

HOUSE BILL 404

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R6

2002 Regular Session
2r1483
CF 2r0795

By: **Delegates Clagett and Shank**

Introduced and read first time: January 28, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Trailers and Semitrailers - Surge Brakes**

3 FOR the purpose of authorizing a certain trailer or a certain semitrailer to be
4 equipped with surge brakes if the trailer or semitrailer is operated only
5 intrastate, meets certain gross vehicle weight rating standards, is not used to
6 transport certain goods or certain persons, is designed in a certain manner, and
7 complies with certain State and federal regulations under certain
8 circumstances; requiring the Secretary of Transportation to adopt certain
9 regulations to be effective by a certain date; defining a certain term; providing
10 for the effective dates of this Act; and generally relating to the use of surge
11 brakes on certain trailers and semitrailers under certain circumstances.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 11-158 and 11-169
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 22-301
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2001 Supplement)

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

24 **Article - Transportation**

25 11-158.

26 (a) "Semitrailer" means, except as provided in subsection (b) of this section, a
27 vehicle that:

28 (1) Has no motive power;

1 (2) Is designed to carry people or property and to be towed by a motor
2 vehicle; and

3 (3) Is constructed so that some of its weight and load rests on or is
4 carried by another vehicle.

5 (b) "Semitrailer" does not include a pole trailer.

6 11-169.

7 (a) "Trailer" means, except as provided in subsection (b) of this section, a
8 vehicle that:

9 (1) Has no motive power;

10 (2) Is designed to carry people or property and to be towed by a motor
11 vehicle; and

12 (3) Is constructed so that no part of its weight rests on the towing
13 vehicle.

14 (b) "Trailer" does not include a pole trailer.

15 22-301.

16 (a) "Driveaway or towaway operation" means any operation in which any
17 motor vehicle, trailer, or semitrailer, singly or in combination, new or used, is the
18 commodity being transported, when one set or more of wheels of the vehicle are on the
19 roadway during the transportation, whether or not the vehicle furnishes the motive
20 power.

21 (b) Every motor vehicle, trailer, semitrailer, and pole trailer, and any
22 combination of these vehicles, while operating on a highway in this State, shall be
23 equipped with brakes in compliance with the requirements of this title. All the
24 vehicles and combinations of vehicles shall be equipped with service brakes complying
25 with the performance requirements of § 22-302 of this subtitle and adequate to
26 control the movement of and to stop and hold the vehicle under all conditions of
27 loading, and on any grade incident to its operation.

28 (c) (1) All the vehicles and combinations of vehicles, except motorcycles,
29 shall be equipped with parking brakes adequate to hold the vehicle on any grade on
30 which it is operated, under all conditions of loading, on a surface free from snow, ice,
31 or loose material.

32 (2) The parking brakes shall be capable of being applied in conformance
33 with the foregoing requirements by the driver's muscular effort or by spring action or
34 by equivalent means. Their operation may be assisted by the service brakes or other
35 source of power, provided that failure of the service brake actuation system or other
36 power assisting mechanism will not prevent the parking brakes from being applied in
37 conformance with the foregoing requirements.

1 (3) The parking brakes shall be so designed that when once applied they
2 shall remain applied with the required effectiveness despite exhaustion of any source
3 of energy or leakage of any kind.

4 (4) The same brake drums, brake shoes and lining assemblies, brake
5 shoe anchors and mechanical brake shoe actuation mechanism normally associated
6 with the wheel brake assemblies may be used for both the service brakes and the
7 parking brakes. If the means of applying the parking brakes and the service brakes
8 are connected in any way, they shall be so constructed that failure of any one part
9 does not leave the vehicle without operative brakes.

10 (d) Every vehicle shall be equipped with brakes acting on all wheels, except:

11 (1) Trailers, semitrailers, or pole trailers of a registered gross weight not
12 exceeding 3,000 pounds, provided that:

13 (i) The total weight on and including the wheels of the trailer or
14 trailers does not exceed 40 percent of the gross weight of the towing vehicle when
15 connected to the trailer or trailers; and

16 (ii) The combination of vehicles, consisting of the towing vehicle
17 and its total towed load, is capable of complying with the performance requirements
18 of § 22-302 of this subtitle;

19 (2) Trailers, semitrailers, or pole trailers of a registered gross weight
20 exceeding 3,000 pounds and not exceeding 10,000 pounds that:

21 (i) Have 2 or more axles;

22 (ii) Are equipped with brakes acting on all wheels of at least 1 axle;
23 and

24 (iii) As part of a combination of vehicles, consisting of the towing
25 vehicle and the total load, is capable of complying with the performance requirements
26 of § 22-302 of this subtitle;

27 (3) Any vehicle being towed in driveaway or towaway operations,
28 provided that the combination of vehicles is capable of complying with the
29 performance requirements of § 22-302 of this subtitle;

30 (4) Trucks, truck tractors, and special mobile equipment manufactured
31 before July 24, 1980 with three or more axles need not have brakes on the front
32 wheels. However, the trucks and truck tractors must be capable of complying with the
33 performance requirements of § 22-302 of this subtitle;

34 (5) The wheel of a sidecar attached to a motorcycle or to a motor-driven
35 cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes,
36 provided that the motorcycle or motor-driven cycle is capable of complying with the
37 performance requirements of § 22-302 of this subtitle; and

1 (6) Any vehicle equipped with at least 2 steerable axles need not have
2 brakes on the wheels of 1 of the axles. However, the vehicle must be capable of
3 complying with the performance requirements of § 22-302 of this subtitle.

