

SENATE BILL 72

R6

(3lr0053)

ENROLLED BILL

— *Judicial Proceedings/Environmental Matters* —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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 a
11 certain maximum civil ~~penalties~~ penalty applicable to a person who causes
12 certain damage to certain highways as a result of driving or moving certain
13 oversized loads; establishing joint and several liability under certain
14 circumstances for certain persons who are assessed a civil penalty under this

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.

Italics indicate opposite chamber/conference committee amendments.



1 Act; authorizing certain persons to bring an action for a civil penalty under this
 2 Act under certain circumstances; and generally relating to liability and
 3 penalties for damage to highways caused by oversized vehicles.

4 BY repealing and reenacting, with amendments,
 5 Article – Transportation
 6 Section 24–208
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume)

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

11 **Article – Transportation**

12 24–208.

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

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

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

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

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

33 (c) If the driver is not the owner of the vehicle or object, but is driving or
 34 moving it with the express or implied permission of the owner, the owner and driver
 35 are jointly and severally liable for the damage to the State ~~highway or county road~~,

1 COUNTY, OR MUNICIPAL HIGHWAY AND ANY CIVIL PENALTY ASSESSED UNDER
2 THIS SECTION.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.