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

Introduced and read first time: January 15, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Motor Carrier Safety - Conformance with Federal 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; and generally relating to conforming certain provisions to Federal Motor
6 Carrier Safety Regulations.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 23-301(f) and 25-111(f)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 25-111(a)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1996 Supplement)

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

19 **Article - Transportation**

20 23-301.

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

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

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

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

2

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

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

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

4 (ii) 1. [Has a seating capacity for] IS DESIGNED TO TRANSPORT
5 16 passengers or more, including the driver; or

6 2. Was previously registered under § 13-932 or § 13-933 of this
7 article.

8 25-111.

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

10 (2) "Hazardous materials inspector" means a person who is assigned by the
11 Department of the Environment and certified by the Department of State Police to
12 perform an inspection authorized under this section.

13 (3) "Police officer" means:

14 (i) Any uniformed law enforcement officer;

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

18 (iii) Any civilian employee of the Maryland Transportation Authority
19 Police who is:

20 1. Acting under the immediate direction and control of a
21 uniformed police officer;

22 2. Acting under the written authorization of the Secretary of
23 the State Police; and

24 3. Certified by the Department of State Police to perform an
25 inspection authorized under this section; or

26 (iv) Any civilian employee of a local government who is:

27 1. Acting under the immediate direction and control of a
28 uniformed police officer;

29 2. Acting under the written authorization of the Secretary of
30 the State Police; and

31 3. Certified by the Department of State Police to perform an
32 inspection authorized under this section.

33 (4) "Public Service Commission inspector" means a person who is assigned
34 by the Public Service Commission and certified by the Department of State Police to
35 perform an inspection authorized under this section.

3

1 (5) "Transportation emergency" means any natural or man-made
 2 emergency that disrupts or hinders the free flow of traffic on the State's highways and
 3 local streets and roads for more than 8 hours so that public safety is or may be threatened
 4 as a result.

5 (6) "Utility emergency" means any natural or man-made emergency that
 6 disrupts or severs or has the potential to disrupt or sever gas, electric, telephone, water,
 7 sewer, or other utility service to:

8 (i) Any large number of residential or commercial customers in an
 9 area or areas of the State; or

10 (ii) Any public or private institutions in an area or areas of the State so
 11 that the public health, welfare, or safety is or may be threatened as a result.

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

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

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

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

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

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

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

29 1. Vehicles with a gross vehicle weight rating over 26,000
 30 pounds;

31 2. Vehicles transporting hazardous materials of a type and
 32 quantity requiring placarding; and

33 3. Vehicles designed to transport 16 or more passengers,
 34 including the driver.

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

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 39 October 1, 1997.