4 (e) (1) Every trailer, semitrailer, and pole trailer equipped with air or
5 vacuum actuated brakes, and every trailer, semitrailer, and pole trailer with a
6 registered gross weight in excess of 10,000 pounds, manufactured or assembled after
7 June 1, 1970, shall be equipped with brakes acting on all wheels and of a character to
8 be applied automatically and promptly, and remain applied for at least 15 minutes on
9 breakaway from the towing vehicle.

10 (2) Every trailer, semitrailer, and pole trailer with a registered gross
11 weight of more than 3,000 pounds and not more than 10,000 pounds, manufactured or
12 assembled after June 1, 1970, shall be equipped with brakes acting on all wheels of at
13 least 1 axle and of a character to be applied automatically and promptly, and remain
14 applied for at least 15 minutes on breakaway from the towing vehicle.

15 (f) Every motor vehicle manufactured or assembled after June 1, 1970, and
16 used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be
17 equipped with means for providing that, in case of breakaway of the towed vehicle,
18 the towing vehicle will be capable of being stopped by the use of its service brakes.

19 (g) Air brake systems installed on trailers manufactured or assembled after
20 June 1, 1970, shall be so designed that the supply reservoir used to provide air for the
21 brakes is safeguarded against backflow of air from the reservoir through the supply
22 line.

23 (h) (1) Air Brakes. After June 1, 1971, every towing vehicle, when used to
24 tow another vehicle equipped with air controlled brakes, in other than driveaway or
25 towaway operations, shall be equipped with two means for emergency application of
26 the trailer brakes. One of these means shall apply the brakes automatically in the
27 event of a reduction of the towing vehicle air supply to a fixed pressure, which shall be
28 not lower than 20 pounds per square inch nor higher than 45 pounds per square inch.
29 The other means shall be a manually controlled device for applying and releasing the
30 brakes, readily operable by a person seated in the driving seat, and its emergency
31 position or method of operation shall be clearly indicated. In no instance may the
32 manual arrangement be arranged to permit its use to prevent operation of the
33 automatic means. The automatic and the manual means required by this section may
34 be, but are not required to be, separate.

35 (2) Vacuum Brakes. After June 1, 1970, every towing vehicle used to tow
36 other vehicles equipped with vacuum brakes, in operations other than driveaway or
37 towaway operations, shall have, in addition to the single control device required by
38 subsection (i) of this section, a second control device that can be used to operate the
39 brakes on towed vehicles in emergencies. The second control shall be independent of
40 brake air, hydraulic, and other pressure, and independent of other controls, unless the
41 braking system is so arranged that failure of the pressure on which the second control
42 depends will cause the towed vehicle brakes to be applied automatically. The second
43 control is not required to provide modulated braking.

1 (i) [After] EXCEPT AS PROVIDED IN SUBSECTION (L) OF THIS SECTION,
2 AFTER June 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and
3 every combination of these vehicles, except motorcycles, equipped with brakes shall
4 have the braking system so arranged that one control device can be used to operate all
5 service brakes. This requirement does not prohibit vehicles from being equipped with
6 an additional control device to be used to operate brakes on the towed vehicles. This
7 regulation does not apply to driveaway or towaway operations unless the brakes on
8 the individual vehicles are designed to be operated by a single control on the towing
9 vehicle, nor does it apply to the operation of electric trailer brakes.

10 (j) (1) Air Brakes. Every bus, truck, or truck tractor with air operated
11 brakes shall be equipped with at least one reservoir sufficient to insure that, when
12 fully charged to the maximum pressure as regulated by the air compressor governor
13 cut-out setting, a full service brake application may be made without lowering the
14 reservoir pressure by more than 20 percent. Each reservoir shall be provided with
15 means for readily draining accumulated oil or water.

16 (2) Vacuum Brakes. After June 1, 1971, every truck with three or more
17 axles equipped with vacuum assistor type brakes and every truck tractor and truck
18 used for towing a vehicle equipped with vacuum brakes shall be equipped with a
19 reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve
20 capacity or reservoir fully charged and with the engine stopped, a full service brake
21 application may be made without depleting the vacuum supply by more than 40
22 percent.

