

## **Part G**

### **Transportation and Motor Vehicles**

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#### **Transportation**

##### **Transportation Funding**

##### **Transportation Revenues**

The Transportation Trust Fund (TTF) is a nonlapsing special fund that provides funding for transportation projects. It consists of tax and fee revenues, operating revenues, bond proceeds, and fund transfers. The Maryland Department of Transportation (MDOT) issues bonds backed by TTF revenues and invests the TTF fund balance to generate investment income. *House Bill 72 (passed)* the Budget Reconciliation and Financing Act of 2011 (BRFA), implements several modifications to statutory provisions relating to transportation revenues and policy. Transportation Trust Fund revenues are expected to increase by approximately \$63.9 million starting in fiscal 2012 due to the actions described below.

- The certificate of title fee for vehicles was increased from \$50 to \$100; however, rental car transactions are exempt from the increase for three years. Half of the revenue from the certificate of title fee is dedicated to the TTF and half will continue to be credited to the Motor Vehicle Administration (MVA) to assist in meeting its cost recovery requirement. The increase is estimated to generate approximately \$52.4 million in the first year for the TTF.
- The annual “vanity tag” fee was also increased from \$25 to \$50, which is estimated to increase TTF revenues by approximately \$2.5 million.
- The vehicle dealer processing charge was increased from \$100 to \$200 for three years and then rises to \$300 permanently, generating approximately \$5.3 million in TTF revenues beginning in fiscal 2012.

- The dealer vendor credit was lowered from the lesser of \$24 or 1.2% of the gross excise tax the dealer collects to the lesser of \$12 or 0.6%, increasing TTF revenues by approximately \$3.7 million in fiscal 2012.
- As introduced, the BRFA of 2011 would have permanently transferred the interest income from the TTF to the general fund; however, an exemption was provided for the TTF.

### Reconciliation of General Fund and Transportation Trust Fund Revenues

The BRFA of 2011 divorces the revenue relationship between the general fund and the TTF by ending ongoing revenue transfers between the two funds. The TTF, the general fund, and local jurisdictions are held harmless relative to the fiscal 2012 allowance. To allow for the revenue reconciliation, the BRFA of 2011 implements the actions described below.

- Beginning in fiscal 2012, the TTF share of the sales tax is permanently credited to the general fund.
- The TTF share of the corporate income tax is lowered.
- The ongoing distribution of Highway User Revenues (HUR) to the general fund is reduced in fiscal 2012 and is entirely credited to the TTF starting in fiscal 2013. As a result, the TTF share of HUR increases to 90% in fiscal 2013 and remains at 90.4% thereafter. **Exhibit G-1** provides a summary of the distribution from fiscal 2012 to 2014.

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### Exhibit G-1 Highway User Revenue Distribution Fiscal 2012-2014 (\$ in Millions)

	Fiscal 2012		Fiscal 2013		Fiscal 2014	
	<u>Percent</u>	<u>Dollars</u>	<u>Percent</u>	<u>Dollars</u>	<u>Percent</u>	<u>Dollars</u>
MDOT	79.8%	\$1,322.9	90.0%	\$1,473.3	90.4%	\$1,618.2
General Fund	11.3%	187.3				
Baltimore City	7.5%	124.3	8.1%	132.6	7.7%	137.8
Counties	0.8%	13.3	1.5%	24.6	1.5%	26.9
Municipalities	0.6%	9.9	0.4%	6.5	0.4%	7.2
<b>Total</b>	<b>100.0%</b>	<b>\$1,657.7</b>	<b>100.0%</b>	<b>\$1,637.0</b>	<b>100.0%</b>	<b>\$1,790.1</b>

MDOT: Maryland Department of Transportation

Source: Department of Legislative Services

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### **Fiscal 2012 Funding Transfers**

The BRFA of 2011 transfers \$100 million from the TTF with \$60 million directed to the general fund and \$40 million to the Rainy Day Fund. Unlike the Administration's proposed plan, the BRFA of 2011 allows for the repayment of the \$100 million transfer. As part of the reconciliation of TTF revenues, \$60 million is repaid from fiscal 2014 to 2016. The new revenue from the certificate of title fee repays the \$40 million transfer to the Rainy Day Fund. In addition, the BRFA of 2011 includes a provision that prohibits, beginning July 1, 2012, the transfer of State TTF revenues to the general fund unless legislation provides for repayment of the funds within five years.

