
By: Chairman, Commerce and Government Matters Committee (Departmental - Transportation)

Introduced and read first time: January 17, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Authority - Law Enforcement - Motor Carrier Inspections**

3 FOR the purpose of altering the definition of "police officer" to include certain civilian
4 employees of the Maryland Transportation Authority police for the purpose of
5 authorizing such employees to enforce certain provisions of the vehicle laws relating
6 to safety equipment repair orders and the weighing and measuring of vehicles; and
7 generally relating to the enforcement powers of certain employees of the Maryland
8 Transportation Authority police.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 23-101 and 24-111
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 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 23-101.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Division" means the Automotive Safety Enforcement Division of the
20 Department of State Police.

21 (c) "Equipment" includes all mechanisms that form part of or relate to vehicle
22 equipment.

23 (d) "Facility" means a licensed dealer or a vehicle garage, repair shop, or gasoline
24 service station.

25 (e) "Inspection certificate" means a written certification by an inspection station
26 that:

27 (1) Certifies that, as of its date, a specified vehicle meets or exceeds the
28 standards for equipment established under this title; and

2

1 (2) Is signed and dated on behalf of the inspection station by the registered
2 individual who personally inspected the vehicle.

3 (f) "Inspection station" means a facility that is licensed by the Division under this
4 subtitle.

5 (g) "Police officer" means:

6 (1) Any uniformed police officer; or

7 (2) Any civilian employee of the Department of State Police OR THE
8 MARYLAND TRANSPORTATION AUTHORITY POLICE assigned to enforce this subtitle or
9 any regulation adopted under this subtitle, but only while acting underwritten
10 authorization of the Secretary of the State Police.

11 (h) "Repair order certification" means a written certification by an inspection
12 station or police department that:

13 (1) Certifies that, as of its date, the equipment specified in a safety
14 equipment repair order meets or exceeds the standards established under this subtitle;
15 and

16 (2) Is signed and dated:

17 (i) On behalf of the inspection station by the registered individual
18 who personally inspected the vehicle; or

19 (ii) On behalf of the police department by the authorized police
20 officer who personally inspected the vehicle.

21 (i) (1) "Vehicle" means, except as otherwise provided in this subsection, any
22 vehicle registered or to be registered in this State as:

23 (i) A Class A (passenger) vehicle;

24 (ii) A Class M (multipurpose) vehicle;

25 (iii) A Class J (vanpool) vehicle;

26 (iv) A Class E (truck) vehicle;

27 (v) A Class F (tractor) vehicle;

28 (vi) A Class G (trailer) vehicle;

29 (vii) A Class B (for-hire) vehicle; or

30 (viii) A Class D (motorcycle) vehicle.

31 (2) For purposes of safety equipment repair orders only, "vehicle" means,
32 except as provided in paragraph (3) of this subsection, any motor vehicle, trailer, or
33 semitrailer.

34 (3) "Vehicle" does not include any Class L (historic) vehicle, or any trailer
35 which is a mobile home as defined by § 11-134 of this article.

3

1 24-111.

2 (a) In this section and in § 24-111.1 of this subtitle, "police officer" means:

3 (1) Any uniformed police officer;

4 (2) Any civilian employee of the Department of State Police OR THE
5 MARYLAND TRANSPORTATION AUTHORITY POLICE assigned to enforce this subtitle,
6 but only while acting under written authorization of the Secretary of the State Police; or

7 (3) Any civilian employee of a local government who is:

8 (i) Acting under the immediate direction and control of a uniformed
9 police officer;

10 (ii) Acting under written authorization of the Secretary of the State
11 Police; and

12 (iii) Certified by the Department of State Police to perform the
13 weighing and measurement authorized under this section.

14 (b) (1) If a police officer has reason to believe that the size or weight of a
15 vehicle being driven on a highway violates this subtitle, the police officer may require the
16 driver of the vehicle to stop and submit the vehicle to a measurement or weighing.

17 (2) The weighing authorized by this subsection:

18 (i) May be done with either portable or stationary scales;and

19 (ii) In either case, shall be done by methods established by experts in
20 the field of weights and measures and adopted by rule or regulation of the Department of
21 State Police.

22 (3) If more than 1 statutory weight limit tolerance applies to a vehicle being
23 weighed under this section, the police officer shall grant only the greatest applicable
24 tolerance.

25 (c) The operation of a vehicle on any highway in this State constitutes the consent
26 of the driver and the owner of the vehicle to the measurement and weighing provided for
27 in this section.

28 (d) The driver of a vehicle shall obey every sign and every direction of a police
29 officer to stop his vehicle and submit it to measurement or weighing.

30 (e) A sign used to direct vehicles under this section may be displayed only by a
31 police officer who is assigned to enforce this title.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 1996.