

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 428

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Penalties” in line 2 down through “in” in line 3 and substitute “Violations Causing Life Threatening”; and strike in their entirety lines 4 through 12, inclusive, and substitute:

“FOR the purpose of prohibiting a driver of a commercial motor vehicle from causing a death of, or a certain injury to, another person by driving or attempting to drive the commercial motor vehicle in a certain manner; prohibiting a motor carrier from causing a death of, or a certain injury to, another person by requiring or permitting a person to operate a commercial motor vehicle in a certain manner; providing for the application of this Act; defining certain terms; providing for certain penalties; and generally relating to prohibiting a driver of a commercial motor vehicle or a motor carrier causing a death of, or a life threatening injury to, another person under certain circumstances.”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 13 through 22, inclusive, and substitute:

“BY adding to

Article - Transportation

Section 21-1501 through 21-1506, inclusive, to be under the new subtitle “Subtitle 15. Motor Carriers and Commercial Motor Vehicle Drivers - Violations Resulting in Death or Life Threatening Injury”; and 27-105.1

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 3

On pages 1 through 5, strike in their entirety the lines beginning with line 26 on page 1

(Over)

through line 28 on page 5, inclusive, and substitute:

“SUBTITLE 15. MOTOR CARRIERS AND COMMERCIAL MOTOR VEHICLE DRIVERS - VIOLATIONS RESULTING IN DEATH OR LIFE THREATENING INJURY.

21-1501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMERCIAL MOTOR VEHICLE” HAS THE MEANING STATED IN § 11-109.1 OF THIS ARTICLE.

(C) “MOTOR CARRIER” HAS THE MEANING STATED IN § 11-134.2 OF THIS ARTICLE.

21- 1502.

THE PROVISIONS OF §§ 21-1503 THROUGH 21-1506 OF THIS SUBTITLE APPLY ONLY IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF A DEATH OF, OR A LIFE THREATENING INJURY TO, ANOTHER PERSON.

21-1503.

(A) A DRIVER OF A COMMERCIAL MOTOR VEHICLE MAY NOT CAUSE A DEATH OF ANOTHER PERSON BY DRIVING OR ATTEMPTING TO DRIVE THE COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE DRIVER KNOWS OR SHOULD HAVE KNOWN VIOLATES:

(1) ONE OF THE FOLLOWING PROVISIONS OF THIS ARTICLE:

(I) § 22-101(A)(1) (“DRIVING UNSAFE VEHICLE PROHIBITED”);

(II) § 24-102 (“WIDTH OF VEHICLES”);

(III) § 24-104 (“HEIGHT OF VEHICLES AND LOADS”);

(IV) § 24-104.1 (“LENGTH OF VEHICLES AND LOADS”);

(V) § 24-104.2 (“LENGTH OF SEMITRAILER OPERATED IN COMBINATION WITH TRUCK TRACTORS”);

(VI) § 24-105 (“LOAD EXTENSIONS”);

(VII) § 24-106 (“SECURING LOADS ON VEHICLES - IN GENERAL”);

(VIII) § 24-106.1 (“SECURING LOADS ON VEHICLES - LOOSE MATERIAL”);

(IX) § 24-106.2 (“SECURING LOADS ON VEHICLES - TRANSPORTATION OF LUMBER, PIPE, STEEL, OR SIMILAR MATERIALS”);

(X) § 24-112(E) (“VIOLATION OF PERMITS FOR EXCESS SIZE AND WEIGHT”); OR

(XI) § 25-111(I) (“HOURS OF SERVICE FOR INTRASTATE DRIVERS”); OR

(2) ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS:

(I) § 177.834(A) OR (G) (“HAZARDOUS MATERIALS TRANSPORTATION”);

(II) § 392.9 (“SAFE LOADING”);

(III) § 395.3 (“MAXIMUM DRIVING TIME”); OR

(IV) § 396.7 (“UNSAFE OPERATIONS FORBIDDEN”).

(B) A MOTOR CARRIER MAY NOT CAUSE A DEATH OF ANOTHER PERSON BY REQUIRING OR PERMITTING A PERSON TO OPERATE A COMMERCIAL MOTOR

VEHICLE IN A MANNER THAT THE MOTOR CARRIER KNOWS OR SHOULD HAVE KNOWN VIOLATES ONE OF THE OFFENSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

21-1504.

