

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 270

(Delegates Cluster and DeBoy)

Environmental Matters

Vehicle Laws - Enforcement - Police Officers

This bill expands the definition of “police officer” to include any police officer who prominently displays the police officer’s badge or other insignia of office. The expanded definition applies to the (1) enforcement of motor vehicle equipment requirements; (2) issuance of safety equipment repair orders; (3) implementation of the Diesel Vehicle Emissions Control Program; (4) enforcement of vehicle size and weight limits; and (5) motor carrier safety inspections.

Fiscal Summary

State Effect: The bill’s provisions can be implemented with existing resources.

Local Effect: The bill’s provisions can be implemented with existing resources.

Small Business Effect: None.

Analysis

Current Law: For the purposes of (1) enforcing vehicle equipment requirements; (2) the issuance of safety repair orders; (3) implementation of the Diesel Vehicle Emissions Control Program; (4) enforcement of vehicle size and weight limits; and (5) motor carrier safety inspections, the term “police officer” generally means any uniformed police officer.

Under the Maryland Vehicle Law, a person may not drive on any highway, and an owner may not cause or knowingly permit to be driven on any highway, any vehicle or combination of vehicles that is so unsafe as to endanger any person. Also, a person may

not drive and a vehicle owner may not cause or knowingly permit to be driven any vehicle or vehicle combination that does not contain all required parts, lamps and other equipment in proper working condition, or is otherwise equipped in any manner that violates the Maryland Vehicle Law.

With regard to enforcing vehicle equipment requirements, “police officer” also means any civilian employee of the Department of State Police (DSP) or of the Maryland Transportation Authority (MDTA) Police Force who is assigned to enforce those laws and regulations. The civilian employee of MDTA Police is authorized to enforce vehicle equipment requirements only if the employee is acting under the immediate direction and control of a uniformed police officer and is certified by DSP to conduct enforcement.

For the purpose of conducting used vehicle inspections and issuing safety repair orders and defective equipment warnings, “police officer” includes any civilian employee of DSP or MDTA Police assigned to this area of enforcement, but only while acting under the written authorization of the Secretary of State Police. A police officer is required to stop the driver of a vehicle and, except as otherwise specified, issue a safety repair order if the officer observes a vehicle registered in Maryland operating with equipment that does not meet the standards established under the Maryland Vehicle Law. The police officer may issue a safety repair order related to canvas enclosures only if the vehicle is equipped with such an enclosure and the cover or its securing equipment is substandard.

With regard to the Diesel Vehicle Emissions Control Program, the driver of a diesel vehicle must obey any sign or direction of a police officer to stop the vehicle and submit to an emissions test at the time that the diesel vehicle is also required to submit to weighing and measuring or to a motor carrier safety inspection. The driver must also stop and submit to an emissions test at any location or time that a police officer has reasonable cause to believe that the vehicle is violating State emissions standards.

For the enforcement of size, weight, and load standards, a “police officer” includes any civilian employee of DSP or MDTA Police assigned to enforce the requirements, but only while acting under the written authorization of the Secretary of State Police. “Police officer” also includes any civilian employee of a local government who is acting under the immediate direction and control of a uniformed police officer, acting under the written authorization of the Secretary of State Police, and is certified by DSP to perform weighing and measurement under the Maryland Vehicle Law. Accordingly, the driver of a vehicle must stop and submit the vehicle to measurement or weighing when directed by a police officer who has reason to believe that the size or weight of the vehicle being driven on the highway violates those requirements or when directed to stop by an electronic signal to the vehicle’s Commercial Vehicle Information Systems and Networks (CVISN) transponder. The police officer may conduct the weighing with portable or

stationary scales, as long as it is done by well-established methods that are adopted by regulations of DSP.

With regard to motor carrier safety inspections, “police officer” means any uniformed law enforcement officer who is certified or under the direction of a DSP officer who is certified to perform motor carrier safety inspections. A “police officer” is also any civilian employee of DSP assigned to enforce adopted regulations, but only while acting under the written authorization of the Secretary of State Police. A “police officer” is also a civilian employee of MDTA Police or a local government who is acting under the immediate direction and control of a uniformed police officer, acting under the written authorization of the Secretary of State Police, and is certified by DSP to perform a motor carrier safety inspection.

Under the direction of a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of the vehicle subject to motor carrier safety rules must stop and submit to an inspection of all applicable driver records, all load manifests and all cargo and cargo areas. A police officer who is certified by DSP to perform a motor carrier safety inspection, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection, as specified under the Maryland Vehicle Law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Havre de Grace, Howard and Montgomery counties, Department of Natural Resources, Department of General Services, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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