
By: **Chairman, Judiciary Committee (Departmental - Transportation)**

Introduced and read first time: January 30, 2002

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2002

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Motor Carriers and Commercial Motor Vehicles - Penalties**
3 **for Violations Resulting in Violations Causing Life Threatening Injury or**
4 **Death**

5 ~~FOR the purpose of providing that any motor carrier that, under certain conditions,~~
6 ~~requires or knowingly permits any person to operate any vehicle in violation of~~
7 ~~certain provisions of the Maryland Vehicle Law may be charged with a certain~~
8 ~~violation; establishing certain enhanced penalties for drivers of commercial~~
9 ~~motor vehicles and motor carriers who are convicted of certain violations of the~~
10 ~~Maryland Vehicle Law and the Code of Federal Regulations that are the primary~~
11 ~~proximate cause of bodily injury to, or death of, another person; clarifying~~
12 ~~language; and generally relating to penalties for violations by motor carriers~~
13 ~~and drivers of commercial motor vehicles. FOR the purpose of prohibiting a~~
14 ~~driver of a commercial motor vehicle from causing a death of, or a certain injury~~
15 ~~to, another person by driving or attempting to drive the commercial motor~~
16 ~~vehicle in a certain manner; prohibiting a motor carrier from causing a death of,~~
17 ~~or a certain injury to, another person by requiring or permitting a person to~~
18 ~~operate a commercial motor vehicle in a certain manner; providing for the~~
19 ~~application of this Act; defining certain terms; providing for certain penalties;~~
20 ~~and generally relating to prohibiting a driver of a commercial motor vehicle or a~~
21 ~~motor carrier causing a death of, or a life threatening injury to, another person~~
22 ~~under certain circumstances.~~

23 ~~BY repealing and reenacting, with amendments,~~
24 ~~Article - Transportation~~
25 ~~Section 24-101 and 27-101(l) and (u)~~
26 ~~Annotated Code of Maryland~~

1 (~~1999 Replacement Volume and 2001 Supplement~~)

2 BY adding to

3 ~~Article - Transportation~~

4 ~~Section 27-105.1~~

5 ~~Annotated Code of Maryland~~

6 (~~1999 Replacement Volume and 2001 Supplement~~)

7 BY adding to

8 Article - Transportation

9 Section 21-1501 through 21-1506, inclusive, to be under the new subtitle

10 "Subtitle 15. Motor Carriers and Commercial Motor Vehicle Drivers -

11 Violations Resulting in Death or Life Threatening Injury"; and 27-105.1

12 Annotated Code of Maryland

13 (1999 Replacement Volume and 2001 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Transportation**

17 ~~24-101.~~

18 (a) ~~The provisions of this subtitle governing size, weight, and load do not apply~~
19 ~~to:~~

20 (1) ~~Fire apparatus;~~

21 (2) ~~Farm equipment temporarily moved on a highway; or~~

22 (3) ~~A vehicle driven under the terms of a special permit issued under this~~
23 ~~subtitle.~~

24 (b) ~~A person may not drive on any publicly maintained highway any vehicle or~~
25 ~~combination of vehicles with a gross weight that exceeds:~~

26 (1) ~~The maximum registered weight limit for which the vehicle or~~
27 ~~combination is registered under § 24-110 of this subtitle; or~~

28 (2) ~~Any other weight limit established under the Maryland Vehicle Law.~~

29 (c) ~~A person may not permit to be driven on any publicly maintained highway~~
30 ~~any vehicle or combination of vehicles with a gross weight that exceeds:~~

31 (1) ~~The maximum registered weight limit for which the vehicle or~~
32 ~~combination is registered under § 24-110 of this subtitle; or~~

33 (2) ~~Any other weight limit established under the Maryland Vehicle Law.~~

1 (d) A violation of the maximum weight provisions of this subtitle is not a
2 moving violation for purposes of Title 16, Subtitle 4 of this article.

