
By: **Chairman, Judiciary Committee (Departmental - Transportation)**

Introduced and read first time: January 30, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Motor Carriers and Commercial Motor Vehicles - Penalties**
3 **for Violations Resulting in Injury or Death**

4 FOR the purpose of providing that any motor carrier that, under certain conditions,
5 requires or knowingly permits any person to operate any vehicle in violation of
6 certain provisions of the Maryland Vehicle Law may be charged with a certain
7 violation; establishing certain enhanced penalties for drivers of commercial
8 motor vehicles and motor carriers who are convicted of certain violations of the
9 Maryland Vehicle Law and the Code of Federal Regulations that are the primary
10 proximate cause of bodily injury to, or death of, another person; clarifying
11 language; and generally relating to penalties for violations by motor carriers
12 and drivers of commercial motor vehicles.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 24-101 and 27-101(l) and (u)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article - Transportation
20 Section 27-105.1
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2001 Supplement)

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

25 **Article - Transportation**

26 24-101.

27 (a) The provisions of this subtitle governing size, weight, and load do not apply
28 to:

- 1 (1) Fire apparatus;
- 2 (2) Farm equipment temporarily moved on a highway; or
- 3 (3) A vehicle driven under the terms of a special permit issued under this
4 subtitle.

5 (b) A person may not drive on any publicly maintained highway any vehicle or
6 combination of vehicles with a gross weight that exceeds:

- 7 (1) The maximum registered weight limit for which the vehicle or
8 combination is registered under § 24-110 of this subtitle; or
- 9 (2) Any other weight limit established under the Maryland Vehicle Law.

10 (c) A person may not permit to be driven on any publicly maintained highway
11 any vehicle or combination of vehicles with a gross weight that exceeds:

- 12 (1) The maximum registered weight limit for which the vehicle or
13 combination is registered under § 24-110 of this subtitle; or
- 14 (2) Any other weight limit established under the Maryland Vehicle Law.

15 (d) A violation of the maximum weight provisions of this subtitle is not a
16 moving violation for purposes of Title 16, Subtitle 4 of this article.

17 (E) ANY MOTOR CARRIER THAT REQUIRES OR KNOWINGLY PERMITS ANY
18 PERSON TO OPERATE A VEHICLE IN A MANNER THAT VIOLATES A PROVISION
19 SPECIFIED IN § 27-105.1 OF THIS ARTICLE IS GUILTY OF A VIOLATION OF THE
20 SPECIFIED PROVISION AND ON CONVICTION IS SUBJECT TO THE APPLICABLE
21 PENALTY SPECIFIED IN § 27-105.1 OF THIS ARTICLE.

22 27-101.

23 (l) [Any] EXCEPT AS PROVIDED IN § 27-105.1 OF THIS SUBTITLE, ANY person
24 who is convicted of a violation of any of the provisions of § 22-409 of this article
25 ("Transportation of hazardous materials"), § 23-403(b) of this article (Obeying signs
26 to stop for a diesel emissions test), § 24-111(d) or (e) of this article (Obeying signs to
27 stop for inspection), § 24-111.1(b), (d)(2), or (e)(2) of this article (Overweight vehicles),
28 or § 25-111 of this article (Motor carrier safety violations) is subject to a fine of:

- 29 (1) Not more than \$1,000 for a first offense;
- 30 (2) Not more than \$2,000 for a second offense; and
- 31 (3) Not more than \$3,000 for a third or subsequent offense.

32 (u) [Any] EXCEPT AS PROVIDED IN § 27-105.1 OF THIS SUBTITLE, ANY person
33 who is convicted of a violation of § 24-112 of this article is subject to:

- 34 (1) For the first offense, a fine of not more than \$1,000;

1 (2) For a second offense, a fine of not more than \$2,000; and

2 (3) For a third or subsequent offense, a fine of not more than \$3,000.

3 27-105.1.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "COMMERCIAL MOTOR VEHICLE" HAS THE MEANING STATED IN §
7 11-109.1 OF THIS ARTICLE.

8 (3) "MOTOR CARRIER" HAS THE MEANING STATED IN § 11-134.2 OF THIS
9 ARTICLE.

