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27 to:

(1)

Fire apparatus;

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2001 Regular Session 1lr0151

By: Chairman, Judiciary Committee (Departmental - Transportation) Introduced and read first time: February 9, 2001 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 Maryland Vehicle Laws - Motor Carriers and Commercial Motor Vehicles -3 **Penalties** 4 FOR the purpose of providing that any motor carrier that requires or permits any 5 person to operate any vehicle in violation of Title 24 of the Maryland Vehicle 6 Law may be charged with a certain violation; establishing certain enhanced 7 penalties for drivers of commercial motor vehicles and motor carriers who are 8 convicted of certain violations of the Maryland Vehicle Law and Code of Federal 9 Regulations that result in bodily injury to, or death of, another person; clarifying language; and generally relating to penalties for violations by drivers of 10 commercial motor vehicles and motor carriers. 11 12 BY repealing and reenacting, with amendments, Article - Transportation 13 14 Section 24-101 and 27-101(1) and (s) 15 Annotated Code of Maryland (1999 Replacement Volume and 2000 Supplement) 16 17 BY adding to Article - Transportation 18 19 Section 27-101(v) 20 Annotated Code of Maryland 21 (1999 Replacement Volume and 2000 Supplement) 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 23 MARYLAND, That the Laws of Maryland read as follows: **Article - Transportation** 24 25 24-101. 26 The provisions of this subtitle governing size, weight, and load do not apply (a)

1 (2) Farm equipment temporarily moved on a highway; or 2 (3) A vehicle driven under the terms of a special permit issued under this 3 subtitle. A person may not drive on any publicly maintained highway any vehicle or 4 (b) 5 combination of vehicles with a gross weight that exceeds: The maximum registered weight limit for which the vehicle or 6 (1) combination is registered under § 24-110 of this subtitle; or 7 8 (2) Any other weight limit established under the Maryland Vehicle Law. 9 (c) A person may not permit to be driven on any publicly maintained highway 10 any vehicle or combination of vehicles with a gross weight that exceeds: 11 (1) The maximum registered weight limit for which the vehicle or 12 combination is registered under § 24-110 of this subtitle; or 13 (2) Any other weight limit established under the Maryland Vehicle Law. 14 ANY MOTOR CARRIER THAT REQUIRES OR PERMITS ANY PERSON TO (D) 15 OPERATE ANY VEHICLE IN VIOLATION OF THIS TITLE MAY BE CHARGED WITH A VIOLATION OF THE APPLICABLE PROVISION OF THIS TITLE. 17 (E) A violation of the maximum weight provisions of this subtitle is not a 18 moving violation for purposes of Title 16, Subtitle 4 of this article. 19 27-101. [Any] EXCEPT AS PROVIDED IN SUBSECTION (V) OF THIS SECTION, ANY 20 (1)21 person who is convicted of a violation of any of the provisions of § 22-409 of this 22 article ("Transportation of hazardous materials"), § 23-403(b) of this article (Obeying 23 signs to stop for a diesel emissions test), § 24-111(d) or (e) of this article (Obeying 24 signs to stop for inspection), § 24-111.1(b), (d)(2), or (e)(2) of this article (Overweight 25 vehicles), or § 25-111 of this article (Motor carrier safety violations) is subject to a fine 26 of: Not more than \$1,000 for a first offense; 27 (1) Not more than \$2,000 for a second offense; and 28 (2) 29 (3)Not more than \$3,000 for a third or subsequent offense. [Any] EXCEPT AS PROVIDED IN SUBSECTION (V) OF THIS SECTION, ANY 30 person who is convicted of a violation of any of the provisions of § 16-808 of this 32 article ("Persons ineligible to drive commercial motor vehicles") is subject to: 33 For a first offense, a fine of not more than \$1,000 or imprisonment for (1) 34 not more than 6 months or both;

