

# **MD ANNOTATED CODE (Education) YOU NEED TO KNOW**

## **§ 5-205. Grants to provide transportation services; rules and regulations for safe operation**

(a) Amounts in general; excess funds. -- The State shall distribute grants as provided under this section to the county boards to provide transportation services for public school students and disabled children for whom transportation is to be provided under § 8-410 of this article. Appropriations for student transportation shall be budgeted in a separate budget category as provided in § 5-101 of this title. If the amount that is appropriated to a county under this section in a fiscal year is more than the actual cost of providing student transportation services in that county, a county board may apply any excess funds to costs of pupil transportation in subsequent years. None of these funds may be paid to or claimed by any subdivision, nor may any of these funds be reverted to any subdivision. A county board may not transfer State revenues from the student transportation category to any other category as a result of this section.

(b) Base grant amounts. -- For the purpose of calculating the 2004 base grants for student transportation to county boards, the following amounts shall be used as the fiscal year 2003 base grant amounts:

(1) Allegany.....	\$ 2,838,327
(2) Anne Arundel.....	\$ 12,716,216
(3) Baltimore City.....	\$ 10,303,967
(4) Baltimore.....	\$ 15,715,504
(5) Calvert.....	\$ 3,294,141
(6) Caroline.....	\$ 1,580,176
(7) Carroll.....	\$ 5,738,454
(8) Cecil.....	\$ 2,997,774
(9) Charles.....	\$ 5,813,595
(10) Dorchester.....	\$ 1,465,299
(11) Frederick.....	\$ 6,620,447
(12) Garrett.....	\$ 1,886,605
(13) Harford.....	\$ 7,277,627
(14) Howard.....	\$ 8,460,292
(15) Kent.....	\$ 985,359
(16) Montgomery.....	\$ 18,663,456
(17) Prince George's.....	\$ 21,018,217
(18) Queen Anne's.....	\$ 1,952,856
(19) St. Mary's.....	\$ 3,673,545
(20) Somerset.....	\$ 1,143,107
(21) Talbot.....	\$ 981,334
(22) Washington.....	\$ 3,784,100
(23) Wicomico.....	\$ 3,001,531
(24) Worcester.....	\$ 1,856,978

(c) Computation of amount. --

- (1) In this subsection, "full-time equivalent enrollment" has the meaning stated in § 5-202 of this subtitle.
- (2) Subject to the limitations under paragraph (3) of this subsection, for fiscal year 2004 and every year thereafter the amount of a county's base grant for student transportation shall be equal to the amount of the county's base grant for student transportation for the previous year increased by the same percentage as the increase in the private transportation category of the Consumer Price Index for all urban consumers, for the Washington-Baltimore metropolitan area, as of July of the fiscal year preceding the year for which the amount is being calculated, plus an additional amount equal to the product of:
  - (i) The total amount of funds distributed by the State as base grants for student transportation for the previous fiscal year divided by the statewide full-time equivalent enrollment for the previous fiscal year; and
  - (ii) The difference between the full-time equivalent enrollment in a county for the current fiscal year and the full-time equivalent enrollment in the county for the previous fiscal year, or, if the full-time equivalent enrollment in a county for the current fiscal year is less than the full-time equivalent enrollment in the county for the previous fiscal year, zero.
- (3)
  - (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 1 percent nor more than 8 percent of the amount of the grant for the previous year.
  - (ii) **For fiscal year 2011, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index shall be 1 percent of the amount of the grant for the previous year.**
  - (iii) **For each of fiscal years 2012 through 2015, the increase** in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index **may not be more than 1 percent** of the amount of the grant for the previous year.

(d) Disabled student grant -- In general. -- For each fiscal year, in addition to the base grant for student transportation provided under subsection (c) of this section, a disabled student transportation grant shall be distributed to each county board. The amount of the grant to each board shall be equal to the product of the number of disabled students requiring special transportation services who are transported by the county board in the previous fiscal year and:

- (1) \$ 600 in fiscal year 2004;
- (2) \$ 700 in fiscal year 2005;
- (3) \$ 800 in fiscal year 2006;
- (4) \$ 900 in fiscal year 2007; and
- (5) \$ 1,000 in fiscal year 2008 and each fiscal year thereafter.

(e) Disabled student grant -- Procedure and regulations. -- For the purposes of determining the amount of the grant provided under subsection (d) of this section, the State Board shall develop a procedure and adopt regulations for determining the number of disabled students transported in each jurisdiction in the previous fiscal year.

(f) Rules and regulations for safe operation. -- The State Board shall adopt rules and regulations that provide for the safe operation of the student transportation system of each county board of education.

**HISTORY:** 1981, ch. 507; 1988, ch. 784; 1992, 1st Sp. Sess., ch. 1, § 7; 1996, ch. 10, § 16; ch. 681; 2000, ch. 503; 2002, ch. 288, § 2; 2003, ch. 21, § 7; 2004, ch. 38; 2006, ch. 44, § 6; 2009, ch. 487, § 1; 2010, ch. 484, § 3

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<b>EDUCATION</b>	<b>DIVISION II. ELEMENTARY AND SECONDARY EDUCATION</b>
<b>TITLE 7. PUBLIC SCHOOLS</b>	<b>SUBTITLE 3. ATTENDANCE AND STUDENT DISCIPLINE</b>
<b>MD EDUCATION Code Ann. § 7-304.1 (2012)</b>	

### **§ 7-304.1 Positive Behavioral Interventions and Support Programs**

- (a) "Positive Behavioral Interventions and Support Program" defined. -- In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.
- (b) Program established -- Suspension. --
- (1) Subject to paragraph (3) of this subsection, each county board shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:
    - (i) A positive behavioral interventions and support program; or
    - (ii) An alternative behavior modification program in collaboration with the Department.
  - (2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:
    - (i) 18 percent of its enrollment for the 2005-2006 school year;
    - (ii) 16 percent of its enrollment for the 2006-2007 school year;
    - (iii) 14 percent of its enrollment for the 2007-2008 school year;
    - (iv) 12 percent of its enrollment for the 2008-2009 school year; and
    - (v) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.
  - (3) An elementary school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its existing program if it has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection.
- (c) Program established -- Truancy. --
- (1) Subject to paragraph (3) of this subsection, each county board shall require a school that has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection to implement:
    - (i) A positive behavioral interventions and support program; or
    - (ii) An alternative, research-based, positive, and effective behavior modification program in collaboration with the Department.
  - (2) A school is subject to this subsection if it has a truancy rate that exceeds:

- (i) 8 percent of its enrollment for the 2008-2009 school year;
- (ii) 6 percent of its enrollment for the 2009-2010 school year;
- (iii) 4 percent of its enrollment for the 2010-2011 school year;
- (iv) 2 percent of its enrollment for the 2011-2012 school year; and
- (v) 1 percent of its enrollment for the 2012-2013 school year and each school year thereafter.

(3) A school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its program if it has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection.

(d) Regulations. -- The State Board shall adopt regulations to implement the provisions of this section.

HISTORY: 2004, ch. 222; 2006, ch. 500; 2008, chs. 367, 368

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<b>EDUCATION</b>	<b>DIVISION II. ELEMENTARY AND SECONDARY EDUCATION</b>
<b>TITLE 7. PUBLIC SCHOOLS</b>	<b>SUBTITLE 3. ATTENDANCE AND DISCIPLINE OF STUDENTS</b>
<b>MD EDUCATION Code Ann. § 7-306 (2012)</b>	

**§ 7-306. Corporal punishment; State code of discipline**

(a) Corporal punishment prohibited. -- Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

(b) Standards of conduct; implementation. -- The State Board of Education shall:

- (1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards; and
- (2) Assist each county board with the implementation of the guidelines.

(c) Regulations. --

- (1) Subject to the provisions of subsections (a) and (b) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.
- (2) The regulations adopted by a county board under this subsection:
  - (i) Shall provide for educational and behavioral interventions, counseling, and student and parent conferencing; and
  - (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate.

HISTORY: An. Code 1957, art. 77, § 98B; 1978, ch. 22, § 2; 1988, ch. 653; 1993, ch. 207; 1996, chs. 4, 5; ch. 10, § 16; 2003, ch. 21, § 7.

**§ 7-307. Principals, teachers, and school security guards intervening in fights**

(a) Authority to intervene; degree of force. --

- (1) A principal, teacher, school security guard, or other school system personnel in any public school may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals.
- (2) The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order and to protect the safety of the combatants and surrounding individuals.

(b) Compensation for injury and time lost from duties. -- A principal, teacher, school security guard, or other school system personnel who is hurt while taking preventive action or intervening in a fight under this section:

- (1) Shall be compensated by the county board for any necessary medical expenses that result directly from the preventive action or intervention; and
- (2) May not lose any compensation for time lost from school duties that results directly from the preventive action or intervention, but compensation may be reduced by any payments made under the Maryland Workers' Compensation Act.

(c) Legal counsel; indemnity. -- In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the principal, teacher, school security guard, or other school system personnel because of the preventive action or intervention, the county board:

- (1) Shall provide legal counsel for the principal, teacher, school security guard, or other school system personnel or may provide reimbursement for the reasonable expenses of the legal defense of any criminal charge if the county board considers it appropriate; and
- (2) Shall save the principal, teacher, school security guard, or other school system personnel harmless from any award or decree against him.

HISTORY: An. Code 1957, art. 77, § 98A; 1978, ch. 22, § 2; 1991, ch. 21, § 3; 1996, chs. 4, 5; ch. 10, § 16.

**§ 7-308. Searches of students and schools**

- (a) Authority to search student. -- A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.
- (b) Authority to search student -- By teacher. --
- (1) Subject to the provisions of paragraph (2) of this subsection, a county board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.
- (2) To qualify to conduct a search under this subsection, a teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by a principal.
- (c) Presence of third party required. -- A search under subsection (a) or (b) of this section shall be made in the presence of a third party.
- (d) Authority to search school. --
- (1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.
- (2) The right of the school official to search the locker shall be announced or published previously in the school.
- (e) Rules and regulations. -- The Department shall adopt rules and regulations relating to the searches permitted under this section.

HISTORY: An. Code 1957, art. 77, § 96A; 1978, ch. 22, § 2; 1982, ch. 724; 1983, ch. 8; 1996, chs. 4, 5; ch. 10, § 16; 2004, ch. 324.

