

Chapter 177

(Senate Bill 116)

AN ACT concerning

Vehicle Laws – Weight and Load Requirements – Vehicles Carrying Perishable Products

FOR the purpose of altering the circumstances under which a police officer is required to allow an overweight vehicle carrying perishable products as its only load to proceed to its destination; providing that an overweight vehicle carrying perishable products as its only load shall be allowed to proceed to its destination if it is the first perishable load overweight violation by the ~~motor carrier~~ driver of the vehicle following a certain period of time without a certain violation and the overweight does not exceed a certain amount; making technical and stylistic changes; and generally relating to weight and load requirements for vehicles carrying perishable products.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–134.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–111.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

11–134.2.

(a) “Motor carrier” means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of persons or property by motor vehicle.

(b) “Motor carrier” includes a motor carrier’s owners, agents, officers, representatives, and employees.

24–111.1.

(a) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight does not exceed 5,000 pounds, a police officer may require the driver to unload the excess weight.

(b) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight exceeds 5,000 pounds, the vehicle may not be moved until the excess weight is unloaded.

(c) Except on interstate highways, if an overweight vehicle bears registration plates issued by this State and is transporting liquid milk in bulk from the producer, the vehicle may be granted a 5 percent tolerance on the applicable registration or statutory gross weight limit. However, a tolerance granted under this subsection may not permit the gross weight of the vehicle to exceed 80,000 pounds.

(d) As to an overweight vehicle carrying an indivisible load:

(1) If it is the first indivisible load overweight violation by the driver of the vehicle, the vehicle may be allowed to proceed, after a permit to do so is obtained from the State Highway Administration; and

(2) If it is a second or subsequent indivisible load overweight violation by the driver of the vehicle, the vehicle shall return with its load to its place of entry or origin in this State, after a permit to do so is obtained from the State Highway Administration.

(e) As to an overweight vehicle carrying perishable products as its only load[:

(1) If it], **THE VEHICLE SHALL BE ALLOWED TO PROCEED TO ITS DESTINATION IF:**

(1) IT is the first perishable load overweight violation [during the calendar year by the driver of the vehicle, the vehicle shall be allowed to proceed to its destination] BY THE ~~MOTOR CARRIER~~ DRIVER OF THE VEHICLE FOLLOWING A PERIOD OF AT LEAST 365 CONSECUTIVE DAYS WITHOUT A PERISHABLE LOAD OVERWEIGHT VIOLATION; and

(2) [If it is a second or subsequent perishable load overweight violation during the calendar year by the driver of the vehicle, the vehicle may not be moved until the excess weight is unloaded] **THE OVERWEIGHT DOES NOT EXCEED 5,000 POUNDS.**

(f) All material or cargo unloaded under this section shall be cared for by the [owner] **MOTOR CARRIER** or operator of the vehicle at the risk of the [owner] **MOTOR CARRIER** or operator.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.