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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 102 Session of  
2023

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INTRODUCED BY CAUSER, ARMANINI, BOROWICZ, ECKER, FEE, FLICK,  
GILLEN, GLEIM, HAMM, IRVIN, JAMES, KAUFFMAN, KRUPA, KUTZ,  
LAWRENCE, LEADBETER, MENTZER, MOUL, OBERLANDER, OWLETT,  
PASHINSKI, PICKETT, ROWE, SMITH, STAMBAUGH, STRUZZI AND  
ZIMMERMAN, MARCH 7, 2023

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 7, 2023

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in size, weight and load, further providing for  
3 permit for movement during course of manufacture; and, in  
4 powers of department and local authorities, further providing  
5 for power of Governor during emergency.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 4968(a.2)(4) and (b) of Title 75 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 4968. Permit for movement during course of manufacture.

11 \* \* \*

12 (a.2) Specifications.--

13 \* \* \*

14 (4) A combination [of vehicles] which is hauling milk to  
15 or from a [manufacturer] milk plant or to or from a dairy  
16 farm, or is traveling to a dairy farm to pick up milk, may be  
17 permitted by the department and local authorities to move

1 upon highways within their respective jurisdictions 24 hours  
2 a day, seven days a week, [except during inclement weather as  
3 defined in department regulations,] if [the] all of the  
4 following apply:

5 (i) The combination is identified as a licensed milk  
6 hauler by a decal issued by the Pennsylvania Milk  
7 Marketing Board, at a fee set by the Pennsylvania Milk  
8 Marketing Board.

9 (ii) The gross weight does not exceed 95,000 pounds  
10 and the weight of any nonsteering axle does not exceed  
11 21,000 pounds. A permit may be issued for this type of  
12 movement upon an interstate highway. An application to  
13 the department for the movement of milk, except for raw  
14 milk, shall designate the route the applicant requests to  
15 use.

16 \* \* \*

17 (b) Definitions.--As used in this section, the following  
18 words and phrases shall have the meanings given to them in this  
19 subsection:

20 "Bulk milk." The term shall mean milk, as defined in section  
21 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as  
22 the Milk Sanitation Law, which is not transported in packages.

23 "Condensed milk" and "evaporated milk." The term shall mean  
24 manufactured dairy products as defined in section 1 of the act  
25 of July 2, 1935 (P.L.589, No.210), referred to as the Milk  
26 Sanitation Law, which is not transported in packages.

27 "Dairy farm." As defined in section 1 of the act of July 2,  
28 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

29 "Hot box." Consists of an enclosure consisting of welded  
30 steel plate chained to a semitrailer with a removable lid lined

1 with refraction for purposes of insulation and retention of  
2 heat.

3 "Milk." The term shall mean any of the following:

- 4 (1) Bulk milk.
- 5 (2) Evaporated milk.
- 6 (3) Raw milk.
- 7 (4) Condensed milk.

8 "Milk plant." As defined in section 1 of the act of July 2,  
9 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

10 "Raw milk." [Has the meaning given to it in] As defined in  
11 section 8(a) of the act of July 2, 1935 (P.L.589, No.210),  
12 referred to as the Milk Sanitation Law.

13 "Sugar." The term shall refer to granulated raw, semi-  
14 refined or refined sugar derived from the processing of sugar  
15 cane or sugar beets, requiring further processing and not  
16 intended for direct consumption or retail sale.

17 Section 2. Section 6108(a) of Title 75 is amended and the  
18 section is amended by adding a subsection to read:

19 § 6108. Power of Governor during emergency.

20 (a) General rule.--[In] Except as provided under subsection  
21 (a.1) and section 4968(a.2)(4) (relating to permit for movement  
22 during course of manufacture), in the event of a declared  
23 National, State or local emergency when the Governor of this  
24 Commonwealth, under 35 Pa.C.S. § 7301 (relating to general  
25 authority of Governor), has made a specific determination that  
26 modification of any of the provisions of this title will aid in  
27 the alleviation of the stated emergency conditions, the Governor  
28 shall have the power to so modify the provisions on any or all  
29 highways in this Commonwealth to be effective at any or all  
30 hours of the day or night with respect to any or all types or

1 classes of vehicles. Such modifications shall be specifically  
2 stated in a proclamation or executive order as provided under 35  
3 Pa.C.S. § 7301(c) and shall expire at the end of the emergency  
4 period. No person, unless specifically exempted by the terms of  
5 the declaration of emergency or by other provisions of the  
6 statute or other laws, shall violate any of the terms,  
7 conditions, provisions and modifications set forth by the  
8 Governor.

9 (a.1) Exception.--A vehicle or combination which is hauling  
10 milk to or from a milk plant or to or from a dairy farm, or is  
11 traveling to a dairy farm to pick up milk, may move upon  
12 highways 24 hours a day, seven days a week, if all of the  
13 following apply:

14 (1) The vehicle or combination is identified as a  
15 licensed milk hauler by a decal issued by the Pennsylvania  
16 Milk Marketing Board, at a fee set by the Pennsylvania Milk  
17 Marketing Board.

18 (2) The gross weight does not exceed 80,000 pounds.

19 \* \* \*

20 Section 3. This act shall take effect in 60 days.