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House action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Weight Violations on the Chesapeake Bay Bridge - Penalties**

3 FOR the purpose of establishing certain fines for certain vehicle weight limit
4 violations occurring on the William Preston Lane, Jr. Memorial (Chesapeake
5 Bay) Bridge or its appurtenant approaches under the jurisdiction of the
6 Maryland Transportation Authority; ~~clarifying language~~ requiring the
7 Department of Transportation to report to certain committees of the General
8 Assembly on or before a certain date; and generally relating to vehicle weight
9 limit violations and fines.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 27-105
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2005 Supplement)

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

17 **Article - Transportation**

18 27-105.

19 (a) (1) This section applies to any person charged with a violation of the
20 Maryland Vehicle Law for exceeding, as to any vehicle or combination of vehicles:

1 (i) The maximum registered weight limit for which the vehicle or
2 combination is registered;

3 (ii) Any statutory weight limit set forth in the Maryland Vehicle
4 Law; or

5 (iii) The maximum weight limit imposed by signs which have been
6 placed to regulate the weight of any vehicle passing over any bridge or culvert as
7 provided for in § 24-206 of this article; provided that signs posting the restriction are
8 located at the bridge or culvert and also prior to the last available alternate route
9 which bypasses the bridge or culvert.

10 (2) On conviction of any person for a violation of any of these limits, fines
11 shall be imposed as provided in this section.

12 (b) Except on interstate highways, a loading error or tolerance of 1,000 pounds
13 over a registered weight limit, statutory weight limit, or weight limit imposed by
14 signs is allowed and only weight in excess of this tolerance is a violation provided
15 that:

16 (1) An overall gross weight may not exceed 80,000 pounds, including any
17 enforcement or statutory tolerances; or

18 (2) The vehicle is being operated under a valid permit for gross weight in
19 excess of 80,000 pounds.

20 (c) [The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE following fines,
21 in addition to court costs, are applicable to weight violations over the registered
22 weight limit, statutory weight limit, or weight limit imposed by signs, and for weight
23 violations that occur on any highway of this State, including interstate highways:

24 (1) 1 cent for each pound for the first 1,000 pounds of weight over any
25 allowable weight;

26 (2) 5 cents for each pound of excess weight over 1,000 pounds, but less
27 than 5,001 pounds;

28 (3) 12 cents for each additional pound of excess weight over 5,000 pounds
29 and less than 10,001 pounds;

30 (4) 20 cents for each additional pound of excess weight over 10,000
31 pounds but less than 20,001 pounds; and

32 (5) 40 cents for each additional pound of excess weight over 20,000
33 pounds.

34 (D) THE FOLLOWING FINES, IN ADDITION TO COURT COSTS, ARE APPLICABLE
35 TO WEIGHT VIOLATIONS OVER THE REGISTERED WEIGHT LIMIT, STATUTORY
36 WEIGHT LIMIT, OR WEIGHT LIMIT IMPOSED BY SIGNS, AND TO ANY OTHER WEIGHT
37 VIOLATIONS THAT OCCUR ON THE WILLIAM PRESTON LANE, JR. MEMORIAL

1 (CHESAPEAKE BAY) BRIDGE OR ITS APPURTENANT APPROACHES UNDER THE
2 JURISDICTION OF THE MARYLAND TRANSPORTATION AUTHORITY:

3 (1) 1 CENT FOR EACH POUND FOR THE FIRST 1,000 POUNDS OVER ANY
4 ALLOWABLE WEIGHT;

5 (2) 5 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER
6 1,000 POUNDS BUT LESS THAN 2,001 POUNDS;

7 (3) 10 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER
8 2,000 POUNDS BUT LESS THAN 5,001 POUNDS;

9 (4) 24 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER
10 5,000 POUNDS BUT LESS THAN 10,001 POUNDS;

11 (5) 40 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER
12 10,000 POUNDS BUT LESS THAN 20,001 POUNDS; AND

13 (6) 80 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER
14 20,000 POUNDS.

15 [(d)] (E) Notwithstanding any other provision of law, on conviction for a
16 violation, no fine may be suspended or reduced. However, in computing the fine, a
17 credit for any excess weight caused by an accumulation of cinders, snow, or ice shall
18 be given.

19 [(e)] (F) (1) If the vehicle being operated at the time the offense is
20 committed is registered outside of this State, or if the person responsible for the
21 violation or the person operating the vehicle is a nonresident of this State, further
22 proceedings shall be had as to the person under Title 26 of this article or the vehicle
23 shall be impounded until the fine is paid or acceptable collateral posted.

24 (2) The impounding of the vehicle does not include the cargo, and the
25 cargo may not be held.

26 (3) If, after 90 days from the date the vehicle was impounded, the fine
27 has not been paid or acceptable collateral posted, the vehicle may be sold at public
28 auction under the jurisdiction of the court to satisfy the fine, accrued interest, and
29 costs.

30 [(f)] (G) The provisions of this section do not apply to an "emergency vehicle",
31 as defined in § 11-118 of this article, when responding to an emergency.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
33 Transportation shall report to the Senate Judicial Proceedings Committee and the
34 House Environmental Matters Committee on or before December 1, 2007, on:

35 (1) the number of vehicles fined for weight violations occurring on the
36 Chesapeake Bay Bridge or its appurtenant approaches between October 1, 2005, and
37 September 30, 2006;

1 (2) the number of vehicles fined for weight violations occurring on the
2 Chesapeake Bay Bridge or its appurtenant approaches between October 1, 2006, and
3 September 30, 2007; and

4 (3) the number of vehicles fined for weight violations occurring at each
5 other Maryland Transportation Authority facility during those time periods.

6 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2006.