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

Introduced and read first time: February 4, 2000  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Law - Violations - Fines for Certain Violations**

3 FOR the purpose of requiring the driver of a diesel vehicle to stop and submit to a  
4 certain test; authorizing a police officer to take certain actions in certain  
5 circumstances; establishing certain requirements related to oversized or  
6 overweight permits; establishing certain fines for convictions of violations of  
7 certain provisions of the Motor Vehicle Law; making certain revisions; and  
8 generally relating to violations of the Motor Vehicle Law and fines for  
9 convictions of such violations.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 23-403  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 1999 Supplement)  
15 (As enacted by Chapters 41 and 42 of the Acts of the General Assembly of 1999)

16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 24-111(d), 24-112, 25-111(d), 27-101(l), and 27-105  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 1999 Supplement)

21 BY adding to  
22 Article - Transportation  
23 Section 27-101(s)  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 1999 Supplement)

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

1 **Article - Transportation**

2 23-403.

3 (a) The operation of a diesel vehicle on any highway in this State constitutes  
4 the consent of the driver and owner of the diesel vehicle to be subject to an emissions  
5 test established under this subtitle.

6 (b) The driver of a diesel vehicle shall obey any sign or direction of a police  
7 officer to stop the diesel vehicle [for] AND SUBMIT IT TO an emissions test  
8 administered by an emissions inspector:

9 (1) When a diesel vehicle is required to submit to:

10 (i) Weighing and measuring under § 24-111 of this article; or

11 (ii) A motor carrier safety inspection under § 25-111 of this article;  
12 or

13 (2) At any location or time, when a police officer has reasonable cause to  
14 believe that an individual diesel vehicle is violating emissions standards established  
15 under this subtitle.

16 24-111.

17 (d) (1) The driver of a vehicle shall obey every sign and every direction of a  
18 police officer or an electronic signal to a CVISN transponder to stop the vehicle and  
19 submit it to measurement or weighing.

20 (2) IF A DRIVER FAILS OR REFUSES TO COMPLY WITH THE DIRECTION  
21 OF A POLICE OFFICER OR AN ELECTRONIC SIGNAL TO A CVISN TRANSPONDER TO  
22 SUBMIT A VEHICLE TO MEASUREMENT OR WEIGHING, THE POLICE OFFICER SHALL  
23 HAVE THE AUTHORITY TO TAKE THE VEHICLE AND ITS LOAD INTO TEMPORARY  
24 CUSTODY FOR THE PURPOSE OF WEIGHING AND MEASURING.

25 (3) THE POLICE OFFICER MAY UTILIZE RESOURCES SPECIFIED IN §  
26 27-111(B) OF THIS ARTICLE TO CONDUCT THE WEIGHING OR MEASURING.

27 (4) IN ADDITION TO ANY FINE OR PENALTY ATTRIBUTABLE TO THE  
28 WEIGHING AND MEASURING, OR OTHER OFFENSE, THE DRIVER IS:

29 (I) SUBJECT TO A FINE AND PENALTY SPECIFIED IN § 27-101(L) OF  
30 THIS ARTICLE; AND

31 (II) RESPONSIBLE FOR ANY ADDITIONAL COSTS INCURRED IN  
32 WEIGHING AND MEASURING THE VEHICLE AND ITS LOAD BECAUSE OF THE DRIVER'S  
33 FAILURE OR REFUSAL TO COMPLY WITH THE DIRECTION OF A POLICE OFFICER OR  
34 AN ELECTRONIC SIGNAL TO A CVISN TRANSPONDER.

1 24-112.

2 (a) (1) The State Highway Administration may issue a permit allowing an  
3 oversized vehicle to use the highways in this State.

4 (2) For each permit issued under this subsection, the State Highway  
5 Administration shall charge a fee of not less than \$30.

6 (b) (1) The State Highway Administration may issue a permit allowing an  
7 overweight vehicle to use the highways in this State.

8 (2) For each permit issued under this subsection, the State Highway  
9 Administration shall charge a fee of not less than:

10 (i) \$30 for the first 45 tons (90,000 pounds) or less of gross weight  
11 of the vehicle; and

12 (ii) \$5 for each additional ton (2,000 pounds) or part of a ton in  
13 excess of 45 tons.

14 (c) The Secretary is authorized to promulgate rules and regulations for the  
15 purpose of establishing a schedule of fees for permits issued under this section using  
16 dollar amounts that will recover but not exceed the administrative costs associated  
17 with issuance and use of the permits, including compliance monitoring.

18 (d) Each permit issued under this section shall specify:

19 (1) The maximum size or weight permitted;

20 (2) The route to be followed; and

21 (3) The date and hour on which the trip is to be made.

22 (E) (1) A PERSON MAY NOT VIOLATE ANY CONDITION OF A PERMIT ISSUED  
23 UNDER THIS SECTION.

24 (2) A PERSON MAY NOT MOVE AN OVERSIZED OR OVERWEIGHT LOAD  
25 WHICH REQUIRES A PERMIT UNDER THIS SECTION WITHOUT FIRST OBTAINING THE  
26 PERMIT AND HAVING THE PERMIT IN THE PERSON'S POSSESSION.

