

HOUSE BILL 493

R5
HB 1087/14 – ENV

5lr1074

By: **Delegates McMillan, Beidle, Frush, Holmes, Stein, and Szeliga**

Introduced and read first time: February 11, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Prohibition Against Unattended Motor Vehicle – Exception**

3 FOR the purpose of creating an exception to the prohibition against leaving an unattended
4 motor vehicle under certain circumstances for a motor vehicle that operates
5 unattended for a certain period of time under certain circumstances; and generally
6 relating to the prohibition against unattended motor vehicles.

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 21–1101

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Transportation

14 Section 22–402(c)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2014 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 21–1101.

21 (a) Except as provided in subsection (c) of this section, a person driving or
22 otherwise in charge of a motor vehicle may not leave it unattended until the engine is
23 stopped, the ignition locked, the key removed, and the brake effectively set.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person driving or otherwise in charge of a motor vehicle may not leave the
2 motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to
3 the curb or side of the highway.

4 (c) (1) When a cat or dog is left in the unattended vehicle of an on-duty law
5 enforcement officer or an animal control officer, the provisions of subsection (a) of this
6 section do not apply to the law enforcement officer or the animal control officer.

7 (2) **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A PERSON
8 WHO ALLOWS A MOTOR VEHICLE THAT IS LOCKED OR IS ON PRIVATE PROPERTY NOT
9 OPEN TO THE PUBLIC TO OPERATE UNATTENDED FOR UP TO 5 CONSECUTIVE
10 MINUTES WHEN THE VEHICLE IS NOT IN MOTION.**

11 22-402.

12 (c) (1) No motor vehicle may be operated, nor may the owner or lessee of a
13 motor vehicle permit it to be operated, on any highway in this State unless the engine power
14 and exhaust mechanism is equipped, adjusted, and operated to prevent:

15 (i) The discharge of clearly visible smoke (comparable to smoke
16 equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as
17 published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of
18 the exhaust outlet for more than 10 consecutive seconds; and

19 (ii) The discharge of smoke from any other part of the engine in such
20 amounts and of such opacity as to partially obscure persons or objects from view.

21 (2) In this subsection, "smoke" means small gasborne and airborne
22 particles, exclusive of water vapor, from a process of combustion in sufficient numbers to
23 be observable.

24 (3) A motor vehicle engine may not be allowed to operate for more than 5
25 consecutive minutes when the vehicle is not in motion, except as follows:

26 (i) When a vehicle is forced to remain motionless because of traffic
27 conditions or mechanical difficulties over which the operator has no control;

28 (ii) When it is necessary to operate heating and cooling or auxiliary
29 equipment installed on the vehicle;

30 (iii) To bring the vehicle to the manufacturer's recommended
31 operating temperature; or

32 (iv) When it is necessary to accomplish the intended use of the
33 vehicle.

1 (4) For a period of 1 year from July 1, 1971, this subsection shall be
2 enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the
3 same manner as other violations of this section.

4 (5) This subsection does not apply to Class L (historic) vehicles.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2015.