

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 1076 (Delegate Shank, *et al.*)  
Environmental Matters

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

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This bill authorizes the use of surge brakes as an exception to the requirements for braking systems of certain trailers and semitrailers under specified conditions.

The bill requires the Secretary of Transportation to adopt regulations authorizing the use of surge brakes by October 1, 2003. Otherwise, the bill takes effect June 1, 2003.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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**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.

**Background:** The State Highway Administration (SHA) advises that surge brakes, which function without requiring additional controls for the driver to operate, can provide additional safety for some vehicles such as rental trailers.

The General Assembly passed legislation in 2002 that was identical to this bill (SB 302/HB 404). The Governor vetoed the bill on the ground that surge brakes do not currently meet federal or State transportation safety standards.

In his veto message, the Governor stated that federal regulations cover any vehicle with a gross weight exceeding 10,000 pounds or any vehicle used in interstate travel. Federal rules require a vehicle's brakes to work at all times and under all conditions. Maryland law requires all trailers over 3,000 pounds to be equipped with brakes that meet the federal standards. Because surge brakes only work when a vehicle is moving forward and not when the vehicle is moving backwards, they do not meet federal standards. The Governor also stated that because Maryland is a small state, it would be difficult to enforce the requirement that vehicles with surge brakes travel only within the geographic boundaries of Maryland.

The Governor noted that the U.S. Department of Transportation is in the process of reviewing a study on the operation and safety of surge brakes. Depending on the results of that review, changes to the Federal Motor Carrier Safety regulations could be recommended. The Department of Legislative Services advises that the federal government has not yet completed its review of the study. The review may be completed in the summer of 2003.

**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 SHA Motor Carrier Division advises that 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 any 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.

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### **Additional Information**

**Prior Introductions:** This bill is a reintroduction of HB 404 and SB 302 from the 2002 session. HB 404 and SB 302 passed the General Assembly, but they were vetoed by the Governor, as discussed in the Background section.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 18, 2003  
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