CHAPTER 220
FORMERLY
SENATE BILL NO. 160
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE GROSS VEHICLE WEIGHT OF LIVE-HAUL POULTRY TRUCKS.

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

Section 1. Amend § 4501(f), Title 21 of the Delaware Code 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, the total gross weight including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles shall not exceed 80,000 pounds. For a live-haul poultry truck traveling less than 150 miles from the farm to the plant, the total gross 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. However, such a live-haul poultry truck may exceed the established weight limit by no more than 3 percent 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 and associated 3 percent variance to apply to a live-haul poultry truck, the following conditions must exist:

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

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

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

d. The axels on a live-haul poultry truck must be a minimum of 96 inches apart no later than one year after enactment.

Section 2. Amend § 4502(c), Title 21 of the Delaware Code as follows:

§ 4502. Size and weight of vehicles except on interstate highways and United States numbered routes.

(c) (6) Except as otherwise provided in this paragraph, the total gross weight of a combination tractor and semitrailer having a total of 5 or more axles shall not exceed 80,000 lbs. or combined manufacturer's gross vehicle weight rating whichever is less. For a live-haul poultry truck traveling less than 150 miles from the farm to the plant, the total gross 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. However, such a live-haul poultry truck may exceed the established weight limit by no more than 3 percent 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 and associated 3 percent variance to apply to a live-haul poultry truck, the following conditions must exist:

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

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

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

d. The axels on a live-haul poultry truck must be a minimum of 96 inches apart no later than one year after enactment.

Section 3. Amend §4506 (a), Title 21 of the Delaware Code as follows:

(a) 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 vehicle by means of a portable or stationary scale and/or may require that such vehicle be driven to a designated scale location and be weighed. The officer may then require the driver to unload immediately such portion of the load as is necessary to decrease the gross weight of such vehicle to the maximum specified in this chapter or for which it is registered, whichever is the lesser weight. All such materials shall be unloaded and cared for by the owner or operator of the vehicle at the risk and expense of

such owner or operator. All farm vehicles and trucks are exempted from this subsection while engaged in farming operations except live-haul poultry trucks shall not be exempted from this section.

Approved May 08, 2014