

SENATE BILL 917

R6
SB 573/16 – JPR

7lr2076
CF HB 768

By: **Senators Mathias, Eckardt, and Hershey**
Introduced and read first time: February 3, 2017
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Gross Weight and Axle Load and Exceptional Hauling Permit –**
3 **Poultry**

4 FOR the purpose of exempting a certain combination of vehicles with a trailer or semitrailer
5 from certain gross weight limits under certain circumstances; establishing the gross
6 weight limit for a certain combination of vehicles with a trailer or semitrailer that is
7 carrying poultry under certain circumstances; authorizing a certain combination of
8 vehicles with a trailer or semitrailer to have a certain axle load limit tolerance and
9 gross weight limit tolerance under certain circumstances; applying certain
10 provisions of law regarding exceptional hauling permits to a certain combination of
11 vehicles with a trailer or semitrailer; requiring a certain combination of vehicles with
12 a trailer or semitrailer to submit to and pass a certain inspection with a certain
13 frequency; requiring a certain person operating a certain combination of vehicles
14 with a trailer or semitrailer to have a copy of a certain inspection report while operating the
15 combination of vehicles; requiring the State Highway Administration to enter into a
16 certain agreement with a certain poultry processing company for the collection of
17 certain information; requiring that the information specified in the agreement be
18 provided to the Administration with a certain frequency; providing for the
19 termination of this Act; making stylistic changes; and generally relating to gross
20 weight and axle load and exceptional hauling permits for certain poultry carriers.

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 24–109 and 24–113.2
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2016 Supplement)

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

28 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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) An over-the-road bus or any vehicle that is regularly and exclusively used as an intrastate public agency passenger bus:

(1) Is exempt from tandem axle weight limits provided in this section; but

(2) Shall comply with the vehicle and combination of vehicles weight limits provided in this section that are not tandem axle weight limits.

(c) Notwithstanding any other provisions of this title, **EXCEPT SUBSECTION (G)(3) OF THIS SECTION**, 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:

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

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.

(d) **[The] EXCEPT AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION, 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	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
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1	or more							
2	consecutive							
3	axles							
4	4	34,000						
5	5	34,000						
6	6	34,000						
7	7	34,000						
8	8							
9	and less	34,000	34,000					
10	More than							
11	8	38,000	42,000					
12	9	39,000	42,500					
13	10	40,000	43,500					
14	11		44,000					
15	12		45,000	50,000				
16	13		45,500	50,500				
17	14		46,500	51,500				
18	15		47,000	52,000				
19	16		48,000	52,500	58,000			
20	17		48,500	53,500	58,500			
21	18		49,500	54,000	59,000			
22	19		50,000	54,500	60,000			
23	20		51,000	55,500	60,500	66,000		
24	21		51,500	56,000	61,000	66,500		
25	22		52,500	56,500	61,500	67,000		
26	23		53,000	57,500	62,500	68,000		
27	24		54,000	58,000	63,000	68,500	74,000	
28	25		54,500	58,500	63,500	69,000	74,500	
29	26		55,500	59,500	64,000	69,500	75,000	
30	27		56,000	60,000	65,000	70,000	75,500	
31	28		57,000	60,500	65,500	71,000	76,500	
32	29		57,500	61,500	66,000	71,500	77,000	
33	30		58,500	62,000	66,500	72,000	77,500	
34	31		59,000	62,500	67,500	72,500	78,000	
35	32		60,000	63,500	68,000	73,000	78,500	
36	33			64,000	68,500	74,000	79,000	
37	34			64,500	69,000	74,500	80,000	
38	35			65,500	70,000	75,000		
39	36	Exception:						
40		See						
41		subsection						
42		(c),						
43		this						
44		section		(66,000)	70,500	75,500		
45	37			(66,500)	71,000	76,000		
46	38			(67,500)	72,000	77,000		

1	39	68,000	72,500	77,500
2	40	68,500	73,000	78,000
3	41	69,500	73,500	78,500
4	42	70,000	74,000	79,000
5	43	70,500	75,000	80,000
6	44	71,500	75,500	
7	45	72,000	76,000	
8	46	72,500	76,500	
9	47	73,500	77,500	
10	48	74,000	78,000	
11	49	74,500	78,500	
12	50	75,500	79,000	
13	51	76,000	80,000	
14	52	76,500		
15	53	77,500		
16	54	78,000		
17	55	78,500		
18	56	79,500		
19	57	80,000		

20 (e) [The] **EXCEPT AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION,**
 21 **THE** gross weight of any vehicle or combination of vehicles may not exceed the following
 22 limits:

23		Gross
24	Number of	weight
25	axles	(in pounds)
26	Three or less	55,000
27	Four	66,000
28	Five as provided for in § 13–916 or § 13–923 of this	
29	article	80,000

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

32 (g) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a
 33 combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45
 34 feet long, either registered as a farm vehicle or carrying farm products as defined under
 35 § 10–601 of the Agriculture Article that were loaded in fields or other off-highway locations,
 36 is permitted an axle load limit tolerance of **[5 percent] 5%** from subsections (c) and (d) of
 37 this section, except during harvest time when an axle load limit tolerance of **[15 percent]**
 38 **15%** from subsections (c) and (d) of this section is permitted for a vehicle carrying the
 39 following agricultural products:

40 (i) Wheat, for the period from June 1 to August 15;

41 (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] 10%** from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of **[15 percent] 15%** from subsections (c) and (d) 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] 5%** from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of **[15 percent] 15%** from subsections (c) and (d) of this section is permitted.