3 ~~(E) ANY MOTOR CARRIER THAT REQUIRES OR KNOWINGLY PERMITS ANY
4 PERSON TO OPERATE A VEHICLE IN A MANNER THAT VIOLATES A PROVISION
5 SPECIFIED IN § 27-105.1 OF THIS ARTICLE IS GUILTY OF A VIOLATION OF THE
6 SPECIFIED PROVISION AND ON CONVICTION IS SUBJECT TO THE APPLICABLE
7 PENALTY SPECIFIED IN § 27-105.1 OF THIS ARTICLE.~~

8 ~~27-101.~~

9 ~~(4) [Any] EXCEPT AS PROVIDED IN § 27-105.1 OF THIS SUBTITLE, ANY person
10 who is convicted of a violation of any of the provisions of § 22-409 of this article
11 ("Transportation of hazardous materials"), § 23-403(b) of this article (Obeying signs
12 to stop for a diesel emissions test), § 24-111(d) or (e) of this article (Obeying signs to
13 stop for inspection), § 24-111.1(b), (d)(2), or (e)(2) of this article (Overweight vehicles);
14 or § 25-111 of this article (Motor carrier safety violations) is subject to a fine of:~~

15 ~~(1) Not more than \$1,000 for a first offense;~~

16 ~~(2) Not more than \$2,000 for a second offense; and~~

17 ~~(3) Not more than \$3,000 for a third or subsequent offense.~~

18 ~~(u) [Any] EXCEPT AS PROVIDED IN § 27-105.1 OF THIS SUBTITLE, ANY person
19 who is convicted of a violation of § 24-112 of this article is subject to:~~

20 ~~(1) For the first offense, a fine of not more than \$1,000;~~

21 ~~(2) For a second offense, a fine of not more than \$2,000; and~~

22 ~~(3) For a third or subsequent offense, a fine of not more than \$3,000.~~

23 ~~27-105.1.~~

24 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED:~~

26 ~~(2) "COMMERCIAL MOTOR VEHICLE" HAS THE MEANING STATED IN §
27 11-109.1 OF THIS ARTICLE.~~

28 ~~(3) "MOTOR CARRIER" HAS THE MEANING STATED IN § 11-134.2 OF THIS
29 ARTICLE.~~

30 ~~(B) (1) THE PENALTIES PROVIDED IN THIS SECTION APPLY TO A VIOLATION
31 OF ANY OF THE FOLLOWING PROVISIONS OF THIS ARTICLE:~~

32 ~~(I) § 22-101 (A)(1) ("DRIVING UNSAFE VEHICLE PROHIBITED");~~

33 ~~(II) § 24-102 ("WIDTH OF VEHICLES");~~

- 1 (III) § 24-104 ("HEIGHT OF VEHICLES AND LOADS");
- 2 (IV) § 24-104.1 ("LENGTH OF VEHICLES AND LOADS");
- 3 (V) § 24-104.2 ("LENGTH OF SEMITRAILER OPERATED IN
4 COMBINATION WITH TRUCK TRACTORS");
- 5 (VI) § 24-105 ("LOAD EXTENSIONS");
- 6 (VII) § 24-106 ("SECURING LOADS ON VEHICLES — IN GENERAL");
- 7 (VIII) § 24-106.1 ("SECURING LOADS ON VEHICLES — LOOSE
8 MATERIAL");
- 9 (IX) § 24-106.2 ("SECURING LOADS ON VEHICLES —
10 TRANSPORTATION OF LUMBER, PIPE, STEEL, OR SIMILAR MATERIALS");
- 11 (X) § 24-112(E) ("VIOLATION OF PERMITS FOR EXCESS SIZE AND
12 WEIGHT");
- 13 (XI) § 25-111(G) ("MOTOR CARRIER TO COMPLY WITH RULES AND
14 REGULATIONS"); AND
- 15 (XII) § 25-111(I) ("HOURS OF SERVICE FOR INTRASTATE DRIVERS").
- 16 (2) ~~THE PENALTIES PROVIDED IN THIS SECTION APPLY TO A VIOLATION~~
17 ~~OF ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF FEDERAL~~
18 ~~REGULATIONS:~~
- 19 (I) § 177.834(A) OR (G) ("HAZARDOUS MATERIALS
20 TRANSPORTATION");
- 21 (II) § 392.9 ("SAFE LOADING");
- 22 (III) § 395.3 ("MAXIMUM DRIVING TIME");
- 23 (IV) § 396.7 ("UNSAFE OPERATIONS FORBIDDEN");
- 24 (V) § 395.13(C) OR (D) ("DRIVERS DECLARED OUT OF SERVICE"); AND
- 25 (VI) § 396.9(C)(2) ("VIOLATING AN OUT OF SERVICE ORDER").
- 26 (C) ~~ANY DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS CONVICTED OF A~~
27 ~~VIOLATION OF ANY PROVISION SPECIFIED IN SUBSECTION (B)(1) OR (B)(2)(I)~~
28 ~~THROUGH (IV) OF THIS SECTION IS SUBJECT TO:~~
- 29 (1) ~~IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY~~
30 ~~INJURY TO ANOTHER PERSON:~~
- 31 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR
32 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH; AND