**§ 7-424. Reporting incidents of harassment or intimidation against students**

## (a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

## (b) Report required. --

(1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, harassment, or intimidation may be reported by:

- (i) A student;
- (ii) The parent, guardian, or close adult relative of a student; or
- (iii) A school staff member.

## (c) Contents; distribution. --

(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:

- (i) Identify the victim and the alleged perpetrator, if known;
- (ii) Indicate the age of the victim and alleged perpetrator;
- (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
- (iv) Indicate the location of the incident;
- (v) Identify any physical injury suffered by the victim and describe the seriousness and any Permanent effects of the injury;
- (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
- (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
- (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

- (3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.
- (d) County boards to provide annual summaries of reports to State Board; confidentiality. --
- (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.
  - (2) A county board shall delete any information that identifies an individual.
- (e) Confidentiality. -- The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section:
- (1) Is confidential and may not be redisclosed except as otherwise provided under the Family Education Rights and Privacy Act or this section; and
  - (2) May not be made a part of a student's permanent educational record.
- (f) Departmental reporting to General Assembly. --
- (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.
  - (2) The report submitted by the Department shall include, to the extent feasible:
    - (i) A description of the act constituting the bullying, harassment, or intimidation;
    - (ii) The age of the victim and alleged perpetrator;
    - (iii) The allegation of the alleged perpetrator's motive;
    - (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
    - (v) The number of days a student is absent from school, if any, as a result of the incident; and
    - (vi) The number of false allegations reported.

HISTORY: 2005, ch. 547; 2007, ch. 398; 2008, chs. 489, 683.

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**§ 7-424.1. Model policy prohibiting bullying, harassment and intimidation**

(a) Definitions. --

- (1) In this section the following words have the meanings indicated.
- (2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:
  - (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
    1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or
    2. Threatening or seriously intimidating; and
  - (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or
  2. Substantially disrupts the orderly operation of a school.
- (3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) In general. --

- (1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.
- (2) The model policy developed under paragraph (1) of this subsection shall include:
  - (i) A statement prohibiting bullying, harassment, and intimidation in schools;
  - (ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
  - (iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;
  - (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
  - (v) Standard consequences and remedial actions for persons found to have made false accusations;
  - (vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
  - (vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
  - (viii) Information about the types of support services available to the student bully, victim, and any bystanders; and
  - (ix) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle.

(c) Development of policy by county boards. --

- (1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.
- (2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

- (3) A county board shall develop the policy in consultation with representatives of the following groups:
- (i) Parents or guardians of students;
  - (ii) School employees and administrators;
  - (iii) School volunteers;
  - (iv) Students; and
  - (v) Members of the community.

(d) Publication of policy. -- Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.

(e) Reporting procedure. -- Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:

- (1) A chain of command in the reporting process; and
- (2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

(f) Submission of policy. -- Each county board shall submit its policy to the State Superintendent by July 1, 2009.

(g) Educational programs. -- Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:

- (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and
- (2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) Limitation of liability. --

(1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

HISTORY: 2008, ch. 489.

**§ 7-426 Guidelines for student emergency medical care.**

(a) In general. -- The Department and the Department of Health and Mental Hygiene shall jointly establish guidelines for public schools regarding providing emergency medical care to students with special health needs.

(b) Contents. -- The guidelines shall include:

- (1) Procedures for the emergency administration of medication and the proper follow-up emergency procedures;
- (2) A description of parental or caregiver responsibilities, including:
  - (i) School notification of a child's special health care needs or diagnosis;
  - (ii) Providing appropriate medication and delivery devices and medical condition indication devices including Medic Alert bracelets or necklaces;
  - (iii) Parental consent for the administration of medications; and
  - (iv) Providing an emergency card for medical emergencies with current contact names and telephone numbers;
- (3) **A description of school responsibilities**, including:
  - (i) Training for school health services personnel, teachers, coaches, **transportation personnel**, and other appropriate school personnel;
  - (ii) Providing and distributing the required notices and forms for notification, consent for the administration of medications, medical emergency contact information, and any other appropriate material; and
  - (iii) Providing outreach and education for parents and other caregivers regarding providing emergency medical care to students with special health needs;
- (4) A description of student responsibilities that are age and condition appropriate; and
- (5) Any other issue that is relevant to the emergency medical care of students with special health needs.

(c) Duties of Department. -- The Department and the Department of Health and Mental Hygiene shall:

- (1) Provide technical assistance to schools to:
  - (i) Implement the guidelines established under this section; and
  - (ii) Train school personnel at the local level; and
- (2) Develop a process to monitor the implementation of the guidelines established under this section.

HISTORY: 2007, ch. 442; 2009, ch. 60.

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**§ 7-426.1. Children with anaphylactic allergies.**

(a) Definitions. --

- (1) In this section the following words have the meanings indicated.
- (2) "Anaphylactic allergy" means a food allergy that causes a severe, systematic reaction resulting in circulatory collapse or shock that may be fatal.
- (3) "Employee" means an individual who is employed by a local board of education, including part-time employees, certified and noncertified substitute teachers employed by the local board of education for at least 7 days each school year, maintenance workers, and administrative staff.
- (4) "Self-administer" means the application or consumption of medications in a manner prescribed by a health practitioner who is licensed, certified, or otherwise authorized under the Health Occupations Article to prescribe medications and medication delivery devices by the individual for whom the medication was prescribed without additional assistance or direction.

(b) Reduction of risk. -- In consultation with a school health professional, the principal of a public school that has a child attending the school who has been identified to the school as having an anaphylactic allergy shall:

- (1) Monitor the strategies developed in accordance with the Maryland State school health service guidelines to reduce the risk of exposure to anaphylactic causative agents in classrooms and common areas;
- (2) Designate a peanut- and tree nut-free table in the cafeteria; and
- (3) Establish procedures for self-administration of medication by the child if the child is determined to be capable of and responsible for self-administration by the principal, parent or guardian of the child, and physician of the child.

(c) Revocation of authority of child to self-administer medication. -- A school may revoke the authority of a child to self-administer medication if the child endangers himself or herself or another child through misuse of the medication.

(d) Immunity. -- Except for any willful or grossly negligent act, an employee who responds in good faith to the anaphylactic reaction of a child in accordance with this section is immune from civil liability for any act or omission in the course of responding to the reaction.

(e) Waiver of liability by parent. -- If a child has authority to self-administer medication in accordance with subsection (b)(3) of this section, a local county board may require the parent or guardian of the child to sign a statement acknowledging that the school or its employee incurs no liability as a result of injury arising from self-administration by the child.

HISTORY: 2009, ch. 652; 2010, ch. 72.

**§ 7-426.2** *Children with anaphylactic allergies program*

**§ 7-801. Transportation of students by county governing body**

## (a) Definitions. –

(1) In this section the following words have the meanings indicated.

(2) "Nonpublic school" means an elementary or secondary school in Calvert County that does not receive State aid.

(3) "Public school bus" includes any other conveyance used to transport students to a public school.

## (b) In general. --

(1) At its own expense, a county governing body may provide transportation for public school students in addition to the transportation provided by the State.

(2) In Montgomery County, a fee may not be charged for transporting public school students to school from their designated bus stop locations or from school to their designated bus stop locations.

## (c) Calvert County. --

(1) Subject to the requirements of paragraph (2) of this subsection, in Calvert County the county board may provide transportation to and from school on a public school bus for a student who attends a nonpublic school.

(2) Transportation offered by the Calvert County Board under this section shall be offered to a student attending a nonpublic school:

(i) If there is sufficient capacity on the school bus;

(ii) If the student resides on, along, or near a public highway in the county on which a public school bus or conveyance operates;

(iii) If the student resides in the public school transportation district served by the public school bus;

(iv) Only on the routes, school days, and hours of transportation that coincide with the routes, school days, and hours of transportation for students attending public schools in the county; and

(v) In the case of a student who attends a nonpublic school that is not on the public school bus route, only to the public school on the route which is nearest to the nonpublic school.

(3) The Calvert County Board is not responsible for the safety of any nonpublic school student who is transported on a public school bus under this subsection after the student is discharged from the public school bus, and the board may not be held liable in any civil action arising from an act or omission that occurs after the student is discharged from the public school bus.

HISTORY: An. Code 1957, art. 77, § 36F; 1978, ch. 22, § 2; 1987, ch. 10; 1989, ch. 5, § 1; 1993, ch. 5, § 1; 1995, ch. 39; 1996, ch. 10, §§ 1, 16; ch. 77; 1997, ch. 96; 2003, ch. 137

**§ 7-802. Driver's age may not prevent operation of school bus**

If an individual meets all other requirements established by the State Board, he may not be prohibited from operating a school bus solely because of his age.

HISTORY: An. Code 1957, art. 77, § 98E; 1978, ch. 22, § 2; 1996, ch. 10, § 16.

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**§ 7-803. Use of school buses to transport the elderly**

(a) School bus use for the elderly. -- Each county board may establish a procedure to provide for the use of its school buses, on application, for the transportation of individuals 60 years old or older to civic, educational, social, or recreational activities if this use:

- (1) Does not interfere with the transportation of school children; and
- (2) Is available to all individuals 60 years old or older.

(b) Contracts and funds for bus service. -- Each county may:

- (1) Contract with its county board for the use of school buses; and
- (2) Include funds in the county budget to pay the expenses, including payment of school bus drivers and insurance, incurred by the county board in the use of school buses as provided in this section.

HISTORY: An. Code 1957, art. 77, § 97A; 1978, ch. 22, § 2; 1996, ch. 10, § 16.