### **Highway User Revenues**

Adjustments to the local distribution of HUR were made for fiscal 2012 only. Counties and municipalities receive an additional \$13.3 million. Of this, municipalities receive an additional \$8.3 million, and the counties receive an additional \$5.0 million.

### **Transit-related Funding Actions**

In an effort to ensure that the Maryland Transit Administration (MTA) meets the statutory farebox recovery level of 35%, the BRFA of 2011 requires MTA to increase fares or other revenues to meet the farebox recovery goal. Based upon current estimates, fare prices would need to increase by approximately 25% to meet the requirement.

Chapter 203 of 2003 and Chapter 430 of 2004 prohibited the State from entering into any agreement for construction or operation of a rail system based on magnetic levitation technology (mag-lev) and prevented the State from spending any funds, from any source, for the purpose of studying, developing, or constructing a mag-lev rail system. The BRFA of 2011 repeals these prohibitions.

### **Transportation Funding Restrictions**

In the past, revenues have been transferred from the TTF to the general fund, and the general fund has subsequently repaid the TTF. In recent years, however, a significant portion of the local share of highway user revenue has been diverted to the general fund to help balance the State's general fund budget. Partially in response to this trend, in February 2011, the Blue Ribbon Commission on Transportation Funding released an interim report that recommended (1) adopting an amendment to the Maryland Constitution prohibiting transfers from the TTF to nontransportation purposes, except in specified fiscal emergencies; (2) retaining the existing portion of sales and corporate tax revenue dedicated to the TTF; (3) restoring highway user revenue to local governments; (4) raising \$800 million in net new annual funding for transportation through a combination of net new revenues and bonding; (5) increasing leveraging and bonding; and (6) removing the cost-recovery cap for MVA fees.

In response to the recent diversion of TTF revenues to nontransportation purposes, several bills were introduced that would have amended the Maryland Constitution to include the

TTF and establish rules for its operation and funding. The bills placed various constitutional restrictions on transfers from the TTF and use of TTF monies. **Senate Bill 677 (failed)** would have, among other things, (1) required TTF funds to be used only to pay the principal of and interest on transportation bonds and for any lawful purpose related to transportation; and (2) prohibited any TTF funds from reverting or being credited to the general fund or a special fund, unless authorized by a law in effect on October 1, 2010. In addition to limiting the uses of TTF funds to specified transportation purposes and prohibiting TTF funds from reverting or being credited to the general fund or a special fund, **Senate Bill 714/House Bill 1001 (both failed)** would have increased (1) the motor fuel tax rate for all fuels, except aviation gasoline and turbine fuel, by 10 cents per gallon; and (2) vehicle registration fees by 50% for all classes of vehicles. **House Bill 518 (failed)** would have limited the use of TTF funds to specified transportation purposes and prohibited TTF funds from reverting or being credited to the general fund or special fund, except for defense or relief purposes and if specified actions occur. **House Bill 591 (failed)** also would have limited the use of TTF funds and prohibited the transfer of TTF funds, except if approval for the transfer was granted through a referendum in a general election by a majority of qualified voters.

### **Signs Along Highways**

Under the National Scenic Byways Program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities. The State Highway Administration (SHA) operates Maryland's Scenic Byway Program, which designates byways, provides byway grant funding, and establishes guidelines for byways. Maryland has designated 19 State scenic byways that encompass 2,487 miles of roads and illustrate the State's scenic beauty, history, and culture.

**House Bill 109 (passed)** prohibits SHA from issuing specified outdoor sign permits for signs along or near a scenic byway located on a federal-aid primary highway. The term "federal aid primary highway" is modified to include any State highway that is part of the national federal-aid primary system as of June 1, 1991, or any highway in the National Highway System.