1 (H) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
2 MORE THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; OR

3 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
4 DEATH OF ANOTHER PERSON:

5 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$2,000 OR
6 IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH; AND

7 (H) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
8 MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

9 (D) ANY DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS CONVICTED OF A
10 VIOLATION OF ANY PROVISION SPECIFIED IN SUBSECTION (B)(2)(V) OR (VI) OF THIS
11 SECTION IS SUBJECT TO:

12 (1) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY
13 INJURY TO ANOTHER PERSON:

14 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$2,000 OR
15 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; AND

16 (H) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
17 MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH; OR

18 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
19 DEATH OF ANOTHER PERSON:

20 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$5,000 OR
21 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH; AND

22 (H) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
23 MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

24 (E) ANY MOTOR CARRIER THAT IS CONVICTED OF A VIOLATION SPECIFIED IN
25 SUBSECTION (B)(1) OR (2)(I) THROUGH (IV) OF THIS SECTION IS SUBJECT TO:

26 (1) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY
27 INJURY TO ANOTHER PERSON:

28 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$5,000; AND

29 (H) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
30 MORE THAN \$10,000; OR

31 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
32 DEATH OF ANOTHER PERSON:

33 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$10,000; AND

1 (H) ~~FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT~~
2 ~~MORE THAN \$25,000.~~

3 (F) ~~ANY MOTOR CARRIER THAT IS CONVICTED OF A VIOLATION SPECIFIED IN~~
4 ~~SUBSECTION (B)(2)(V) OR (VI) OF THIS SECTION IS SUBJECT TO:~~

5 (1) ~~IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY~~
6 ~~INJURY TO ANOTHER PERSON:~~

7 (1) ~~FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$10,000; AND~~

8 (H) ~~FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT~~
9 ~~MORE THAN \$20,000; OR~~

10 (2) ~~IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE~~
11 ~~DEATH OF ANOTHER PERSON:~~

12 (1) ~~FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$25,000; AND~~

13 (H) ~~FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT~~
14 ~~MORE THAN \$50,000.~~

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

17 21-1501.

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

20 (B) "COMMERCIAL MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-109.1
21 OF THIS ARTICLE.

22 (C) "MOTOR CARRIER" HAS THE MEANING STATED IN § 11-134.2 OF THIS
23 ARTICLE.

24 21-1502.

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

28 21-1503.

