

CHAPTER 406

(House Bill 440)

AN ACT concerning

Vehicle Laws - Engine Brakes - Restrictions

FOR the purpose of prohibiting ~~the operator of~~ a person from operating a commercial motor vehicle equipped with a certain engine brake ~~from activating the engine brake in a residential district during a certain period of time unless the engine brake is installed and operated in accordance with the manufacturer's original design specifications~~ *connected to a properly functioning exhaust muffler system in constant operation when the vehicle's ignition is engaged; prohibiting a person from disabling the exhaust muffler system on a certain vehicle except under certain circumstances; establishing a certain penalty; defining a certain ~~terms~~ term; and generally relating to restricting the use of engine brakes.*

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

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

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

Article - Transportation

~~21-101.~~

- ~~(s) "Residential district" means an area that:~~
- ~~(1) Is not a business district; and~~

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

22-611.

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

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

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

~~(B) A PERSON OPERATING MAY NOT OPERATE A COMMERCIAL MOTOR VEHICLE EQUIPPED WITH AN ENGINE BRAKE MAY NOT ACTIVATE THE ENGINE BRAKE IN A RESIDENTIAL DISTRICT FROM 10 P.M. TO 7 A.M. UNLESS THE ENGINE BRAKE IS INSTALLED AND OPERATED IN ACCORDANCE WITH THE MANUFACTURER'S ORIGINAL DESIGN SPECIFICATIONS CONNECTED TO A PROPERLY FUNCTIONING EXHAUST MUFFLER SYSTEM IN CONSTANT OPERATION WHEN THE VEHICLE'S IGNITION IS ENGAGED.~~

~~(C) A PERSON MAY NOT DISABLE THE EXHAUST MUFFLER SYSTEM OF A COMMERCIAL MOTOR VEHICLE THAT IS EQUIPPED WITH AN ENGINE BRAKE EXCEPT TO MAKE A BONA FIDE REPAIR OR REPLACEMENT.~~

27-101.

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

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

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

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

Approved by the Governor, May 8, 2007.