Illegal signs along State highways have become a serious fiscal and safety concern. The State Highway Administration advises that sign removal is claiming a growing portion of limited highway maintenance resources. In fiscal 2010, SHA spent approximately \$383,895 on the removal of 36,000 illegal signs. Furthermore, illegal signs along State highways have been shown to distract motorists and create traffic hazards.

**Senate Bill 410/House Bill 289 (both passed)** prohibit the placement or maintenance of signs on State highway rights-of-way without authorization from SHA and establish a civil penalty of \$25 per commercial sign for violations. The State Highway Administration and local jurisdictions are authorized to retain the civil penalty payments they collect. The bills also authorize the State Highway Administration, a law enforcement officer, or a local government to remove and destroy any unauthorized signs without a court order, and allow the State Highway

Administration or a local government to seek an injunction against further commercial sign violations. Additionally, the bills repeal a provision limiting the duration of election-related signs along State highways.

## **Public Transit Services**

### **Flashing Lights on Transit Vehicles**

Flashing lights enhance motorist and pedestrian awareness of transit vehicles in their immediate vicinity and thereby reduce the likelihood of accidents and injuries. *House Bill 112 (Ch. 101)* authorizes State and local public transit service vehicles to be equipped with and display amber flashing lights or a white flashing light installed on a vehicle's roof.

### **Procurement Bids to Provide Maryland Area Regional Commuter Train Service**

The CSX Corporation has expressed its intent to discontinue providing Maryland Area Regional Commuter (MARC) commuter train service on the Camden line, which runs between Baltimore and Washington, DC, and the Brunswick line, which extends from Washington, DC, to Martinsburg, West Virginia. Reports indicated that Keolis Rail Services America submitted a bid to MTA to provide service on the Camden and Brunswick lines. Keolis Rail Services America's majority shareholder is the French National Railroad SNCF, which has received significant criticism concerning its relationship with the Nazi regime during World War II.

*Senate Bill 479/House Bill 520 (both passed)* require a specified entity that submits a formal MARC train service bid or offer to the State or a local government to disclose specified information relating to World War II deportations. The provisions apply to an entity that had direct involvement in the deportation of individuals to extermination camps or death camps between September 1, 1939, and September 2, 1945, and submits a bid or offer on a procurement contract to provide MARC service that is funded in whole or in part with public funds. Under the bills, such entities must comply with a variety of requirements in order to be considered a responsible bidder or offeror for a procurement contract to provide MARC service.

## **Transportation-related Advisory Committees and Councils**

### **Bicycles and Pedestrians**

The Bicycle and Pedestrian Advisory Committee provides guidance to State agencies concerning funding of bicycle- and pedestrian-related programs, public education and awareness of bicycle- and pedestrian-related activities and safety, and other issues. The committee is composed of up to 22 specified members and must meet at least quarterly, with at least one meeting held in Annapolis. *Senate Bill 226 (Ch. 40)* repeals the requirement for the committee to meet at least quarterly, with at least one meeting in Annapolis, and instead requires the committee to hold regular meetings as it deems appropriate.

## Electric Vehicles

Electric vehicles (EVs) have been around for more than a century and are experiencing a resurgence in popularity and sales. *Senate Bill 176/House Bill 167 (both passed)* establish a Maryland Electric Vehicle Infrastructure Council to promote the use of EVs in the State. The Maryland Department of Transportation must provide staff support to the council with the assistance of the Maryland Energy Administration and the Maryland Public Service Commission. An interim report of the council's work and recommendations is due to the Governor and the General Assembly by January 1, 2012, and a final report is due by December 1, 2012.

## Transportation Employee Grievance Procedures

*House Bill 1184 (passed)* alters the appeals process for MDOT employee grievance disputes. For a more detailed discussion of this issue, see the subpart "Personnel" within Part C – State Government of this *90 Day Report*.

