

SENATE BILL 43

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1999 Regular Session  
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(PRE-FILED)

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By: **Chairman, Judicial Proceedings Committee (Departmental -  
Transportation)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 1999

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CHAPTER \_\_\_\_\_

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.

1 (2) An owner of a vehicle registered under § 13-919 of this article that  
2 has been in operation for at least 18 years from the vehicle's model year or first  
3 registration date, whichever is later, shall have the vehicle inspected, maintained,  
4 and repaired at least every 12,500 miles or at least every 6 months, whichever occurs  
5 first.

6 (b) A vehicle shall meet or exceed the standards and requirements set under  
7 the regulations adopted under this subtitle.

8 (c) A vehicle may not be operated unless at all times it [carries the  
9 appropriate required document, as follows:

10 (1) A record of the most recent inspection, including any maintenance or  
11 repair work performed; or

12 (2) A written certification that the vehicle is maintained under a  
13 preventive maintenance plan approved by the Administration and the Department of  
14 State Police.] IS APPROPRIATELY REGISTERED AND THE OWNER IS IN COMPLIANCE  
15 WITH THIS SECTION.

16 25-111.

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

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

21 (3) "Police officer" means:

22 (i) Any uniformed law enforcement officer WHO IS CERTIFIED OR  
23 UNDER THE DIRECTION OF A LAW ENFORCEMENT OFFICER WHO IS CERTIFIED BY  
24 THE DEPARTMENT OF STATE POLICE TO PERFORM AN INSPECTION AUTHORIZED  
25 UNDER THIS SECTION;

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

29 (iii) Any civilian employee of the Maryland Transportation  
30 Authority Police who is:

31 1. Acting under the immediate direction and control of a  
32 uniformed police officer;

33 2. Acting under the written authorization of the Secretary of  
34 the State Police; and

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

- 1 (iv) Any civilian employee of a local government who is:
- 2 1. Acting under the immediate direction and control of a  
3 uniformed police officer;
- 4 2. Acting under the written authorization of the Secretary of  
5 the State Police; and
- 6 3. Certified by the Department of State Police to perform an  
7 inspection authorized under this section.

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

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

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

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

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

22 (b) (1) A police officer may require the driver of any vehicle that is subject to  
23 any rule or regulation adopted under this section to stop and submit to an inspection:

24 (i) All applicable driver records, including driver's license, driver  
25 hours of service record and certificate of physical examination;

26 (ii) All load manifests, including bills of lading or other shipping  
27 documents; and

28 (iii) All cargo and cargo areas; and

29 (2) A police officer who is certified by the Department of State Police to  
30 perform an inspection authorized under this section, a Public Service Commission  
31 inspector, or a hazardous materials inspector may conduct a safety inspection of the  
32 vehicle that is subject to a rule or regulation adopted under this section or § 22-409 of  
33 this article.

34 (c) The operation of a vehicle on any highway in this State constitutes the  
35 consent of the driver and the owner of the vehicle to the inspection provided for in this  
36 section.

1 (d) The driver of a vehicle shall obey every sign and every direction of a police  
2 officer to stop his vehicle and submit to the required inspection.

3 (e) A sign used to direct vehicles under this section may be displayed only by  
4 a police officer who is assigned to enforce this section.

5 (f) (1) Except as provided in subsection (i) of this [section] SECTION, the  
6 Administration may adopt rules and regulations as are necessary for the safe  
7 operation of vehicles that [exceed 10,000 pounds rated gross weight and are engaged  
8 in the transportation of property or passengers]:

9 (I) EXCEED A GROSS VEHICLE WEIGHT RATING OF 10,000 POUNDS;

10 (II) ARE REQUIRED TO BE MARKED OR PLACARDED FOR THE  
11 TRANSPORTATION OF HAZARDOUS MATERIALS; OR

12 (III) ARE DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS  
13 INCLUDING THE DRIVER over the highways of this State.

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

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

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

19 (iii) Apply to all vehicles over 10,000 pounds rated gross vehicle  
20 weight that are subject to the Federal Motor Carrier Safety Regulations;

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

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

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

29 2. Vehicles transporting hazardous materials of a type and  
30 quantity requiring placarding; and

31 3. Vehicles designed to transport 16 or more passengers,  
32 including the driver.] REQUIRED BY REGULATION TO POSSESS A COMMERCIAL  
33 DRIVER'S LICENSE.

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

1 (g) Any motor carrier operating a vehicle that is subject to the rules and  
 2 regulations adopted under this section shall, at all times when operating the vehicle  
 3 on a highway in this State, comply with the rules and regulations adopted under this  
 4 section.

