

(2) A TRAILER OR SEMITRAILER MAY BE EQUIPPED WITH SURGE BRAKES IF:

(I) THE TRAILER OR SEMITRAILER IS OPERATED ONLY INTRASTATE;

(II) THE TRAILER OR SEMITRAILER HAS A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OF ~~12,000~~ 10,000 POUNDS OR LESS;

(III) THE COMBINED GROSS VEHICLE WEIGHT RATING OF THE TRAILER OR SEMITRAILER AND THE TOWING VEHICLE IS 26,000 POUNDS OR LESS;

(IV) THE TRAILER OR SEMITRAILER IS NOT USED TO TRANSPORT MORE THAN 16 PASSENGERS INCLUDING THE DRIVER OF THE TOWING VEHICLE;

(V) THE ACTUAL GROSS WEIGHT OF THE TRAILER OR SEMITRAILER AND LOAD DOES NOT EXCEED THE MANUFACTURER'S GROSS VEHICLE WEIGHT RATING;

(VI) THE TRAILER OR SEMITRAILER BRAKES MUST BE DESIGNED AND CONNECTED IN SUCH A MANNER THAT IN CASE OF ACCIDENTAL BREAKAWAY OF THE TOWED VEHICLE, THE BRAKES SHALL APPLY AUTOMATICALLY;

(VII) THE TRAILER OR SEMITRAILER IS NOT USED TO TRANSPORT HAZARDOUS MATERIALS IN A TYPE AND QUANTITY THAT REQUIRES PLACARDING;

(VIII) THE TRAILER OR SEMITRAILER IS NOT USED TO TRANSPORT LIQUIDS OR GASES CONTAINED IN PACKAGING THAT EXCEEDS A CAPACITY OF 119 GALLONS; AND

(IX) FOR VEHICLES USED FOR COMMERCIAL PURPOSES, THE VEHICLE OR COMBINATION OF VEHICLES:

1. IS USED ONLY IN INTRASTATE COMMERCE; AND

2. COMPLIES WITH ALL LICENSING, INSURANCE, REGISTRATION, IDENTIFICATION, DRIVER AND VEHICLE SAFETY, AND HAZARDOUS MATERIALS REGULATIONS OF THE DEPARTMENT AND THE U.S. DEPARTMENT OF TRANSPORTATION THAT ARE APPLICABLE TO THE VEHICLE OR COMBINATION OF VEHICLES.

SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Transportation shall adopt regulations to be effective beginning on October 1, 2002, which authorize the use of surge brakes on trailers and semitrailers as authorized in this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2002.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2002.