

HOUSE BILL 440

R6

7lr1894

By: **Delegates Barkley, Ali, and N. King**
Introduced and read first time: February 5, 2007
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2007

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Engine Brakes - Restrictions**

3 FOR the purpose of prohibiting ~~the operator of a person from operating~~ a commercial
4 motor vehicle equipped with a certain engine brake ~~from activating the engine~~
5 ~~brake in a residential district during a certain period of time unless the engine~~
6 brake is installed and operated in accordance with the manufacturer's original
7 design specifications; establishing a certain penalty; defining a certain ~~terms~~
8 term; and generally relating to restricting the use of engine brakes.

9 ~~BY repealing and reenacting, without amendments,~~
10 ~~Article - Transportation~~
11 ~~Section 21-101(s)~~
12 ~~Annotated Code of Maryland~~
13 ~~(2006 Replacement Volume and 2006 Supplement)~~

14 BY adding to
15 Article - Transportation
16 Section 22-611 and 27-101(aa)
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article - Transportation**

4 ~~21-101.~~

5 ~~(s) "Residential district" means an area that:~~

6 ~~(1) Is not a business district; and~~

7 ~~(2) Adjoins and includes a highway where the property along the~~
8 ~~highway, for a distance of at least 300 feet, is improved mainly with residences or~~
9 ~~residences and buildings used for business.~~

10 **22-611.**

11 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
12 ~~MEANINGS INDICATED.~~

13 ~~(2) "ENGINE BRAKE", "ENGINE BRAKE" MEANS AN ADD-ON~~
14 ~~ENGINE COMPRESSION BRAKE FOR DIESEL ENGINES, COMMONLY REFERRED TO~~
15 ~~AS A "JAKE BRAKE".~~

16 ~~(3) "RESIDENTIAL DISTRICT" HAS THE MEANING STATED IN §~~
17 ~~21-101 OF THIS ARTICLE.~~

18 (B) A PERSON OPERATING MAY NOT OPERATE A COMMERCIAL MOTOR
19 VEHICLE EQUIPPED WITH AN ENGINE BRAKE MAY NOT ACTIVATE THE ENGINE
20 BRAKE IN A RESIDENTIAL DISTRICT FROM 10 P.M. TO 7 A.M. UNLESS THE
21 ENGINE BRAKE IS INSTALLED AND OPERATED IN ACCORDANCE WITH THE
22 MANUFACTURER'S ORIGINAL DESIGN SPECIFICATIONS.

23 27-101.

24 (AA) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 22-611 OF
25 THIS ARTICLE IS SUBJECT TO:

26 (1) FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$250 AND
27 NOT MORE THAN \$1,000; AND

1 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT**
2 **LESS THAN \$500 AND NOT MORE THAN \$1,000.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.