

SENATE BILL 72

R6

3lr0053

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: November 15, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Damage to Highways from Oversized Vehicles – Liability**
3 **and Penalties**

4 FOR the purpose of establishing that a person who drives or moves certain oversized
5 loads on certain highways is liable for all damage caused to the highways as a
6 result of driving or moving the oversized load; establishing certain maximum
7 civil penalties applicable to a person who causes certain damage to certain
8 highways as a result of driving or moving certain oversized loads; establishing
9 joint and several liability under certain circumstances for certain persons who
10 are assessed a civil penalty under this Act; authorizing certain persons to bring
11 an action for a civil penalty under this Act under certain circumstances; and
12 generally relating to liability and penalties for damage to highways caused by
13 oversized vehicles.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 24–208
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

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

21 **Article – Transportation**

22 24–208.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Any person who drives or moves any vehicle or any other object on any
2 State highway or county road is liable for all damage that the State highway or county
3 road sustains as a result of:

4 (1) Any illegal driving or moving of the vehicle or object; [or]

5 (2) The driving or moving of any vehicle or object that weighs more
6 than the maximum statutory weight specified in this title, even if the overweight is
7 authorized by a special permit issued under this title; **OR**

8 **(3) THE DRIVING OR MOVING OF ANY VEHICLE OR OBJECT THAT**
9 **EXCEEDS THE MAXIMUM STATUTORY HEIGHT OR WIDTH SPECIFIED IN THIS**
10 **TITLE, EVEN IF THE OVERSIZE IS AUTHORIZED BY A SPECIAL PERMIT ISSUED**
11 **UNDER THIS TITLE.**

12 **(b) ANY PERSON LIABLE FOR DAMAGES IN EXCESS OF \$25,000 UNDER**
13 **SUBSECTION (A)(3) OF THIS SECTION IS ALSO LIABLE FOR A CIVIL PENALTY NOT**
14 **TO EXCEED THE LESSER OF \$100,000 OR THREE TIMES THE TOTAL COST OF THE**
15 **DAMAGE TO THE STATE HIGHWAY OR COUNTY ROAD.**

16 **(c) If the driver is not the owner of the vehicle or object, but is driving or**
17 **moving it with the express or implied permission of the owner, the owner and driver**
18 **are jointly and severally liable for the damage to the State highway or county road**
19 **AND ANY CIVIL PENALTY ASSESSED UNDER THIS SECTION.**

20 **[(c)] (D)** A civil action for damages to a State highway or county road **AND**
21 **ANY CIVIL PENALTY** under this section may be brought by the authority in control of
22 it.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2013.