SENATE BILL 917

 $m R6 \\ SB 573/16 - JPR \\ CF HB 768$

By: Senators Mathias, Eckardt, and Hershey

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable Senate action: Adopted

Read second time: March 1, 2017

CHAPTER

1 AN ACT concerning

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

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

21 BY repealing and reenacting, with amendments,

Article – Transportation

23 Section 24–109 and 24–113.2

24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

1 (2012 Replacement Volume and 2016 Supplement)

- 2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 3 That the Laws of Maryland read as follows:
- 4 Article Transportation
- 5 24–109.
- 6 (a) (1) In this section the following words have the meanings indicated.
- 7 (2) "Single axle weight" means the total weight transmitted by all wheels 8 whose centers may be included between 2 parallel transverse vertical planes 40 inches 9 apart extending across the full width of the vehicle.
- 10 (3) "Tandem axle weight" means the total weight transmitted to the road 11 by 2 or more consecutive axles whose centers may be included between parallel vertical 12 planes spaced more than 40 inches apart but not more than 96 inches apart extending 13 across the full width of the vehicle.
- 14 (b) An over—the—road bus or any vehicle that is regularly and exclusively used as 15 an intrastate public agency passenger bus:
- 16 (1) Is exempt from tandem axle weight limits provided in this section; but
- 17 (2) Shall comply with the vehicle and combination of vehicles weight limits provided in this section that are not tandem axle weight limits.
- 19 (c) Notwithstanding any other provisions of this title, **EXCEPT SUBSECTION** 20 **(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:

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 25 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines 2627 of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in 28group under consideration, except that 2 consecutive sets of tandem axles may carry a gross 29 load of 34,000 pounds each providing the overall distance between the first and last axles 30 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 31 32 statutory tolerances.

1 (d) [The] EXCEPT AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION, 2 THE following table indicates the permissible overall gross weights based upon the above 3 formula:

| 4 | Distance in | | | | | | |
|----|-----------------|---------|---------|---------|------------|---------|---------|
| 5 | feet between | | | | | | |
| 6 | the extremes of | | | | | | |
| 7 | any group of 2 | | | | | | |
| 8 | or more | | | | | | |
| 9 | consecutive | | | | | | |
| 10 | axles | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles |
| 11 | 4 | 34,000 | | | | | |
| 12 | 5 | 34,000 | | | | | |
| 13 | 6 | 34,000 | | | | | |
| 14 | 7 | 34,000 | | | | | |
| 15 | 8 | , | | | | | |
| 16 | and less | 34,000 | 34,000 | | | | |
| 17 | More than | | | | | | |
| 18 | 8 | 38,000 | 42,000 | | | | |
| 19 | 9 | 39,000 | 42,500 | | | | |
| 20 | 10 | 40,000 | 43,500 | | | | |
| 21 | 11 | | 44,000 | | | | |
| 22 | 12 | | 45,000 | 50,000 | | | |
| 23 | 13 | | 45,500 | 50,500 | | | |
| 24 | 14 | | 46,500 | 51,500 | | | |
| 25 | 15 | | 47,000 | 52,000 | | | |
| 26 | 16 | | 48,000 | 52,500 | 58,000 | | |
| 27 | 17 | | 48,500 | 53,500 | 58,500 | | |
| 28 | 18 | | 49,500 | 54,000 | 59,000 | | |
| 29 | 19 | | 50,000 | 54,500 | 60,000 | | |
| 30 | 20 | | 51,000 | 55,500 | 60,500 | 66,000 | |
| 31 | 21 | | 51,500 | 56,000 | 61,000 | 66,500 | |
| 32 | 22 | | 52,500 | 56,500 | 61,500 | 67,000 | |
| 33 | 23 | | 53,000 | 57,500 | 62,500 | 68,000 | |
| 34 | 24 | | 54,000 | 58,000 | 63,000 | 68,500 | 74,000 |
| 35 | 25 | | 54,500 | 58,500 | 63,500 | 69,000 | 74,500 |
| 36 | 26 | | 55,500 | 59,500 | 64,000 | 69,500 | 75,000 |
| 37 | 27 | | 56,000 | 60,000 | 65,000 | 70,000 | 75,500 |
| 38 | 28 | | 57,000 | 60,500 | $65,\!500$ | 71,000 | 76,500 |
| 39 | 29 | | 57,500 | 61,500 | 66,000 | 71,500 | 77,000 |
| 40 | 30 | | 58,500 | 62,000 | 66,500 | 72,000 | 77,500 |
| 41 | 31 | | 59,000 | 62,500 | 67,500 | 72,500 | 78,000 |
| 42 | 32 | | 60,000 | 63,500 | 68,000 | 73,000 | 78,500 |
| 43 | 33 | | • | 64,000 | 68,500 | 74,000 | 79,000 |
| 44 | 34 | | | 64,500 | 69,000 | 74,500 | 80,000 |
| 45 | 35 | | | 65,500 | 70,000 | 75,000 | |

