

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, REGAN, PENNYCUICK AND ROTHMAN, JANUARY 19, 2023

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 30, 2024

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

1 jurisdictions 24 hours a day, seven days a week, [except
2 during inclement weather as defined in department
3 regulations,] if ~~[the] all of the~~ following apply: <--

4 ~~(A) The combination is identified as a licensed~~ <--
5 ~~milk hauler by a decal issued by the Pennsylvania~~
6 ~~Milk Marketing Board, at a fee set by the~~
7 ~~Pennsylvania Milk Marketing Board. A ONE-TIME DECAL,~~ <--
8 ~~DESIGNED AND ISSUED BY THE BOARD, THAT IDENTIFIES THE~~
9 ~~COMBINATION AS A LICENSED MILK HAULER IS PLACED ON~~
10 ~~THE DRIVER'S SIDE OF THE CAB OF THE COMBINATION. THE~~
11 ~~BOARD SHALL CHARGE A FEE FOR THE ISSUANCE OF THE~~
12 ~~DECAL, THE AMOUNT OF WHICH FEE MAY NOT EXCEED THE~~
13 ~~ADMINISTRATIVE COSTS OF PRODUCING AND ISSUING THE~~
14 ~~DECAL, AND SHALL IMPOSE THE SAME FEE TO REPLACE A~~
15 ~~DECAL THAT HAS BEEN LOST, STOLEN, DAMAGED OR BECOME~~
16 ~~ILLEGIBLE.~~

17 (B) The gross weight does not exceed 95,000
18 pounds and the weight of any nonsteering axle does
19 not exceed 21,000 pounds.

20 (ii) A permit may be issued for this type of
21 movement upon an interstate highway. An application to
22 the department for the movement of milk, except for raw
23 milk, shall designate the route the applicant requests to
24 use.

25 * * *

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

29 "BOARD." THE PENNSYLVANIA MILK BOARD. <--

30 "Bulk milk." The term shall mean milk, as defined in section

1 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as
2 the Milk Sanitation Law, which is not transported in packages.

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

7 "Dairy farm." 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 "Hot box." Consists of an enclosure consisting of welded
10 steel plate chained to a semitrailer with a removable lid lined
11 with refraction for purposes of insulation and retention of
12 heat.

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

- 14 (1) Bulk milk.
- 15 (2) Evaporated milk.
- 16 (3) Raw milk.
- 17 (4) Condensed milk.

18 "Milk plant." As defined in section 1 of the act of July 2,
19 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

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

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

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

29 § 6108. Power of Governor during emergency.

30 (a) General rule.--[In] Except as provided under subsection

1 (a.1) and section 4968(a.2)(4) (relating to permit for movement
2 during course of manufacture), in the event of a declared
3 National, State or local emergency when the Governor of this
4 Commonwealth, under 35 Pa.C.S. § 7301 (relating to general
5 authority of Governor), has made a specific determination that
6 modification of any of the provisions of this title will aid in
7 the alleviation of the stated emergency conditions, the Governor
8 shall have the power to so modify the provisions on any or all
9 highways in this Commonwealth to be effective at any or all
10 hours of the day or night with respect to any or all types or
11 classes of vehicles. Such modifications shall be specifically
12 stated in a proclamation or executive order as provided under 35
13 Pa.C.S. § 7301(c) and shall expire at the end of the emergency
14 period. No person, unless specifically exempted by the terms of
15 the declaration of emergency or by other provisions of the
16 statute or other laws, shall violate any of the terms,
17 conditions, provisions and modifications set forth by the
18 Governor.

19 (a.1) Exception.--A vehicle or combination which is hauling
20 milk to or from a milk plant or to or from a dairy farm, or is
21 traveling to a dairy farm to pick up milk, may move upon
22 highways 24 hours a day, seven days a week, if all of the <--
23 following apply:

24 (1) The vehicle or combination is identified as a <--
25 licensed milk hauler by a decal issued by the Pennsylvania
26 Milk Marketing Board, at a fee set by the Pennsylvania Milk
27 Marketing Board. DISPLAYS THE DECAL FOR A LICENSED MILK <--
28 HAULER AS PROVIDED IN SECTION 4968(A.2)(4)(I)(A) (RELATING TO
29 PERMIT FOR MOVEMENT DURING COURSE OF MANUFACTURE).

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

1 * * *

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