Unofficial Copy   1997 Regular Session
R1   7lr0845

_____

By: Delegates Rudolph, Poole, and Fry
Introduced and read first time: January 31, 1997
Assigned to: Commerce and Government Matters

_____

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Overweight Vehicles Fines - Funding of Highway Construction Projects**

3 FOR the purpose of requiring that all fines collected for violations of certain provisions
4   related to overweight vehicles be credited to the Transportation Trust Fund and
5   used only for highway construction projects as determined by the State Highway
6   Administration; providing for a delayed effective date; and generally relating to the
7   use of overweight vehicle fines for highway construction.

8 BY repealing and reenacting, with amendments,
9   Article - Transportation
10   Section 27-105
11   Annotated Code of Maryland
12   (1992 Replacement Volume and 1996 Supplement)

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

15   **Article - Transportation**

16 27-105.

17   (a) (1) This section applies to any person charged with a violation of the
18 Maryland Vehicle Law for exceeding, as to any vehicle or combination of vehicles:

19   (i) The maximum registered weight limit for which the vehicle or
20 combination is registered under the Maryland Vehicle Law;

21   (ii) Any statutory weight limit set forth in the Maryland Vehicle Law;
22 or

23   (iii) The maximum weight limit imposed by signs which have been
24 placed to regulate the weight of any vehicle passing over any bridge or culvert as provided
25 for in § 24-206 of this article; provided that signs posting the restriction are located at the
26 bridge or culvert and also prior to the last available alternate route which bypasses the
27 bridge or culvert.

28   (2) On conviction of any person for a violation of any of these limits, fines
29 shall be imposed as provided in this section.

2

1   (b) Except on interstate highways, a loading error or tolerance of 1,000 pounds
2 over a registered weight limit, statutory weight limit, or weight limit imposed by signs is
3 allowed and only weight in excess of this tolerance is a violation provided that such an
4 overall gross weight may not exceed 80,000 pounds, including any enforcement or
5 statutory tolerances.

6   (c) (1) (i) Except as provided in paragraph (2) of this subsection, for the first
7 5,000 pounds of a weight violation over the registered weight limit, statutory weight limit,
8 or weight limit imposed by signs, the fine is the greater of:

9   1. 5 cents for each pound of excess weight; or

10   2. $50

11   (ii) For a weight violation in excess of 5,000 pounds over the registered
12 weight limit, statutory weight limit, or weight limit imposed by signs, the fine is 12 cents
13 for each additional pound of excess weight over 5,000 pounds.

14   (2) The following fines are applicable to weight violations on interstate
15 highways that are over the registered weight limit, statutory weight limit, or weight limit
16 imposed by signs:

17   (i) For the first 1,000 pounds of a weight violation, 1 cent for each
18 pound of excess weight;

19   (ii) For a weight violation in excess of 1,000 pounds and up to 5,000
20 pounds, the greater of:

21   1. 5 cents for each additional pound of excess weight; or

22   2. $50; and

23   (iii) For a weight violation in excess of 5,000 pounds, 12 cents for each
24 additional pound of excess weight.

25   (d) Notwithstanding any other provision of law, on conviction for a violation, no
26 fine may be suspended or reduced. However, in computing the fine, a credit for any
27 excess weight caused by an accumulation of cinders, snow, or ice shall be given.

28   (e) (1) If the vehicle being operated at the time the offense is committed is
29 registered outside of this State, or if the person responsible for the violation or the person
30 operating the vehicle is a nonresident of this State, further proceedings shall be had as to
31 the person under Title 26 of this article or the vehicle shall be impounded until the fine
32 is paid or acceptable collateral posted.

33   (2) The impounding of the vehicle does not include the cargo, and the cargo
34 may not be held.

35   (3) If, after 90 days from the date the vehicle was impounded, the fine has
36 not been paid or acceptable collateral posted, the vehicle may be sold at public auction
37 under the jurisdiction of the court to satisfy the fine, accrued interest, and costs.

38   (f) The provisions of this section do not apply to an "emergency vehicle", as
39 defined in § 11-118 of this article, when responding to an emergency.

1   (g) In Allegany and Garrett Counties, an operator who refuses to submit to an
2 order to weigh a vehicle registered as a Class E (truck) vehicle under § 13-919 of this
3 article or any other dump service vehicle:

4   (1) Shall be charged with a violation of the Maryland Vehicle Law; and

5   (2) On conviction, is subject to a fine:

6   (i) Not to exceed $1,000 for a first offense; and

7   (ii) Not to exceed $2,000 for a subsequent offense.

8   (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL FINES
9 COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE TRANSPORTATION
10 TRUST FUND AND MAY BE USED ONLY FOR HIGHWAY CONSTRUCTION PROJECTS AS
11 DETERMINED BY THE STATE HIGHWAY ADMINISTRATION.

12   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1998.