
By: Senator Baker

Introduced and read first time: February 2, 1996
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 29, 1996

CHAPTER ____

1 AN ACT concerning

2 Vehicle Laws - Conformance With Federal Motor Carrier Safety Regulations

3 FOR the purpose of amending certain provisions of the Maryland Vehicle Law to
4 conform to applicable Federal Motor Carrier Safety Regulations; altering a certain
5 definition; defining certain terms; prohibiting the application of certain regulations
6 to the driver of a commercial motor vehicle transporting certain agricultural
7 commodities and supplies under certain circumstances; requiring certain
8 regulations to permit a certain calculation for the purposes of determining
9 maximum driving and on-duty time of a driver of certain commercial motor vehicles
10 and utility service vehicles; making certain terminology consistent with federal
11 usage; providing for the effective date of this Act; and generally relating to
12 conforming certain provisions to Federal Motor Carrier Safety Regulations.

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 23-301(a) and 25-111(g)
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 23-301(f) and 25-111(a), (f), and (i)
21 Annotated Code of Maryland
22 (1992 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Transportation**

2 23-301.

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

4 (f) "Vehicle" means any vehicle registered in this State as:

5 (1) A Class E (truck) vehicle with a registered [or], operating, OR gross
6 vehicle RATED weight of over 10,000 pounds;

7 (2) A Class F (tractor) vehicle;

8 (3) A Class G ([freight] trailer or [freight] semitrailer) vehicle WITH A
9 REGISTERED, OPERATING, OR GROSS VEHICLE RATED WEIGHT OF OVER 10,000
10 POUNDS;

11 (4) A Class P (passenger bus) vehicle; or

12 (5) A Class M (multipurpose) vehicle that:

13 (i) Is used primarily to transport passengers; and

14 (ii) 1. [Has a seating capacity for] IS DESIGNED TO TRANSPORT
15 16 passengers or more, including the driver; or

16 2. Was previously registered under § 13-932 or § 13-933 of this
17 article.

18 25-111.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "GROUND WATER WELL DRILLING RIG" MEANS ANY VEHICLE,
21 MACHINE, TRACTOR, TRAILER, SEMITRAILER, OR SPECIALIZED MOBILE EQUIPMENT
22 PROPELLED OR DRAWN BY MECHANICAL POWER AND USED ON A HIGHWAY TO
23 TRANSPORT WATER WELL FIELD OPERATING EQUIPMENT, INCLUDING WATER
24 WELL DRILLING AND PUMP SERVICE RIGS EQUIPPED TO ACCESS GROUND WATER.

25 [(2)] (3) "Hazardous materials inspector" means a person who is assigned
26 by the Department of the Environment and certified by the Department of State Police to
27 perform an inspection authorized under this section.

28 [(3)] (4) "Police officer" means:

29 (i) Any uniformed law enforcement officer;

30 (ii) Any civilian employee of the Department of State Police assigned
31 to enforce any rule or regulation adopted under this section, but only while acting under
32 written authorization of the Secretary of the State Police;

33 (iii) Any civilian employee of the Maryland Transportation Authority
34 Police who is:

35 1. Acting under the immediate direction and control of a
36 uniformed police officer;

4
1 TELEPHONE AND TELEVISION CABLE, OR COMMUNITY ANTENNA SERVICE IF THE
2 VEHICLE:

3 (I) IS ENGAGED IN AN ACTIVITY NECESSARILY RELATED TO THE
4 ULTIMATE DELIVERY OF THE PUBLIC UTILITY SERVICES TO CUSTOMERS,
5 INCLUDING:

6 1. TRAVEL OR MOVEMENT TO, FROM, UPON, OR BETWEEN
7 ACTIVITY SITES; AND

8 2. OCCASIONAL TRAVEL OR MOVEMENT OUTSIDE THE
9 SERVICE AREA NECESSITATED BY A UTILITY EMERGENCY AS DETERMINED BY THE
10 UTILITY PROVIDER; AND

11 (II) EXCEPT FOR ANY OCCASIONAL EMERGENCY USE, IS
12 OPERATED PRIMARILY WITHIN THE SERVICE AREA OF A UTILITY'S SUBSCRIBERS OR
13 CONSUMERS, WITHOUT REGARD TO WHETHER THE VEHICLE IS OWNED, LEASED, OR
14 RENTED BY THE UTILITY.