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**§ 7-804. Length of use of school bus**

- (a) "School vehicle" defined. -- In this section, "school vehicle" has the meaning stated in § 11-154 of the Transportation Article.
- (b) In general. --
- (1) Except as provided in paragraphs (2) and (3) of this subsection, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 12 years.
  - (2) (i) In Calvert, Caroline, Charles, Dorchester, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 15 years.  
(ii) A school vehicle operating under subparagraph (i) of this paragraph shall be maintained as provided in subsection (c) of this section.
  - (3) Any school vehicle in operation or accepted before July 1, 2004, or under contract to be purchased before July 1, 2004, that meets the specifications of the Department and of the Motor Vehicle Administration for transit style school vehicles may be operated for 15 years.
- (c) Extensions. -- Notwithstanding the 12-year limitation in subsection (b)(1) of this section, a school vehicle may be operated for additional years if:
- (1) The school vehicle is maintained under a preventive maintenance plan approved by the Motor Vehicle Administration and the Automotive Safety Enforcement Division of the Department of State Police that includes an inspection at the end of the 12th year and a minimum of 2 inspections by the Motor Vehicle Administration each year thereafter;
  - (2) Any structural repairs to the school vehicle necessitated by accident, metal fatigue, or any other cause are certified by an independent expert approved by the Motor Vehicle Administration to meet or exceed the manufacturer's original manufacturing standards;
  - (3) The school vehicle is equipped with:
    - (i) The body originally placed on the chassis by the manufacturer;
    - (ii) An 8 light warning system;
    - (iii) A left side stop arm;
    - (iv) A fire-retardant driver's seat;
    - (v) Fire-retardant barriers in the case of a school vehicle with a front engine; and
    - (vi) A fire-retardant rear seating area in the case of a school vehicle with a rear engine; and
  - (4) The State Superintendent grants approval.
- (d) Validity of inspection; transfer outside county of inspection. -- If a school vehicle passes an inspection that is required under subsection (c)(1) of this section:
- (1) The inspection shall be valid in the county in which the inspection was completed; and
  - (2) If ownership of the school vehicle is transferred to a person who operates the school vehicle in a county in which school vehicles are authorized under subsection (b)(2) of this section to be operated for 15 years, the inspection shall be valid in that county for the length of time that the inspection would have been valid in the county where the inspection was completed.



**§ 7-805. Transportation of students living within mileage limit**

(a) Conditions. -- A school bus may be used to transport any student who lives within the mileage limit, if a mileage limit has been established by a local board of education, and if:

- (1) The school bus is not filled to capacity;
- (2) No additional bus stop is added to the route to transport the student; and
- (3) The transportation officer or his designee has identified a specific existing hardship that would justify allowing the student to be transported.

(b) Reduction in transportation allocation. -- The transportation allocation of a county may not be reduced because of compliance with this section.

HISTORY: 1980, ch. 860; 1981, ch. 507; 1996, ch. 10, § 16

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**§ 7-806. Pupil Transportation Safety Advisory Committee**

(a) Establishment in Baltimore County. -- In Baltimore County, the Superintendent of Schools shall establish a Pupil Transportation Safety Advisory Committee.

(b) Composition. -- The Pupil Transportation Safety Advisory Committee shall be composed of at least the following:

- (1) Two parent members, appointed by the Superintendent;
- (2) A representative of the Baltimore County Police Department;
- (3) A representative of the Baltimore County Highway Department;
- (4) A representative of the Baltimore County traffic engineering office; and
- (5) A representative of the State Highway Administration.

(c) Advisor capacity. -- The committee shall be available to advise the pupil transportation staff of the Baltimore County Board of Education with regard to matters of safety of school bus stops and the safety of student walking conditions.

HISTORY: 1993, ch. 121; 1996, ch. 10, § 16

**§ 7-807. Baltimore County pick up and discharge safety procedures**

- (a) Applicability. -- This section applies only to Baltimore County.
- (b) Avoidance of crossing public roads or highways. -- A school bus driver shall pick up or discharge a student at a designated bus stop that is located along a public road or highway in a manner that does not require the student to walk across the public road or highway:
- (1) If the student is an elementary school student and the public road or highway has a posted speed limit of 35 miles per hour or greater; and
  - (2) If the student is a secondary school student and the public road or highway has a posted speed limit of 40 miles per hour or greater.
- (c) Public awareness campaign. -- A public awareness campaign concerning school bus pick up and discharge shall be conducted by the Baltimore County Board of Education and the Transportation Department of the Baltimore County Public Schools, in conjunction with the Baltimore County Police Department, 1 month prior to the opening of school and during the first month of each school year.

HISTORY: 1994, ch. 125; 1995, ch. 135; 1996, ch. 10, § 16.

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**§ 7-808. Fire safety of school buses**

- (a) "School bus" defined. -- In this section, "school bus" has the meaning stated in § 11-153 of the Transportation Article.
- (b) Construction with fire safety materials. -- A school bus shall be constructed with materials that enable it to meet all the criteria of the school bus seat upholstery fire block test established by the National School Transportation specifications and procedures adopted at the most recent National Congress on School Transportation.
- (c) Regulations. -- The Motor Vehicle Administration, with the advice of the Department, shall adopt regulations to promote fire safety standards of school buses.

HISTORY: 2011, ch. 453

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## TITLE 8. SPECIAL PROGRAMS FOR EXCEPTIONAL CHILDREN

## SUBTITLE 4. CHILDREN WITH DISABILITIES

## MD EDUCATION Code Ann. § 8-410 (2011)

**§ 8-410. Transportation of child with a disability**

- (a) Responsibility of local school system. -- Each local school system shall provide or arrange for the transportation during the regular school year of each child with a disability who is in a placement approved in conformity with this subtitle and applicable regulations of the State Board and standards in:
- (1) A public school;
  - (2) A school maintained by a State agency; and
  - (3) A nonpublic school.
- (b) Transportation outside the county of residency. --
- (1) Except as provided in paragraph (2) of this subsection, the local school system of the county in which the child with a disability resides shall certify and pay the cost of his daily or other reasonable transportation to school under the rules and regulations adopted by the State Board if:
    - (i) The school is outside this State or the county in which the child resides; and
    - (ii) State aid has provided for the education of the child under this subtitle.
  - (2) If a local management board, as established under Title 8, Subtitle 3 of the Human Services Article, funds the placement of a child in a school that is outside the State or the county in which the child resides without consulting the local school system, the local management board shall certify and pay the cost of the student's daily or other reasonable transportation to school.
- (c) Rules and regulations; guidelines. --
- (1) The rules and regulations adopted by the State Board shall take into consideration any hardship cases that reasonably may require additional expenses to guarantee adequate transportation during the regular school year.
  - (2) In addition to providing advice to the Motor Vehicle Administration under § 25-110 of the Transportation Article regarding the adoption by the Administration of rules and regulations relating to the safe operation of school vehicles, including vehicles and equipment appropriate for transporting a child with a disability, the Department shall adopt guidelines which set minimum standards to meet in each of the following categories:
    - (i) The qualifications for hiring and training of drivers and aides, including private contract personnel, involved in handling and transporting a child with a disability to a nonpublic special education facility; and
    - (ii) The appropriate length of time and distance for transporting a child with a disability to a nonpublic special education facility.
- (d) Reports to State Department; plan review. --
- (1) By July 1 of each year any local school system that has 25 or more children with disabilities attending nonpublic education facilities shall submit to the State Department a detailed report, including any rules and regulations it has adopted since the submission of its last report, which outline the local school system's compliance with the State Department adopted guidelines for the transportation of a child with a disability to nonpublic special education facilities.

(2) The State Department shall annually:

(i) Review each applicable local school system's plan or procedures for transporting children with disabilities to nonpublic special education facilities for compliance with the State Department's guidelines; and

(ii) Advise a local school system as to whether its plan or procedures are in compliance.

(e) Review considerations. -- In both the adoption of guidelines under subsection (c)(2) of this section and the annual review under subsection (d) of this section of each applicable county's plan or procedures for transporting children with disabilities to nonpublic special education facilities, the State Department shall:

(1) Take into consideration the particular circumstances and needs of each applicable local school system, including the differences among urban and rural school systems; and

(2) Recognize the need for flexibility on an individual child basis.

HISTORY: An. Code 1957, art. 77, § 99; 1978, ch. 22, § 2; 1981, ch. 2, § 3; ch. 507; 1984, ch. 519; 1987, ch. 359, § 1; 1996, ch. 10, § 16; 1997, ch. 14, § 1; 1998, ch. 726; 2002, ch. 563; 2006, chs. 233, 243; 2007, ch. 8, § 1.

# **MD ANNOTATED CODE (Transportation) YOU NEED TO KNOW**

**TRANSPORTATION TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-105 (2011)**

## **§ 11-105. Bus**

"Bus" means:

- (1) A motor vehicle that is designed to carry more than ten passengers and is used to carry people; and
- (2) Any other motor vehicle that is designed and used to carry people for compensation, except for a taxicab.

**HISTORY:** An. Code 1957, art. 66 1/2, § 1-105; 1977, ch. 14, § 2; 1986, ch. 447.

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**TRANSPORTATION TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-113 (2011)**

## **§ 11-113. Divided highway**

"Divided highway" means a highway that is divided into two or more roadways by:

- (1) An intervening space;
- (2) A barrier; or
- (3) A clearly indicated dividing section constructed to impede vehicular traffic.

**HISTORY:** An. Code 1957, art. 66 1/2, § 1-120; 1977, ch. 14, § 2.

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**TRANSPORTATION TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-113.1 (2011)**

## **§ 11-113.1. Domicile**

"Domicile" means the place of a person's true, fixed, permanent home, without any present intention of completely abandoning that home, and to which he has the intention of returning whenever absent. Domicile does not include a temporary dwelling unless there is a present intention to abandon permanently or indefinitely the former domicile.

**HISTORY:** 1978, ch. 590

**TRANSPORTATION TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-117 (2011)**

**§ 11-117. Educational purposes**

(a) In general. -- "Educational purposes" includes those activities of schools certified by the Department of Education, activities of centers for individuals with an intellectual disability and physically handicapped individuals, church schools, Sunday schools and church related functions, day care centers, day camps, or summer camps, or any other activity that provides some educational experience for its participants.

(b) Construction. -- This definition shall be liberally construed.

HISTORY: An. Code 1957, art. 66 1/2, § 1-181; 1977, ch. 14, § 2; 2009, ch. 119

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**TRANSPORTATION TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-126 (2011)**

**§ 11-126. Gross weight**

"Gross weight" means the weight of a vehicle and its load.

HISTORY: An. Code 1957, art. 66 1/2, § 1-131; 1977, ch. 14, § 2

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**TRANSPORTATION TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-127 (2011)**

**§ 11-127. Highway**

"Highway" means:

- (1) The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority; and
- (2) For purposes of the application of State laws, the entire width between the boundary lines of any way or thoroughfare used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the State.