## Authority to Regulate Roads in Calvert County

Concern in Calvert County about damage being done to county roads during, for example, the upgrading or repair of underground utilities has sparked interest in giving the county better notice of potential actions that may impact county roads and greater authority to hold entities accountable for the damage they cause to county roads and rights-of-way. *Senate Bill 393/House Bill 992 (both passed)* authorize the Calvert County Commissioners to enact ordinances that (1) regulate specified activities associated with county roads and rights-of-way; and (2) establish road-related fees, penalties, and minimum standards. An exemption is provided for privately owned roads constructed by September 30, 2011. Any violations of such ordinances must be enforced in the same manner and to the same extent as a municipal infraction. The Calvert County Commissioners also are authorized under the bills to seek other remedies provided by law.

## Motor Vehicles

### Drunk Driving

#### Expanded Use of Ignition Interlock Systems

Forty-eight states and the District of Columbia authorize or mandate the use of ignition interlock systems to deter alcohol-impaired driving. States that mandate the use of ignition interlock systems usually do so for repeat offenders, drivers with high blood alcohol concentration (BAC), as a condition of probation, or in exchange for limited restoration of driving privileges. According to the 2008 final report of the Maryland Task Force to Combat Driving Under the Influence of Drugs and Alcohol, the use of ignition interlock systems has been shown to lead to long-lasting changes in driver behavior and the reduction of recidivism. The

task force advised that a minimum of six months of failure-free use is needed to significantly reduce recidivism.

According to the Motor Vehicle Administration (MVA), about 8,000 drivers participate annually in the Maryland ignition interlock program. About 6,000 drivers are in the program at any one time and about 2,000 cycle out of the program on a recurring basis due either to successful completion or failure to complete the program. In fiscal 2010, 3,244 people successfully completed the program and 2,997 people withdrew due to failure to complete program requirements. Participants have generally been repeat offenders or offenders who refused a BAC test or had a BAC test result of 0.15 or more.

**Senate Bill 803 (passed)** and **House Bill 1276 (passed)** expand participation in the Ignition Interlock System Program. According to projections from MVA, as many as 4,800 additional drivers will be required or eligible to participate in the program under these bills. The bills require, rather than authorize, the MVA to (1) establish an Ignition Interlock System Program; (2) expand participation to specified categories of participants; (3) impose a fee for the program that is sufficient to cover its costs; and (4) establish minimum standards for all ignition interlock service vendors, including a requirement that service vendors provide information to MVA at least every 30 days on program participants. MVA must waive the required program fee for an individual who is indigent.

The bills also require MVA to warn a driver in a notice of proposed suspension or revocation about the ignition interlock device required for a subsequent conviction and warn drivers younger than the age of 21 about the ignition interlock device required for any violation of a driver's license alcohol restriction (all licensed drivers younger than 21 have a restriction that prohibits the presence of any alcohol in their blood while driving) or a violation of an alcohol-related driving provision.

**Mandatory Participation:** A driver must participate in the program as a condition of modification of a license suspension or revocation of a license or the issuance of a restrictive license if the driver:

- is required to participate by a court order;
- is convicted of driving while under the influence of alcohol or under the influence of alcohol *per se* and had a blood alcohol concentration (BAC) at the time of testing of 0.15 or greater;
- is convicted of driving while under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol and within the preceding five years was convicted of any specified alcohol and/or drug-related driving offense; or
- was younger than age 21 and violated the alcohol restriction imposed on the driver's license or committed the specified alcohol-related driving offense.

A driver who is required to participate in the program under the bills must be in the program for six months the first time the requirement is imposed. For the second time, the driver must participate for one year. For the third or any subsequent time the requirement is imposed, the driver must participate for three years. A court and MVA may also impose a longer participation period in accordance with other Maryland Vehicle Law provisions. MVA must immediately issue a license to a driver who successfully completes the program and whose license is not otherwise suspended, revoked, refused, or canceled.

