

HOUSE BILL 440

R6

(7lr1894)

ENROLLED BILL

— *Environmental Matters / Judicial Proceedings* —

Introduced by **Delegates Barkley, Ali, and N. King**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Engine Brakes - Restrictions**

3 FOR the purpose of prohibiting ~~the operator of~~ a person from operating a commercial
4 motor vehicle equipped with a certain engine brake ~~from activating the engine~~
5 ~~brake in a residential district during a certain period of time unless the engine~~
6 ~~brake is installed and operated in accordance with the manufacturer's original~~
7 ~~design specifications~~ *connected to a properly functioning exhaust muffler system*
8 *in constant operation when the vehicle's ignition is engaged; prohibiting a person*
9 *from disabling the exhaust muffler system on a certain vehicle except under*
10 *certain circumstances; establishing a certain penalty; defining a certain ~~terms~~*
11 *term; and generally relating to restricting the use of engine brakes.*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article – Transportation~~
 3 ~~Section 21-101(c)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2006 Replacement Volume and 2006 Supplement)~~

6 BY adding to
 7 Article – Transportation
 8 Section 22-611 and 27-101(aa)
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2006 Supplement)

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

13 **Article – Transportation**

14 ~~21-101.~~

15 ~~(c) “Residential district” means an area that:~~

16 ~~(1) Is not a business district; and~~

17 ~~(2) Adjoins and includes a highway where the property along the~~
 18 ~~highway, for a distance of at least 300 feet, is improved mainly with residences or~~
 19 ~~residences and buildings used for business.~~

20 **22-611.**

21 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
 22 ~~MEANINGS INDICATED.~~

23 ~~(2) “ENGINE BRAKE”, “ENGINE BRAKE” MEANS AN ADD-ON~~
 24 ~~ENGINE COMPRESSION BRAKE FOR DIESEL ENGINES, COMMONLY REFERRED TO~~
 25 ~~AS A “JAKE BRAKE”.~~

26 ~~(3) “RESIDENTIAL DISTRICT” HAS THE MEANING STATED IN §~~
 27 ~~21-101 OF THIS ARTICLE.~~

28 (B) ~~A PERSON OPERATING MAY NOT OPERATE A COMMERCIAL MOTOR~~
 29 ~~VEHICLE EQUIPPED WITH AN ENGINE BRAKE MAY NOT ACTIVATE THE ENGINE~~

1 ~~BRAKE IN A RESIDENTIAL DISTRICT FROM 10 P.M. TO 7 A.M. UNLESS THE~~
2 ~~ENGINE BRAKE IS INSTALLED AND OPERATED IN ACCORDANCE WITH THE~~
3 ~~MANUFACTURER'S ORIGINAL DESIGN SPECIFICATIONS CONNECTED TO A~~
4 ~~PROPERLY FUNCTIONING EXHAUST MUFFLER SYSTEM IN CONSTANT OPERATION~~
5 ~~WHEN THE VEHICLE'S IGNITION IS ENGAGED.~~

6 (C) A PERSON MAY NOT DISABLE THE EXHAUST MUFFLER SYSTEM OF A
7 COMMERCIAL MOTOR VEHICLE THAT IS EQUIPPED WITH AN ENGINE BRAKE
8 EXCEPT TO MAKE A BONA FIDE REPAIR OR REPLACEMENT.

9 27-101.

10 (AA) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 22-611 OF
11 THIS ARTICLE IS SUBJECT TO:

12 (1) FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$250 AND
13 NOT MORE THAN \$1,000; AND

14 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
15 LESS THAN \$500 AND NOT MORE THAN \$1,000.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.