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By: Chairman, Commerce and Government Matters Committee (Departmental -Transportation) Introduced and read first time: January 15, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable House action: Adopted Read second time: February 18, 1997

CHAPTER _____

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:

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1 2	(1) A Class E (truck) vehicle with a registered, [or] operating, OR RATED gross vehicle weight of over 10,000 pounds;
3	(2) A Class F (tractor) vehicle;
	(3) A Class G ([freight] trailer or [freight] semitrailer) vehicle WITH A REGISTERED, OPERATING, OR RATED GROSS VEHICLE WEIGHT OVER 10,000 POUNDS;
7	(4) A Class P (passenger bus) vehicle; or
8	(5) A Class M (multipurpose) vehicle that:
9	(i) Is used primarily to transport passengers; and
10 11	(ii) 1. [Has a seating capacity for] IS DESIGNED TO TRANSPORT16 passengers or more, including the driver; or
12 13	2. Was previously registered under § 13-932 or § 13-933 of this article.
14	25-111.
15	(a) (1) In this section the following words have the meanings indicated.
	(2) "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.
19	(3) "Police officer" means:
20	(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;
24 25	(iii) Any civilian employee of the Maryland Transportation Authority Police who is:
26 27	1. Acting under the immediate direction and control of a uniformed police officer;
28 29	2. Acting under the written authorization of the Secretary of the State Police; and
30 31	3. Certified by the Department of State Police to perform an inspection authorized under this section; or
32	(iv) Any civilian employee of a local government who is:
33 34	1. Acting under the immediate direction and control of a uniformed police officer;
35	2. Acting under the written authorization of the Secretary of

36 the State Police; and

13. Certified by the Department of State Police to perform an2 inspection authorized under this section.

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

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

(6) "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:

(i) Any large number of residential or commercial customers in an14 area or areas of the State; or

15 (ii) Any public or private institutions in an area or areas of the State so 16 that the public health, welfare, or safety is or may be threatened as a result.

(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] RATED gross weight and are engaged in the
transportation of property or passengers over the highways of this State.

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

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

24 (ii) Duplicate or be consistent with the Federal Motor Carrier Safety25 Regulations contained in 49 CFR, Parts 390 through 399;

26 (iii) Apply to all vehicles over 10,000 pounds [registered] RATED27 gross vehicle weight that are subject to the Federal Motor Carrier Safety Regulations;

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

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

3435 pounds;1. Vehicles with a gross vehicle weight rating over 26,000

2. Vehicles transporting hazardous materials of a type andquantity requiring placarding; and

38 3. Vehicles designed to transport 16 or more passengers,39 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 5 October 1, 1997.