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

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

| 31 | | Gross |
|----|--|------------------------|
| 32 | Number of | weight |
| 33 | axles | (in pounds) |
| 34 | Three or less | 55,000 |
| 35 | Four | 66,000 |
| 36 | Five as provided for in $\S 13-916$ or $\S 13-923$ of this | |
| 37 | article | 80,000 |

- 38 (f) A trailer with metal tires and a gross weight of more than 6,000 pounds may 39 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,

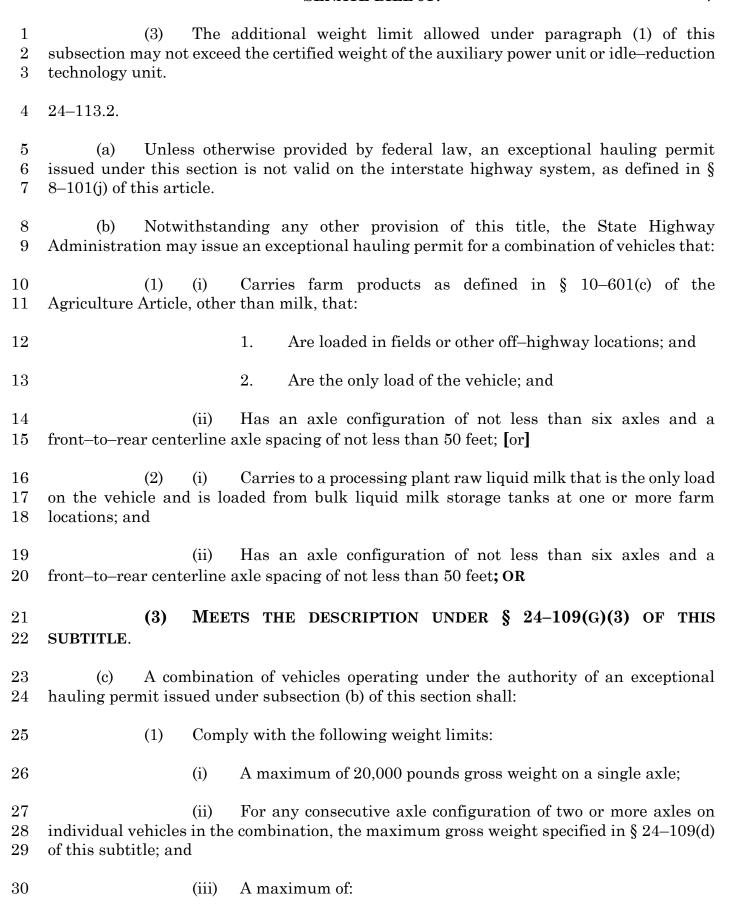
is permitted an axle load limit tolerance of [5 percent] 5% from subsections (c) and (d) of 1 2 this section, except during harvest time when an axle load limit tolerance of [15 percent] 3 15% from subsections (c) and (d) of this section is permitted for a vehicle carrying the 4 following agricultural products: 5 (i) Wheat, for the period from June 1 to August 15; 6 Corn, for the period from July 1 to December 1; (ii) 7 Soybeans, for the period from September 1 to December 31; and (iii) 8 (iv) Vegetable crops, for the period from June 1 to October 31. 9 (2)Except on interstate highways, a single unit vehicle with at least (i) 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest 10 11 products that have been loaded in forests or other similar off-highway locations is 12 permitted an axle load limit tolerance of [10 percent] 10% from subsections (c) and (d) of 13 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. 14 15 Except on interstate highways, a combination of vehicles with a (ii) 16 semitrailer length of 45 feet or less carrying forest products that have been loaded in forests 17 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 18 through September 30 when an axle load limit tolerance of [15 percent] 15% from 19 subsections (c) and (d) of this section is permitted. 20 21 **(3)** THE OVERALL GROSS WEIGHT IS 88,000 POUNDS FOR A 22 COMBINATION OF VEHICLES WITH A TRAILER OR SEMITRAILER THAT: 231. HAS AN AXLE CONFIGURATION OF NOT LESS THAN 5 24AXLES; 25 2. ON AND AFTER MAY 8, 2017, HAS AXLES THAT ARE AT 26 LEAST 96 INCHES APART; 27 3. SUBMITS TO A MOTOR CARRIER SAFETY INSPECTION 28 UNDER § 25–111 OF THIS ARTICLE; 29 4. COMPLIES WITH ALL POSTED BRIDGE WEIGHT 30 LIMITS;

