

HOUSE BILL 493

R5
HB 1087/14 – ENV

5lr1074

By: **Delegates McMillan, Valderrama, Beidle, Frush, Holmes, Stein, and Szeliga**
Introduced and read first time: February 11, 2015
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Prohibition Against Unattended Motor Vehicle – ~~Exception~~**
3 **Exceptions**

4 FOR the purpose of creating ~~an exception~~ certain exceptions to the prohibition against
5 leaving an unattended motor vehicle under certain circumstances for a motor vehicle
6 that operates unattended for a certain period of time under certain circumstances;
7 and generally relating to the prohibition against unattended motor vehicles.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 21–1101
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 22–402(c)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2014 Supplement)

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

20 **Article – Transportation**

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 21-1101.

2 (a) Except as provided in subsection (c) of this section, a person driving or
3 otherwise in charge of a motor vehicle may not leave it unattended until the engine is
4 stopped, the ignition locked, the key removed, and the brake effectively set.

5 (b) A person driving or otherwise in charge of a motor vehicle may not leave the
6 motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to
7 the curb or side of the highway.

8 (c) (1) When a cat or dog is left in the unattended vehicle of an on-duty law
9 enforcement officer or an animal control officer, the provisions of subsection (a) of this
10 section do not apply to the law enforcement officer or the animal control officer.

11 (2) **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A PERSON**
12 **WHO:**

13 **(I) IS IN CHARGE OF A MOTOR VEHICLE THAT HAS HAD THE**
14 **ENGINE STARTED USING A REMOTE KEYLESS IGNITION SYSTEM AND HAS BEEN**
15 **OPERATING UNATTENDED FOR UP TO 5 CONSECUTIVE MINUTES WHEN THE VEHICLE**
16 **IS NOT IN MOTION; OR**

17 **(II) ~~ALLOWS~~ ALLOWS A MOTOR VEHICLE THAT IS LOCKED ~~OR~~**
18 **AND IS ON PRIVATE PROPERTY NOT OPEN TO THE PUBLIC TO OPERATE**
19 **UNATTENDED FOR UP TO 5 CONSECUTIVE MINUTES WHEN THE VEHICLE IS NOT IN**
20 **MOTION.**

21 22-402.

22 (c) (1) No motor vehicle may be operated, nor may the owner or lessee of a
23 motor vehicle permit it to be operated, on any highway in this State unless the engine power
24 and exhaust mechanism is equipped, adjusted, and operated to prevent:

25 (i) The discharge of clearly visible smoke (comparable to smoke
26 equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as
27 published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of
28 the exhaust outlet for more than 10 consecutive seconds; and

29 (ii) The discharge of smoke from any other part of the engine in such
30 amounts and of such opacity as to partially obscure persons or objects from view.

31 (2) In this subsection, "smoke" means small gasborne and airborne
32 particles, exclusive of water vapor, from a process of combustion in sufficient numbers to
33 be observable.

1 (3) A motor vehicle engine may not be allowed to operate for more than 5
2 consecutive minutes when the vehicle is not in motion, except as follows:

3 (i) When a vehicle is forced to remain motionless because of traffic
4 conditions or mechanical difficulties over which the operator has no control;

5 (ii) When it is necessary to operate heating and cooling or auxiliary
6 equipment installed on the vehicle;

7 (iii) To bring the vehicle to the manufacturer's recommended
8 operating temperature; or

9 (iv) When it is necessary to accomplish the intended use of the
10 vehicle.

11 (4) For a period of 1 year from July 1, 1971, this subsection shall be
12 enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the
13 same manner as other violations of this section.

14 (5) This subsection does not apply to Class L (historic) vehicles.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.