

# Chapter 415

(Senate Bill 19)

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

AN ACT concerning

## **Vehicle Laws – ~~Gross Weight Limits~~ Exceptional Hauling Permits – Farm Vehicles and ~~Vehicles Carrying Farm~~ Products**

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

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 10–601(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section ~~24-109~~ 24-113.2  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)

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

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

Article – Agriculture10-601.

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

Article – Transportation~~24-109.~~

- ~~(a) (1) In this section the following words have the meanings indicated:~~
- ~~(2) “Single axle weight” means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.~~
- ~~(3) “Tandem axle weight” means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.~~
- ~~(b) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:~~

~~(LN)~~

$$W = 500 \left( \frac{\text{L}}{\text{N} - 1} + 12\text{N} + 36 \right)$$

~~(N - 1)~~

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

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

Distance in feet between the extremes of any group of 2 or more consecutive axles

	<del>2</del> axles	<del>3</del> axles	<del>4</del> axles	<del>5</del> axles	<del>6</del> axles	<del>7</del> axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
and less						
More than	38,000	42,000				
8						
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		

<del>19</del>		<del>50,000</del>	<del>54,500</del>	<del>60,000</del>		
<del>20</del>		<del>51,000</del>	<del>55,500</del>	<del>60,500</del>	<del>66,000</del>	
<del>21</del>		<del>51,500</del>	<del>56,000</del>	<del>61,000</del>	<del>66,500</del>	
<del>22</del>		<del>52,500</del>	<del>56,500</del>	<del>61,500</del>	<del>67,000</del>	
<del>23</del>		<del>53,000</del>	<del>57,500</del>	<del>62,500</del>	<del>68,000</del>	
<del>24</del>		<del>54,000</del>	<del>58,000</del>	<del>63,000</del>	<del>68,500</del>	<del>74,000</del>
<del>25</del>		<del>54,500</del>	<del>58,500</del>	<del>63,500</del>	<del>69,000</del>	<del>74,500</del>
<del>26</del>		<del>55,500</del>	<del>59,500</del>	<del>64,000</del>	<del>69,500</del>	<del>75,000</del>
<del>27</del>		<del>56,000</del>	<del>60,000</del>	<del>65,000</del>	<del>70,000</del>	<del>75,500</del>
<del>28</del>		<del>57,000</del>	<del>60,500</del>	<del>65,500</del>	<del>71,000</del>	<del>76,500</del>
<del>29</del>		<del>57,500</del>	<del>61,500</del>	<del>66,000</del>	<del>71,500</del>	<del>77,000</del>
<del>30</del>		<del>58,500</del>	<del>62,000</del>	<del>66,500</del>	<del>72,000</del>	<del>77,500</del>
<del>31</del>		<del>59,000</del>	<del>62,500</del>	<del>67,500</del>	<del>72,500</del>	<del>78,000</del>
<del>32</del>		<del>60,000</del>	<del>63,500</del>	<del>68,000</del>	<del>73,000</del>	<del>78,500</del>
<del>33</del>			<del>64,000</del>	<del>68,500</del>	<del>74,000</del>	<del>79,000</del>
<del>34</del>			<del>64,500</del>	<del>69,000</del>	<del>74,500</del>	<del>80,000</del>
<del>35</del>			<del>65,500</del>	<del>70,000</del>	<del>75,000</del>	
<del>36</del>	Exception: See subsection (b), this section					
<del>37</del>			<del>(66,000)</del>	<del>70,500</del>	<del>75,500</del>	
<del>38</del>			<del>(66,500)</del>	<del>71,000</del>	<del>76,000</del>	
<del>39</del>			<del>(67,500)</del>	<del>72,000</del>	<del>77,000</del>	
<del>40</del>			<del>68,000</del>	<del>72,500</del>	<del>77,500</del>	
<del>41</del>			<del>68,500</del>	<del>73,000</del>	<del>78,000</del>	
<del>42</del>			<del>69,500</del>	<del>73,500</del>	<del>78,500</del>	
<del>43</del>			<del>70,000</del>	<del>74,000</del>	<del>79,000</del>	
<del>44</del>			<del>70,500</del>	<del>75,000</del>	<del>80,000</del>	
<del>45</del>			<del>71,500</del>	<del>75,500</del>		
<del>46</del>			<del>72,000</del>	<del>76,000</del>		
<del>47</del>			<del>72,500</del>	<del>76,500</del>		
<del>48</del>			<del>73,500</del>	<del>77,500</del>		
<del>49</del>			<del>74,000</del>	<del>78,000</del>		
<del>50</del>			<del>74,500</del>	<del>78,500</del>		
<del>51</del>			<del>75,500</del>	<del>79,000</del>		
<del>52</del>			<del>76,000</del>	<del>80,000</del>		
<del>53</del>			<del>76,500</del>			
<del>54</del>			<del>77,500</del>			
<del>55</del>			<del>78,000</del>			
<del>56</del>			<del>78,500</del>			
<del>57</del>			<del>79,500</del>			
			<del>80,000</del>			

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

<del>Number of</del> <del>axles</del>	<del>Gross weight (in</del> <del>pounds)</del>
<del>Three or less</del>	<del>55,000</del>
<del>Four</del>	<del>66,000</del>
<del>Five as provided for in § 13-916 or § 13-923 of</del> <del>this article</del>	<del>80,000</del>

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

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

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

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

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

24-113.2.

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

(1) Allegany County and Garrett County; and

(2) Dorchester County, Somerset County, Talbot County, Wicomico County, and Worcester County] 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) Carries [forestry products] FARM PRODUCTS AS DEFINED IN § 10-601(C) OF THE AGRICULTURE ARTICLE that:

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

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

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

(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(c) of this subtitle; and

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

(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.

(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) 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.

(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.

(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 [forestry] FARM products, AS DEFINED IN ~~§ 8-101(J)~~ 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 [forestry] 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 [forestry] FARM products under the authority of the exceptional hauling permit to the noncompliant facility.

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

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

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

(k) (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.

(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.

[24-113.3.

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

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

(1) 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

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

(c) A combination of vehicles operating under the authority of an exceptional milk 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 a combination, the weight specified in § 24-109(c) of this subtitle; and

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

(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.

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

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

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

(2) 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.

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

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

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

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

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

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

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

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

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

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

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

(i) \$500 for the issuance of a new permit or the annual renewal of a 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) Except as otherwise provided in this section, an exceptional milk hauling permit is valid for 1 year from the date of issuance.

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

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

**Approved by the Governor, May 19, 2011.**