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1 (2) For a second offense, a fine of not more than \$2,000 or imprisonment 2 for not more than 1 year or both; and						
3 (3) For 4 imprisonment for not more	For a third or subsequent offense, a fine of not more than \$3,000 or more than 2 years or both.					
5 (V) (1) (I) 6 MEANINGS INDICATED		IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE				
7 (II) "COMMERCIAL MOTOR VEHICLE" HAS THE MEANING STATED IN 8 § 11-109.1 OF THIS ARTICLE.						
9 (III) 10 THIS ARTICLE.	"МОТО	OR CARRIER" HAS THE MEANING STATED IN § 11-134.2 OF				
11 (2) (I) 12 THIS ARTICLE:	THIS F	PARAGRAPH APPLIES TO THE FOLLOWING VIOLATIONS OF				
13	1.	§ 16-113(H) ("RESTRICTED LICENSE");				
14 15 MOTOR VEHICLES");	2.	§ 16-808 ("PERSONS INELIGIBLE TO DRIVE COMMERCIAL				
16 3. § 16-813(A) ("ALCOHOL CONCENTRATION - DRIVING, 17 OPERATING, ETC., OF COMMERCIAL MOTOR VEHICLE PROHIBITED");						
18	4.	§ 16-815 ("CLASSES AND ENDORSEMENTS OF LICENSES");				
19	5.	§ 22-101(A)(1) ("DRIVING UNSAFE VEHICLE PROHIBITED");				
20	6.	§ 24-102 ("WIDTH OF VEHICLES");				
21	7.	§ 24-104 ("HEIGHT OF VEHICLES AND LOADS");				
22	8.	§ 24-104.1 ("LENGTH OF VEHICLES AND LOADS");				
9. § 24-104.2 ("LENGTH OF SEMITRAILER OPERATED IN COMBINATION WITH TRUCK TRACTORS");						
25	10.	§ 24-105 ("LOAD EXTENSIONS");				
26	11.	§ 24-106 ("SECURING LOADS ON VEHICLES - IN GENERAL");				
27 28 MATERIALS");	12.	§ 24-106.1 ("ENCLOSURES ON VEHICLES CARRYING LOOSE				
29 30 SIMILAR MATERIALS"	13.	§ 24-106.2 ("TRANSPORTING LUMBER, PIPE, STEEL, OR				
31 32 PERMITS"); AND	14.	§ 24-112(E) ("VIOLATION OF EXCESS SIZE AND WEIGHT				

1 2	DRIVERS").	15.	§ 25-111(I) ("HOURS OF SERVICE FOR INTRASTATE
	(II) CONVICTED OF A VIOLAT IS SUBJECT TO:		RIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS ECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH
	ANOTHER PERSON, A FINI MORE THAN 1 YEAR OR B		IF THE VIOLATION RESULTS IN BODILY INJURY TO T MORE THAN \$3,000 OR IMPRISONMENT FOR NOT R
	PERSON, A FINE OF NOT N 5 YEARS OR BOTH.	2. MORE TI	IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER HAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN
12 13	(3) (I) TITLE 49, CODE OF FEDER		ARAGRAPH APPLIES TO THE FOLLOWING VIOLATIONS OF GULATIONS:
14 15	TRANSPORTATION");	1.	§ 177.834(A) OR (G) ("HAZARDOUS MATERIALS
			§ 392.4(A) ("RELATING TO DRIVING UNDER THE INFLUENCE OTHER SUBSTANCES, BUT EXCLUDING POSSESSION ICES");
19 20	CONSUMPTION");	3.	§ 392.5(A)(1) OR (2) ("RELATING TO ALCOHOL
21		4.	§ 392.9 ("LOAD SECUREMENT");
22		5.	§ 395.3 ("MAXIMUM DRIVING TIME"); AND
23		6.	§ 396.7 ("UNSAFE OPERATIONS FORBIDDEN").
	· /		RIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS ECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH
		E OF NO	IF THE VIOLATION RESULTS IN BODILY INJURY TO OT MORE THAN \$3,000 OR IMPRISONMENT FOR NOT R
		2. MORE TI	IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER HAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN
33 34	(4) (I) TITLE 49, CODE OF FEDER		ARAGRAPH APPLIES TO THE FOLLOWING VIOLATIONS OF GULATIONS:
35		1.	§ 395.13(D) ("DRIVERS DECLARED OUT OF SERVICE"); AND