A driver who is required to participate in the program is generally subject to a mandatory license suspension for one year if the driver fails to participate in the program or does not complete it. However, if the driver is subject to mandatory participation as the result of a conviction for driving while under the influence of alcohol or under the influence of alcohol *per se* and due to a test result that shows a BAC of 0.15, the period of suspension is indefinite until the driver successfully completes the program. Periods of mandatory participation must run concurrently for a driver who is subject to participation in the program under any other provision of the law arising out of the same incident.

***Discretionary Participation:*** Discretionary participation in the program is expanded by authorizing MVA to include an individual who is currently prohibited from participation in the program under the “administrative *per se*” statute. This authority applies to a driver who takes a test of blood or breath with a BAC result of at least 0.08, but less than 0.15, and who is otherwise ineligible for modification of a license suspension or issuance of a restrictive license. Such an eligible driver must participate in the program for one year or MVA must suspend the driver’s license for the full suspension period otherwise required.

***Criminal Sanction Established:*** Under [Senate Bill 803](#) and [House Bill 1276](#), any driver who participates in the program, may not drive a motor vehicle without an ignition interlock device in violation of an ignition interlock system restriction on the participant’s driver’s license. A person who violates this provision is guilty of a misdemeanor and is subject to maximum penalties of one year imprisonment, a \$1,000 fine, or both for a first offense, and two years imprisonment, a \$1,000 fine, or both for a second or subsequent offense.

***Reconsideration of Refusal or Program Reentry:*** If a driver who is eligible or required to participate in the ignition interlock program does not initially become a participant, that driver may apply to MVA to become a participant at a later time. MVA may reconsider any suspension or revocation of the driver’s license arising out of the same circumstances and allow the driver to participate in the program. If MVA removes a driver from the program due to violation of the program requirements, MVA may allow the driver to reenter the program after a period of 30 days from the date of removal. If the driver reenters the program under these circumstances, that driver must participate in the program for the entire period that was initially assigned for successful completion of the program without any credit for participation that occurred before the driver was removed from the program.

### **Insuring Drunk Drivers**

An insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk or class of risk except by the application of standards that are reasonably related to the insurer's economic and business purposes. Examples of economic and business purposes include conviction of the named insured or covered driver of an offense relating to driving or attempting to drive any vehicle while (1) under the influence of alcohol or under the influence of alcohol *per se*; (2) impaired by drugs, or a combination of drugs and alcohol; or (3) impaired by a controlled dangerous substance. ***Senate Bill 885 (Ch. 89)*** authorizes insurers to cancel or refuse to underwrite or renew a particular insurance risk or class of risk if the insured is convicted of a violation relating to driving or attempting to drive any vehicle while impaired by alcohol, in addition to the existing authorizations governing other alcohol- and drug-related driving offenses.

### **Distracted Driving**

***Text and Electronic Messaging:*** A “text messaging device” is a handheld device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network. According to the Governors Highway Safety Association (GHSA), 30 states and the District of Columbia specifically prohibit texting while driving. In addition to Maryland, 25 other states and the District of Columbia authorize primary enforcement of their text-messaging bans.

In 2008, about 1.3 billion text messages were sent, an average of 110 million text messages per month. It is unknown how many of these messages were sent by individuals while operating motor vehicles, but driving while texting has been a growing trend for several years. A study by Nationwide Insurance estimated that 20% of all drivers send or receive text messages while driving. A Zogby poll of drivers between the ages of 18 and 24 revealed that 66% confessed to texting while driving. Meanwhile, the U.S. Department of Transportation has made the elimination of texting while driving a major priority and has held summits on the dangers of distracted driving in 2009 and 2010.

In Maryland, a driver is prohibited from using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway. A violator is guilty of a misdemeanor and subject to a maximum fine of \$500. The prohibition does not apply to the use of a global positioning system or the use of a text messaging device to contact a 9-1-1 system. ***Senate Bill 424/House Bill 196 (both passed)*** expand the prohibition on text messaging by prohibiting a driver from *reading* a text or electronic message while operating a motor vehicle in the travel portion of the roadway. The bills also apply the prohibition against writing or sending a text message to electronic messages; repeal the application of the prohibition to when the motor vehicle is in motion; and, instead, specify that the text messaging prohibition applies to motor vehicles in the travel portion of the roadway. A violator is guilty of a misdemeanor and subject to a maximum fine of \$500.