(A) A DRIVER OF A COMMERCIAL MOTOR VEHICLE MAY NOT CAUSE A DEATH OF ANOTHER PERSON BY DRIVING OR ATTEMPTING TO DRIVE THE COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE DRIVER KNOWS OR SHOULD HAVE KNOWN VIOLATES ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS:

- (1) § 395.13(C) OR (D) (“DRIVER DECLARED OUT OF SERVICE”); OR
- (2) § 396.9(C)(2) (“VIOLATING AN OUT-OF-SERVICE ORDER”).

(B) A MOTOR CARRIER MAY NOT CAUSE A DEATH OF ANOTHER PERSON BY REQUIRING OR PERMITTING A PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE MOTOR CARRIER KNOWS OR SHOULD HAVE KNOWN VIOLATES ONE OF THE OFFENSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

21-1505.

(A) A DRIVER OF A COMMERCIAL MOTOR VEHICLE MAY NOT CAUSE A LIFE THREATENING INJURY TO ANOTHER PERSON BY DRIVING OR ATTEMPTING TO DRIVE THE COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE DRIVER KNOWS OR SHOULD HAVE KNOWN VIOLATES:

- (1) ONE OF THE FOLLOWING PROVISIONS OF THIS ARTICLE:
 - (I) § 22-101 A)(1) (“DRIVING UNSAFE VEHICLE PROHIBITED”);
 - (II) § 24-102 (“WIDTH OF VEHICLES”);

(III) § 24-104 (“HEIGHT OF VEHICLES AND LOADS”);

(IV) § 24-104.1 (“LENGTH OF VEHICLES AND LOADS”);

(V) § 24-104.2 (“LENGTH OF SEMITRAILER OPERATED IN COMBINATION WITH TRUCK TRACTORS”);

(VI) § 24-105 (“LOAD EXTENSIONS”);

(VII) § 24-106 (“SECURING LOADS ON VEHICLES - IN GENERAL”);

(VIII) § 24-106.1 (“SECURING LOADS ON VEHICLES - LOOSE MATERIAL”);

(IX) § 24-106.2 (“SECURING LOADS ON VEHICLES - TRANSPORTATION OF LUMBER, PIPE, STEEL, OR SIMILAR MATERIALS”);

(X) § 24-112(E) (“VIOLATION OF PERMITS FOR EXCESS SIZE AND WEIGHT”); OR

(XI) § 25-111(I) (“HOURS OF SERVICE FOR INTRASTATE DRIVERS”); OR

(2) ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS:

(I) § 177.834(A) OR (G) (“HAZARDOUS MATERIALS TRANSPORTATION”);

(II) § 392.9 (“SAFE LOADING”);

(III) § 395.3 (“MAXIMUM DRIVING TIME”); OR

(IV) § 396.7 (“UNSAFE OPERATIONS FORBIDDEN”).

(B) A MOTOR CARRIER MAY NOT CAUSE A LIFE THREATENING INJURY TO ANOTHER PERSON BY REQUIRING OR PERMITTING A PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE MOTOR CARRIER KNOWS OR SHOULD HAVE KNOWN VIOLATES ONE OF THE OFFENSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

21-1506.

(A) A DRIVER OF A COMMERCIAL MOTOR VEHICLE MAY NOT CAUSE A LIFE THREATENING INJURY TO ANOTHER PERSON BY DRIVING OR ATTEMPTING TO DRIVE THE COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE DRIVER KNOWS OR SHOULD HAVE KNOWN VIOLATES ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS:

- (1) § 395.13(C) OR (D) (“DRIVER DECLARED OUT OF SERVICE”); OR
- (2) § 396.9(C)(2) (“VIOLATING AN OUT-OF-SERVICE ORDER”).

(B) A MOTOR CARRIER MAY NOT CAUSE A LIFE THREATENING INJURY TO ANOTHER PERSON BY REQUIRING OR PERMITTING A PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE IN A MANNER THAT THE MOTOR CARRIER KNOWS OR SHOULD HAVE KNOWN VIOLATES ONE OF THE OFFENSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

27-105.1.

(A) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-1503 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000.

(B) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-1504 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$25,000.

(C) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-1505 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000.

(D) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-1506 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000.”.