HISTORY: An. Code 1957, art. 66 1/2, § 1-132; 1977, ch. 14, § 2; 2007, ch. 124; 2009, ch. 695; 2010, ch. 448

**§ 11-151. Roadway**

- (a) In general. -- "Roadway" means that part of a highway that is improved, designed, or ordinarily used for vehicular travel, other than the shoulder.
- (b) Two or more separate roadways. -- If a highway includes two or more separate roadways, the term "roadway" as used in the Maryland Vehicle Law refers to any one roadway separately, and not to all of the roadways collectively.

HISTORY: An. Code 1957, art. 66 1/2, § 1-177; 1977, ch. 14, § 2; 2007, ch. 571.

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**§ 11-153. School bus**

"School bus" means a Type I school vehicle, as defined in this subtitle.

HISTORY: An. Code 1957, art. 66 1/2, § 1-181; 1977, ch. 14, § 2; 2011, ch. 453.

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**§ 11-154. School vehicle**

- (a) In general. -- "School vehicle" means, except as provided in subsection (b) of this section, any motor vehicle that:
- (1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and
  - (2) Is either:
    - (i) A Type I school vehicle, as defined in this subtitle; or
    - (ii) A Type II school vehicle, as defined in this subtitle.
- (b) Excluded vehicles. -- "School vehicle" does not include:
- (1) A privately owned vehicle while it is carrying members of its owner's household and not operated for compensation; or

- (2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:
- (i) The vehicle is designed for carrying 15 persons or less, including the driver
  - (ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;
  - (iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and
  - (iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22-412.2 and 22-412.3 of this article.

HISTORY: An. Code 1957, art. 66 1/2, § 1-181; 1977, ch. 14, § 2; 1986, ch. 474; 1992, ch. 447; 2010, chs. 260, 261, 260; 2011, ch. 453.

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**TRANSPORTATION** **TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**  
**MD TRANSPORTATION Code Ann. § 11-173 (2011)**

**§ 11-173. Type I school vehicle**

- (a) In general. -- "Type I school vehicle" means a school vehicle that:
- (1) Is designed and constructed to carry passengers;
  - (2) Is either of the body-on-chassis type construction or integral type construction; and
  - (3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.
- (b) Certain buses operated by common carrier. -- "Type I school vehicle" does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

HISTORY: An. Code 1957, art. 66 1/2, § 1-181; 1977, ch. 14, § 2; 1986, ch. 447; 1993, ch. 76; 1999, ch. 354; 2010, chs. 260, 261, 260



**§ 11-174. Type II school vehicle**

"Type II school vehicle" means a school vehicle that:

- (1) Is designed and constructed to carry passengers;
- (2) Is either of the body-on-chassis type construction or integral type construction; and
- (3) Has a gross vehicle weight of 15,000 pounds or less and provides a minimum of 13 inches of seating space per passenger.

HISTORY: An. Code 1957, art. 66 1/2, § 1-181; 1977, ch. 14, § 2; 1986, ch. 447; 1993, ch. 76; 1999, ch. 354

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**§14-308. Duty of state to repair damaged property**

The State shall repair or replace any equipment, facilities, or property that is damaged while being used in accordance with the proclamation of a state of emergency.

HISTORY: An. Code 1957, art. 41, § 2-101(f); 2003, ch. 5, § 2.

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**§ 16-102. Persons exempt from licensing requirements; penalty for violation**

(a) In general. -- The licensing requirements of this title do not apply to:

(9) A nonresident of this State if:

- (i) He has with him a license to drive issued to him by the state of his residence;
  - (ii) His license authorizes him to drive in that state vehicles of the class he is driving in this State; and
  - (iii) He is at least the same age as that required of a resident for the vehicle he is driving in this State;
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### **§ 16-118. Medical Advisory Board**

(a) Administrator may appoint Board and secretary. --

- (1) The Administrator may appoint a Medical Advisory Board of qualified physicians and optometrists to enable the Administration to comply properly with the provisions of this title regarding the physical and mental condition of individuals who seek to drive on highways in this State.
- (2) The Administrator also may appoint a medical secretary to serve the Board.

(b) Compensation. -- Each member of the Medical Advisory Board is entitled to compensation for each meeting that the member attends. The compensation shall be paid out of funds appropriated to the Administration.

(c) Duties. --

- (1) The Administrator may refer to the Medical Advisory Board, for an advisory opinion, the case of any licensee or applicant for a license, if the Administrator has good cause to believe that the driving of a vehicle by him would be contrary to public safety and welfare because of an existing or suspected mental or physical disability.
- (2) The Board shall meet at the pleasure of the Administrator.

(d) Records confidential. --

- (1) Except as provided in paragraph (2) of this subsection, the records of the Medical Advisory Board:
  - (i) Are confidential;
  - (ii) May be disclosed only on court order; and
  - (iii) May be used only to determine the qualifications of an individual to drive.
- (2) The Administration may use information in its records for the purpose of driver safety research, provided that personal information is not published or disclosed.
- (3) The Administration may contract with third parties to assist with driver safety research.
- (4) A person may not use these records for any other purpose.

**HISTORY:** An. Code 1957, art. 66 1/2, § 2-305; 1977, ch. 14, § 2; 1981, ch. 674; 2008, chs. 423, 424.

**§ 16-808. Persons ineligible to drive commercial motor vehicles**

(a) In general. -- A person may not drive a commercial motor vehicle on any highway or any property specified in § 21-101.1 of this article:

- (1) Unless authorized to do so under this title;
- (2) While the person's driver's license or privilege to drive is refused in this State or any other state;
- (3) While the person's driver's license or privilege to drive is canceled in this State;
- (4) While the person's driver's license or privilege to drive is canceled by any other state;
- (5) While the person's driver's license or privilege to drive is suspended in this State;
- (6) While the person's driver's license or privilege to drive is suspended by any other state;
- (7) While the person's driver's license or privilege to drive is revoked in this State;
- (8) While the person's driver's license or privilege to drive is revoked by any other state; or
- (9) While the person is:
  - (i) Disqualified from driving a commercial motor vehicle in this State or any other state; or
  - (ii) Disqualified from driving a commercial motor vehicle by the United States Department of Transportation.

(b) Persons subject to driver or vehicle out-of-service order. -- While a person is subject to a driver or vehicle out-of-service order, as defined in § 16-812(i)(1)(ii) of this subtitle, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21-101.1 of this article:

- (1) While transporting nonhazardous materials;
- (2) While transporting hazardous materials required to be placarded; or
- (3) While operating a vehicle designed to transport 16 or more passengers, including the driver.**

(c) Possession of valid license required. -- If a person has been issued a valid commercial driver's license, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21-101.1 of this article without the valid commercial driver's license in the person's possession.

**HISTORY:** 1989, ch. 291, §§ 2, 3; 1993, ch. 5, § 1; 2002, ch. 100; 2005, ch. 167, § 1; 2008, ch. 275.

**§ 16-815. Classes of licenses; driving vehicles not authorized by license; additional endorsements**

(a) Class A license. --

- (1) A Class A commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:
  - (i) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds if the GVWR of the vehicles being towed is in excess of 10,000 pounds; and
  - (ii) Any vehicle or combination of vehicles that a Class B commercial driver's license authorizes its holder to drive.
- (2) An individual who is issued a Class A commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class A commercial driver's license or an appropriately endorsed Class A commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(b) Class B license. --

- (1) A Class B commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:
  - (i) Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds;
  - (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and
  - (iii) Any vehicle that a Class C commercial driver's license authorizes its holder to drive.
- (2) An individual who is issued a Class B commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class B commercial driver's license or an appropriately endorsed Class B commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(c) Class C license. --

- (1) A Class C commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:
  - (i) Any single vehicle less than 26,001 pounds gross vehicle weight rating (GVWR);
  - (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and
  - (iii) Any vehicle which a noncommercial Class C driver's license authorizes its holder to drive, except for motorcycles.
- (2) An individual who is issued a Class C commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class C commercial driver's license or an appropriately endorsed Class C commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(d) Instructional permits. –

- (1) A commercial driver's instructional permit authorizes the holder to operate commercial motor vehicles of Class A, B, and C subject to the conditions of Subtitle 1 of this title.
- (2) An instructional permit is not a license within the meaning of the single license restriction placed upon drivers of commercial motor vehicles.

(e) Additional endorsements. --

- (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain State-issued endorsements of an operator's commercial driver's license to operate commercial motor vehicles which are:
  - (i) Double/triple trailers;
  - (ii) Vehicles designed to transport 16 or more passengers including the driver (passenger vehicles);
  - (iii) School buses; or
  - (iv) Tank vehicles.
- (2) A school bus endorsement authorized under this subsection is also an endorsement for vehicles designed to transport 16 or more passengers including the driver (passenger vehicles).**

(f) State-issued hazardous materials endorsement; criminal history records check. –

- (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain a State-issued endorsement of an operator's commercial driver's license to operate a commercial motor vehicle that is required to be placarded for hazardous materials.
- (2) Before an operator can obtain a State-issued endorsement under this subsection, the operator shall apply to the Criminal Justice Information System Central Repository for a national and State criminal history records check.
- (3) The Administration may not issue a hazardous materials endorsement of a commercial driver's license without the approval of the Transportation Security Administration of the federal Department of Homeland Security.
- (4) The Department of Public Safety and Correctional Services and the Director of the Criminal Justice Information System Central Repository, in consultation with the Administration, may adopt regulations to carry out this section.

(g) State-issued hazardous materials endorsement; criminal history records check -- Application; fees; confidentiality; contests. --

- (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (2) An operator requesting a State-issued endorsement under subsection (f) of this section shall apply to the Central Repository for a national and a State criminal history records check.
- (3) As part of the application for a criminal history records check, the operator shall submit to the Central Repository:
  - (i) Two complete sets of the operator's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4)(i) The Central Repository shall provide a receipt to the operator for the fees paid under paragraph (ii) and (iii) of this subsection.

(ii) The operator's employer may pay the fees or reimburse the operator for the fees required under paragraph (3)(ii) and (iii) of this subsection.

(5) (i) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the operator and the Transportation Security Administration of the federal Department of Homeland Security, a printed statement of the operator's criminal history record information.

(ii) If criminal history record information is reported to the Central Repository after the date of the criminal history records check, the Central Repository shall provide to the Transportation Security Administration of the federal Department of Homeland Security and the operator a revised printed statement of the operator's criminal history record information.

