Unofficial Copy R6 1999 Regular Session 9lr0171

(PRE-FILED)

By: Chairman, Judicial Proceedings Committee (Departmental -

Transportation)

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

4	AT	1 000	•
1	AN	ACT	concerning

2 Commercial Vehicles - Safety Inspections

- 3 FOR the purpose of authorizing certain safety inspections of commercial motor
- 4 vehicles to include the inspection of certain records and files; authorizing certain
- 5 personnel to conduct safety inspections; deleting obsolete language and
- 6 clarifying language relating to the Preventive Maintenance Program and motor
- 7 carrier safety inspections; and generally relating to the Preventive Maintenance
- 8 Program and motor carrier safety inspections.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Transportation
- 11 Section 23-302 and 25-111
- 12 Annotated Code of Maryland
- 13 (1998 Replacement Volume and 1998 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

16 Article - Transportation

17 23-302.

- 18 (a) (1) Except as provided in paragraph (2) of this subsection, an owner of a
- 19 vehicle shall have the vehicle inspected, maintained, and repaired at least every
- 20 25,000 miles or at least every 12 months, whichever occurs first.
- 21 (2) An owner of a vehicle registered under § 13-919 of this article that
- 22 has been in operation for at least 18 years from the vehicle's model year or first
- 23 registration date, whichever is later, shall have the vehicle inspected, maintained,
- 24 and repaired at least every 12,500 miles or at least every 6 months, whichever occurs
- 25 first.

1 2	1 (b) A vehicle shall meet or exceed the standards and requirements set up 2 the regulations adopted under this subtitle.	nder
3	3 (c) A vehicle may not be operated unless at all times it [carries the 4 appropriate required document, as follows:	
5 6	5 (1) A record of the most recent inspection, including any main 6 repair work performed; or	tenance or
9	7 (2) A written certification that the vehicle is maintained under 8 preventive maintenance plan approved by the Administration and the Department 9 State Police.] IS APPROPRIATELY REGISTERED AND THE OWNER IS IN 0 10 WITH THIS SECTION.	of
11	11 25-111.	
12	12 (a) (1) In this section the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the following words have the meanings indicates the section of the se	cated.
	13 (2) "Hazardous materials inspector" means a person who is ass 14 the Department of the Environment and certified by the Department of State Poli 15 to perform an inspection authorized under this section.	
16	16 (3) "Police officer" means:	
19	17 (i) Any uniformed law enforcement officer WHO IS 18 UNDER THE DIRECTION OF A LAW ENFORCEMENT OFFICER WHO IS 19 THE DEPARTMENT OF STATE POLICE TO PERFORM AN INSPECTION A 20 UNDER THIS SECTION;	CERTIFIED BY
	21 (ii) Any civilian employee of the Department of State 22 assigned to enforce any rule or regulation adopted under this section, but only wh 23 acting under written authorization of the Secretary of the State Police;	
24 25	24 (iii) Any civilian employee of the Maryland Transport 25 Authority Police who is:	ation
26 27	26 1. Acting under the immediate direction and 27 uniformed police officer;	d control of a
28 29	28 2. Acting under the written authorization of 29 the State Police; and	the Secretary of
30 31	30 3. Certified by the Department of State Polisis inspection authorized under this section; or	ce to perform an
32	32 (iv) Any civilian employee of a local government who	is:
33 34	33 1. Acting under the immediate direction and 34 uniformed police officer;	d control of a