23 (3) Reservoir Safeguarded. All motor vehicles, trailers, semitrailers, and
24 pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as
25 required by this section, shall have reservoirs or reserve capacity so safeguarded by a
26 check valve or equivalent device that, in the event of failure or leakage in its
27 connection to the source of compressed air or vacuum, the stored air or vacuum is not
28 depleted by the leak or failure.

29 (k) (1) Air Brakes. Every bus, truck, or truck tractor using compressed air
30 for the operation of its own brakes or the brakes on any towed vehicle, shall be
31 provided with a warning signal, other than a pressure gauge, readily audible or
32 visible to the driver, which will operate at any time that the air reservoir pressure of
33 the vehicle is below 50 percent of the air compressor governor cut-out pressure. In
34 addition, the vehicle shall be equipped with a pressure gauge visible to the driver,
35 which indicates in pounds per square inch the pressure available for braking.

36 (2) Vacuum Brakes. After June 1, 1971, every truck tractor and truck
37 used for towing a vehicle equipped with vacuum operated brakes and every truck with
38 three or more axles using vacuum in the operation of its brakes, except those in
39 driveaway or towaway operations, shall be equipped with a warning signal, other
40 than a gauge indicating vacuum, readily audible or visible to the driver, which will
41 operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is
42 less than 8 inches of mercury.

1 (3) Combination of Warning Devices. When a vehicle required to be
2 equipped with a warning device is equipped with both air and vacuum power for the
3 operation of its own brakes or the brakes on a towed vehicle, the warning devices may
4 be, but are not required to be, combined into a single device that serves both purposes.
5 A gauge or gauges indicating pressure or vacuum is not an adequate means of
6 satisfying this requirement.

7 (L) (1) IN THIS SUBSECTION, "SURGE BRAKES" MEANS A BRAKING SYSTEM
8 DESIGNED TO ACTIVATE THE BRAKES OF A VEHICLE BEING TOWED AS A RESULT OF
9 THE FORWARD PRESSURE OF THE VEHICLE AGAINST THE TOWING VEHICLE DURING
10 DECELERATION.

11 (2) A TRAILER OR SEMITRAILER MAY BE EQUIPPED WITH SURGE
12 BRAKES IF:

13 (I) THE TRAILER OR SEMITRAILER IS OPERATED ONLY
14 INTRASTATE;

15 (II) THE TRAILER OR SEMITRAILER HAS A MANUFACTURER'S
16 GROSS VEHICLE WEIGHT RATING OF 12,000 POUNDS OR LESS;

17 (III) THE COMBINED GROSS VEHICLE WEIGHT RATING OF THE
18 TRAILER OR SEMITRAILER AND THE TOWING VEHICLE IS 26,000 POUNDS OR LESS;

19 (IV) THE TRAILER OR SEMITRAILER IS NOT USED TO TRANSPORT
20 MORE THAN 16 PASSENGERS INCLUDING THE DRIVER OF THE TOWING VEHICLE;

21 (V) THE ACTUAL GROSS WEIGHT OF THE TRAILER OR SEMITRAILER
22 AND LOAD DOES NOT EXCEED THE MANUFACTURER'S GROSS VEHICLE WEIGHT
23 RATING;

24 (VI) THE TRAILER OR SEMITRAILER BRAKES MUST BE DESIGNED
25 AND CONNECTED IN SUCH A MANNER THAT IN CASE OF ACCIDENTAL BREAKAWAY
26 OF THE TOWED VEHICLE, THE BRAKES SHALL APPLY AUTOMATICALLY;

27 (VII) THE TRAILER OR SEMITRAILER IS NOT USED TO TRANSPORT
28 HAZARDOUS MATERIALS IN A TYPE AND QUANTITY THAT REQUIRES PLACARDING;

29 (VIII) THE TRAILER OR SEMITRAILER IS NOT USED TO TRANSPORT
30 LIQUIDS OR GASES CONTAINED IN PACKAGING THAT EXCEEDS A CAPACITY OF 119
31 GALLONS; AND

32 (IX) FOR VEHICLES USED FOR COMMERCIAL PURPOSES, THE
33 VEHICLE OR COMBINATION OF VEHICLES:

34 1. IS USED ONLY IN INTRASTATE COMMERCE; AND

35 2. COMPLIES WITH ALL LICENSING, INSURANCE,
36 REGISTRATION, IDENTIFICATION, DRIVER AND VEHICLE SAFETY, AND HAZARDOUS
37 MATERIALS REGULATIONS OF THE DEPARTMENT AND THE U.S. DEPARTMENT OF

1 TRANSPORTATION THAT ARE APPLICABLE TO THE VEHICLE OR COMBINATION OF
2 VEHICLES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of
4 Transportation shall adopt regulations to be effective beginning on October 1, 2002,
5 which authorize the use of surge brakes on trailers and semitrailers as authorized in
6 this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
8 shall take effect October 1, 2002.

9 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
10 Section 3 of this Act, this Act shall take effect June 1, 2002.