(6) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the Administration shall verify periodically a list of operators of commercial motor vehicles that are required to be placarded for hazardous materials.

(7) Information obtained from the Central Repository under this section shall be:

(i) Confidential and may not be disseminated; and

(ii) Used only for the purpose authorized by this section.

(8) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

**HISTORY:** 1989, ch. 291, § 2; 2002, ch. 217; 2004, ch. 381; 2005, ch. 25, § 1; ch. 167, § 1; 2008, ch. 275.

**TRANSPORTATION TITLE 16. VEHICLE LAWS -- DRIVERS' LICENSES**  
**SUBTITLE 8. MARYLAND COMMERCIAL DRIVER'S LICENSE ACT**  
**MD TRANSPORTATION Code Ann. § 16-816 (2012)**

**§ 16-816. School vehicles**

(a) Prerequisites for operation. -- An individual may not drive a school vehicle on any highway in this State unless the individual:

- (1) Passes an appropriate medical examination; and
- (2) For driving a school bus, has been issued a commercial driver's license endorsed school bus.

(b) Regulations. -- With the advice of the State Department of Education, the Administration may adopt regulations concerning the qualifications of school vehicle drivers.

**HISTORY:** 1989, ch. 291, § 2; 1993, ch. 12; 2002, ch. 217; 2005, ch. 25, § 13.

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**TRANSPORTATION TITLE 20. VEHICLE LAWS -- ACCIDENTS AND ACCIDENT REPORTS**  
**MD TRANSPORTATION Code Ann. § 20-103 (2011)**

**§ 20-103. Driver to remain at scene -- Accidents resulting only in damage to attended vehicle or property**

(a) Stopping vehicle at scene of accident. -- The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) Returning to scene of accident. -- The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property shall return to and remain at the scene of the accident until he has complied with § 20-104 of this title.

**HISTORY:** An. Code 1957, art. 661/2, § 10-103; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1987, ch. 11, § 1.

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**TRANSPORTATION TITLE 20. VEHICLE LAWS -- ACCIDENTS AND ACCIDENT REPORTS**  
**MD TRANSPORTATION Code Ann. § 20-104 (2011)**

**§ 20-104. Duty to give information and render aid**

(a) Rendering assistance. -- The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.

- (b) Duty to give certain information. -- The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give his name, his address, and the registration number of the vehicle he is driving and, on request, exhibit his license to drive, if it is available, to:
- (1) Any person injured in the accident; and (2) The driver, occupant of, or person attending any vehicle or other property damaged in the accident.
- (c) Exhibiting license. -- The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give the same information described in subsection (b) of this section and, on request, exhibit his license to drive, if it is available, to any police officer who is at the scene of or otherwise is investigating the accident.
- (d) If no one able to receive information. -- If a police officer is not present and none of the specified persons is in condition to receive the information to which the person otherwise would be entitled under this section, the driver, after fulfilling to the extent possible every other requirement of § 20-102 of this title and subsection (a) of this section, immediately shall report the accident to the nearest office of an authorized police authority and give the information specified in subsection (b) of this section.

HISTORY: An. Code 1957, art. 661/2, § 10-104; 1977, ch. 14, § 2; 1986, ch. 472, §§ 1, 2; 1998, ch. 781; 2001, ch. 483; 2011, ch. 320

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**TRANSPORTATION** **TITLE 20. VEHICLE LAWS -- ACCIDENTS AND ACCIDENT REPORTS**  
**MD TRANSPORTATION Code Ann. § 20-105 (2011)**

**§ 20-105. Duty on striking unattended vehicle or other property**

- (a) Stopping vehicle at scene of accident. -- The driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.
- (b) Duty to give driver, owner, etc., of damaged vehicles or property certain information. -- Subject to the provisions of subsection (c) of this section, the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property shall attempt to locate the driver, owner, or person in charge of the damaged vehicle or other property and notify him of:
- (1) His name and address;
  - (2) The registration number of the vehicle he is driving; and
  - (3) The name and address of the owner of that vehicle.
- (c) Leaving written notice on damaged vehicle or property. -- If the driver, owner, or person in charge of the damaged vehicle or other property cannot be located, leave in a conspicuous, secure place in or on the damaged vehicle or other property a written notice giving the same information.

HISTORY: An. Code 1957, art. 661/2, § 10-105; 1977, ch. 14, § 2; 1986, ch. 472, § 1



**§ 20-106. Duty on striking domestic animal**

(a) Duty of driver. -- In addition to the other requirements of this title, if a motor vehicle strikes and injures a domestic animal, the driver of the motor vehicle immediately shall notify the appropriate State or local police of the accident.

(b) Police to notify appropriate agency. -- On receipt of notice under this section, the police shall notify the local organization or governmental agency designated by the appropriate local government to give such injured animals medical care.

HISTORY: 1977, ch. 274, § 2

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**§ 21-107. Authority of school crossing guards to direct traffic**

(a) In general. -- A school crossing guard who meets the qualifications in subsection (b) of this section may stop or otherwise direct vehicles and pedestrians on a highway or on school grounds to assist:

- (1) Pedestrians in the safe crossing of highways at a school crossing; and
- (2) School vehicles in entering and leaving school grounds.

(b) Qualifications. -- A school crossing guard is qualified to direct traffic as described in subsection (a) of this section if the school crossing guard:

- (1) Is 18 years of age or older;
- (2) Is under the control of a local law enforcement agency or a county school board;
- (3) Has completed training to perform any traffic direction duties to which the guard is assigned as prescribed by the law enforcement agency or county school board that has control over the school crossing guard; and
- (4) Is wearing an appropriate uniform as specified by the law enforcement agency or county school board that has control over the school crossing guard.

(c) Willful disobedience of direction prohibited. -- A person may not willfully disobey a lawful direction of a school crossing guard exercising the authority granted in this section.

(d) Assisting pedestrian. -- Nothing in this section prohibits a school crossing guard who does not meet the qualifications specified in subsection (b) of this section from assisting a pedestrian to cross a highway, providing the school crossing guard does not attempt to do so by directing traffic.

HISTORY: 2008, ch. 258.

**§ 21-304. When passing on right is permitted**

(a) In general. -- Subject to the requirements of subsection (b) of this section, the driver of a vehicle may overtake and pass to the right of another vehicle only:

- (1) If the overtaken vehicle is making or about to make a left turn;
- (2) On a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or
- (3) On any one-way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

(b) Safe conditions required. -- The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) Driving off roadway. -- Except for an operator of a bicycle or motor scooter, a person may not make the movement described under subsection (b) of this section by driving off the roadway.

HISTORY: An. Code 1957, art. 66 1/2, § 11-304; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 2010, ch. 518.

**§ 21-701. Obedience to signal indicating approach or passage of train**

(a) Stop required on approach or passage of train. --

(1) If the driver of a vehicle approaches a railroad grade crossing under any of the circumstances stated in paragraph (2) of this subsection, the driver:

- (i) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing; and
- (ii) May not proceed until he can do so safely.

(2) The requirements of this subsection apply if:

- (i) A clearly visible electric or mechanical signal device warns of the immediate approach or passage of a railroad train;
- (ii) A crossing gate is lowered;
- (iii) A flagman signals the approach or passage of a railroad train;
- (iv) A railroad train approaching within 1,500 feet of the crossing gives a signal audible to traffic approaching the crossing and the railroad train, because of its speed or nearness to the crossing, is an immediate danger; or
- (v) A railroad train is plainly visible and is in or is approaching dangerously near to the crossing.

(b) Passage through gate or barrier prohibited. -- A person may not drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed.

HISTORY: An. Code 1957, art. 66 1/2, § 11-701; 1977, ch. 14, § 2; 2003, ch. 196.

**TRANSPORTATION**

**TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD**

**SUBTITLE 7. SPECIAL STOPS REQUIRED**

**MD TRANSPORTATION Code Ann. § 21-702 (2012)**

**§ 21-702. All vehicles to stop at certain railroad crossings**

- (a) Posting of stop sign. -- The State Highway Administration and any local authority with the approval of the State Highway Administration may place a stop sign at any railroad grade crossing of a highway that the local authority or State Highway Administration designates as a particularly dangerous crossing.
- (b) Obedience to sign required. -- If the driver of a vehicle approaches the stop sign, the driver:
- (1) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing; and
  - (2) May proceed only on exercising due care.

**HISTORY:** An. Code 1957, art. 66 1/2, § 11-702; 1977, ch. 14, § 2; 2003, ch. 196.

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**TRANSPORTATION**

**TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD**

**SUBTITLE 7. SPECIAL STOPS REQUIRED**

**MD TRANSPORTATION Code Ann. § 21-703 (2012)**

**§ 21-703. Certain vehicles to stop at all railroad crossings**

- (a) Vehicles to which section applies. -- Except as provided in subsection (g) of this section, this section applies to:
- (1) Every motor vehicle carrying a passenger for hire;
  - (2) Every school vehicle carrying any passenger;
  - (3) Every bus that is owned or operated by a church and carrying any passenger;
  - (4) Every vehicle carrying as cargo a flammable liquid or an explosive; and
  - (5) Every vehicle carrying hazardous materials of a type and quantity requiring placarding under federal hazardous materials regulations.
- (b) Duties of driver. -- If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing.
- (c) Listening and looking for approaching trains. -- If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver while stopped, shall listen and look in both directions along the track for any approaching or passing railroad train and for any signals indicating the approach or passage of a railroad train.

(d) Proceeding at grade crossings -- In general. -- If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may not proceed until he can do so safely.

(e) Proceeding at grade crossings -- Gears. -- If the driver of any vehicle described in subsection (a) of this section

approaches a railroad grade crossing, the driver may proceed only in that gear of the vehicle in which it will be unnecessary to shift gears manually while passing through the crossing.

(f) Proceeding at grade crossings -- Shifting gears manually while passing over tracks. -- If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may not shift gears manually while passing over any track of the railroad.

(g) Exceptions. --

- (1) This section does not apply to the vehicles described in subsection (a) (1), (4), and (5) of this section, at any railroad grade crossing in a business district or residential district.
- (2) This section does not apply to school buses and church buses, as described in subsection (a) (2) and (3) of this section, at locations within Baltimore City where complying with the provision of this section would conflict with the existing traffic signal indications.