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

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

- 1 (I) § 22-101(A)(1) ("DRIVING UNSAFE VEHICLE PROHIBITED");
- 2 (II) § 24-102 ("WIDTH OF VEHICLES");
- 3 (III) § 24-104 ("HEIGHT OF VEHICLES AND LOADS");
- 4 (IV) § 24-104.1 ("LENGTH OF VEHICLES AND LOADS");
- 5 (V) § 24-104.2 ("LENGTH OF SEMITRAILER OPERATED IN
6 COMBINATION WITH TRUCK TRACTORS");
- 7 (VI) § 24-105 ("LOAD EXTENSIONS");
- 8 (VII) § 24-106 ("SECURING LOADS ON VEHICLES - IN GENERAL");
- 9 (VIII) § 24-106.1 ("SECURING LOADS ON VEHICLES - LOOSE
10 MATERIAL");
- 11 (IX) § 24-106.2 ("SECURING LOADS ON VEHICLES - TRANSPORTATION
12 OF LUMBER, PIPE, STEEL, OR SIMILAR MATERIALS");
- 13 (X) § 24-112(E) ("VIOLATION OF PERMITS FOR EXCESS SIZE AND
14 WEIGHT"); OR
- 15 (XI) § 25-111(I) ("HOURS OF SERVICE FOR INTRASTATE DRIVERS"); OR
- 16 (2) ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF
17 FEDERAL REGULATIONS:
- 18 (I) § 177.834(A) OR (G) ("HAZARDOUS MATERIALS
19 TRANSPORTATION");
- 20 (II) § 392.9 ("SAFE LOADING");
- 21 (III) § 395.3 ("MAXIMUM DRIVING TIME"); OR
- 22 (IV) § 396.7 ("UNSAFE OPERATIONS FORBIDDEN").
- 23 (B) A MOTOR CARRIER MAY NOT CAUSE A DEATH OF ANOTHER PERSON BY
24 REQUIRING OR PERMITTING A PERSON TO OPERATE A COMMERCIAL MOTOR
25 VEHICLE IN A MANNER THAT THE MOTOR CARRIER KNOWS OR SHOULD HAVE
26 KNOWN VIOLATES ONE OF THE OFFENSES DESCRIBED IN SUBSECTION (A) OF THIS
27 SECTION.
- 28 21-1504.
- 29 (A) A DRIVER OF A COMMERCIAL MOTOR VEHICLE MAY NOT CAUSE A DEATH
30 OF ANOTHER PERSON BY DRIVING OR ATTEMPTING TO DRIVE THE COMMERCIAL
31 MOTOR VEHICLE IN A MANNER THAT THE DRIVER KNOWS OR SHOULD HAVE KNOWN
32 VIOLATES ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF
33 FEDERAL REGULATIONS:

1 (1) § 395.13(C) OR (D) ("DRIVER DECLARED OUT OF SERVICE"); OR

2 (2) § 396.9(C)(2) ("VIOLATING AN OUT-OF-SERVICE ORDER").

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

8 21-1505.

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

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

14 (I) § 22-101(A)(1) ("DRIVING UNSAFE VEHICLE PROHIBITED");

15 (II) § 24-102 ("WIDTH OF VEHICLES");

16 (III) § 24-104 ("HEIGHT OF VEHICLES AND LOADS");

17 (IV) § 24-104.1 ("LENGTH OF VEHICLES AND LOADS");

18 (V) § 24-104.2 ("LENGTH OF SEMITRAILER OPERATED IN
19 COMBINATION WITH TRUCK TRACTORS");

20 (VI) § 24-105 ("LOAD EXTENSIONS");

21 (VII) § 24-106 ("SECURING LOADS ON VEHICLES - IN GENERAL");

22 (VIII) § 24-106.1 ("SECURING LOADS ON VEHICLES - LOOSE
23 MATERIAL");

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

26 (X) § 24-112(E) ("VIOLATION OF PERMITS FOR EXCESS SIZE AND
27 WEIGHT"); OR

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

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

31 (I) § 177.834(A) OR (G) ("HAZARDOUS MATERIALS
32 TRANSPORTATION");

- 1 (II) § 392.9 ("SAFE LOADING");
- 2 (III) § 395.3 ("MAXIMUM DRIVING TIME"); OR
- 3 (IV) § 396.7 ("UNSAFE OPERATIONS FORBIDDEN").

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

9 21-1506.

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

- 15 (1) § 395.13(C) OR (D) ("DRIVER DECLARED OUT OF SERVICE"); OR
- 16 (2) § 396.9(C)(2) ("VIOLATING AN OUT-OF-SERVICE ORDER").

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

22 27-105.1.

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

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

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002.