1 2	1 2. 2 the State Police; and		Acting under the written authorization of the Secretary of
3 4	3. 4 inspection authorized under this sec	ction	Certified by the Department of State Police to perform an an.
		nmis	Commission inspector" means a person who is ssion and certified by the Department of State zed under this section.
10	9 emergency that disrupts or hinders	the	emergency" means any natural or man-made free flow of traffic on the State's highways an 8 hours so that public safety is or may be
		ial t	cy" means any natural or man-made emergency that o disrupt or sever gas, electric, telephone,
15 16	5 (i) Any 6 area or areas of the State; or	/ lar	ge number of residential or commercial customers in an
17 18			blic or private institutions in an area or areas of the or safety is or may be threatened as a result.
19 20			may require the driver of any vehicle that is subject to a section to stop and submit to an inspection:
21 22	(i) All 2 hours of service record and certific		licable driver records, including driver's license, driver of physical examination;
23 24	3 (ii) All 4 documents; and	loac	l manifests, including bills of lading or other shipping
25	5 (iii) All	carg	go and cargo areas; and
28 29	7 perform an inspection authorized u 8 inspector, or a hazardous materials	inde ins	who is certified by the Department of State Police to r this section, a Public Service Commission pector may conduct a safety inspection of the ation adopted under this section or § 22-409 of
			e on any highway in this State constitutes the the vehicle to the inspection provided for in this
34 35	4 (d) The driver of a vehicle of the street		all obey every sign and every direction of a police of the required inspection.

1 2	(e) A sign u a police officer who i			les under this section may be displayed only by ce this section.
5		dopt rule that [exce	s and regueed 10,000	d in subsection (i) of this [section] SECTION, the alations as are necessary for the safe pounds rated gross weight and are engaged engers]:
7		(I)	EXCEEI	O A GROSS VEHICLE WEIGHT RATING OF 10,000 POUNDS;
8 9	TRANSPORTATION	(II) N OF HA		QUIRED TO BE MARKED OR PLACARDED FOR THE IS MATERIALS; OR
10 11	INCLUDING THE I	(III) DRIVER		SIGNED TO TRANSPORT 16 OR MORE PASSENGERS ighways of this State.
12	(2)	Any rul	e or regula	ation adopted pursuant to this subsection shall:
13 14	the Department of St	(i) ate Police		ulated jointly by the Motor Vehicle Administration and
15 16	Safety Regulations c	(ii) ontained		e or be consistent with the Federal Motor Carrier R, Parts 390 through 399;
17 18	weight that are subject	(iii) ct to the l		all vehicles over 10,000 pounds rated gross vehicle otor Carrier Safety Regulations;
21		ons adopt	subject to ted by the	vehicles over 10,000 pounds [registered] gross vehicle the Federal Motor Carrier Safety Regulations, Motor Vehicle Administration specifically
23 24	alcohol and drug test	(v) ing regul		stent with 49 CFR, Parts 40 and 382, with respect to licable to drivers [of:
25 26	pounds;		1.	Vehicles with a gross vehicle weight rating over 26,000
27 28	quantity requiring pla	acarding;		Vehicles transporting hazardous materials of a type and
	including the driver.] DRIVER'S LICENS			Vehicles designed to transport 16 or more passengers, REGULATION TO POSSESS A COMMERCIAL
	(3) that registrants of mo applicable federal an	tor vehic	les subjec	ations adopted under this subsection may require t to this subsection have knowledge of er safety regulations.
35 36				g a vehicle that is subject to the rules and hall, at all times when operating the vehicle

1 on a highway in this State, comply with the rules and regulations adopted under this