DOES NOT USE THE INTERSTATE HIGHWAY SYSTEM;

5.

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| 1 2 | | ING LIVE POULTRY FROM A FARM TO A |
|----------------------|--|--|
| 3 4 | | CARRY THE LIVE POULTRY MORE THAN 150 |
| 5 6 7 8 | 6 SUBPARAGRAPH (I) OF THIS PARAGR 7 TOLERANCE OF 3% FROM SUBSECTION (| ON OF VEHICLES DESCRIBED IN APH MAY HAVE AN AXLE LOAD LIMIT C) OF THIS SECTION AND A GROSS WEIGHT AGRAPH (I) OF THIS PARAGRAPH IN: |
| 9 | 9 1. CAROLINE | COUNTY; |
| 10 | 10 2. CECIL CO | UNTY; |
| 11 | 11 3. DORCHES | TER COUNTY; |
| 12 | 12 4. KENT COU | 'NTY; |
| 13 | 13 5. QUEEN AN | INE'S COUNTY; |
| 14 | 14 6. SOMERSE | COUNTY; |
| 15 | 15 7. TALBOT C | OUNTY; |
| 16 | 16 8. WICOMICO | COUNTY; OR |
| 17 | 9. WORCEST | ER COUNTY. |
| 18 19 20 21 | technology unit in order to promote reduction shall be allowed up to an additional 550 p | an auxiliary power unit or an idle-reduction on of fuel use and emissions from engine idling ounds total in gross, axle, tandem, or bridge |
| 22 23 | · , | litional weight limit allowed under paragraph ust: |
| 24 25 | | available to law enforcement officers written wer unit or idle—reduction technology unit; and |
| 26 27 | · / | or certification, prove that the idle–reduction es. |



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| | SENATE DILL 317 |
|----------------|--|
| $\frac{1}{2}$ | 1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; [or] |
| 3 4 | 2. 95,000 pounds gross combination weight for a combination of vehicles carrying milk; OR |
| 5 6 | 3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES DESCRIBED UNDER § 24–109(G)(3) OF THIS SUBTITLE; |
| 7 8 | (2) (I) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; OR |
| 9 10 11 | (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 |
| 12 13 | (3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights. |
| 14 15 | (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: |
| 16 | (1) Violate a highway restriction issued by a competent authority; |
| 17 18 | (2) Operate the combination of vehicles on the interstate highway system, as defined in \S 8–101(j) of this article; |
| 19 20 21 | (3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under \S 25–111 of this article; or |
| 22 23 | (4) Fail to comply with the terms and conditions of the exceptional hauling permit. |
| 24 25 26 | (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: |
| 27 | (1) The original exceptional hauling permit issued for the vehicle; and |
| 28 29 30 | (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 |
| 31 | (II) FOR EACH VEHICLE IN THE COMBINATION OF VEHICLES |