**HISTORY:** An. Code 1957, art. 661//2, § 11-703; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1992, ch. 482; 1994, ch. 525; 2003, ch. 196.

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**TRANSPORTATION**  
**TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD**  
**SUBTITLE 7. SPECIAL STOPS REQUIRED**  
**MD TRANSPORTATION Code Ann. § 21-703.1 (2012)**

**§ 21-703.1. Procedure upon approaching a railroad crossing**

Unless otherwise provided in this subtitle, upon approaching a railroad grade crossing, the operator of every commercial motor vehicle shall:

- (1) Slow down and check that the tracks are clear of an approaching train;
- (2) Stop before reaching the crossing, if the tracks are not clear;
- (3) Attempt to negotiate the crossing only if the crossing and the roadway beyond the crossing are sufficiently clear of other traffic so that the driver can drive completely through and clear of the crossing without stopping;
- (4) Obey a traffic control device or the directions of a police officer at the crossing; and
- (5) Attempt to negotiate the crossing only if the vehicle has sufficient undercarriage clearance.

**HISTORY:** 2003, ch. 196.

**§ 21-706. Overtaking and passing school vehicle**

(a) Driver to stop on meeting or overtaking stopped school vehicle -- In general. -- If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) Driver to stop on meeting or overtaking stopped school vehicle -- When vehicles may proceed. -- If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) Exceptions. -- This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

HISTORY: An. Code 1957, art. 66 1/2, § 11-706; 1977, ch. 14, § 2; 1982, ch. 26; 1986, ch. 472, § 1; ch. 474; 1988, ch. 199; 1995, ch. 496; 1998, ch. 360; 1999, ch. 524; 2000, ch. 332, § 1; 2004, ch. 111; 2011, ch. 273.

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**§ 21-706.1. Violation of § 21-706**

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Law enforcement agency" means a law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

(3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. A motor vehicle rental or leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(4) "Recorded image" means images recorded by a school bus monitoring camera:

(i) On:

1. Two or more photographs; 2. Two or more microphotographs; 3. Two or more electronic images;
4. Videotape; or 5. Any other medium; and

- (ii) Showing the rear of a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.
  - (5) "School bus monitoring camera" means 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.
  - (6) "Violation" means a violation of § 21-706 of this subtitle.
- (b) Report by school bus operator. --
- (1) (i) If a school bus operator witnesses a violation, the operator may promptly report the violation to a law enforcement agency exercising jurisdiction where the violation occurred.
  - (ii) The report, to the extent possible, shall include:
    - 1. Information pertaining to the identity of the alleged violator;
    - 2. The license number and color of the vehicle involved in the violation;
    - 3. The time and location at which the violation occurred; and
    - 4. An identification of the vehicle as an automobile, station wagon, truck, bus, motorcycle, or other type of vehicle.
  - (4) If the identity of the operator of the vehicle at the time the violation occurred cannot be established, the law enforcement agency shall issue to the registered owner of the vehicle, a warning stating:
    - (i) That a report of a violation was made to the law enforcement agency and that the report described the owner's vehicle as the vehicle involved in the violation;
    - (ii) That there is insufficient evidence for the issuance of a citation;
    - (iii) That the warning does not constitute a finding that the owner is guilty of the violation; and
    - (iv) The requirements of § 21-706 of this subtitle.
- (c) Use of school bus monitoring camera. --
- (1) A school bus monitoring camera may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.
  - (2) If authorized by the governing body of the local jurisdiction, a law enforcement agency, in consultation with the county board of education, may place school bus monitoring cameras on county school buses.
- (d) Requirements for recorded image by school bus monitoring camera. -- A recorded image by a school bus monitoring camera under this section indicating that the driver of a motor vehicle has committed a violation shall include:
- (1) An image of the motor vehicle;
  - (2) An image of the motor vehicle's rear license plate;
  - (3) The time and date of the violation; and
  - (4) To the extent possible, the location of the violation.
- (e) Civil penalty. --
- (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a school bus monitoring camera during the commission of a violation.
  - (2) A civil penalty under this subsection may not exceed \$ 250.
  - (3) For purposes of this section, the District Court shall prescribe:
    - (i) A uniform citation form consistent with subsection (f)(1) of this section and § 7-302 of the Courts Article; and

- (ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) Citation. --

(1) Subject to the provisions of paragraphs (2) through (4) of this subsection, a law enforcement agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;
- (iii) The violation charged;
- (iv) To the extent possible, the location of the violation;
- (v) The date and time of the violation;
- (vi) A copy of the recorded image;
- (vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;
- (viii) A signed statement by a technician employed by the law enforcement agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;
- (ix) A statement that recorded images are evidence of a violation; and
- (x) Information advising the person alleged to be liable under this section:
  - 1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and
  - 2. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The law enforcement agency may mail a warning notice in place of a citation to the owner liable under subsection (e) of this section.

(3) Except as provided in subsection (h)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(4) A person who receives a citation under paragraph (1) of this subsection may:

- (i) Pay the civil penalty, in accordance with instructions on the citation, directly to the county; or
- (ii) Elect to stand trial for the alleged violation.

(g) Use of certificate of violation based on inspection of recorded images produced by a school bus monitoring camera. --

(1) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized agent of a law enforcement agency, based on inspection of recorded images produced by a school bus monitoring camera shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(h) Defenses. --

(1) The District Court may consider in defense of a violation:

- (i) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;
- (ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and
- (iii) Any other issues and evidence that the District Court deems pertinent.

(2) In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and
2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the law enforcement agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the law enforcement agency may issue a citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(i) Sanctions for failure to pay penalty or contest violation. -- If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

(j) Violations. -- A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16-402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26-305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

(k) Adoption of procedures. -- In consultation with law enforcement agencies, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under this section.

HISTORY: 1988, ch. 199; 2011, ch. 273.



## SUBTITLE 8. SPEED RESTRICTIONS

## Md. TRANSPORTATION Code Ann. § 21-803 (2012)

**§ 21-803. Alteration of maximum speed limit by local authorities**

(a) When local authority may alter specified limits. --

(1) If, on the basis of an engineering and traffic investigation, a local authority determines that any maximum speed limit specified in this subtitle is greater or less than reasonable or safe under existing conditions on any part of a highway in its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- (i) Decrease the limit at an intersection;
- (ii) Increase the limit in an urban district to not more than 50 miles an hour;
- (iii) Decrease the limit in an urban district; or
- (iv) Decrease the limit outside an urban district to not less than 25 miles an hour.

(2) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21-801.1 (b) of this subtitle.

(b) Decreasing speed limit in school zones. -- In school zones designated and posted by the local authorities of any county:

(1) The county may decrease the maximum speed limit to 15 miles per hour during school hours, provided the county pays the cost of placing and maintaining the necessary signs; and

(2) Any municipality within each county may decrease the maximum speed limit in a school zone within the municipality to 15 miles per hour during school hours, provided the municipality pays the cost of placing and maintaining the necessary signs.

(c) When altered limits effective. -- An altered maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

(d) Approval by State Highway Administration required. -- Except in Baltimore City, any alteration by a local authority of a maximum speed limit on a part or extension of a State highway is not effective until it is approved by the State Highway Administration.

(e) Decreasing speed limit in alleys. --

(1) If a local authority determines that any maximum speed limit specified in this subtitle is greater than reasonable or safe in an alley in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for the alley.

(2) The local authority shall post a speed limit established under this subsection on appropriate signs giving notice of the speed limit.

**HISTORY:** An. Code 1957, art. 66 1/2, § 11-803; 1977, ch. 14, § 2; ch. 469; 1979, ch. 497; 1982, ch. 252; 1997, ch. 6

**§ 21-803.1. School zones**

(a) Establishment. --

- (1) Subject to subsection (f) of this section, within a half-mile radius of any school, the State Highway Administration or a local authority:
  - (i) May establish a school zone and maximum speed limits applicable in the school zone; and
  - (ii) Subject to subsection (d) of this section, may provide that fines are to be doubled for speeding violations within the school zone.
- (2) (i) The State Highway Administration may establish a school zone under paragraph (1) of this subsection on any State highway or, at the request of a local authority, on any highway under the jurisdiction of the local authority.
  - (ii) A local authority may establish a school zone under paragraph (1) of this subsection on any highway under its jurisdiction.
  - (iii) In Prince George's County, a municipal corporation may establish a school zone under paragraph (1) of this subsection on any highway that:
    1. Is not under State jurisdiction; and
    2. Is located within the corporate limits of the municipal corporation.

(b) Signs. --

- (1) On each highway where a school zone is established under this section, in accordance with specifications of the State Highway Administration, the State Highway Administration or local authority:
  - (i) Shall place signs designating the school zone; and
  - (ii) May place other traffic control devices, including timed flashing warning lights.
- (2) The signs designating a school zone shall indicate the maximum speed limit applicable in the school zone.
- (3) The local authority shall pay the State Highway Administration the cost of placing and maintaining signs and other traffic control devices on highways under the jurisdiction of the local authority when the State Highway Administration establishes the school zone at the local authority's request.
- (4) In Prince George's County, a municipal corporation shall be responsible for the cost of placing and maintaining signs and other traffic control devices for a school zone that the municipal corporation establishes on a highway within its corporate limits.

(c) When limit effective. -- A maximum speed limit in a school zone established under this section is in effect when posted on appropriate signs giving notice of the limit.

(d) Speeding. -- The fines for speeding in a school zone are double the amount that would otherwise apply if, in accordance with specifications adopted by the State Highway Administration:

(1) (i) A sign designating a school zone under this section is equipped with timed flashing warning lights and indicates that fines for speeding are doubled when the lights are activated; and

(ii) The lights are activated at the time the violation occurs; or

(2) A sign designating a school zone under this section indicates that fines for speeding are doubled during school hours.

(e) Speed limit. -- A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a school zone established in accordance with subsection (d) of this section.

(f) Crossing guard. -- In any school zone where a school crossing guard is posted to assist students in crossing a highway, the maximum speed limit may not exceed 35 miles per hour in the school zone during the hours posted on signs designating the school zone.

