

Chapter 176

(Senate Bill 72)

AN ACT concerning

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

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

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

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

Article – Transportation

24–208.

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

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

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

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

(b) ANY PERSON LIABLE FOR DAMAGES IN EXCESS OF \$25,000 UNDER SUBSECTION (A)(3) OF THIS SECTION IS ALSO LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ~~THE LESSER OF \$100,000 \$50,000 OR \$10,000 THREE TIMES THE TOTAL COST OF THE DAMAGE TO THE STATE HIGHWAY OR COUNTY ROAD, COUNTY, OR MUNICIPAL HIGHWAY.~~

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

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

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

Approved by the Governor, May 2, 2013.