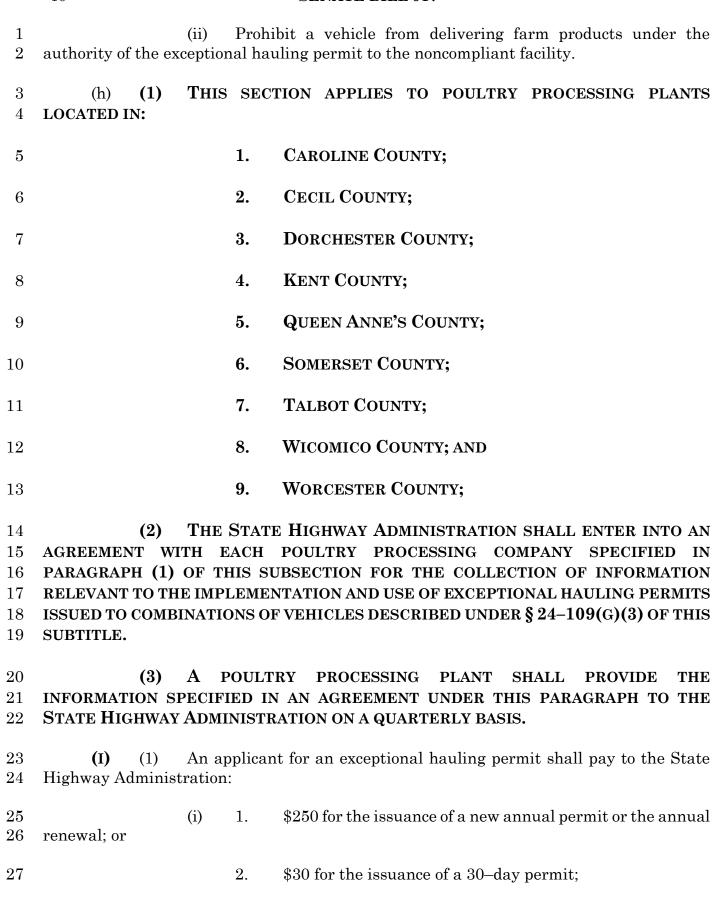
DESCRIBED UNDER § 24–109(G)(3) OF THIS SUBTITLE, A COPY OF A VALID NORTH

AMERICAN STANDARD VEHICLE LEVEL 5 INSPECTION REPORT ISSUED WITHIN THE PRECEDING 365 DAYS THAT SHOWS NO OUT-OF-SERVICE VIOLATIONS.

- 3 (f) (1) A violation of this section, regulations adopted to implement this 4 section, or the terms and conditions of an exceptional hauling permit issued under 5 subsection (b) of this section shall:
- 6 (i) Void the authority granted under the exceptional hauling permit;
- 7 (ii) Subject the vehicle to all weight requirements and tolerances 8 specified in this article; and
- 9 (iii) For a violation of a weight restriction specified in this section 10 that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate 11 confiscation by an officer or authorized civilian employee of the Department of State Police, 12 an officer of the Maryland Transportation Authority Police, or any police officer.
- 13 (2) A person who confiscates an exceptional hauling permit under 14 paragraph (1) of this subsection shall immediately notify the State Highway 15 Administration.
- 16 (3) On notification of the confiscation of an exceptional hauling permit, the 17 State Highway Administration shall review the confiscation, verify the violation of a weight 18 restriction, and, if the State Highway Administration determines that a violation did occur, 19 revoke the permit.
- 20 (4) An owner or operator of a combination of vehicles may appeal the 21 revocation of an exceptional hauling permit to the State Highway Administrator or the 22 Administrator's designee.
- 23 (g) (1) On request from the State Highway Administrator or the 24 Administrator's designee, weight and delivery records of the holder of an exceptional 25 hauling permit that are kept in the normal course of business shall be provided by:
- 26 (i) The holder of the exceptional hauling permit; or

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- 27 (ii) A facility that receives farm products, as defined in § 10–601(c) 28 of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.
- 30 (2) If the holder of an exceptional hauling permit or a facility that receives 31 farm products does not comply with a request under this subsection, the State Highway 32 Administration may:
 - (i) Suspend the holder's exceptional hauling permit; or



| $\frac{1}{2}$ | (ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and |
|----------------------|---|
| 3 4 5 | (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. |
| 6 | (2) A fee paid under this subsection is nonrefundable. |
| 7 8 | [(i)] (J) Except as otherwise provided in this section, an exceptional hauling permit is valid for: |
| 9 | (1) 1 year from the date of issuance for an annual permit; or |
| 10 | (2) 30 consecutive days for a 30-day permit. |
| 11 12 | [(j)] (K) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section. |
| 13 14 | [(k)] (L) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator. |
| 15 16 17 | (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. |
| 18 19 20 21 | (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. |
| 22 23 24 25 | 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. |
| | Approved: |
| | Governor. |
| | President of the Senate. |
| | |

Speaker of the House of Delegates.