**HISTORY:** An. Code 1957, art. 89B, § 71A; 1977, ch. 14, § 2; 1998, ch. 391; 1999, ch. 509; 2010, ch. 474.

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**TRANSPORTATION** **TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD**

**SUBTITLE 8. SPEED RESTRICTIONS**

**Md. TRANSPORTATION Code Ann. § 21-8063.2 (2012)**

**§ 21-803.2. Establishment of speed limits on school and college property**

Each county board of education, the Board of School Commissioners of Baltimore City, the board of trustees for each community college, the board of regents for Morgan State University, the board of trustees for St. Mary's College, and the board of regents of the University System of Maryland may establish appropriate speed limits for safe travel on property under their jurisdiction. Such speed limits shall be posted on appropriate signs on the property, and a person may not drive a vehicle on such property at a speed that exceeds these limits.

**HISTORY:** 1978, ch. 465; 1984, ch. 101; 1988, ch. 246, § 2; 1997, ch. 114, § 1.

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**TRANSPORTATION** **TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD**

**SUBTITLE 8. SPEED RESTRICTIONS**

**Md. TRANSPORTATION Code Ann. § 21-806 (2011)**

**§ 21-806. Special speed limitations for elevated structures (Speed Limit)**

(a) Inspection of bridge or other elevated structure. -- On request of any local authority, the State Highway Administration shall investigate and, on its own initiative, it may investigate any bridge or other elevated structure that is a part of a highway.

(b) Determination of maximum safe speed on bridge or other elevated structure; posting. -- If it determines that the structure cannot safely withstand the weight of vehicles traveling at the maximum speed limit otherwise permitted by this subtitle, the State Highway Administration shall:

- (1) Establish the maximum speed limit that the structure can safely withstand; and

(2) At each approach to the structure, place or permit the placement of a suitable sign stating the maximum speed limit.

(c) Effectiveness of posted maximum speed limits. -- A maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

HISTORY: An. Code 1957, art. 66 1/2, § 11-806; 1977, ch. 14, § 2; 1993, ch. 214; 2004, ch. 150.

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**TRANSPORTATION TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD**

**SUBTITLE 10. STOPPING, STANDING, AND PARKING**

**MD TRANSPORTATION Code Ann. § 21-1003 (2011)**

**§ 21-1003. Stopping, standing, or parking prohibited in specified places**

(a) General rule. -- The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(b) Stopping, standing, or parking in front of public driveway. -- A person may not stop, stand, or park a vehicle in front of a public driveway.

(c) Sidewalks. -- A person may not stop, stand, or park a vehicle on a sidewalk.

(d) Intersections. -- A person may not stop, stand, or park a vehicle in an intersection.

(e) Crosswalks. -- A person may not stop, stand, or park a vehicle on a crosswalk.

(f) Safety zones. -- A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.

(g) Highway excavations or obstructions. -- A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.

(h) Bridges. -- A person may not stop, stand, or park a vehicle on any bridge or other elevated structure on a highway.

(i) Highway tunnels. -- A person may not stop, stand, or park a vehicle in a highway tunnel.

(j) Places where stopping is prohibited by signs. -- A person may not stop, stand, or park a vehicle at any place where stopping is prohibited by an official sign.

(k) Entrance or exit ramps of highways. -- A person may not stop, stand, or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.

(l) Standing or parking. -- A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.

(m) Fire hydrants. -- A person may not stand or park a vehicle within 15 feet of a fire hydrant.

(n) Standing, etc., within 20 feet of crosswalk at intersection. --

(1) This subsection does not apply in Baltimore City.

(2) A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.

(o) Standing, etc., within 30 feet of approach to flashing signals, etc. -- A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.

(p) Driveway entrances to fire stations. -- A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly signposted.

(q) Standing or parking vehicles where standing prohibited by sign. -- A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.

(r) Standing or parking vehicles alongside of other stopped or parked vehicles. -- A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.

(s) Certain curves or hills. -- A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

(t) Parking within 50 feet of railroad grade crossings. -- A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.

(u) Parking spaces for individuals with disabilities. -- A person may not stop, stand, or park a vehicle unless for the use of an individual with a disability, in a space or zone marked as restricted for the use of individuals with disabilities.

(v) Property of Board of Education of Montgomery County or Montgomery College. -- A person may not park a vehicle on any property owned by the Board of Education of Montgomery County or Montgomery College where parking is prohibited by an official sign.

(w) Parking on property owned by Board of Education of Baltimore County. -- A person may not park a vehicle on any property owned by the Board of Education of Baltimore County or the community colleges of Baltimore County where parking is prohibited by an official sign.

(x) Parking on property owned by Board of Education of Wicomico County. -- A person may not park a vehicle on any property owned by the Board of Education of Wicomico County or the community colleges of Wicomico County where parking is prohibited by an official sign.

(y) Parking on property owned by Board of Education of Prince George's County. -- A person may not park a vehicle on any property owned by the Board of Education of Prince George's County where parking is prohibited by an official sign.

(z) Parking on property owned by Board of Education of Calvert County, Charles County, or St. Mary's County. -- A person may not park a vehicle on any property owned by the Board of Education of Calvert County, Charles County, or St. Mary's County or the community colleges of Calvert County, Charles County, or St. Mary's County where parking is prohibited by an official sign.

(aa) Parking at other places where parking prohibited by sign. -- A person may not park a vehicle at any other place where parking is prohibited by an official sign.

(bb) Moving the vehicle of another into a prohibited area. -- A person may not move a vehicle that he does not lawfully control into any prohibited area.

(cc) Moving vehicle away from curb for unlawful distance. -- A person may not move a vehicle that the person does not lawfully control away from a curb for an unlawful distance.

(dd) Parking in front of curb ramp. -- A person may not stop, stand, or park a vehicle in front of a curb ramp designed for the use of individuals with disabilities.

(ee) Parking in front of passenger loading zone. -- A person may not stop, stand, or park a vehicle in front of or on a passenger loading zone designed or marked for the use of individuals with disabilities.

HISTORY: An. Code 1957, art. 66 1/2, § 11-1003; 1977, ch. 14, § 2; ch. 169; 1984, ch. 233; 1985, ch. 351; 1986, ch. 472, § 1; 1989, ch. 390; 1993, ch. 409; 1996, ch. 603; 2002, ch. 490; 2004, ch. 201; 2006, ch. 507.

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**§ 21-1118. School bus regulations**

(a) Operation of school bus. -- The driver of a school bus:

- (1) Is responsible for its operation; and
- (2) May not drive it into any roadway without first stopping and determining that there is no danger from any other vehicle.

(b) Responsibility for pupils. -- The person responsible for any pupils on a school bus is:

- (1) The teacher on the bus; or
- (2) If a teacher is not present, the driver.

(c) Conduct of pupils. -- A person responsible for pupils on a school bus may not permit the number of standing pupils to exceed one pupil for each part of the aisle that is bounded on both sides by forward facing seats.

(d) Permitting pupils to stand on certain buses. -- A person responsible for pupils on a school bus may not permit any pupil to stand if the school bus is equipped only with lengthwise or a combination of lengthwise and forward facing seats.

(e) Permitting pupils to stand in front of stanchion and guardrail. -- A person responsible for pupils on a school bus may not permit any pupil to stand in front of the stanchion and guardrail.

(f) Permitting pupils to operate front door opening mechanism. -- A person responsible for pupils on a school bus may not permit any pupil to operate the front door opening mechanism, except in an emergency.

(g) Requiring pupils to sit on floor. -- A person responsible for pupils on a school bus may not require any pupil to sit on the floor.

(h) Fueling bus. -- Except for the driver and any fuel station attendant, a person may not occupy a school bus while it is being supplied with fuel.

(i) Transportation of handicapped children. -- Either the driver or an adult aide assigned to each school vehicle that is used to transport handicapped children shall be certified as having successfully completed a first aid-safety course approved by the Department of Education.

HISTORY: An. Code 1957, art. 661/2, § 11-1118; 1977, ch. 14, § 2; 1979, ch. 114; 1986, ch. 472, § 1

**§ 21-1124.1. Text messaging prohibited.**

(a) Definitions. --

- (1) In this section the following words have the meanings indicated.
- (2) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety Article.
- (3) "Text messaging device" means a hand held device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network.

(b) In general. -- Subject to subsection (c) of this section, **a person may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.**

(c) Exceptions. -- This section does not apply to the use of:

- (1) A global positioning system; or
- (2) A text messaging device to contact a 9-1-1 system.

**HISTORY:** 2009, chs. 194, 195; 2011, chs. 471, 472.

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**§ 21-1124.2. Communications Traffic Safety Act**

(a) Definitions. --

- (1) In this section the following words have the meanings indicated.
- (2) "Handheld telephone" means a handheld device used to access wireless telephone service.
- (3) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety Article.

(b) Exceptions to applicability of section. -- This section does not apply to:

- (1) Emergency use of a handheld telephone, including calls to:
  - (i) A 9-1-1 system;
  - (ii) A hospital;
  - (iii) An ambulance service provider;
  - (iv) A fire department;
  - (v) A law enforcement agency; or
  - (vi) A first aid squad;



(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

- (i) Law enforcement personnel; and
- (ii) Emergency personnel;

(3) Use of a handheld telephone as a text messaging device as defined in § 21-1124.1 of this subtitle; and

(4) Use of a handheld telephone as a communication device utilizing push-to-talk technology by an individual operating a commercial motor vehicle, as defined in 49 CFR Part 390.5 of the Federal Motor Carrier Safety Regulations.

(c) Persons prohibited from use of handheld telephone while driving. -- The following individuals may not use a handheld telephone while operating a motor vehicle:

- (1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and
- (2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) Prohibited use of handheld telephone while vehicle is in motion. --

- (1) This subsection does not apply to an individual specified in subsection (c) of this section.
- (2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) Enforcement as secondary offense. -- A police officer may enforce this section only as a secondary action when the police officer detains a driver for a suspected violation of another provision of the Code.

(f) Penalties. --

- (1) A person convicted of a violation of this section is subject to the following penalties:
  - (i) For a first offense, a fine of not more than \$ 40; and
  - (ii) For a second or subsequent offense, a fine of \$ 100.
- (2) For a first offense under this section, points may not be assessed against the individual under § 16-402 of this article unless the offense contributes to an accident.

(g) Penalties -- Waiver. -- The court may waive a penalty under subsection (f) of this section for a person who:

- (1) Is convicted of a first offense under this section; and
- (2) Provides proof that the person has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section.

