

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 544

(Delegate Malone)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Motor Carriers - Application of Federal Safety Regulations

This bill expands the scope of Federal Motor Carrier Safety Regulations with which Motor Vehicle Administration (MVA) regulations must duplicate or be consistent.

Fiscal Summary

State Effect: General fund revenues increase minimally beginning in FY 2013 to the extent that enhanced enforcement under the bill results in the collection of additional penalties. Expenditures are not materially affected to ensure MVA regulations are consistent with federal law.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill requires that MVA regulations that are jointly formulated with the Department of State Police (DSP) be consistent with or duplicate Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 385, Subparts A, C, and D (“New Entrant Safety Assurance Program”) and 49 C.F.R. Part 386, Subparts F and G (“Injunctions and Imminent Hazards; Penalties”).

Current Law: Currently, MVA regulations that are jointly formulated with DSP must be consistent with or duplicate Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Parts 390 through 399. The operator of a motor carrier subject to these regulations that violates any regulation is subject to a fine of up to \$1,000 for a

first offense, up to \$2,000 for a second offense, and up to \$3,000 for a third or subsequent offense. However, a violator may prepay the fine and court costs for \$1,010, \$1,540, or \$2,040 on a first, second, or third or subsequent offense.

Background: The Federal Motor Carrier Safety Administration (FMCSA) was established within the U.S. Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 113). Formerly a part of the Federal Highway Administration, FMCSA's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. FMCSA activities contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations, targeting high-risk carriers and commercial motor vehicle drivers, improving safety information systems and commercial motor vehicle technologies, strengthening commercial motor vehicle equipment and operating standards, and increasing safety awareness. To accomplish these activities, FMCSA works with federal, State, and local enforcement agencies; the motor carrier industry; labor safety interest groups; and others.

FMCSA ensures that new entrant motor carriers (carriers applying for a new U.S. Department of Transportation number) are knowledgeable about applicable federal motor carrier safety and hazardous materials regulations. There is an 18-month monitoring period for new applicants, which requires the carrier to pass a safety audit and maintain safe operations to receive permanent U.S. Department of Transportation registration. New entrant motor carriers that fail to maintain adequate basic safety management controls may have their temporary registration revoked. In May 2002, FMCSA published an interim final rule establishing minimum requirements for new entrant motor carriers, which can be found within 49 C.F.R. Part 385. Additionally, in May 2005, FMCSA published additional regulations pertaining to injunctions, civil penalties, and judicial review now contained within 49 C.F.R. Part 386.

According to DSP, the bill updates references to these federal regulations, which is necessary to properly enforce federal motor carrier safety laws. In fiscal 2011, there were 194 violations of the motor carrier safety regulations in the Maryland Vehicle Law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Maryland Department of Transportation, Federal Motor Carrier Safety Administration, Department of Legislative Services

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