36 feet or~~
 8 ~~more; provided, that such overall gross weight may not exceed eighty thousand~~
 9 ~~(80,000) pounds, including any enforcement or statutory tolerances.~~

10 (e) ~~The following table indicates the permissible overall gross weights based~~
 11 ~~upon the above formula:~~

12 Distance in 13 feet 14 between the 15 extremes of 16 any 17 group of 2 18 or more 19 consecutive 20 axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
21 4	34,000					
22 5	34,000					
23 6	34,000					
24 7	34,000					
25 8	34,000	34,000				
26 and less						
27 More	38,000	42,000				
28 than						
29 8						
30 9	39,000	42,500				
31 10	40,000	43,500				
32 11		44,000				
33 12		45,000	50,000			
34 13		45,500	50,500			
35 14		46,500	51,500			
36 15		47,000	52,000			
37 16		48,000	52,500	58,000		
38 17		48,500	53,500	58,500		
39 18		49,500	54,000	59,000		
40 19		50,000	54,500	60,000		
41 20		51,000	55,500	60,500	66,000	
42 21		51,500	56,000	61,000	66,500	
43 22		52,500	56,500	61,500	67,000	

HOUSE BILL 103

1	23	53,000	57,500	62,500	68,000	
2	24	54,000	58,000	63,000	68,500	74,000
3	25	54,500	58,500	63,500	69,000	74,500
4	26	55,500	59,500	64,000	69,500	75,000
5	27	56,000	60,000	65,000	70,000	75,500
6	28	57,000	60,500	65,500	71,000	76,500
7	29	57,500	61,500	66,000	71,500	77,000
8	30	58,500	62,000	66,500	72,000	77,500
9	31	59,000	62,500	67,500	72,500	78,000
10	32	60,000	63,500	68,000	73,000	78,500
11	33		64,000	68,500	74,000	79,000
12	34		64,500	69,000	74,500	80,000
13	35		65,500	70,000	75,000	
14	36	Exception:				
15		See				
16		subsection				
17		(b), this				
18		section	(66,000)	70,500	75,500	
19	37		(66,500)	71,000	76,000	
20	38		(67,500)	72,000	77,000	
21	39		68,000	72,500	77,500	
22	40		68,500	73,000	78,000	
23	41		69,500	73,500	78,500	
24	42		70,000	74,000	79,000	
25	43		70,500	75,000	80,000	
26	44		71,500	75,500		
27	45		72,000	76,000		
28	46		72,500	76,500		
29	47		73,500	77,500		
30	48		74,000	78,000		
31	49		74,500	78,500		
32	50		75,500	79,000		
33	51		76,000	80,000		
34	52		76,500			
35	53		77,500			
36	54		78,000			
37	55		78,500			
38	56		79,500			
39	57		80,000			

40 (d) The gross weight of any vehicle or combination of vehicles may not exceed
41 the following limits:

	Number of axles	Gross weight (in pounds)
42		
43		
44		
45	Three or less	55,000

1	Four	66,000
2	Five as provided for in § 13-916 or § 13-923 of	
3	this article	80,000

4 ~~(e) A trailer with metal tires and a gross weight of more than 6,000 pounds~~
5 ~~may not be moved on a highway.~~

6 ~~(f) (1) Except on interstate highways, a single unit vehicle with 3 axles,~~
7 ~~or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less~~
8 ~~than 45 feet long, either registered as a farm vehicle or carrying farm products as~~
9 ~~defined under § 10-601 of the Agriculture Article that were loaded in fields or other~~
10 ~~off-highway locations, is permitted A GROSS WEIGHT AND an axle load limit~~
11 ~~tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest~~
12 ~~time when A GROSS WEIGHT LIMIT TOLERANCE OF 5 PERCENT AND an axle load~~
13 ~~limit tolerance of 15 percent from subsections (b) and (c) of this section [is] ARE~~
14 ~~permitted for a vehicle carrying the following agricultural products:~~

- 15 ~~(i) Wheat, for the period from June 1 to August 15;~~
- 16 ~~(ii) Corn, for the period from July 1 to December 1;~~
- 17 ~~(iii) Soybeans, for the period from September 1 to December 31;~~
- 18 ~~and~~
- 19 ~~(iv) Vegetable crops, for the period from June 1 to October 31.~~

20 ~~(2) (i) Except on interstate highways, a single unit vehicle with at~~
21 ~~least 3 axles or a combination of vehicles with a trailer length of less than 32 feet~~
22 ~~carrying forest products that have been loaded in forests or other similar off-highway~~
23 ~~locations is permitted an axle load limit tolerance of 10 percent from subsections (b)~~
24 ~~and (c) of this section, except for the period from June 1 through September 30 when~~
25 ~~an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is~~
26 ~~permitted.~~

27 ~~(ii) Except on interstate highways, a combination of vehicles~~
28 ~~with a semitrailer length of 45 feet or less carrying forest products that have been~~
29 ~~loaded in forests or other similar off-highway locations is permitted an axle load limit~~
30 ~~tolerance of 5 percent from subsections (b) and (c) of this section, except for the period~~
31 ~~from June 1 through September 30 when an axle load limit tolerance of 15 percent~~
32 ~~from subsections (b) and (c) of this section is permitted.~~

33 24-113.2.