27 (3) ANY PERSON MOVING AN OVERSIZED OR OVERWEIGHT LOAD ON ANY  
28 HIGHWAY IN THIS STATE WITHOUT THE REQUIRED PERMIT IS, UPON CONVICTION  
29 FOR SUCH OFFENSE, SUBJECT TO THE FINE SPECIFIED IN § 27-101(S) OF THIS  
30 ARTICLE.

31 25-111.

32 (d) (1) The driver of a vehicle shall obey every sign and every direction of a  
33 police officer or an electronic signal to a CVISN transponder to stop the vehicle and  
34 submit to the required inspection.

1 (2) IF A DRIVER FAILS OR REFUSES TO COMPLY WITH THE DIRECTION  
2 OF A POLICE OFFICER OR AN ELECTRONIC SIGNAL TO A CVISN TRANSPONDER TO  
3 SUBMIT A VEHICLE TO THE REQUIRED INSPECTION, THE POLICE OFFICER SHALL  
4 HAVE THE AUTHORITY TO TAKE THE VEHICLE AND ITS LOAD INTO TEMPORARY  
5 CUSTODY FOR THE PURPOSE OF INSPECTING THE VEHICLE, LOAD, ITS EQUIPMENT,  
6 OR DOCUMENTS.

7 (3) THE POLICE OFFICER MAY UTILIZE RESOURCES AS SPECIFIED IN §  
8 27-111(B) OF THIS ARTICLE TO CONDUCT THE SAFETY INSPECTION.

9 (4) IN ADDITION TO ANY FINE OR PENALTY ATTRIBUTABLE TO THE  
10 INSPECTION, OR OTHER OFFENSE, THE DRIVER IS:

11 (I) SUBJECT TO A FINE AND PENALTY AS SPECIFIED IN § 27-101(L)  
12 OF THIS ARTICLE; AND

13 (II) RESPONSIBLE FOR ANY ADDITIONAL COSTS INCURRED IN  
14 INSPECTING THE VEHICLE AND ITS LOAD BECAUSE OF THE DRIVER'S FAILURE OR  
15 REFUSAL TO COMPLY WITH THE DIRECTION OF A POLICE OFFICER OR AN  
16 ELECTRONIC SIGNAL TO A CVISN TRANSPONDER.

17 27-101.

18 (l) Any person who is convicted of a violation of any of the provisions of §  
19 22-409 of this article ("Transportation of hazardous materials"), § 23-403(B) OF THIS  
20 ARTICLE (OBEYING SIGNS TO STOP FOR A DIESEL EMISSIONS TEST), § 24-111(d) or (e)  
21 of this article (Obeying signs to stop for inspection), § 24-111.1(b), (d)(2), or (e)(2) of  
22 this article (Overweight vehicles), or § 25-111 of this article (Motor carrier safety  
23 violations) is subject to a fine [of: not more than \$1,000.] OF:

24 (1) NOT MORE THAN \$1,000 FOR A FIRST OFFENSE;

25 (2) NOT MORE THAN \$2,000 FOR A SECOND OFFENSE; AND

26 (3) NOT MORE THAN \$3,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

27 (S) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 24-112 OF THIS  
28 ARTICLE IS SUBJECT TO:

29 (1) FOR THE FIRST OFFENSE, A FINE OF NOT MORE THAN \$1,000;

30 (2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$2,000; AND

31 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN  
32 \$3,000.

33 27-105.

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

1 (i) The maximum registered weight limit for which the vehicle or  
2 combination is registered [under the Maryland Vehicle Law];

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

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

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

12 (b) Except on interstate highways, a loading error or tolerance of 1,000 pounds  
13 over a registered weight limit, statutory weight limit, or weight limit imposed by  
14 signs is allowed and only weight in excess of this tolerance is a violation provided  
15 that:

16 (1) An overall gross weight may not exceed 80,000 pounds, including any  
17 enforcement or statutory tolerances; or

18 (2) The vehicle is being operated under a valid permit for gross weight in  
19 excess of 80,000 pounds.

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

23 1. 5 cents for each pound of excess weight; or

24 2. \$50.

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

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

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

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

35 1. 5 cents for each additional pound of excess weight; or

36 2. \$50; and

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

3 (C) THE FOLLOWING FINES, IN ADDITION TO COURT COSTS, ARE APPLICABLE  
4 TO WEIGHT VIOLATIONS OVER THE REGISTERED WEIGHT LIMIT, STATUTORY  
5 WEIGHT LIMIT, OR WEIGHT LIMIT IMPOSED BY SIGNS, AND FOR WEIGHT VIOLATIONS  
6 THAT OCCUR ON ANY HIGHWAY OF THIS STATE, INCLUDING INTERSTATE HIGHWAYS:

7 (1) \$50 FOR THE FIRST 1,000 POUNDS OF WEIGHT OVER ANY ALLOWABLE  
8 WEIGHT;

9 (2) 5 CENTS FOR EACH POUND OF EXCESS WEIGHT OVER 1,000 POUNDS,  
10 BUT LESS THAN 5,001 POUNDS;

11 (3) 12 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER  
12 5,000 POUNDS AND LESS THAN 10,001 POUNDS;

13 (4) 20 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER  
14 10,000 POUNDS BUT LESS THAN 20,001 POUNDS; AND

15 (5) 40 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER  
16 20,000 POUNDS.

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

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

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

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

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

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

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

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

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

3                   (ii)    Not to exceed \$2,000 for a subsequent offense.]

4     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5     October 1, 2000.