1	2.	§ 396.9(C)(2) ("VIOLATING AN OUT-OF-SERVICE ORDER").
2 (II) 3 CONVICTED OF A VIOLAT 4 IS SUBJECT TO:		RIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS CCIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH
5 6 ANOTHER PERSON, A FINI 7 MORE THAN 3 YEARS OR		IF THE VIOLATION RESULTS IN BODILY INJURY TO T MORE THAN \$5,000 OR IMPRISONMENT FOR NOT OR
8 9 PERSON, A FINE OF NOT M 10 THAN 10 YEARS OR BOTH		IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER IAN \$10,000 OR IMPRISONMENT FOR NOT MORE
11 (5) (I) 12 THIS ARTICLE:	THIS PA	ARAGRAPH APPLIES TO THE FOLLOWING VIOLATIONS OF
13 14 MOTOR VEHICLES");	1.	§ 16-808 ("PERSONS INELIGIBLE TO DRIVE COMMERCIAL
15	2.	§ 22-101(A)(1) ("DRIVING UNSAFE VEHICLE PROHIBITED");
16	3.	§ 24-102 ("WIDTH OF VEHICLES");
17	4.	§ 24-104 ("HEIGHT OF VEHICLES AND LOADS");
18	5.	§ 24-104.1 ("LENGTH OF VEHICLES AND LOADS");
19 20 COMBINATION WITH TRU	6. JCK TRA	§ 24-104.2 ("LENGTH OF SEMITRAILER OPERATED IN ACTORS");
21	7.	§ 24-105 ("LOAD EXTENSIONS");
22	8.	§ 24-106 ("SECURING LOADS ON VEHICLES - IN GENERAL");
23 24 MATERIALS");	9.	§ 24-106.1 ("ENCLOSURES ON VEHICLES CARRYING LOOSE
25 26 SIMILAR MATERIALS");	10.	§ 24-106.2 ("TRANSPORTING LUMBER, PIPE, STEEL, OR
27	11.	§ 24-112 (E) ("VIOLATION OF PERMITS"); AND
28 29 RULES AND REGULATION	12. NS").	§ 25-111 (G) ("MOTOR CARRIER TO COMPLY WITH SAFETY
30 (II) 31 SPECIFIED IN SUBPARAGE		OTOR CARRIER WHO IS CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:
32 33 ANOTHER PERSON, A FIN	1. E OF NO	IF THE VIOLATION RESULTS IN BODILY INJURY TO T MORE THAN \$10,000; OR

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1 2	PERSON, A FINE OF NOT M	2. IORE TH	IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER IAN \$25,000.	
3	(6) (I) TITLE 49, CODE OF FEDER		ARAGRAPH APPLIES TO THE FOLLOWING VIOLATIONS OF ULATIONS:	
5 6	TRANSPORTATION");	1.	§ 177.834(A) OR (G) ("HAZARDOUS MATERIALS	
	OF, OR THE USE OF, DRUG OF DRUGS AND OTHER SU		§ 392.4(B) ("RELATING TO DRIVING UNDER THE INFLUENCE OTHER SUBSTANCES, BUT EXCLUDING POSSESSION CES");	
10		3.	§ 392.5(B) ("RELATING TO ALCOHOL CONSUMPTION");	
11		4.	§ 392.9 ("LOAD SECUREMENT");	
12		5.	§ 395.3 ("MAXIMUM DRIVING TIME"); AND	
13		6.	§ 396.1 ("UNSAFE OPERATIONS FORBIDDEN").	
14 15	(II) SPECIFIED IN SUBPARAGE		OTOR CARRIER WHO IS CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:	
16 17	ANOTHER PERSON, A FIN	1. E OF NO	IF THE VIOLATION RESULTS IN BODILY INJURY TO T MORE THAN \$10,000; OR	
18 19	PERSON, A FINE OF NOT N	2. MORE TH	IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER HAN \$25,000.	
20 21	(7) (I) TITLE 49, CODE OF FEDER		ARAGRAPH APPLIES TO THE FOLLOWING VIOLATIONS OF ULATIONS:	
22		1.	§ 395.13(C) ("DRIVER DECLARED OUT OF SERVICE"); AND	
23		2.	§ 396.9(C)(2) ("VIOLATING AN OUT-OF-SERVICE ORDER").	
24 25	(II) SPECIFIED IN SUBPARAGE		OTOR CARRIER WHO IS CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:	
26 27	ANOTHER PERSON, A FIN	1. E OF NO	IF THE VIOLATION RESULTS IN BODILY INJURY TO T MORE THAN \$20,000; OR	
28 29	PERSON, A FINE OF NOT N	2. MORE TH	IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER HAN \$50,000.	
30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 31 October 1, 2001.				