

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: November 3, 1999

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Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2000

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Law - Commercial Vehicle Information Systems**
3 **and Network Transponders**

4 FOR the purpose of prohibiting a person from knowingly removing a Commercial
5 Vehicle Information Systems and Network (CVISN) transponder from the
6 commercial vehicle to which it is registered and placing it in another vehicle;
7 providing that the registered owner of the motor vehicle shall be liable for
8 certain violations except in certain circumstances; and generally relating to
9 Commercial Vehicle Information Systems and Network transponders.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 25-112
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 1999 Supplement)

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

17 **Article - Transportation**

18 25-112.

19 (a) (1) In this section and in § 25-111 of this subtitle the following words
20 have the meanings indicated.

1 (2) "Cloned CVISN transponder" means a CVISN transponder or other
2 electronic device that has been converted with the electronic serial number or other
3 proprietary information obtained without the consent of the State.

4 (3) "CVISN" means the Commercial Vehicle Information Systems and
5 Network, a motor carrier program managed by the Department, together with other
6 State agencies.

7 (4) "CVISN transponder" means an electronic device acquired by motor
8 carriers to allow electronic signaling through CVISN.

9 (5) "Manufacture" means to produce, assemble, modify, alter, program,
10 reprogram, or tamper with a CVISN transponder without the consent of the State.

11 (6) "Sell" means to sell, exchange, give, or dispose of to another, or to
12 offer or agree to do the same.

13 (b) (1) A person may not knowingly possess or use a cloned CVISN
14 transponder or possess a CVISN transponder with the intent to manufacture a cloned
15 CVISN transponder.

16 (2) A person may not knowingly distribute or possess with intent to
17 distribute, manufacture, or sell a cloned CVISN transponder.

18 (3) A PERSON MAY NOT KNOWINGLY REMOVE A CVISN TRANSPONDER
19 FROM THE COMMERCIAL VEHICLE TO WHICH IT IS REGISTERED AND PLACE IT IN
20 ANOTHER VEHICLE.

21 (c) (1) Except as provided in paragraph (2) of this subsection, if the operator
22 of a motor vehicle is in possession of a cloned CVISN transponder OR A CVISN
23 TRANSPONDER PLACED IN A COMMERCIAL VEHICLE TO WHICH IT IS NOT
24 REGISTERED, the registered owner of the motor vehicle shall be liable for the violation
25 under this section.

26 (2) A registered owner is not liable for a violation under this section if:

27 (i) The operator of the vehicle has been adjudicated to be solely
28 responsible for the violation;

29 (ii) A person other than the registered owner has been adjudicated
30 to be responsible for the violation; or

31 (iii) 1. The registered owner is a lessor of the motor vehicle;

32 2. At the time of the violation, the motor vehicle involved was
33 in the possession of a lessee; and

34 3. The lessor, within 30 days of the issuance of the citation,
35 provides the Department or its authorized agent with a copy of the lease agreement
36 identifying the lessee.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2000.