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By: Senator Baker
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Senate action: Adopted
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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
- and utility service vehicles; making certain terminology consistent with federal
- 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:

36 uniformed police officer;

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 6	(1) A Class E (truck) vehicle with a registered [or], operating, OR gross vehicle RATED weight of over 10,000 pounds;
7	(2) A Class F (tractor) vehicle;
	(3) A Class G ([freight] trailer or [freight] semitrailer) vehicle WITH A REGISTERED, OPERATING, OR GROSS VEHICLE RATED WEIGHT OF OVER 10,000 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 15	(ii) 1. [Has a seating capacity for] IS DESIGNED TO TRANSPORT 16 passengers or more, including the driver; or
16 17	2. Was previously registered under \S 13-932 or \S 13-933 of this article.
18	25-111.
19	(a) (1) In this section the following words have the meanings indicated.
22 23	(2) "GROUND WATER WELL DRILLING RIG" MEANS ANY VEHICLE, MACHINE, TRACTOR, TRAILER, SEMITRAILER, OR SPECIALIZED MOBILE EQUIPMENT PROPELLED OR DRAWN BY MECHANICAL POWER AND USED ON A HIGHWAY TO TRANSPORT WATER WELL FIELD OPERATING EQUIPMENT, INCLUDING WATER WELL DRILLING AND PUMP SERVICE RIGS EQUIPPED TO ACCESS GROUND WATER.
	[(2)] (3) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this section.
28	[(3)] (4) "Police officer" means:
29	(i) Any uniformed law enforcement officer;
	(ii) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this section, but only while acting under written authorization of the Secretary of the State Police;
33 34	(iii) Any civilian employee of the Maryland TransportationAuthority Police who is:
35	1 Acting under the immediate direction and control of a

1 2	2. Acting under the written authorization of the Secretary of the State Police; and
3	3. Certified by the Department of State Police to perform an inspection authorized under this section; or
5	(iv) Any civilian employee of a local government who is:
6 7	1. Acting under the immediate direction and control of a uniformed police officer;
8 9	2. Acting under the written authorization of the Secretary of the State Police; and
10 11	3. Certified by the Department of State Police to perform an inspection authorized under this section.
	[(4)] (5) "Public Service Commission inspector" means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this section.
17 18 19 20	(6) (I) "TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT" MEANS THE TRANSPORTATION OF CONSTRUCTION AND PAVEMENT MATERIALS, CONSTRUCTION EQUIPMENT, AND CONSTRUCTION MAINTENANCE VEHICLES, BY A DRIVER TO AND FROM AN ACTIVE CONSTRUCTION SITE WITHIN A 50 AIR MILE RADIUS OF THE NORMAL WORK REPORTING LOCATION OF THE DRIVER DURING THE PERIOD BETWEEN INITIAL MOBILIZATION OF EQUIPMENT AND MATERIALS TO THE SITE AND FINAL COMPLETION OF THE PROJECT.
24	(II) "TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT" DOES NOT INCLUDE THE TRANSPORTATION OF MATERIAL FOUND TO BE HAZARDOUS UNDER FEDERAL OR STATE LAW IN A QUANTITY REQUIRED BY LAW TO BE PLACARDED.
28	[(5)] (7) "Transportation emergency" means any natural or man-made emergency that disrupts or hinders the free flow of traffic on the State's highways and local streets and roads for more than 8 hours so that public safety is or may be threatened as a result.
	[(6)] (8) "Utility emergency" means any natural or man-made emergency that disrupts or severs or has the potential to disrupt or sever gas, electric, telephone, water, sewer, or other utility service to:
33 34	(i) Any large number of residential or commercial customers in an area or areas of the State; or
35 36	(ii) Any public or private institutions in an area or areas of the State so that the public health, welfare, or safety is or may be threatened as aresult.
39	(9) "UTILITY SERVICE VEHICLE" MEANS A COMMERCIAL MOTOR VEHICLE USED IN THE REPAIR, MAINTENANCE, OR OPERATION OF ANY STRUCTURES OR OTHER PHYSICAL FACILITIES NECESSARY FOR THE DELIVERY OF PUBLIC LITILITY SERVICES, INCLUDING ELECTRIC, GAS, WATER, SANITARY SEWER

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.
(f) (1) Except as provided in subsection (i) of this section the Administration may adopt rules and regulations as are necessary for the safe operation of vehicles that exceed 10,000 pounds [registered]gross VEHICLE RATED weight and are engaged in the 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;
2. Vehicles transporting hazardous materials of a type and quantity requiring placarding; and
36 3. Vehicles designed to transport 16 or more passengers, 37 including the driver.

