SPONSOR: Sen. Pettyjohn & Rep. Vanderwende
Sens. Buckson, Hocker, Huxtable, Sturgeon, Wilson

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 262
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE SIZE AND WEIGHT OF VEHICLES AND LOADS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4501, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4501. Size and weight of vehicles generally.

(f) Except as otherwise provided in this chapter, it shall be unlawful to operate any vehicle at a gross weight which exceeds the weight for which it is registered and provided further that:

(1) Except as otherwise provided in ~~this paragraph,~~ paragraph (f)(1)a. or (f)(1)b. of this section, the total gross ~~weight~~ weight, including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles ~~shall not~~ may not exceed 80,000 pounds.

a. For a live-haul poultry truck traveling less than 150 miles from the farm to the plant, the total gross ~~weight including load~~ weight, including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles ~~shall not exceed 90,000 pounds.~~ may not exceed 90,000 pounds or combined manufacturer's gross combined weight rating (GCWR), whichever is less. However, such a live-haul poultry truck may exceed the established weight limit by no more than 3% to account for variations in bird weight due to bird size, moisture retention caused by precipitation, or other unanticipated conditions. For the ~~90,000 pound weight limit~~ established weight limit and associated 3% variance to apply to a live-haul poultry truck, the following conditions must exist:

~~a.~~1. The live-haul poultry truck must be subject to the Motor Carrier Safety Assistance Program (MCSAP) inspection.

~~b.~~2. The live-haul poultry truck must adhere to all bridge weight limits.

~~c.~~3. The live-haul poultry truck must not use the interstate highway system.

~~d.~~4. The ~~axels~~ axles on a live-haul poultry truck must be a minimum of 96 inches apart no later than May 8, 2015.

LC : MJC : CM : 4801520131
LC : HVW : CBM : 5081520251
Released: 06/30/2024 03:31 PM

b. For a truck hauling farm produce grown in this State and traveling from the farm on which the farm produce is grown to a location at which the farm produce is to be processed or stored, or from a location at which the farm produce is processed or stored to an export facility within this State, the total gross weight, including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles may not exceed 90,000 pounds or combined manufacturer's gross combined weight rating (GCWR), whichever is less.

1. For purposes of this paragraph (f)(1)b. of this section, "farm produce" means fruits, vegetables, or commodity grains.

2. This paragraph (f)(1)b. of this section applies to a truck hauling farm produce if all of the following conditions are met:

A. The truck hauling farm produce is subject to the Motor Carrier Safety Assistance Program (MCSAP) inspection.

B. The truck hauling farm produce adheres to all bridge weight limits.

C. The axles on a truck hauling farm produce are a minimum of 96 inches apart.

D. The truck hauling farm produce does not use the interstate highway system.

Section 2. Amend § 4502, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Size and weight of vehicles except on interstate highways, federal-aid primary system highways and United States numbered routes.

(c)(1) A vehicle equipped with 2 axles, having each of the 2 axles equipped with 2 hubs, with a power brake on each hub, ~~shall~~ may not exceed a total gross weight of 40,000 pounds or manufacturer's gross vehicle weight ~~rating~~ rating, whichever is less.

(6) Except as otherwise provided in ~~this paragraph,~~ paragraphs (c)(6)a. or (c)(6)b. of this section, the total gross weight of a combination tractor and semitrailer having a total of 5 or more axles ~~shall~~ may not exceed 80,000 lbs. or combined manufacturer's gross vehicle weight ~~rating~~ rating, whichever is less.

a. For a live-haul poultry truck traveling less than 150 miles from the farm to the plant, the total gross ~~weight including load~~ weight, including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles ~~shall not exceed 90,000 pounds.~~ may not exceed 90,000 pounds or combined manufacturer's gross combined weight rating (GCWR), whichever is less. However, such a live-haul poultry truck may exceed the established weight limit by no more than ~~3 percent~~ 3% to account for variations in bird weight due to bird size, moisture retention caused by precipitation, or other unanticipated conditions. For the ~~90,000 pound weight limit~~

established weight limit and associated ~~3 percent~~ 3% variance to apply to a live-haul poultry truck, the following conditions must exist:

~~a.~~1. The live-haul poultry truck must be subject to the Motor Carrier Safety Assistance Program (MCSAP) inspection.

~~b.~~2. The live-haul poultry truck must adhere to all bridge weight limits.

~~c.~~3. The live-haul poultry truck must not use the interstate highway system.

~~d.~~4. The ~~axels~~ axles on a live-haul poultry truck must be a minimum of 96 inches apart no later than May 8, 2015.

b. For a truck hauling farm produce grown in this State and traveling from the farm on which the farm produce is grown to a location at which the farm produce is to be processed or stored, or from a location at which the farm produce is processed or stored to an export facility within this State, the total gross weight, including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles may not exceed 90,000 pounds or combined manufacturer's gross combined weight rating (GCWR), whichever is less.

1. For purposes of this paragraph (c)(6)b. of this section, "farm produce" means fruits, vegetables, or commodity grains.

2. This paragraph (c)(6)b. of this section applies to a truck hauling farm produce if all of the following conditions are met:

A. The truck hauling farm produce is subject to the Motor Carrier Safety Assistance Program (MCSAP) inspection.

B. The truck hauling farm produce adheres to all bridge weight limits.

C. The axles on a truck hauling farm produce must be a minimum of 96 inches apart.

D. The truck hauling farm produce does not use the interstate highway system.

Section 2. Amend § 4506, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4506. Enforcement authority.

(a)(1) Any police officer, having reason to believe that the weight of a vehicle and load is unlawful, or during the course of a routine check of all applicable vehicles, may weigh ~~said~~ the vehicle by means of a portable or stationary scale ~~and/or~~ or may require that ~~such~~ the vehicle be driven to a designated scale location and be weighed.

(2) The officer may ~~then~~ require the ~~driver~~ operator of a vehicle under paragraph (a)(1) of this section to unload immediately ~~such~~ the portion of the load as is necessary to decrease the gross weight of ~~such~~ the vehicle to the maximum specified in this chapter or for which ~~it~~ the vehicle is registered, whichever is ~~the lesser weight.~~ less.

(3) ~~All such materials shall be~~ Materials required to be unloaded under paragraph (a)(2) of this section must be unloaded and cared for by the owner or operator of the vehicle at the risk and expense of ~~such~~ the owner or operator.

(4)a. ~~All~~ Except as provided under paragraph (a)(4)b. of this section, farm vehicles and trucks are exempted from this subsection while engaged in farming ~~operations~~ operations.

b. ~~except live-haul poultry trucks shall not be~~ Live-haul poultry trucks under §§ 4501(f)(1)a. and 4502(c)(6)a. of this title and trucks hauling farm produce under §§ 4501(f)(1)b. and 4502(c)(6)b. of this title are not exempted from this section.