2	section.			
5 6 7	inspect equipment and or regulations adopted	Service C I review a I under [t Safety R	Commission of the commission o	siness hours, a police officer, a hazardous materials on inspector may enter the premises and records of motor carriers subject to the rules n or] § 22-409 OR § 23-302 of this article, as, Federal Hazardous Material Regulations, regulations.
11 12	STATE POLICE MARKECORDS OF MOT	L VEHIC Y ENTE OR CAR	LE ENFO R THE P RIERS S	AL BUSINESS HOURS, TRAINED PERSONNEL FROM ORCEMENT DIVISION OF THE DEPARTMENT OF REMISES AND INSPECT, REVIEW, AND COPY UBJECT TO THE REGULATIONS ADOPTED UNDER RTICLE, OR § 23-302 OF THIS ARTICLE, INCLUDING:
14		(I)	ANY RE	CORD REQUIRED BY THIS SECTION;
15		(II)	DRIVER	QUALIFICATION FILES;
16		(III)	HOURS	OF SERVICE RECORDS;
17 18	REQUIRED TO BE	(IV) TESTED		AND ALCOHOL TESTING RECORDS OF DRIVERS THIS SECTION; AND
19		(V)	INSURA	NCE RECORDS.
20 21	(i) (1) adopted under this se			d for in paragraph (2) of this subsection, regulations motor carrier transportation may not:
22		(i)	Require	that a driver be older than 18 years of age;
23 24	of the Federal Motor	(ii) Carrier S		e provisions of § 391.21, § 391.23, § 391.31 or § 391.35 gulations to:
	carrier for a continuo to be a regularly emp		that bega	A driver who is a regularly employed driver of a motor in before July 1, 1986, if the driver continues motor carrier; or
28 29	item 1 of this subpara	ıgraph, if		The motor carrier, with regard to a driver described under carrier continues to employ the driver;
30		(iii)	Limit a d	lriver's time or hours on duty if:
31 32	the driver's normal w	ork repor		The driver operates only within a 150 air mile radius of ion;
33 34	location;		2.	The driver returns to the driver's normal work reporting

	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
4 5	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 that 80 hours in a period of 8 consecutive days;
14	(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:
16 17	1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and
18 19	2. For all time on duty in excess of 12 hours, conforms to federal regulations;
22 23 24	(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;
28	(vi) 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) 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:
33 34	1. Was otherwise qualified to operate and operated a commercial motor vehicle in intrastate commerce on or before October 1, 1992;
35 36	2. Operates [wholly within this State] ONLY IN INTRASTATE COMMERCE; and
37 38	3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

3 re	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 equired by regulations adopted by the Administration under subsection (k) of this ection; and
	B. A physician who has examined the person has determined at the condition has not substantially worsened since October 1, 1992 or the time of the first required physical examination after that date.
8 9 qı	(2) Nothing contained in this subsection limits regulation of the ualifications or hours of service of a driver of a vehicle:
10	(i) In interstate commerce;
11 12 re	(ii) Transporting hazardous materials of a type and quantity equiring placarding under Federal Hazardous Materials Regulations; or
13 14 d	(iii) Designed to transport 16 or more passengers, including the driver.
	(j) (1) Notwithstanding the provisions of Article 16A, § 6A of the Code, the Governor may delegate the power to declare a utility or transportation emergency to the Secretary or the Secretary's designee.
18 19 tı	(2) The Secretary or the Secretary's designee may declare a utility or ransportation emergency.
22 h 23 p	(i) During the time in which a declared utility or transportation mergency exists, the Secretary or the Secretary's designee shall waive the maximum tours-of-service time limits contained in this section, or in regulations promulgated pursuant thereto for all interstate and intrastate drivers providing direct assistance in restoring utility services affected by a utility emergency.
27 a 28 o 29 p	(ii) This waiver shall include the hours of duty status accrued by, and shall apply only to, drivers providing direct assistance in restoring utility services ffected by a utility emergency in the State, or to drivers of emergency vehicles perated under the direction of State and local governments or their agents when providing direct assistance in clearing and opening State highways and local streets and roads to allow free flow of traffic.
	(3) (i) All declarations issued under this section shall indicate the ature of the utility or transportation emergency, the area or areas threatened, and he conditions which have brought it about.
	(ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.

- 1 (4) Within 10 days of the issuance of any declaration issued under this 2 section, the Secretary or the Secretary's designee shall notify the Governor of the 3 nature of the declaration.
- 4 (5) A utility or transportation emergency declared by the Secretary or 5 the Secretary's designee may not extend for more than 3 days, unless renewed by the
- 6 Governor pursuant to § 6A of Article 16A of the Code.
- 7 (k) For the purposes of subsection (i) of this section, the Administration shall 8 adopt regulations requiring physical examinations for intrastate commercial motor
- 9 vehicle drivers.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 11 effect October 1, 1999.