

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 638

(Senator Jimeno)

Judicial Proceedings

Environmental Matters

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Trailers and Semitrailers - Regulation Requirement - Repeal

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This bill repeals an uncodified section of Chapter 355 of 2004 that requires the Secretary of Transportation to adopt regulations authorizing the use of surge brakes on trailers and semitrailers.

The bill takes effect July 1, 2005.

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Fiscal Summary

**State Effect:** None. Any change in State activities would not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** None. There would be no impact as surge brakes would still be legal.

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Analysis

**Current Law/Background:** Surge brakes means a braking system designed to activate the brakes of a vehicle being towed as a result of the forward pressure of the vehicle against the towing vehicle during deceleration.

Chapter 355 of 2004 authorized a trailer or semitrailer to be equipped with surge brakes if:

- the trailer or semitrailer has a manufacturer's gross vehicle weight (GVW) rating or registered weight, whichever is less, of 10,000 pounds or less;
- the combined GVW rating, combined registered weight, and gross combination weight of the trailer or semitrailer (including the towing vehicle) is 26,000 pounds or less;
- the vehicle or combination of vehicles is not designed or used to transport more than 16 passengers, including the driver of the towing vehicle;
- the actual gross weight of the trailer or semitrailer, including the load, does not exceed the manufacturer's GVW rating or registered weight, whichever is less;
- the actual gross weight of the towing vehicle and load does not exceed the manufacturer's GVW rating or registered weight, whichever is less;
- the trailer or semitrailer has brakes designed and connected in such a way as to apply automatically in the case of accidental breakaway from the towing vehicle;
- the vehicle or combination of vehicles is not used to transport hazardous materials in a type and quantity that requires placarding;
- the vehicle or combination of vehicles is not used to transport liquids or gases contained in packaging that exceeds a capacity of 119 gallons;
- the trailer or semitrailer has a GVW, registered weight, or gross weight, whichever is greater, that is not more than one and one-half times the gross weight rating or registered weight, whichever is less, of the towing vehicle; and
- for vehicles used for commercial purposes, the trailer or semitrailer is used only in intrastate commerce.

Section 2 of Chapter 355 of 2004 required the Secretary of Transportation to adopt regulations to be effective October 1, 2004, authorizing the use of surge brakes on trailers and semitrailers, as authorized in the Act. The Secretary has not adopted these regulations; however, the Motor Vehicle Administration has adopted regulations. Therefore, requiring the Secretary to adopt regulations would be duplicative.

**State Fiscal Impact:** There would be no fiscal impact as the bill merely removes a requirement that the Secretary of Transportation adopt regulations. Removing this requirement would not materially affect department operations and would have no fiscal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2005  
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