34 ~~(a) [An] UNLESS OTHERWISE PROVIDED BY FEDERAL LAW, AN~~
35 ~~exceptional hauling permit issued under this section is NOT valid [only in:~~

- 36 ~~(1) Allegany County and Garrett County; and~~

1 (2) Dorchester County, Somerset County, Talbot County, Wicomico
2 County, and Worcester County] ON THE INTERSTATE HIGHWAY SYSTEM, AS
3 DEFINED IN § 8-101(J) OF THIS ARTICLE.

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

7 (1) Carries [forestry products] FARM PRODUCTS AS DEFINED IN
8 § 10-601(C) OF THE AGRICULTURE ARTICLE that:

9 (i) Are loaded in fields or other off-highway locations; and

10 (ii) Are the only load of the vehicle; and

11 (2) Has an axle configuration of not less than six axles and a
12 front-to-rear centerline axle spacing of not less than 50 feet.

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

15 (1) Comply with the following weight limits:

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

17 (ii) For any consecutive axle configuration of two or more axles
18 on individual vehicles in the combination, the maximum gross weight specified in
19 § 24-109(c) of this subtitle; and

20 (iii) A maximum of 87,000 pounds gross combination weight;

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

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

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

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

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

1 (3) Operate the combination of vehicles if the combination of vehicles
2 exceeds any tire weight rating or tire speed restriction adopted under § 25-111 of this
3 article; or

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

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

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

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

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

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

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

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

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

28 (3) On notification of the confiscation of an exceptional hauling permit,
29 the State Highway Administration shall review the confiscation, verify the violation of
30 a weight restriction, and, if the State Highway Administration determines that a
31 violation did occur, revoke the permit.

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

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

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

5 (ii) A facility that receives [forestry] FARM products, AS
6 DEFINED IN § 8-101(J) OF THE AGRICULTURE ARTICLE, delivered by a vehicle
7 operating under the authority of an exceptional hauling permit.

8 (2) If the holder of an exceptional hauling permit or a facility that
9 receives [forestry] FARM products does not comply with a request under this
10 subsection, the State Highway Administration may:

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

12 (ii) Prohibit a vehicle from delivering [forestry] FARM products
13 under the authority of the exceptional hauling permit to the noncompliant facility.

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

16 (i) 1. ~~[\$500]~~**\$250** for the issuance of a new ANNUAL permit
17 or the annual renewal [of a permit]; OR

18 2. **\$30 FOR THE ISSUANCE OF A 30-DAY PERMIT;**

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

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

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

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

27 (1) 1 year from the date of issuance **FOR AN ANNUAL PERMIT; OR**

28 (2) **30 CONSECUTIVE DAYS FOR A 30-DAY PERMIT.**

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

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

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

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

10 [24-113.3.

11 (a) An exceptional milk hauling permit issued under this section is valid only
12 in Allegany County, Anne Arundel County, Baltimore County, Carroll County,
13 Frederick County, Garrett County, Howard County, Montgomery County, Prince
14 George's County, and Washington County.

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

18 (1) Carries to a processing plant raw liquid milk that is the only load
19 on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm
20 locations; and

21 (2) Has an axle configuration of not less than six axles and a
22 front-to-rear centerline axle spacing of not less than 50 feet.

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

25 (1) Comply with the following weight limits:

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

27 (ii) For any consecutive axle configuration of two or more axles
28 on individual vehicles in a combination, the weight specified in § 24-109(c) of this
29 subtitle; and

30 (iii) A maximum of 87,000 pounds gross combination weight;

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

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

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

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

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

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

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

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

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

19 (2) For each vehicle in the combination of vehicles, a copy of a valid
20 North American Standard Driver/Vehicle Level 1 inspection report issued within the
21 preceding 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 milk hauling permit issued
24 under subsection (b) of this section shall:

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

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

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

1 (2) A person who confiscates an exceptional milk 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 milk hauling
5 permit, the State Highway Administration shall review the confiscation, verify the
6 violation of a weight restriction, and, if the State Highway Administration determines
7 that a violation did occur, revoke the permit.

8 (4) An owner or operator of a combination of vehicles may appeal the
9 revocation of an exceptional milk hauling permit to the State Highway Administrator
10 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 milk hauling permit that are kept in the normal course of business shall be provided
14 by:

15 (i) The holder of the exceptional milk hauling permit;

16 (ii) A facility that receives raw liquid milk delivered by a vehicle
17 operating under the authority of an exceptional milk hauling permit; or

18 (iii) A producer of raw liquid milk having the product
19 transported under the authority of an exceptional milk hauling permit.

20 (2) If the holder of an exceptional milk hauling permit, a facility that
21 receives raw liquid milk, or a producer of raw liquid milk does not comply with a
22 request under this subsection, the State Highway Administration may:

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

24 (ii) Prohibit a vehicle from picking up from the producer or
25 delivering to the noncompliant facility raw liquid milk under the authority of the
26 exceptional milk hauling permit.

27 (h) (1) An applicant for an exceptional milk hauling permit shall pay to
28 the State Highway Administration:

29 (i) \$500 for the issuance of a new permit or the annual renewal
30 of a permit;

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

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

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

5 (i) Except as otherwise provided in this section, an exceptional milk hauling
6 permit is valid for 1 year from the date of issuance.

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 ~~October~~ June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.