

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 395

(Senator Jimeno, *et al.*)

Judicial Proceedings

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, 2004. This provision of the bill takes effect June 1, 2004. Otherwise, the bill takes effect October 1, 2004.

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Fiscal Summary

**State Effect:** The bill would not directly affect State operations or finances. However, noncompliance with federal safety standards could result in the loss of \$2.4 million annually in federal motor carrier safety funding.

**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:

- the trailer or semitrailer has a manufacturer's gross vehicle weight (GVW) rating or registered weight, whichever is less, of 10,000 pounds or less;

- the combined GVW rating, combined registered weight, and gross combination weight of the trailer or semitrailer (including the towing vehicle) is 26,000 pounds or less;
- the vehicle or combination of vehicles is not designed or used to transport more than 16 passengers, including the driver of the towing vehicle;
- the actual gross weight of the trailer or semitrailer, including the load, does not exceed the manufacturer's GVW rating or registered weight, whichever is less;
- the actual gross weight of the towing vehicle and load does not exceed the manufacturer's GVW rating or registered weight, whichever is less;
- the trailer or semitrailer has brakes designed and connected in such a way as to apply automatically in the case of accidental breakaway from the towing vehicle;
- the vehicle or combination of vehicles is not used to transport hazardous materials in a type and quantity that requires placarding;
- the vehicle or combination of vehicles is not used to transport liquids or gases contained in packaging that exceeds a capacity of 119 gallons;
- the trailer or semitrailer has a GVW, registered weight, or gross weight, whichever is greater, that is not more than one and one-half times the gross weight rating or registered weight, whichever is less, of the towing vehicle; and
- for vehicles used for commercial purposes, are used only in intrastate commerce.

**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.

**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 similar legislation in 2002 (SB 302/HB 404). The Governor vetoed the bill on the ground that surge brakes did not 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 Federal Motor Carrier Safety Administration has recently developed criteria for the safe operation of trailers, semitrailers, and vehicle combinations of varying weight classes, which may or may not use surge brakes. Generally:

- the vehicle can only be used in intrastate commerce and not subject to federal jurisdiction;
- the GVW, gross vehicle weight rating, gross vehicle combination weight or gross combination weight rating of the vehicle cannot equal or exceed 26,001 pounds;
- the vehicle cannot be used to transport hazardous materials requiring a placard; and
- the vehicle cannot be designed or used to transport 16 or more people, including the driver.

The federal government requires compliance with safety standards for trailers, semitrailers, and vehicle combinations. The sanction for noncompliance is the loss of the Motor Carrier Safety Assistance Program grant.

**State Fiscal Effect:** 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 \$2.4 million annually in federal Motor Carrier Safety Assistance Program funding for the State.

## Additional Information

**Prior Introductions:** A similar bill, HB 1076 was introduced in the 2003 session. HB 1076 was given an unfavorable report by the Environmental Matters Committee. Two other similar bills, HB 404 and SB 302 from the 2002 session, passed the General Assembly, but were vetoed by the Governor, as discussed in the Background section.

**Cross File:** HB 551 (Delegate Shank, *et al.*) – Environmental Matters.

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

**Fiscal Note History:** First Reader - February 23, 2004  
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