

Chapter 458

(House Bill 1151)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles – Minimum Security Requirements

FOR the purpose of establishing specific minimum levels of required security for commercial motor vehicles by conforming Maryland motor carrier requirements to certain federal regulations; authorizing the Motor Vehicle Administration to adopt certain regulations consistent with certain federal regulations; providing for the effective date of this Act; and generally relating to minimum security requirements for motor carriers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–920(h) and 17–103(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 25–111.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

13–920.

(h) **[A] SUBJECT TO § 25–111.1 OF THIS ARTICLE,** A person who registers a tow truck under this section or operates a tow truck in this State that is registered under the laws of another state shall:

(1) Obtain commercial liability insurance in the amount of at least \$100,000 per person, \$300,000 per occurrence bodily injury liability, and \$100,000 per occurrence property damage liability; and

(2) Provide a federal employer identification number and, if applicable to the tow truck under federal requirements:

- or
- (i) A U.S. Department of Transportation motor carrier number;
 - (ii) An Interstate Commerce Commission motor carrier authority number.

17-103.

- (b) The security required under this subtitle shall provide for at least:

- (1) The payment of claims for bodily injury or death arising from an accident of up to \$20,000 for any one person and up to \$40,000 for any two or more persons, in addition to interest and costs;

- (2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

- (3) Unless waived, the benefits described under § 19-505 of the Insurance Article as to basic required primary coverage; [and]

- (4) The benefits required under § 19-509 of the Insurance Article as to required additional coverage; AND

- (5) **FOR VEHICLES SUBJECT TO THE PROVISIONS OF § 25-111.1 OF THIS ARTICLE, THE SECURITY REQUIREMENTS ADOPTED UNDER 49 C.F.R., PART 387.**

25-111.1.

(A) THE ADMINISTRATION, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION, MAY ADOPT RULES AND REGULATIONS THAT ARE CONSISTENT WITH 49 C.F.R., PART 387.

(B) THE RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL APPLY TO THE FOLLOWING VEHICLES:

~~**(1) FOR HIRE VEHICLES ENGAGED IN INTRASTATE COMMERCE THAT EXCEED A GROSS VEHICLE WEIGHT RATING OF 26,000 POUNDS AND ARE DESIGNED TO CARRY PROPERTY;**~~

~~**(2) FOR-HIRE VEHICLES ENGAGED IN INTERSTATE COMMERCE THAT:**~~

(I) EXCEED A GROSS VEHICLE WEIGHT RATING OF 10,000 POUNDS AND ARE DESIGNED TO CARRY PROPERTY; OR

(II) ARE DESIGNED TO TRANSPORT PASSENGERS, INCLUDING THE DRIVER; AND

~~(3)~~ (2) VEHICLES THAT ARE REQUIRED TO BE MARKED OR PLACARDED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS OR OTHERWISE ARE SUBJECT TO THE REQUIREMENTS OF 49 C.F.R., PART 387 WHEN TRANSPORTING HAZARDOUS MATERIALS.

(C) ANY MOTOR CARRIER OPERATING A VEHICLE THAT IS SUBJECT TO THE RULES AND REGULATIONS ADOPTED UNDER THIS SECTION SHALL, AT ALL TIMES WHEN OPERATING THE VEHICLE ON A HIGHWAY IN THE STATE, COMPLY WITH THE RULES AND REGULATIONS ADOPTED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2011.

Approved by the Governor, May 4, 2010.