

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 915 Session of 2019

INTRODUCED BY CAUSER, PASHINSKI, BARRAR, BERNSTINE, BOBACK, BOROWICZ, CALTAGIRONE, DIAMOND, FREEMAN, GREGORY, HAHN, HERSHEY, HICKERNELL, JAMES, KAUFFMAN, M. K. KELLER, LAWRENCE, LONGIETTI, MASSER, METCALFE, METZGAR, MILLARD, MURT, OBERLANDER, OWLETT, PEIFER, PICKETT, RAPP, READSHAW, TOOHIL, TOPPER, ZIMMERMAN, RADER, KINSEY, NEILSON, MACKENZIE, ECKER, WHEELAND, GLEIM, MOUL AND ROAE, MARCH 20, 2019

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 2019

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. Sections 4968(a.2)(4) and (b) and 6108(a) of~~ <--
9 ~~Title 75 of the Pennsylvania Consolidated Statutes are amended~~
10 ~~to read:~~

11 SECTION 1. SECTION 4968(A.2)(4) AND (B) OF TITLE 75 OF THE <--
12 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

13 § 4968. Permit for movement during course of manufacture.

14 \* \* \*

15 (a.2) Specifications.--

16 \* \* \*

1 (4) A combination [of vehicles] which is hauling milk to <--  
2 or from a [manufacturer] milk plant or to or from a dairy  
3 farm, or is traveling to a dairy farm to pick up milk, may be  
4 permitted by the department and local authorities to move  
5 upon highways within their respective jurisdictions 24 hours  
6 a day, seven days a week, [except during inclement weather as  
7 defined in department regulations,] if [the] ALL OF THE <--  
8 FOLLOWING APPLY:

9 (I) THE COMBINATION IS IDENTIFIED AS A LICENSED MILK  
10 HAULER BY A DECAL ISSUED BY THE PENNSYLVANIA MILK  
11 MARKETING BOARD, AT A FEE SET BY THE PENNSYLVANIA MILK  
12 MARKETING BOARD.

13 (II) THE gross weight does not exceed 95,000 pounds  
14 and the weight of any nonsteering axle does not exceed  
15 21,000 pounds. A permit may be issued for this type of  
16 movement upon an interstate highway. An application to  
17 the department for the movement of milk, except for raw  
18 milk, shall designate the route the applicant requests to  
19 use.

20 \* \* \*

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

24 "Bulk milk." The term shall mean milk, as defined in section  
25 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as  
26 the Milk Sanitation Law, which is not transported in packages.

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

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

3 "Hot box." Consists of an enclosure consisting of welded  
4 steel plate chained to a semitrailer with a removable lid lined  
5 with refraction for purposes of insulation and retention of  
6 heat.

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

- 8 (1) Bulk milk.
- 9 (2) Evaporated milk.
- 10 (3) Raw milk.
- 11 (4) Condensed milk.

12 "Milk plant." As defined in section 1 of the act of July 2,  
13 1935 (P.L.589, No.210), referred to as the Milk Sanitation Law.

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

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

21 SECTION 1.1. SECTION 6108(A) OF TITLE 75 IS AMENDED AND THE <--  
22 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

23 § 6108. Power of Governor during emergency.

24 (a) General rule.--[In] Except as provided under SUBSECTION <--  
25 (A.1) AND section 4968(a.2)(4) (relating to permit for movement  
26 during course of manufacture), in the event of a declared  
27 National, State or local emergency when the Governor of this  
28 Commonwealth, under 35 Pa.C.S. § 7301 (relating to general  
29 authority of Governor), has made a specific determination that  
30 modification of any of the provisions of this title will aid in

1 the alleviation of the stated emergency conditions, the Governor  
2 shall have the power to so modify the provisions on any or all  
3 highways in this Commonwealth to be effective at any or all  
4 hours of the day or night with respect to any or all types or  
5 classes of vehicles. Such modifications shall be specifically  
6 stated in a proclamation or executive order as provided under 35  
7 Pa.C.S. § 7301(c) and shall expire at the end of the emergency  
8 period. No person, unless specifically exempted by the terms of  
9 the declaration of emergency or by other provisions of the  
10 statute or other laws, shall violate any of the terms,  
11 conditions, provisions and modifications set forth by the  
12 Governor.

13 (A.1) EXCEPTION.--A VEHICLE OR COMBINATION WHICH IS HAULING <--  
14 MILK TO OR FROM A MILK PLANT OR TO OR FROM A DAIRY FARM, OR IS  
15 TRAVELING TO A DAIRY FARM TO PICK UP MILK, MAY MOVE UPON  
16 HIGHWAYS 24 HOURS A DAY, SEVEN DAYS A WEEK, IF ALL OF THE  
17 FOLLOWING APPLY:

18 (1) THE VEHICLE OR COMBINATION IS IDENTIFIED AS A  
19 LICENSED MILK HAULER BY A DECAL ISSUED BY THE PENNSYLVANIA  
20 MILK MARKETING BOARD, AT A FEE SET BY THE PENNSYLVANIA MILK  
21 MARKETING BOARD.

22 (2) THE GROSS WEIGHT DOES NOT EXCEED 80,000 POUNDS.

23 \* \* \*

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