

May 2, 1963.

Honorable Marvin Mandel  
Acting Speaker  
House of Delegates  
State House  
Annapolis, Md.

Dear Mr. Mandel:

In accordance with the provisions of Article 2, Section 17, of the Maryland Constitution, I have vetoed House Bill 217 and am returning this Bill to you accompanied by my veto message.

House Bill 217 and Senate Bill 179 are identical Bills and, if enacted, would permit Trial Magistrates to suspend or reduce fines in axle load violation cases.

Members of the State Roads Commission are unanimous in their opposition to both Bills and the history of this type legislation indicates to me that their decision is sound.

The Statute which prohibited Trial Magistrates from reducing or suspending fines in truck weight violation cases was enacted in 1951. During the calendar year 1949, the Magistrates suspended sentences in 186 cases; for the year 1950, the Magistrates suspended fines in 201 cases, and for the year 1951, there were 100 suspensions between January 1 and June 1, the effective date of the Statute preventing suspensions.

During the five year period after the effective date of the Act, such suspensions virtually disappeared. In 1952, there was one suspension; in 1953, two suspensions; in 1954, three; in 1955, there was one, and in 1956, there was one.

It may be that both Bills were intended to permit Magistrates to reduce or suspend the fines in cases where the load shifted after the initial loading, thus overloading an axle. As drawn, however, the Bills also give Trial Magistrates this discretion in cases where the vehicle was improperly loaded in the first place.

History indicates that the granting of such discretionary powers would encourage the development of a situation that existed in Maryland prior to June 1, 1951. Both Bills invite violation of existing laws because the threat of severe penalties would have been diminished. Such a situation is not consistent with our efforts to promote traffic safety nor is it consistent with the maintenance of a good highway system.

Because of these factors and considering the fact that Maryland now allows as heavy a permissible axle weight load as any State in the Country (22,400 lbs.), I have decided to veto House Bill 217.

With kindest personal regards, I am

Sincerely yours,

(s) J. MILLARD TAWES,  
Governor.

JMT/Jd/Encl.