10 (B) (1) THE PENALTIES PROVIDED IN THIS SECTION APPLY TO A VIOLATION
11 OF ANY OF THE FOLLOWING PROVISIONS OF THIS ARTICLE:

12 (I) § 22-101 (A)(1) ("DRIVING UNSAFE VEHICLE PROHIBITED");

13 (II) § 24-102 ("WIDTH OF VEHICLES");

14 (III) § 24-104 ("HEIGHT OF VEHICLES AND LOADS");

15 (IV) § 24-104.1 ("LENGTH OF VEHICLES AND LOADS");

16 (V) § 24-104.2 ("LENGTH OF SEMITRAILER OPERATED IN
17 COMBINATION WITH TRUCK TRACTORS");

18 (VI) § 24-105 ("LOAD EXTENSIONS");

19 (VII) § 24-106 ("SECURING LOADS ON VEHICLES -- IN GENERAL");

20 (VIII) § 24-106.1 ("SECURING LOADS ON VEHICLES -- LOOSE
21 MATERIAL");

22 (IX) § 24-106.2 ("SECURING LOADS ON VEHICLES --
23 TRANSPORTATION OF LUMBER, PIPE, STEEL, OR SIMILAR MATERIALS");

24 (X) § 24-112(E) ("VIOLATION OF PERMITS FOR EXCESS SIZE AND
25 WEIGHT");

26 (XI) § 25-111(G) ("MOTOR CARRIER TO COMPLY WITH RULES AND
27 REGULATIONS"); AND

28 (XII) § 25-111(I) ("HOURS OF SERVICE FOR INTRASTATE DRIVERS").

29 (2) THE PENALTIES PROVIDED IN THIS SECTION APPLY TO A VIOLATION
30 OF ANY OF THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF FEDERAL
31 REGULATIONS:

1 (I) § 177.834(A) OR (G) ("HAZARDOUS MATERIALS
2 TRANSPORTATION");

3 (II) § 392.9 ("SAFE LOADING");

4 (III) § 395.3 ("MAXIMUM DRIVING TIME");

5 (IV) § 396.7 ("UNSAFE OPERATIONS FORBIDDEN");

6 (V) § 395.13(C) OR (D) ("DRIVERS DECLARED OUT OF SERVICE"); AND

7 (VI) § 396.9(C)(2) ("VIOLATING AN OUT-OF-SERVICE ORDER").

8 (C) ANY DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS CONVICTED OF A
9 VIOLATION OF ANY PROVISION SPECIFIED IN SUBSECTION (B)(1) OR (B)(2)(I)
10 THROUGH (IV) OF THIS SECTION IS SUBJECT TO:

11 (1) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY
12 INJURY TO ANOTHER PERSON:

13 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR
14 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH; AND

15 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
16 MORE THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; OR

17 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
18 DEATH OF ANOTHER PERSON:

19 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$2,000 OR
20 IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH; AND

21 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
22 MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

23 (D) ANY DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO IS CONVICTED OF A
24 VIOLATION OF ANY PROVISION SPECIFIED IN SUBSECTION (B)(2)(V) OR (VI) OF THIS
25 SECTION IS SUBJECT TO:

26 (1) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY
27 INJURY TO ANOTHER PERSON:

28 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$2,000 OR
29 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; AND

30 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
31 MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH; OR

32 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
33 DEATH OF ANOTHER PERSON:

1 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$5,000 OR
2 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH; AND

3 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
4 MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

5 (E) ANY MOTOR CARRIER THAT IS CONVICTED OF A VIOLATION SPECIFIED IN
6 SUBSECTION (B)(1) OR (2)(I) THROUGH (IV) OF THIS SECTION IS SUBJECT TO:

7 (1) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY
8 INJURY TO ANOTHER PERSON:

9 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$5,000; AND

10 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
11 MORE THAN \$10,000; OR

12 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
13 DEATH OF ANOTHER PERSON:

14 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$10,000; AND

15 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
16 MORE THAN \$25,000.

17 (F) ANY MOTOR CARRIER THAT IS CONVICTED OF A VIOLATION SPECIFIED IN
18 SUBSECTION (B)(2)(V) OR (VI) OF THIS SECTION IS SUBJECT TO:

19 (1) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF BODILY
20 INJURY TO ANOTHER PERSON:

21 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$10,000; AND

22 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
23 MORE THAN \$20,000; OR

24 (2) IF THE VIOLATION IS THE PRIMARY PROXIMATE CAUSE OF THE
25 DEATH OF ANOTHER PERSON:

26 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$25,000; AND

27 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT
28 MORE THAN \$50,000.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2002.