## Rules of the Road

### Criminally Negligent Manslaughter by Motor Vehicle

A person is prohibited from committing manslaughter by motor vehicle or vessel; that is, causing the death of another as a result of driving, operating, or controlling a motor vehicle or vessel in a grossly negligent manner. The standard of “gross negligence” is a common law concept. In the case *State v. Kramer*, 318 Md. 756 (1990), the Court of Appeals said that, to prove “gross negligence” as a matter of law, the evidence must be sufficient, beyond a reasonable doubt, to establish that the defendant had a wanton or reckless disregard for human life in the operation of the automobile. The conduct must be extraordinary or outrageous to meet this standard. This violation is a felony, subject to maximum penalties of imprisonment for 10 years or a fine of \$5,000 or both.

A person is guilty of negligent driving if a motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or safety of any individual. A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property, or in a manner that indicates this disregard.

Prosecutors and defense attorneys alike have acknowledged that proving that a person acted with “gross negligence,” while not impossible, is extremely difficult. Even when the driver of a motor vehicle kills a person under seemingly egregious circumstances, that driver is more likely to be charged with negligent driving (maximum fine of \$500) or reckless driving (maximum fine of \$1,000) than with the offense of manslaughter by motor vehicle.

During the 2011 session, the General Assembly acted to close the gap between the felony of manslaughter by operating a vehicle with “gross negligence” and the misdemeanors of negligently or recklessly driving a motor vehicle. ***House Bill 363 (passed)*** created the misdemeanor offense of criminally negligent manslaughter by vehicle or vessel. A “vehicle” includes a motor vehicle, train, or a streetcar. The bill prohibits a person from causing the death of another as the result of that person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner. A person acts in a criminally negligent manner when the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that manslaughter will occur and the failure to perceive is a gross deviation from the standard of care that would be exercised by a reasonable person. A person who kills another person by motor vehicle or vessel in a criminally negligent manner is subject to maximum penalties of imprisonment for 3 years or a fine of \$5,000 or both.

The bill specifies the intent of the General Assembly that the term, “gross deviation from the standard of care,” be interpreted synonymously with the term “gross deviation from the standard of care” under the Model Penal Code of the American Law Institute. The bill also specifies the General Assembly’s intent that the term “gross deviation from the standard of care” is a separate and distinct standard from the gross negligence standard that is required in the offense of manslaughter by vehicle or vessel.

### **School Bus Monitoring Cameras**

A 2006 study in the *Journal of the American Academy of Pediatrics* estimated that, nationwide, between 2001 and 2003, there were about 4,000 injuries involving school children boarding, exiting, or approaching a school bus. According to the Maryland State Department of Education (MSDE), the transportation directors for school districts of all 24 counties have expressed interest in installing camera systems with outside recording capability on school buses when funds become available. MSDE also advises that it conducted a one-day survey of school bus drivers to determine the prevalence of overtaking violations. The results of that survey were released in February 2011, and show that there were 7,028 reported violations during the day of the survey. Survey respondents included 65% of school bus drivers in the State. Of these reported violations, 56.9% were the result of oncoming vehicles passing the bus from the opposite direction, 37.9% of violations were from vehicles passing on the driver side of the bus, and 5.2% were from vehicles passing on the side of the bus with the passenger door.

***Senate Bill 679 (passed)*** authorizes a local law enforcement agency, in consultation with a county board of education, to place school bus monitoring cameras on county school buses if authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing. Local law enforcement agencies may issue warnings or citations to vehicle owners or drivers for failing to stop for a school vehicle that has stopped with its alternately flashing red lights operating in accordance with the Maryland Vehicle Law. A violation is a civil penalty and the maximum fine is \$250.

