
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 153 Session of
2023

INTRODUCED BY J. WARD, YAW, BARTOLOTTA, PHILLIPS-HILL, DUSH,
LANGERHOLC, BROOKS, SCHWANK, STEFANO, STREET, VOGEL, MARTIN,
HUTCHINSON, ARGALL, AUMENT AND REGAN, JANUARY 19, 2023

REFERRED TO TRANSPORTATION, JANUARY 19, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in size, weight and load, further providing for
3 permit for movement during course of manufacture; and, in
4 powers of department and local authorities, further providing
5 for power of Governor during emergency.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 4968(a.2)(4) and (b) of Title 75 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 4968. Permit for movement during course of manufacture.

11 * * *

12 (a.2) Specifications.--

13 * * *

14 (4) (i) A combination [of vehicles] which is hauling
15 milk to or from a [manufacturer] milk plant or to or from
16 a dairy farm, or is traveling to a dairy farm to pick up
17 milk, may be permitted by the department and local
18 authorities to move upon highways within their respective
19 jurisdictions 24 hours a day, seven days a week, [except

1 during inclement weather as defined in department
2 regulations,] if [the] all of the following apply:

3 (A) The combination is identified as a licensed
4 milk hauler by a decal issued by the Pennsylvania
5 Milk Marketing Board, at a fee set by the
6 Pennsylvania Milk Marketing Board.

7 (B) The gross weight does not exceed 95,000
8 pounds and the weight of any nonsteering axle does
9 not exceed 21,000 pounds.

10 (ii) A permit may be issued for this type of
11 movement upon an interstate highway. An application to
12 the department for the movement of milk, except for raw
13 milk, shall designate the route the applicant requests to
14 use.

15 * * *

16 (b) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Bulk milk." The term shall mean milk, as defined in section
20 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as
21 the Milk Sanitation Law, which is not transported in packages.

22 "Condensed milk" and "evaporated milk." The term shall mean
23 manufactured dairy products as defined in section 1 of the act
24 of July 2, 1935 (P.L.589, No.210), referred to as the Milk
25 Sanitation Law, which is not transported in packages.

26 "Dairy farm." As defined in section 1 of the act of July 2,
27 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

28 "Hot box." Consists of an enclosure consisting of welded
29 steel plate chained to a semitrailer with a removable lid lined
30 with refraction for purposes of insulation and retention of

1 heat.

2 "Milk." The term shall mean any of the following:

- 3 (1) Bulk milk.
- 4 (2) Evaporated milk.
- 5 (3) Raw milk.
- 6 (4) Condensed milk.

7 "Milk plant." As defined in section 1 of the act of July 2,
8 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

9 "Raw milk." [Has the meaning given to it in] As defined in
10 section 8(a) of the act of July 2, 1935 (P.L.589, No.210),
11 referred to as the Milk Sanitation Law.

12 "Sugar." The term shall refer to granulated raw, semi-
13 refined or refined sugar derived from the processing of sugar
14 cane or sugar beets, requiring further processing and not
15 intended for direct consumption or retail sale.

16 Section 2. Section 6108(a) of Title 75 is amended and the
17 section is amended by adding a subsection to read:

18 § 6108. Power of Governor during emergency.

19 (a) General rule.--[In] Except as provided under subsection
20 (a.1) and section 4968(a.2)(4) (relating to permit for movement
21 during course of manufacture), in the event of a declared
22 National, State or local emergency when the Governor of this
23 Commonwealth, under 35 Pa.C.S. § 7301 (relating to general
24 authority of Governor), has made a specific determination that
25 modification of any of the provisions of this title will aid in
26 the alleviation of the stated emergency conditions, the Governor
27 shall have the power to so modify the provisions on any or all
28 highways in this Commonwealth to be effective at any or all
29 hours of the day or night with respect to any or all types or
30 classes of vehicles. Such modifications shall be specifically

1 stated in a proclamation or executive order as provided under 35
2 Pa.C.S. § 7301(c) and shall expire at the end of the emergency
3 period. No person, unless specifically exempted by the terms of
4 the declaration of emergency or by other provisions of the
5 statute or other laws, shall violate any of the terms,
6 conditions, provisions and modifications set forth by the
7 Governor.

8 (a.1) Exception.--A vehicle or combination which is hauling
9 milk to or from a milk plant or to or from a dairy farm, or is
10 traveling to a dairy farm to pick up milk, may move upon
11 highways 24 hours a day, seven days a week, if all of the
12 following apply:

13 (1) The vehicle or combination is identified as a
14 licensed milk hauler by a decal issued by the Pennsylvania
15 Milk Marketing Board, at a fee set by the Pennsylvania Milk
16 Marketing Board.

17 (2) The gross weight does not exceed 80,000 pounds.

18 * * *

19 Section 3. This act shall take effect in 60 days.