

SENATE BILL 203

R6

(PRE-FILED)

5lr0209
CF HB 225

By: **Chair, Judicial Proceedings Committee (By Request – Departmental –
Transportation) and Senators Charles, James, Muse, Smith, and West**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 24, 2025

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Exceptional Hauling Permits for Farm Products**

3 FOR the purpose of creating an exception for vehicles carrying fluid milk products to the
4 prohibition against driving a vehicle subject to an exceptional hauling permit on the
5 interstate highway system; altering certain weight limits and tolerances under an
6 exceptional hauling permit; altering the preventive maintenance documents that an
7 individual operating under an exceptional hauling permit must possess; altering
8 certain record-keeping requirements and the application of certain administrative
9 penalties under an exceptional hauling permit; and generally relating to exceptional
10 hauling permits for farm products.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 24–113.2
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2024 Supplement)

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

18 **Article – Transportation**

19 24–113.2.

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.



(a) **[Unless] EXCEPT FOR VEHICLES CARRYING FLUID MILK PRODUCTS OR 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.] (I) Are loaded in fields, **FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM LOCATIONS,** or **IN** other off–highway locations; and

[2.] (II) Are the only load of the vehicle; **[and]**

[(ii)] (2) Has an axle configuration of **[not less than] FIVE OR** six axles and a front–to–rear centerline axle spacing of not less than 50 feet; **AND**

[(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 to a processing plant from March 1 until June 30 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 five axles and a distance of at least 28 feet between the last axle on the tractor and the first axle on the semitrailer**]**

(3) HAS A MINIMUM OF 36 FEET BETWEEN TWO CONSECUTIVE SETS OF TANDEM AXLES MEASURED HORIZONTALLY BETWEEN THE VERTICAL CENTERLINES OF THE EXTREME AXLES OF THE TANDEMS.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall **COMPLY WITH THE FOLLOWING WEIGHT LIMITS:**

[(1) Comply with the following weight limits:]

1 [(i)] (1) A maximum of 20,000 pounds gross weight on a single
2 axle;

3 [(ii)] (2) For any [consecutive axle configuration of two or more
4 axles on individual vehicles in the combination, the maximum gross weight specified in §
5 24–109(d) of this subtitle] **TANDEM AXLE, A MAXIMUM OF 40,000 POUNDS GROSS**
6 **WEIGHT**; and

7 [(iii)] (3) A maximum **GROSS WEIGHT** of:

8 [1.] (I) [87,000] **88,000** pounds [gross combination
9 weight] for a combination of vehicles [carrying farm products other than milk] **WITH FIVE**
10 **AXLES; OR**

11 [2.] (II) 95,000 pounds [gross combination weight] for a
12 combination of vehicles with at least six axles [carrying milk; or

13 3. 88,000 pounds gross combination weight for a combination
14 of vehicles with five axles carrying milk;

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

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

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

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

22 (2) [Operate] **EXCEPT FOR VEHICLES CARRYING FLUID MILK**
23 **PRODUCTS, OPERATE** the combination of vehicles on the interstate highway system, as
24 defined in § 8–101(j) of this article;

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

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

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

(1) The original **OR ELECTRONIC COPY OF THE** exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, **[a copy of] PROOF OF A CURRENT PREVENTIVE MAINTENANCE INSPECTION, INCLUDING:**

(I) FOR VEHICLES REGISTERED IN THE STATE, PROOF OF A PERIODIC INSPECTION REQUIRED BY TITLE 23, SUBTITLE 3 OF THIS ARTICLE;

(II) FOR VEHICLES REGISTERED IN ANOTHER STATE AND ENGAGED IN INTERSTATE TRANSPORTATION, PROOF OF A PERIODIC INSPECTION REQUIRED BY 49 C.F.R. § 396.17; AND

(III) FOR ALL TYPES OF FARM VEHICLES OR OTHER VEHICLES EXEMPT FROM THE PERIODIC INSPECTION REQUIREMENTS OF ITEMS (I) AND (II) OF THIS ITEM, a valid North American Standard Driver/Vehicle Level 1 **OR LEVEL 5** inspection report issued within the preceding **[180] 364** days that shows no out-of-service **[violations] DEFECTS OR CRITICAL ITEMS.**

(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, **SHALL** verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, **MAY** 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 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] **ANY MOTOR CARRIER TRANSPORTING FARM PRODUCTS UNDER AN EXCEPTIONAL HAULING PERMIT.**

(2) If the holder of **OR MOTOR CARRIER TRANSPORTING FARM PRODUCTS UNDER** 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 **OR MOTOR CARRIER'S** exceptional hauling permit; [or] **AND**

(ii) [Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility] **SUSPEND THE ELIGIBILITY OF THE HOLDER OR MOTOR CARRIER TO OBTAIN ADDITIONAL EXCEPTIONAL HAULING PERMITS FOR FARM PRODUCTS PENDING COMPLIANCE.**

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

(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) 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 § 2-1257 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 this Act shall take effect October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.