A “school bus monitoring camera” is a camera placed on a school bus that is designed to capture a recorded image of a driver of a motor vehicle committing a violation of the Maryland Vehicle Law governing traffic in the presence of a stopped school vehicle with alternately flashing red lights. Under the bill, unless a driver receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty to the county with jurisdiction or may elect to stand trial in District Court. In addition to other required information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a technician employed by the issuing law enforcement agency. The citation must also be mailed within two weeks of the violation.

The bill provides that a violation is not a moving violation for the purpose of assessing points on the driving record and may not be considered in the provision of motor vehicle insurance coverage. However, the violation may be treated as a parking violation and if the fine is not paid and the violation is not contested, MVA may suspend or refuse to register or reregister the registration of the motor vehicle.

### **Street Racing**

Maryland recently has had two severe incidents of street racing that resulted in death and serious injury. On Interstate 70 in Baltimore County, during a June 2009 street racing incident, one pedestrian spectator was killed, and a driver seriously injured due to a crash at the start of the race. The driver of one of the vehicles is now in a vegetative state with no hope of recovery. In February 2008 on Route 210 in Prince George’s County, eight people were killed and another

eight injured at a street racing event. During this event, the people were killed by an unsuspecting driver who drove into a crowd that had gathered to watch the race and blocked the highway being used by the driver.

**House Bill 105 (Ch. 98)** increases the penalty for illegally driving in a vehicle race or speed contest that results in serious bodily injury to another person by authorizing a maximum penalty of one year imprisonment or a \$1,000 fine or both. The law authorizes the police to arrest without a warrant a person suspected of committing such a violation if the officer has probable cause.

## **Licensing, Registration, and Insurance**

### **Insurance and Required Security**

When a driver is involved in an accident that results in injury, death, or damage to property, the driver must provide the driver's name and address, the vehicle registration number, and, on request, the driver's license, to the driver or occupant of the other vehicle and other people who are injured or affected by the accident, as well as a police officer investigating the accident. The driver must also provide information regarding the insurance carrier or other provider of security and, if available, the policy or other identifying number. However, since, State regulations also permit coverage of a vehicle through self-insurance, **House Bill 125 (passed)** requires the driver of a vehicle that is self-insured to provide evidence of the self-insurance to the necessary persons following a vehicle accident in the same manner required for the exchange of other insurance information. MVA regulations must require that evidence of self insurance include appropriate contact information.

### **Commercial Vehicle Coverage**

Chapter 458 of 2010 required certain for-hire vehicles engaged in *interstate* commerce to maintain minimum financial responsibility consistent with federal regulations. However, similar for-hire vehicles operating only *intrastate* were not subject to these requirements. **House Bill 204 (Ch. 111)** extends federal minimum financial responsibility requirements to specified intrastate for-hire vehicles. The requirements only apply to intrastate vehicles that exceed a gross vehicle weight rating of 26,000 pounds and are designed to carry property.

### **Driver's License Cosigner**

A minor's driver's license application traditionally must have been cosigned by a parent, guardian, or, in some cases, an adult employer or other responsible adult. **House Bill 789 (Ch. 141)** authorizes the director of a local department of social services or a designee to cosign on a driver's license application for a minor committed to the custody or guardianship of the department.

## Equipment and Inspections

### Exceptional Hauling Permits

One of SHA's primary goals is to maintain a quality highway system as measured by the percentage of roadway mileage that does not have an acceptable ride quality. One way in which SHA can preserve the highway system is to ensure that vehicles observe weight limits. The maximum weight load for a vehicle or combination of vehicles is generally 80,000 pounds gross weight, if equipped with at least five axles. However, Chapter 409 of 2006 was enacted in response to concerns that trucks bearing forest products were allowed to carry loads of up to 88,000 pounds in West Virginia and Pennsylvania. Chapter 409 allowed heavier loads to be hauled in Allegany and Garrett counties, but only on vehicles with a sixth axle and for which an exceptional hauling permit had been issued. Similarly, Chapter 404 of 2007 authorized milk haulers to carry heavier loads in 10 counties under an exceptional milk hauling permit if the vehicle is equipped with a sixth axle.

