

HOUSE BILL 544

R6

2lr1774

By: **Delegate Malone**

Introduced and read first time: February 3, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Motor Carriers – Application of Federal Safety Regulations**

3 FOR the purpose of requiring that motor carrier safety regulations adopted jointly by
4 the Motor Vehicle Administration and the Department of State Police duplicate
5 or be consistent with certain federal regulations; clarifying the scope of certain
6 State motor carrier safety regulations; and generally relating to the application
7 of motor carrier safety regulations.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 25–111(f)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)

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

15 **Article – Transportation**

16 25–111.

17 (f) (1) Except as provided in subsection (i) of this section, the
18 Administration may adopt rules and regulations as are necessary for the safe
19 operation of vehicles that:

20 (i) Exceed a gross vehicle weight rating of 10,000 pounds;

21 (ii) Are required to be marked or placarded for the
22 transportation of hazardous materials; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) Are designed to transport 16 or more passengers including
2 the driver over the highways of this State.

3 (2) Any rule or regulation adopted pursuant to this subsection shall:

4 (i) Be formulated jointly by the Motor Vehicle Administration
5 and the Department of State Police;

6 (ii) Duplicate or be consistent with the Federal Motor Carrier
7 Safety Regulations contained in:

8 1. 49 C.F.R., PART 385, SUBPARTS A, C, AND D
9 (“NEW ENTRANT SAFETY ASSURANCE PROGRAM”);

10 2. 49 C.F.R., PART 386, SUBPARTS F AND G
11 (“INJUNCTIONS AND IMMINENT HAZARDS; PENALTIES”); AND

12 3. 49 C.F.R., Parts 390 through 399 (“GENERAL
13 SAFETY REQUIREMENTS”);

14 (iii) Apply to all vehicles over 10,000 pounds rated gross vehicle
15 weight that are subject to the Federal Motor Carrier Safety Regulations;

16 (iv) Apply to vehicles over 10,000 pounds gross vehicle weight
17 rating that are not subject to the Federal Motor Carrier Safety Regulations, if the rule
18 or regulations adopted by the Motor Vehicle Administration specifically states that it
19 applies to the vehicle; and

20 (v) Be consistent with 49 C.F.R., Parts 40 and 382, with respect
21 to alcohol and drug testing regulations applicable to drivers required by regulation to
22 possess a commercial driver’s license.

23 (3) The rules or regulations adopted under this subsection may require
24 that registrants of motor vehicles subject to this subsection have knowledge of
25 applicable federal and State motor carrier safety regulations.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.