

HOUSE BILL 768

R6
HB 698/16 – ENV

7lr2552
CF SB 917

By: ~~Delegate Otto~~ Delegates Otto, Anderton, Beidle, Cassilly, Clark, Folden, Fraser-Hidalgo, Frush, Jacobs, Jalisi, Robinson, and Wivell

Introduced and read first time: February 3, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2017

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – ~~Cross Weight and Axle Load – Poultry~~ Seasonal Exceptional**
3 **Poultry Hauling Permit**

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; making stylistic changes;~~
10 authorizing the State Highway Administration to issue a seasonal exceptional
11 poultry hauling permit that authorizes certain axle configurations and certain
12 increased weight limits during a certain time period annually under certain
13 circumstances; requiring a certain combination of vehicles with a trailer or
14 semitrailer to submit to and pass a certain inspection with a certain frequency;
15 requiring a certain person operating a certain combination of vehicles with a trailer
16 or semitrailer to have a copy of a certain inspection report while operating the
17 combination of vehicles; requiring certain poultry processing facilities to submit
18 certain information to the Administration on or before a certain date each year;
19 establishing certain goals for the percentage of certain combinations of vehicles that
20 have a certain axle configuration; requiring the Administration to use certain
21 information to determine the progress made toward meeting the goals established
22 under this Act; requiring the Administration to submit a certain report to certain
23 committees of the General Assembly on or before a certain date each year; providing
24 for the termination dates of this Act under certain circumstances; and generally

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.



relating to ~~gross weight and axle load~~ seasonal exceptional poultry hauling permits
for certain poultry carriers.

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

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

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) ~~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:~~

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

~~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 (C)(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 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8						
and less	34,000	34,000				
More than						
8	38,000	42,000				
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		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500

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

33 (e) ~~[The] EXCEPT AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION,~~
34 ~~THE gross weight of any vehicle or combination of vehicles may not exceed the following~~
35 ~~limits:~~

36			Gross
37		Number of	weight
38		axles	(in pounds)
39	Three or less		55,000
40	Four		66,000
41	Five as provided for in § 13-916 or § 13-923 of this		
42	article		80,000

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

~~(g) (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 an axle load limit tolerance of [5 percent] 5% from subsections (c) and (d) of this section, except during harvest time when an axle load limit tolerance of [15 percent] 15% from subsections (c) and (d) of this section is 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] 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 90,000 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.~~

~~(H) 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.~~

~~(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) (I) CARRIES LIVE POULTRY FROM A FARM TO A PROCESSING FACILITY FROM NOVEMBER 1 UNTIL APRIL 30 OF THE FOLLOWING YEAR 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;

(II) 1. A. HAS AN AXLE CONFIGURATION OF NOT LESS THAN FIVE AXLES; AND

B. HAS AXLES THAT ARE AT LEAST 96 INCHES APART; OR

2. HAS AN AXLE CONFIGURATION OF NOT LESS THAN SIX AXLES; AND

(III) SUBMITS TO A MOTOR CARRIER SAFETY INSPECTION UNDER § 25-111 OF THIS ARTICLE.

(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 CARRYING LIVE POULTRY;**

(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 CARRYING LIVE POULTRY, TWICE EACH YEAR, SUBMIT TO AND PASS:**

1. **A NORTH AMERICAN STANDARD DRIVER/VEHICLE LEVEL 1 INSPECTION; OR**

2. **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;

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 hauling
5 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 have
8 in the person's possession:

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

10 (2) **(I)** 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; OR

13 **(II) FOR EACH VEHICLE IN THE COMBINATION OF VEHICLES**
14 **CARRYING LIVE POULTRY, A COPY OF A VALID NORTH AMERICAN STANDARD**
15 **DRIVER/VEHICLE LEVEL 1 INSPECTION OR A VALID NORTH AMERICAN STANDARD**
16 **VEHICLE LEVEL 5 INSPECTION REPORT ISSUED WITHIN THE PRECEDING 180 DAYS**
17 **THAT SHOWS NO OUT-OF-SERVICE VIOLATIONS.**

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

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

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

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

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

31 (3) On notification of the confiscation of an exceptional hauling permit, the
32 State Highway Administration shall review the confiscation, verify the violation of a weight
33 restriction, and, if the State Highway Administration determines that a violation did occur,
34 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 SUBSECTION APPLIES TO POULTRY PROCESSING FACILITIES LOCATED IN:**

(I) CAROLINE COUNTY;

(II) CECIL COUNTY;

(III) DORCHESTER COUNTY;

(IV) KENT COUNTY;

(V) QUEEN ANNE'S COUNTY;

(VI) SOMERSET COUNTY;

(VII) TALBOT COUNTY;

(VIII) WICOMICO COUNTY; AND

(IX) WORCESTER COUNTY.

(2) **BEFORE OCTOBER 1 EACH YEAR, EACH POULTRY PROCESSING FACILITY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL SUBMIT TO THE**

STATE HIGHWAY ADMINISTRATION A COMPLETE LIST OF REGISTERED COMBINATIONS OF VEHICLES USED FOR CARRYING LIVE POULTRY IN ACCORDANCE WITH THIS SECTION THAT INCLUDES THE FOLLOWING INFORMATION FOR EACH VEHICLE:

(I) VEHICLE IDENTIFICATION NUMBER;

(II) NUMBER OF AXLES;

(III) MOST RECENT DATE OF INSPECTION REQUIRED UNDER PARAGRAPH (C)(2)(II) OF THIS SECTION; AND

(IV) CURRENT MILEAGE.

(3) THE GOALS FOR THE PERCENTAGE OF THE POULTRY PROCESSING FACILITY INDUSTRY'S COMBINATIONS OF VEHICLES USED FOR CARRYING LIVE POULTRY IN ACCORDANCE WITH THIS SECTION THAT HAVE AN AXLE CONFIGURATION OF NOT LESS THAN SIX AXLES ARE AS FOLLOWS:

(I) 15% BY OCTOBER 31, 2018;

(II) 30% BY OCTOBER 31, 2019;

(III) 45% BY OCTOBER 31, 2020;

(IV) 60% BY OCTOBER 31, 2021; AND

(V) 75% BY OCTOBER 31, 2022.

(4) THE STATE HIGHWAY ADMINISTRATION SHALL USE THE INFORMATION SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO DETERMINE THE PROGRESS MADE TOWARD MEETING THE GOALS ESTABLISHED IN PARAGRAPH (3) OF THIS SUBSECTION.

(5) ON OR BEFORE DECEMBER 31 EACH YEAR, THE STATE HIGHWAY ADMINISTRATION SHALL REPORT THE INFORMATION SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND THE DETERMINATION MADE UNDER PARAGRAPH (4) OF THIS SUBSECTION TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(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:

(a) The State Highway Administration shall notify the Department of Legislative Services within 5 days after determining that 45% of the poultry processing facility industry's combinations of vehicles used for carrying live poultry have an axle configuration of not less than six axles.

(b) (1) If the notice required under subsection (a) of this section is not received by the Department of Legislative Services on or before October 31, 2020, this Act shall be abrogated and of no further force and effect without the necessity of further action by the General Assembly.

1 (2) If the notice required under subsection (a) of this section is received by
2 the Department of Legislative Services on or before October 31, 2020, this Act shall, at the
3 end of October 31, 2022, be abrogated and of no further force and effect without the
4 necessity of further action by the General Assembly.

5 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 ~~June~~ October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.