

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 440

(Delegate Barkley, *et al.*)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Engine Brakes - Restrictions

This bill prohibits the operation of a commercial motor vehicle equipped with an add-on compression brake for diesel engines unless the engine brake is connected to a properly functioning exhaust muffler system in constant operation when the vehicle's ignition is engaged. The exhaust muffler system of a commercial motor vehicle equipped with such an engine brake may not be disabled except to make a repair or replacement. A person who violates the bill is guilty of a misdemeanor and is subject to a fine ranging from \$250 to \$1,000 for a first offense. For a second or subsequent offense, the fine ranges from \$500 to \$1,000.

Fiscal Summary

State Effect: Minimal general fund revenue increase from the penalty provision. The bill's provisions could be enforced with existing resources.

Local Effect: The bill's provisions could be enforced with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after notice and a public hearing, the Motor Vehicle Administrator is required to adopt regulations that establish maximum sound level limits for every type of motor vehicle or combination operating in the State. A person may not drive any motor vehicle or combination of vehicles in any manner, at any time, or under

any road conditions that exceeds the maximum sound level limits established for the operation of that type of motor vehicle or combination. Also, a motor vehicle owner or lessee may not permit a motor vehicle to be driven in a manner that violates established noise standards.

Unless otherwise specified, a violation of the Maryland Vehicle Law is a misdemeanor, punishable by a maximum fine of \$500 and one point assessed against the driver's license.

Background: A “diesel engine braking system (often called a “jake brake”) is used in large diesel trucks, which may weigh as much as 40 tons. An engine braking system slows the vehicle down significantly before application of the wheel brakes and is often used when the truck needs to negotiate steep downhill grades. An engine brake is activated with a switch or foot pedal and converts the engine into a power absorbing air compressor. The air compression action creates an explosive, roaring, staccato noise that can be heard over long distances.

At least four states have statutes regulating the use of engine braking systems (California, Colorado, Montana, and Oregon). Other states address the use of engine braking systems through regulations. Some states require the use of mufflers with these systems, and others permit or specifically require the use of these systems in certain driving situations. Some municipalities have entirely banned the use of engine braking systems within their confines or banned their use during typical sleeping hours.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Federal Highway Administration; *essortment.com*; *noiseoff.org*; Office of Legislative Research, Connecticut General Assembly; Department of Legislative Services

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