(3) (I) THE OVERALL GROSS WEIGHT IS 88,000 POUNDS FOR A COMBINATION OF VEHICLES WITH A TRAILER OR SEMITRAILER THAT:

1. HAS AN AXLE CONFIGURATION OF NOT LESS THAN 5 AXLES;

2. ON AND AFTER MAY 8, 2017, HAS AXLES THAT ARE AT LEAST 96 INCHES APART;

3. SUBMITS TO A MOTOR CARRIER SAFETY INSPECTION UNDER § 25-111 OF THIS ARTICLE;

4. COMPLIES WITH ALL POSTED BRIDGE WEIGHT LIMITS;

5. DOES NOT USE THE INTERSTATE HIGHWAY SYSTEM;

6. IS CARRYING LIVE POULTRY FROM A FARM TO A PROCESSING FACILITY; AND

7. DOES NOT CARRY THE LIVE POULTRY MORE THAN 150 MILES.

(II) A COMBINATION OF VEHICLES DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY HAVE AN AXLE LOAD LIMIT

**TOLERANCE OF 3% FROM SUBSECTION (C) OF THIS SECTION AND A GROSS WEIGHT
LIMIT TOLERANCE OF 3% FROM SUBPARAGRAPH (I) OF THIS PARAGRAPH IN:**

- 1. CAROLINE COUNTY;**
- 2. CECIL COUNTY;**
- 3. DORCHESTER COUNTY;**
- 4. KENT COUNTY;**
- 5. QUEEN ANNE'S COUNTY;**
- 6. SOMERSET COUNTY;**
- 7. TALBOT COUNTY;**
- 8. WICOMICO COUNTY; OR**
- 9. WORCESTER COUNTY.**

(h) (1) Any vehicle that uses an auxiliary power unit or an idle-reduction technology unit in order to promote reduction of fuel use and emissions from engine idling shall be allowed up to an additional 550 pounds total in gross, axle, tandem, or bridge formula weight limits.

(2) To be eligible for the additional weight limit allowed under paragraph (1) of this subsection, the vehicle operator must:

(i) Obtain and make available to law enforcement officers written certification of the weight of the auxiliary power unit or idle-reduction technology unit; and

(ii) By demonstration or certification, prove that the idle-reduction technology unit is fully functional at all times.

(3) The additional weight limit allowed under paragraph (1) of this subsection may not exceed the certified weight of the auxiliary power unit or idle-reduction technology unit.

24-113.2.

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

2. Are the only load of the vehicle; 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]

(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) MEETS THE DESCRIPTION UNDER § 24–109(G)(3) OF THIS SUBTITLE.

(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(d) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; [or]

2. 95,000 pounds gross combination weight for a combination of vehicles carrying milk; **OR**

3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES DESCRIBED UNDER § 24–109(G)(3) OF THIS SUBTITLE;

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

(II) FOR A COMBINATION OF VEHICLES DESCRIBED UNDER § 24-109(G)(3) OF THIS SUBTITLE, ONCE EACH YEAR, SUBMIT TO AND PASS A NORTH AMERICAN STANDARD VEHICLE LEVEL 5 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) (I) 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; OR

(II) FOR EACH VEHICLE IN THE COMBINATION OF VEHICLES DESCRIBED UNDER § 24-109(G)(3) OF THIS SUBTITLE, A COPY OF A VALID NORTH AMERICAN STANDARD VEHICLE LEVEL 5 INSPECTION REPORT ISSUED WITHIN THE PRECEDING 365 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 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.

(2) If the holder of 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 exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) **(1) THIS SECTION APPLIES TO POULTRY PROCESSING PLANTS LOCATED IN:**

1. CAROLINE COUNTY;

2. CECIL COUNTY;

3. DORCHESTER COUNTY;
4. KENT COUNTY;
5. QUEEN ANNE'S COUNTY;
6. SOMERSET COUNTY;
7. TALBOT COUNTY;
8. WICOMICO COUNTY; AND
9. WORCESTER COUNTY;

(2) THE STATE HIGHWAY ADMINISTRATION SHALL ENTER INTO AN AGREEMENT WITH EACH POULTRY PROCESSING COMPANY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE COLLECTION OF INFORMATION RELEVANT TO THE IMPLEMENTATION AND USE OF EXCEPTIONAL HAULING PERMITS ISSUED TO COMBINATIONS OF VEHICLES DESCRIBED UNDER § 24–109(G)(3) OF THIS SUBTITLE.

(3) A POULTRY PROCESSING PLANT SHALL PROVIDE THE INFORMATION SPECIFIED IN AN AGREEMENT UNDER THIS PARAGRAPH TO THE STATE HIGHWAY ADMINISTRATION ON A QUARTERLY BASIS.

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

[(k)] (L) (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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of 3 years and, at the end of May 31, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.