15 (f) (1) Except as provided in subsection (i) of this section the Administration
16 may adopt rules and regulations as are necessary for the safe operation of vehicles that
17 exceed 10,000 pounds [registered] gross VEHICLE RATED weight and are engaged in the
18 transportation of property or passengers over the highways of this State.

19 (2) Any rule or regulation adopted pursuant to this subsection shall:

20 (i) Be formulated jointly by the Motor Vehicle Administration and
21 the Department of State Police;

22 (ii) Duplicate or be consistent with the Federal Motor Carrier Safety
23 Regulations contained in 49 CFR, Parts 390 through 399;

24 (iii) Apply to all vehicles over 10,000 pounds [registered] gross vehicle
25 RATED weight that are subject to the Federal Motor Carrier Safety Regulations;

26 (iv) Apply to vehicles over 10,000 pounds [registered] gross vehicle
27 RATED weight that are not subject to the Federal Motor Carrier Safety Regulations, if
28 the rule or regulations adopted by the Motor Vehicle Administration specifically states
29 that it applies to the vehicle; and

30 (v) Be consistent with 49 CFR, Parts 40 and 382, with respect to
31 alcohol and drug testing regulations applicable to drivers of:

32 1. Vehicles with a gross vehicle weight rating over 26,000
33 pounds;

34 2. Vehicles transporting hazardous materials of a type and
35 quantity requiring placarding; and

36 3. Vehicles designed to transport 16 or more passengers,
37 including the driver.

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1 (3) The rules or regulations adopted under this subsection may require that
2 registrants of motor vehicles subject to this subsection have knowledge of applicable
3 federal and State motor carrier safety regulations.

4 (g) Any motor carrier operating a vehicle that is subject to the rules and
5 regulations adopted under this section shall, at all times when operating the vehicle on a
6 highway in this State, comply with the rules and regulations adopted under this section.

7 (i) (1) Except as provided for in paragraph [(2)] (3) of this subsection,
8 regulations adopted under this section for intrastate motor carrier transportation may
9 not:

10 (i) Require that a driver be older than 18 years of age;

11 (ii) Apply the provisions of § 391.21, § 391.23, ~~§ 391.31 or § 391.35~~ OR
12 § 391.31 of the Federal Motor Carrier Safety Regulations to:

13 1. A driver who is a regularly employed driver of a motor
14 carrier for a continuous period that began before July 1, 1986, if the driver continues to
15 be a regularly employed driver of the motor carrier; or

16 2. The motor carrier, with regard to a driver described under
17 item 1 of this subparagraph, if the motor carrier continues to employ the driver;

18 (iii) Limit a driver's time or hours on duty if:

19 1. The driver operates only within a 150 air mile radius of the
20 driver's normal work reporting location;

21 2. The driver returns to the driver's normal work reporting
22 location;

23 3. The driver is released from work within a period of 16
24 consecutive hours, not more than 12 of which are dedicated to driving, and is given at
25 least 8 consecutive hours off duty; and

26 4. Regardless of the number of motor carriers using the driver's
27 services, the driver:

28 A. If the employing motor carrier does not operate motor
29 vehicles every day of the week, has been on duty no more than 70 hours in a period of 7
30 consecutive days; or

31 B. If the employing motor carrier operates motor vehicles every
32 day of the week, has been on duty no more than 80 hours in a period of 8 consecutive
33 days;

34 (iv) Require a driver to maintain a record of duty status if the driver is
35 not subject to item (iii) of this paragraph, except that, if a driver is on duty for a period
36 of more than 12 hours, the driver shall maintain a record of the driver's duty status that:

37 1. For the first 12 hours of time on duty, accounts for all time
38 dedicated to driving; and

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1 (II) A COMMERCIAL MOTOR VEHICLE ENGAGED PRIMARILY IN
2 THE TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT; OR

3 (III) A UTILITY SERVICE VEHICLE.

4 (3) Nothing contained in this subsection limits regulation of the
5 qualifications or hours of service of a driver of a vehicle:

6 (i) In interstate commerce;

7 (ii) Transporting hazardous materials of a type and quantity requiring
8 placarding under Federal Hazardous Materials Regulations; or

9 (iii) Designed to transport 16 or more passengers, including the driver.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 ~~October~~ June 1, 1996.