5 (h) (1) During ~~regular~~ NORMAL business hours, a police officer, a hazardous  
 6 materials inspector, or a Public Service Commission inspector may enter the premises  
 7 and inspect equipment and review and copy records of motor carriers subject to the  
 8 rules or regulations adopted under [this section or] § 22-409 OR § 23-302 of this  
 9 article, Federal Motor Carrier Safety Regulations, Federal Hazardous Material  
 10 Regulations, or Public Service Commission laws and regulations.

11 (2) DURING NORMAL BUSINESS HOURS, TRAINED PERSONNEL FROM  
 12 THE COMMERCIAL VEHICLE ENFORCEMENT DIVISION OF THE DEPARTMENT OF  
 13 STATE POLICE MAY ENTER THE PREMISES AND INSPECT, REVIEW, AND COPY  
 14 RECORDS OF MOTOR CARRIERS SUBJECT TO THE REGULATIONS ADOPTED UNDER  
 15 THIS SECTION, § 22-409 OF THIS ARTICLE, OR § 23-302 OF THIS ARTICLE, INCLUDING:

16 (I) ANY RECORD REQUIRED BY THIS SECTION;

17 (II) DRIVER QUALIFICATION FILES;

18 (III) HOURS OF SERVICE RECORDS;

19 (IV) DRUG AND ALCOHOL TESTING RECORDS OF DRIVERS  
 20 REQUIRED TO BE TESTED UNDER THIS SECTION; AND

21 (V) INSURANCE RECORDS.

22 (i) (1) Except as provided for in paragraph (2) of this subsection, regulations  
 23 adopted under this section for intrastate motor carrier transportation may not:

24 (i) Require that a driver be older than 18 years of age;

25 (ii) Apply the provisions of § 391.21, § 391.23, § 391.31 or § 391.35  
 26 of the Federal Motor Carrier Safety Regulations to:

27 1. A driver who is a regularly employed driver of a motor  
 28 carrier for a continuous period that began before July 1, 1986, if the driver continues  
 29 to be a regularly employed driver of the motor carrier; or

30 2. The motor carrier, with regard to a driver described under  
 31 item 1 of this subparagraph, if the motor carrier continues to employ the driver;

32 (iii) Limit a driver's time or hours on duty if:

33 1. The driver operates only within a 150 air mile radius of  
 34 the driver's normal work reporting location;

35 2. The driver returns to the driver's normal work reporting  
 36 location;



1                                   A.       The condition existed on October 1, 1992 or at the time of  
2 the first physical examination after that date to which the person submitted as  
3 required by regulations adopted by the Administration under subsection (k) of this  
4 section; and

5                                   B.       A physician who has examined the person has determined  
6 that the condition has not substantially worsened since October 1, 1992 or the time of  
7 the first required physical examination after that date.

8                   (2)       Nothing contained in this subsection limits regulation of the  
9 qualifications or hours of service of a driver of a vehicle:

10                   (i)       In interstate commerce;

11                   (ii)      Transporting hazardous materials of a type and quantity  
12 requiring placarding under Federal Hazardous Materials Regulations; or

13                   (iii)     Designed to transport 16 or more passengers, including the  
14 driver.

15       (j)       (1)       Notwithstanding the provisions of Article 16A, § 6A of the Code, the  
16 Governor may delegate the power to declare a utility or transportation emergency to  
17 the Secretary or the Secretary's designee.

18                   (2)       The Secretary or the Secretary's designee may declare a utility or  
19 transportation emergency.

20                   (i)       During the time in which a declared utility or transportation  
21 emergency exists, the Secretary or the Secretary's designee shall waive the maximum  
22 hours-of-service time limits contained in this section, or in regulations promulgated  
23 pursuant thereto for all interstate and intrastate drivers providing direct assistance  
24 in restoring utility services affected by a utility emergency.

25                   (ii)      This waiver shall include the hours of duty status accrued by,  
26 and shall apply only to, drivers providing direct assistance in restoring utility services  
27 affected by a utility emergency in the State, or to drivers of emergency vehicles  
28 operated under the direction of State and local governments or their agents when  
29 providing direct assistance in clearing and opening State highways and local streets  
30 and roads to allow free flow of traffic.

31                   (3)       (i)       All declarations issued under this section shall indicate the  
32 nature of the utility or transportation emergency, the area or areas threatened, and  
33 the conditions which have brought it about.

34                   (ii)      A declaration shall be disseminated by a means calculated to  
35 bring its contents to the attention of the general public, in the areas affected by the  
36 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.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect October 1, 1999.