

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 404 (Delegates Clagett and Shank)

Commerce and Government Matters

Judicial Proceedings

Vehicle Laws - Trailers and Semitrailers - Surge Brakes

This bill authorizes an exception to the requirements for braking systems of specified trailers or semitrailers under specified conditions.

The effective date for the Secretary of Transportation to adopt regulations authorizing the use of surge brakes under this bill is June 1, 2002. Regulations must be adopted by the bill's effective date of October 1, 2002.

Fiscal Summary

State Effect: The bill would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Surge brakes means a braking system designed to activate the brakes of a vehicle being towed as a result of the forward pressure of the vehicle against the towing vehicle during deceleration. The bill provides that a trailer or semitrailer may be equipped with surge brakes if it:

- is operated only intrastate;
- has a manufacturer's gross vehicle weight (GVW) rating of 10,000 pounds or less;
- has a combined GVW rating (including the towing vehicle) of 26,000 pounds or less;

- is not used to transport more than 16 passengers, including the driver of the towing vehicle;
- does not exceed in actual gross weight, including the load, the manufacturer's GVW rating;
- has brakes designed to apply automatically in the case of accidental breakaway from the towing vehicle;
- is not used to transport hazardous materials in a type and quantity that require placarding;
- is not used to transport liquids or gases contained in packaging that exceeds a capacity of 119 gallons; and
- (for vehicles used for commercial purposes) is used only in intrastate commerce and complies with all licensing, insurance, registration, identification, driver and vehicle safety, and applicable State and federal hazardous materials regulations.

Current Law: Trailers and semitrailers of a registered gross weight of over 10,000 pounds (if manufactured after June 1, 1970) must be equipped with brakes that act on all wheels, are of a character to be applied automatically and promptly, that remain applied for at least 15 minutes on breakaway from the towing vehicle, and, except under specified conditions, that have one control device to operate all service brakes.

Trailers and semitrailers of a registered gross weight of between 3,000 and 10,000 pounds (if manufactured after June 1, 1970) must be equipped with brakes that act on all wheels of at least one axle, are of a character to be applied automatically and promptly, and that remain applied for at least 15 minutes on breakaway from the towing vehicle.

Trailers and semitrailers under 3,000 pounds do not have to be equipped with brakes if they meet specified performance requirements and if the total weight on, and including, the wheels of the trailer does not exceed 40% of the gross weight of the towing vehicle when connected to the trailer.

No distinction is made for trailers and semitrailers that only operate on an intrastate basis.

State Fiscal Effect: Although the bill's provisions would likely not put the State out of compliance with federal motor carrier safety rules or regulations, the State Highway Administration (SHA) Motor Carrier Division advises that in order to remain in compliance the bill's intrastate provision may also have to be applied to cargo that is transported. Even though a trailer or semitrailer is used for intrastate transportation, a violation may occur based on the origination point or final destination of cargo that is classified as an "interstate" shipment.

SHA reports that noncompliance with this or any other provision of federal safety standards relating to gross vehicle weight rating or hazardous materials transport could result in the loss of approximately \$2 million annually in federal Motor Carrier Safety Assistance Program funding for the State.

Background: SHA advises that surge brakes, which function without requiring additional controls for the driver to operate, can provide additional safety for vehicles such as rental trailers. SHA further advises that it will continue to use the existing standard on its trailers, rather than retrofit them with the lower standard called for under the bill.

Additional Information

Prior Introductions: In 2001, HB 880, a substantially similar bill, was withdrawn from the Commerce and Government Matters Committee.

Cross File: SB 302 (Senator Baker) – Judicial Proceedings.

Information Source(s): Department of Transportation (State Highway Administration, Motor Vehicle Administration), Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2002
lc/cer Revised - House Third Reader - March 26, 2002

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