

# SENATE BILL 72

R6

3lr0053

(PRE-FILED)

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of clarifying that a person who drives or moves certain overweight  
5 vehicle loads on a municipal highway is liable for certain damage caused to the  
6 highway; establishing that a person who drives or moves certain oversized loads  
7 on ~~certain~~ State, county, or municipal highways is liable for all damage caused  
8 to the highways as a result of driving or moving the oversized load; establishing  
9 a certain exception to liability if an overweight or oversize vehicle is operated in  
10 accordance with the terms and conditions of a certain permit; establishing  
11 certain maximum civil penalties applicable to a person who causes certain  
12 damage to certain highways as a result of driving or moving certain oversized  
13 loads; establishing joint and several liability under certain circumstances for  
14 certain persons who are assessed a civil penalty under this Act; authorizing  
15 certain persons to bring an action for a civil penalty under this Act under  
16 certain circumstances; and generally relating to liability and penalties for  
17 damage to highways caused by oversized vehicles.

18 BY repealing and reenacting, with amendments,  
19 Article – Transportation  
20 Section 24–208  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Transportation**

4 24–208.

5 (a) Any person who drives or moves any vehicle or any other object on any  
6 State ~~highway or county road~~, **COUNTY, OR MUNICIPAL HIGHWAY** is liable for all  
7 damage that the State ~~highway or county road~~, **COUNTY, OR MUNICIPAL HIGHWAY**  
8 sustains as a result of:

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

10 (2) The driving or moving of any vehicle or object that weighs more  
11 than the maximum statutory weight specified in this title, ~~even if~~ **UNLESS** the  
12 overweight is authorized by a ~~special~~ permit issued under this title **AND THE**  
13 **VEHICLE IS OPERATED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF**  
14 **THE PERMIT; OR**

15 (3) **THE DRIVING OR MOVING OF ANY VEHICLE OR OBJECT THAT**  
16 **EXCEEDS THE MAXIMUM STATUTORY HEIGHT OR WIDTH SPECIFIED IN THIS**  
17 **TITLE, ~~EVEN IF~~ UNLESS THE OVERSIZE IS AUTHORIZED BY A ~~SPECIAL~~ PERMIT**  
18 **ISSUED UNDER THIS TITLE AND THE VEHICLE IS OPERATED IN ACCORDANCE**  
19 **WITH THE TERMS AND CONDITIONS OF THE PERMIT.**

20 (b) **ANY PERSON LIABLE FOR DAMAGES IN EXCESS OF \$25,000 UNDER**  
21 **SUBSECTION (A)(3) OF THIS SECTION IS ALSO LIABLE FOR A CIVIL PENALTY NOT**  
22 **TO EXCEED THE LESSER OF ~~\$100,000~~ \$50,000 OR ~~THREE TIMES~~ THE TOTAL**  
23 **COST OF THE DAMAGE TO THE STATE ~~HIGHWAY OR COUNTY ROAD~~, COUNTY, OR**  
24 **MUNICIPAL HIGHWAY.**

25 (C) If the driver is not the owner of the vehicle or object, but is driving or  
26 moving it with the express or implied permission of the owner, the owner and driver  
27 are jointly and severally liable for the damage to the State ~~highway or county road~~,  
28 **COUNTY, OR MUNICIPAL HIGHWAY AND ANY CIVIL PENALTY ASSESSED UNDER**  
29 **THIS SECTION.**

30 [(c)] (D) A civil action for damages to a State ~~highway or county road~~,  
31 **COUNTY, OR MUNICIPAL HIGHWAY AND ANY CIVIL PENALTY** under this section  
32 may be brought by the authority in control of it.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.