	(3) The rules or regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledgeof applicable federal and State motor carrier safety regulations.
	(g) Any motor carrier operating a vehicle that is subject to the rules and regulations adopted under this section shall, at all times when operating the vehicle on a highway in this State, comply with the rules and regulations adopted under this section.
	(i) (1) Except as provided for in paragraph [(2)] (3) of this subsection, regulations adopted under this section for intrastate motor carrier transportation may not:
10	(i) Require that a driver be older than 18 years of age;
11 12	(ii) Apply the provisions of § 391.21, § 391.23, § 391.31 or § 391.35 OR § 391.31 of the Federal Motor Carrier Safety Regulations to:
	1. A driver who is a regularly employed driver of a motor carrier for a continuous period that began before July 1, 1986, if the driver continues to be a regularly employed driver of the motor carrier; or
16 17	2. The motor carrier, with regard to a driver described under 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 20	1. The driver operates only within a 150 air mile radius of the driver's normal work reporting location;
21 22	2. The driver returns to the driver's normal work reporting location;
	3. The driver is released from work within a period of 16 consecutive hours, not more than 12 of which are dedicated to driving, and is given at least 8 consecutive hours off duty; and
26 27	4. Regardless of the number of motor carriers using the driver's services, the driver:
	A. If the employing motor carrier does not operate motor vehicles every day of the week, has been on duty no more than 70 hours in a period of 7 consecutive days; or
	B. If the employing motor carrier operates motor vehicles every day of the week, has been on duty no more than 80 hours in a period of 8 consecutive days;
	(iv) Require a driver to maintain a record of duty status if the driver is not subject to item (iii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:
37 38	1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and

1 2	2. For all time on duty in excess of 12 hours, conforms to federal regulations;
5 6	(v) Apply the provisions of this paragraph or Parts 391 and 395 of the Federal Motor Carrier Safety Regulations to a farmer, or an agent or employee of a farmer, who operates farm equipment or a motor vehicle owned or operated by the farmer in the transportation of supplies to a farm or the transportation of farm products as defined in § 10-601 of the Agriculture Article within 150 air miles of the farmer's farm;
10 11 12 13	(VI) APPLY THE PROVISIONS OF THIS PARAGRAPH OR PART 395 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS TO A DRIVER USED BY A MOTOR CARRIER, DURING THE PLANTING AND HARVESTING SEASON FROM MARCH 1 TO DECEMBER 1, TO TRANSPORT AGRICULTURAL COMMODITIES OR FARM SUPPLIES FOR AGRICULTURAL PURPOSES WITHIN A 100 AIR MILE RADIUS FROM THE SOURCE OF THE COMMODITIES OR THE DISTRIBUTION POINT OF THE FARM SUPPLIES.
17	[(vi)] (VII) Apply the medical examination and certification requirements of §§ 391.41(a), 391.43 and 391.45 of the Federal Motor Carrier Safety Regulations to a driver who operates a vehicle or vehicle combination with a registered gross or combination weight of less than 26,001 pounds; or
	[(vii)] (VIII) Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations to any person who:
22 23	1. Was otherwise qualified to operate and operated a commercial motor vehicle in intrastate commerce on or before October 1,1992;
24	2. Operates wholly within this State; and
25 26	3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:
	A. The condition existed on October 1, 1992 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and
	B. A physician who has examined the person has determined that the condition has not substantially worsened since October 1, 1992or the time of the first required physical examination after that date.
35 36	(2) FOR THE PURPOSES OF DETERMINING MAXIMUM DRIVING AND ON-DUTY TIME, THE REGULATIONS ADOPTED UNDER THIS SECTION FOR INTRASTATE MOTOR CARRIER TRANSPORTATION SHALL PERMIT ANY PERIOD OF 7 OR 8 CONSECUTIVE DAYS TO END WITH THE BEGINNING OF AN OFF-DUTY PERIOD OF 24 OR MORE CONSECUTIVE HOURS IN THE CASE OF A DRIVER OF:
	(I) A COMMERCIAL MOTOR VEHICLE ENGAGED PRIMARILY IN THE TRANSPORTATION AND OPERATION OF A GROUND WATER WELL DRILLING RIG;

1 2	(II) A COMMERCIAL MOTOR VEHICLE ENGAGED PRIMARILY IN THE TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT; OR
3	(III) A UTILITY SERVICE VEHICLE.
4 5	(3) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:
6	(i) In interstate commerce;
7 8	(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or
9	(iii) Designed to transport 16 or more passengers, including the driver.
10 11	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October June 1, 1996.