**HISTORY:** 2010, chs. 538, 716.

## SUBTITLE 1. SCOPE AND EFFECT OF EQUIPMENT PROVISIONS

MD TRANSPORTATION Code Ann. § 22-104 (2011)

**§ 22-104. Unlawful to remove or alter safety device or equipment**

A person may not willfully or intentionally remove or alter any safety device or equipment that has been placed on any motor vehicle, trailer, semitrailer, or pole trailer in compliance with any law, rule, regulation, or requirement of any officer or agency of the United States or of this State, if it is intended that the vehicle be operated on highways in this State, unless the removal or alteration is permitted by rule or regulation adopted by the Administrator.

HISTORY: An. Code 1957, art. 66 1/2, § 12-104; 1977, ch. 14, § 2.

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## SUBTITLE 2. LAMPS AND OTHER LIGHTING EQUIPMENT

MD TRANSPORTATION Code Ann. § 22-228 (2011)

**§ 22-228. Special equipment on school vehicles**

(a) Regulations. --

(1) (i) The Administrator may adopt regulations for lighting equipment, special warning devices, markings, and identification to be used by school vehicles.

(ii) Regulations adopted under this paragraph shall be consistent with the provisions of the Maryland Vehicle Law.

(2) (i) A school vehicle registered in the State shall be equipped with an 8-light system of alternately flashing lights.

(ii) The 8-light safety system of alternately flashing lights shall meet the standards contained in the SAE (Society of Automotive Engineers) Standard J887 (May 1982), and shall consist of 2 amber lights and 2 red lights at the rear of the vehicle, and 2 amber lights and 2 red lights at the front of the vehicle.

(3) A school vehicle may be equipped with a white flashing light installed on the roof of the vehicle.

(4) School vehicles shall be marked and identified as provided in, and school vehicle lighting equipment and special warning devices shall conform with, the regulations adopted by the Administrator.

(b) When operation of flashing signal prohibited. -- Except as provided in subsection (e) of this section, a person may not operate any alternately flashing light on any school vehicle except when the school vehicle is stopping or stopped on a roadway for the purpose of receiving or discharging passengers.

(c) Use for other than educational purposes. -- As to any school vehicle, whenever the vehicle is not being operated on a highway for the transportation of children, students, or teachers for educational purposes or in connection with a school activity:

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- (1) The alternately flashing lights shall be deactivated; and
- (2) The words "school bus" at the front and rear of the vehicle shall be covered or otherwise concealed.

(d) Operation of flashing signals -- Requirement generally. -- Except as otherwise provided in this section, every school vehicle driver shall put in operation alternately flashing amber lights not less than 100 feet before bringing the vehicle to a full stop for the purpose of receiving or discharging passengers, and place into operation the alternately flashing red lights upon stopping.

(e) Operation of flashing signals -- Stopping behind other school vehicles. --

(1) This subsection applies only to a school vehicle being driven on the same roadway as another school vehicle in the act of loading or unloading passengers.

(2) Except as otherwise provided in this section, every school vehicle driver shall put in operation the alternately flashing lights when approaching from the rear or the front, within 100 feet of another school vehicle in the act of loading or unloading passengers on the roadway.

(f) Use of loading zones. --

(1) In this subsection, "loading zone" means an area:

(i) That is:

1. On a highway, but not on the roadway, for use in receiving or discharging passengers residing on the same side of the highway as the loading zone; or

2. Not on a highway; and

(ii) Whose location has been designated and approved by either the superintendent of schools in the local school system in which the loading zone is located, the Department of State Police, or the local police department, in cooperation with the State Highway Administration or local traffic engineering agency, as applicable.

(2) It is the policy of this State to encourage the establishment and use of loading zones for school vehicles.

(3) Where a loading zone is available, a school vehicle driver, unless otherwise required for safety, may not stop on the roadway for the purpose of receiving or discharging passengers, but shall use the loading zone for this purpose.

(g) Receipt and discharge of passengers. -- Except as provided in subsection (f) of this section, a driver of a school vehicle shall stop on the roadway to:

(1) Receive passengers when transporting them to school; or

(2) Discharge passengers when transporting them from school.

HISTORY: An. Code 1957, art. 661/2, §§ 11-706, 12-228; 1977, ch. 14, § 2; ch. 210; 1984, ch. 300; 1986, ch. 472, §§ 1, 2; 1988, ch. 6, § 1; 1992, ch. 339; 1993, ch. 588; 1994, ch. 158; ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; chs. 496, 571; 1999, ch. 524.

## SUBTITLE 2. LAMPS AND OTHER LIGHTING EQUIPMENT

## MD TRANSPORTATION Code Ann. § 22-402 (2011)

**§ 22-402. Mufflers; prevention of noise; discharge of smoke; maximum period of idling**

(a) Mufflers. -- Every motor vehicle with an internal combustion engine shall be equipped with an exhaust muffler system in good working order and in constant operation to prevent excessive or unusual noise, and no person may use a muffler cutout, bypass, or similar device on a motor vehicle on a highway. Noise levels in excess of those adopted by the Administrator under § 22-601 of this title are excessive.

(b) Prevention of noise. -- A person may not use on the exhaust or "tail pipe" of a motor vehicle any extension or other device to cause excessive or unusual noise.

(c) Discharge of smoke; maximum period of idling. --

(1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine **may not be allowed to operate for more than 5 consecutive minutes** when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature; or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

(d) "Muffler" defined. -- In this section, "muffler" means a device designed for and effective in reducing noise while permitting the flow of gases.

(e) Leakproof construction. -- All mufflers and exhaust pipes carrying exhaust gases from the motor shall be of leakproof construction.

**HISTORY:** An. Code 1957, art. 66 1/2, § 12-402; 1977, ch. 14, § 2.

## SUBTITLE 2. LAMPS AND OTHER LIGHTING EQUIPMENT

## MD TRANSPORTATION Code Ann. § 22-412 (2012)

## § 22-412. Seat belts required

(a) Front seat. -- Every motor vehicle registered in this State and manufactured or assembled after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the vehicle.

(b) Rear seat. -- Every motor vehicle registered in this State and manufactured or assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear seat of the vehicle.

(c) Sale or offer for sale of vehicles in violation of section. -- A person may not sell or offer for sale any vehicle in violation of this section.

(d) "Motor vehicle" defined. -- For the purpose of this section only, "motor vehicle" does not include any motorcycle, bus, truck, or taxicab.

(e) "Seat belt" defined. -- For the purpose of this section only, "seat belt" means any belt, strap, harness, or like device.

(f) Sale of certain seat belts prohibited. -- A seat belt may not be sold or offered for sale for use in connection with the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable federal motor vehicle safety standards.

**HISTORY:** An. Code 1957, art. 661/2, § 12-412; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1999, ch. 645.

## SUBTITLE 2. LAMPS AND OTHER LIGHTING EQUIPMENT

## MD TRANSPORTATION Code Ann. § 22-412 (2012)

**§ 22-412.1. Seat belts and other equipment for vehicles used by nursery schools, camps, etc.; Type 1 school vehicle excepted.**

Every motor vehicle that is used by nursery schools, camps, day nurseries, or day care centers for children with an intellectual disability to transport children shall be equipped with seat belts for each seat and shall be subject to any other regulations adopted by the Administration, **unless the motor vehicle:**

(1) Is a Type I school vehicle; or

(2) Was formerly registered as a Type I school vehicle.

**HISTORY:** An. Code 1957, art. 66 1/2, § 12-412.1; 1977, ch. 14, § 2; 2009, ch. 119; 2010, chs. 260, 261.

**SUBTITLE 2. LAMPS AND OTHER LIGHTING EQUIPMENT****MD TRANSPORTATION Code Ann. § 22-417 (2012)****§ 22-417. Seat back crash pads in school buses**

Effective September 1, 1973, all school buses operating in Maryland and used for the transportation of children to and from public or nonpublic schools shall be equipped with seat back crash pads meeting the rules, regulations, and specifications established by the Administration.

**HISTORY:** An. Code 1957, art. 66 1/2, § 12-417; 1977, ch. 14, § 2.

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**SUBTITLE 2. LAMPS AND OTHER LIGHTING EQUIPMENT****MD TRANSPORTATION Code Ann. § 22-418 (2012)****§ 22-418. Color of school vehicles**

(a) Yellow color. -- School vehicles shall be painted yellow, in accordance with Administration regulations, using the color known as national school bus yellow, as specified in federal standards.

(b) Other vehicles painted yellow prohibited. -- Unless otherwise permitted or authorized by the Maryland Vehicle Law or by Administration regulation, no other vehicle designed for carrying passengers may be painted national school bus yellow or a closely approximate color.

(c) Regulations for phase-in of compliance with section. -- The Administrator may issue regulations for a phase-in of compliance with this section.

**HISTORY:** An. Code 1957, art. 66 1/2, § 12-418; 1977, ch. 14, § 2; 1986, ch. 472, § 1.

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**TRANSPORTATION TITLE 25. VEHICLE LAWS -- RESPECTIVE POWERS OF STATE AND LOCAL  
AUTHORITIES; DISPOSITION OF ABANDONED VEHICLES  
SUBTITLE 1. POWERS OF STATE AND LOCAL AUTHORITIES  
MD TRANSPORTATION Code Ann. § 25-110 (2011)**

**§ 25-110. Regulations relative to school vehicles**

(a) Authority of Motor Vehicle Administration. –

(1) With the advice of the State Department of Education, the Motor Vehicle Administration shall adopt and enforce rules and regulations not inconsistent with the Maryland Vehicle Law to govern the safe operation of all school vehicles.

(2) The following shall be subject to the rules and regulations adopted under this section:

- (i) Every school or school district and its officers and employees;
- (ii) Every person employed under contract by a school or school district; and
- (iii) Every person that owns or operates a school vehicle.

(b) Violations by school officers and employees and operators of school vehicles. --

(1) Any officer or employee of any school or school district who violates any rule or regulation adopted under this section or fails to include the obligation to comply with these rules and regulations in any contract executed by him on behalf of a school or school district is guilty of misconduct and subject to removal from office or employment.

(2) Any person that owns or operates a school vehicle and violates any rule or regulation adopted under this section is guilty of a misdemeanor and the vehicle involved is subject to suspension or revocation of its registration.

HISTORY: An. Code 1957, art. 66 1/2, § 15-109; 1977, ch. 14, § 2.