*Senate Bill 19/House Bill 103 (both passed)* expand the SHA exceptional hauling permit program to include vehicles carrying any "farm product" under essentially the same rules and conditions that applied to the forestry and milk products exceptional hauling permits. The bills define "farm product" broadly to include any agricultural, horticultural, vegetable, or fruit product of the soil and dairy and forest products. Thus, SHA may issue an exceptional hauling permit for a combination of vehicles that (1) carry only farm products that are loaded in fields or other off-highway locations; and (2) meet the applicable axle configurations. An exceptional hauling permit is subject to confiscation and revocation if the terms of the permit are violated. The bills authorize issuance of annual permits for \$250 and 30-day permits for \$30.

## Miscellaneous

### Towing, Storing, and Disposing of Vehicles

The Task Force to Study Motor Vehicle Towing Practices was created by Chapter 514 of 2008 and extended by Chapter 704 of 2009. The task force was charged with studying a number of towing issues, including State and local laws governing towing practices and issues related to private nonconsensual towing; the creation of penalties (civil and criminal); consumer protection measures; and allowing towers a process to dispose of unclaimed vehicles. The task force met 12 times between October 14, 2008, and December 8, 2009, and expired on December 31, 2009. *Senate Bill 570/House Bill 356 (both failed)* would have generally implemented the recommendations of the task force relating to the regulation of nonconsensual towing of vehicles from private property and the disposition of towed vehicles.

Among other things, the bills would have made the private nonconsensual towing restrictions that apply in Baltimore County and Baltimore City applicable statewide. The bills also would have added requirements regarding towing signs; maximum towing distances; maximum towing and storage charges and fees; police and vehicle owner notification; towing service payment options; towed vehicle accessibility; creation of towing and storage liens;

unclaimed vehicle auction standards and requirements; salvage certificate issuance; insurance and surety bond requirements; and penalties.

The Department of State Police (DSP) maintains a list of tow companies by county for towing, assisting disabled vehicles, and storing seized vehicles. Internal DSP policy governs the inclusion of tow companies that are listed through this voluntary program, using an application process, inspection of company property, and checks on compliance with towing laws. However, aside from the inspection of tow trucks as part of the standard commercial vehicle inspection process, DSP advises that it has been unable to conduct a selection process that is appropriately thorough or complete. Additionally, DSP advises that it has not had a sufficient legal basis to prohibit contracts with tow companies not meeting DSP's internal selection policies. *House Bill 848 (passed)* requires DSP to establish and maintain a list of all qualifying tow companies in the State, by county, for use by DSP. DSP is authorized to adopt regulations to establish the standards for qualification.

### **Motorized Passenger Scooters in Ocean City**

Recent spikes in gas prices have contributed to the popularity of mopeds, motor scooters, and similar vehicles. Also, many people regard these vehicles as more efficient than automobiles for short trips. They can achieve about 70 miles per gallon of gas or more and are also considered more environmentally friendly than most automobiles. However, traffic safety advocates have expressed concerns about the increasing number of motor scooters on high-speed thoroughfares since the scooters cannot achieve the speeds of automobiles, making integration with automobile traffic difficult. *Senate Bill 306/House Bill 1167 (both passed)* authorize specified licensed drivers to operate a motorized passenger scooter within the municipal boundaries of Ocean City on a local highway and a bicycle way designated by the State Highway Administration (SHA). The bills define "motorized passenger scooter" as a nonpedal vehicle that has a third wheel and a cockpit for a driver and passenger, and that meets certain technical specifications relating to the motor and transmission. Under the bills, SHA may prohibit the operation of a motorized passenger scooter on a bicycle way in Ocean City under SHA's jurisdiction if it determines that an occupant of a motorized passenger scooter is placed at an unacceptable risk of injury on the bicycle way or if the operation of a motorized passenger scooter is a threat to the safety or mobility of others along the bicycle way.