

Department of Legislative Services  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

House Bill 428 (Chairman, Judiciary Committee)  
(Departmental – Transportation)

Judiciary

Judicial Proceedings

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**Vehicle Laws - Motor Carriers and Commercial Motor Vehicles - Violations  
Causing Life Threatening Injury or Death**

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This departmental bill creates criminal offenses for a death or life threatening injury caused by a driver of a commercial motor vehicle or a motor carrier related to specified vehicle offenses. The bill establishes fines ranging from \$5,000 to \$25,000 for these crimes.

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**Fiscal Summary**

**State Effect:** Potential significant increase in general fund revenues from the bill's enhanced monetary penalty provisions.

**Local Effect:** Potential increase in revenues due to the bill's enhanced penalty provisions.

**Small Business Effect:** The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Bill Summary:** The bill makes it a crime for a driver of a commercial motor vehicle to cause a death or life threatening injury by driving or attempting to drive in a manner that

the driver knows or should have known violates one of the following provisions of current law:

- operating a commercial motor vehicle in an unsafe condition or in violation of width, height, length, size, weight, or load requirements;
- operating in violation of hours of service restrictions; and
- operating a commercial motor vehicle in violation of certain federal regulations relating to:
  - hazardous materials;
  - safe loading;
  - maximum driving time; and
  - unsafe operations.

A motor carrier is prohibited from causing a death or life threatening injury by requiring or permitting any person to operate a commercial motor vehicle in a manner that the motor carrier knows or should have known violates the provisions described above.

The penalty for a violation of these offenses causing a death is a fine of up to \$10,000. If the violation results in a life threatening injury to another person, the person is subject to a fine of up to \$5,000.

The bill also makes it a crime for a commercial vehicle driver to cause a death or life threatening injury by driving or attempting to drive in a manner that the driver knows or should have known violates federal regulations relating to drivers declared out-of-service and out-of-service orders.

A motor carrier is prohibited from causing a death or life threatening injury by requiring or permitting any person to operate a commercial motor vehicle in a manner that the motor carrier knows or should have known violates the out-of service restriction.

The penalty for a violation causing a death is a fine of up to \$25,000. If the violation results in a life threatening injury to another person, the person is subject to a fine of up to \$10,000.

**Current Law:** A commercial motor vehicle is defined as a motor vehicle or combination of motor vehicles used to transport passengers or property that:

- has a gross combination weight of 26,001 or more pounds inclusive of a towed unit;
- has a gross vehicle weight of 26,001 or more pounds;

- is designed to transport 16 or more passengers, including the driver; or
- is used to transport certain hazardous materials.

A motor carrier is defined as a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of persons or property by motor vehicle and includes the owners, agents, officers, representatives, and employees of a motor carrier.

The Maryland Vehicle Law (MVL) provides that any person who induces, causes, coerces, permits, or directs another to commit a violation of the MVL is guilty of the violation. Also, a person who owns a vehicle, or a person who employs or otherwise directs the driver of a vehicle, may not require or knowingly permit the operation of the vehicle on a highway in any manner contrary to the law.

Federal regulations for hours of service prohibit a commercial driver who has driven 10 hours or has been on duty for 15 hours from driving again until the driver has had a minimum of eight hours off duty. Drivers who work for companies that operate commercial motor vehicles 7 days a week may not drive after being on duty more than 70 hours in the previous 8 days.

The MVL provides that a driver who is convicted of violating an out-of-service order is subject under federal law to a fine of \$1,100 per violation. An employer who violates an out-of-service order for an employee, a vehicle, or a motor carrier operation is subject under federal law to a fine of \$11,000 per violation.

The federal Hazardous Materials Transportation Safety Reauthorization Act of 2001 increased the penalties for specified violations related to transportation of hazardous materials. Penalties now range from \$250 per day, per violation, to \$100,000 per day, per violation (from a previous maximum of \$27,500).

MDOT reports that 99% of federal violations are civil violations for which fines are assessed.

Current penalties under State statute for the offenses covered by the bill range from fines of \$500 to up to \$3,000 for second, third or subsequent violations. The violations covered by this bill are not moving violations for which points may be assessed by the MVA against the licensee, and neither State nor federal penalties include imprisonment.

**Background:** MDOT is seeking to stiffen the penalties for convictions of safety violations related to accidents that cause serious injury or death. MDOT reports that the current penalties are not sufficient and that those who bear responsibility for a violation

that may be a significant contributing cause of a serious accident may face relatively minor or no penalties.

Statistics relating to prior numbers of convictions for the offenses addressed by the bill are not readily available.

**State Revenues:** The bill significantly increases the fines for commercial motor vehicle violations that result in life threatening injury or death. General fund revenues could increase significantly as a result of the bill's monetary penalty provisions from cases heard in the District Court.

**Local Revenues:** Revenues could increase significantly as a result of the bill's enhanced monetary penalty provisions from cases heard in the circuit courts.

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### **Additional Information**

**Prior Introductions:** A substantially similar bill, HB 987, was introduced at the 2001 session and given an unfavorable report by the Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2002  
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