

# SENATE BILL 26

R4

4lr0016

(PRE-FILED)

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 5, 2014

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CHAPTER \_\_\_\_\_

AN ACT concerning

## **Motor Vehicles – Commercial Instructional Permit Holders – Administrative Penalties and Procedures**

FOR the purpose of establishing that certain administrative penalties and procedures that apply to a holder of a commercial driver's license for certain motor vehicle violations under certain circumstances also apply to a holder of a commercial instructional permit; altering a certain definition; and generally relating to administrative penalties and procedures for holders of commercial motor vehicle instructional permits.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205.1(b)(1)(iii), (f), and (g), 16–803(j), 16–812, 16–813(a), and 16–814

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Transportation**

16–205.1.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(iii) In addition to any applicable driver's license suspensions authorized under this section, in the case of a person operating a commercial motor vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license who refuses to take a test:

1. Disqualify the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and disqualify for life if the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license has been previously disqualified for at least 1 year under:

- A. § 16–812(a) or (b) of this title;
- B. A federal law; or
- C. Any other state's law; or

2. If the person holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(f) (1) Subject to the provisions of this subsection, at the time of, or within 30 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the Administration if:

(i) The person is arrested for driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title; and

- (ii) 1. There is an alcohol concentration of 0.08 or more at the time of testing; or
- 2. The person refused to take a test.

(2) A request for a hearing made by mail shall be deemed to have been made on the date of the United States Postal Service postmark on the mail.

(3) If the driver's license has not been previously surrendered, the license must be surrendered at the time the request for a hearing is made.

(4) If a hearing request is not made at the time of or within 10 days after the issuance of the order of suspension, the Administration shall:

(i) Make the suspension order effective suspending the license:

1. Except as provided in item 2 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, for 45 days; or

B. For a second or subsequent offense, for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, for 90 days; or

B. For a second or subsequent offense, for 180 days; or

3. For a test refusal:

A. For a first offense, for 120 days; or

B. For a second offense or subsequent offense, for 1 year;

and

(ii) 1. In the case of a person operating a commercial motor vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license who refuses to take a test, disqualify the person from operating a commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test, and who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle in this State and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(5) (i) If the person requests a hearing at the time of or within 10 days after the issuance of the order of suspension and surrenders the driver's license or, if applicable, the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, the Administration shall set a hearing for a date within 30 days of the receipt of the request.

(ii) Subject to the provisions of this paragraph, a postponement of a hearing under this paragraph does not extend the period for which the person is authorized to drive and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period after the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall extend the period for which the person is authorized to drive if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the order of suspension was served under this section, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing described under this paragraph, fails to comply with the subpoena at an initial or subsequent hearing described under this paragraph held within the 45-day period; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing described under this paragraph held within the 45-day period after the issuance of the order of suspension.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period after the issuance of the order of suspension under the circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and

issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing described under this paragraph.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(6) (i) If a hearing request is not made at the time of, or within 10 days from the date of the issuance of an order of suspension, but within 30 days of the date of the issuance of an order of suspension, the person requests a hearing and surrenders the driver's license or, if applicable, the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, the Administration shall:

1. A. Make a suspension order effective suspending the license for the applicable period of time described under paragraph (4)(i) of this subsection; and

B. In the case of a person operating a commercial motor vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license who refuses to take a test, disqualify the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, or privilege to operate a commercial motor vehicle in this State, for the applicable period of time described under paragraph (4)(ii) of this subsection; and

2. Set a hearing for a date within 45 days of the receipt of a request for a hearing under this paragraph.

(ii) A request for a hearing scheduled under this paragraph does not extend the period for which the person is authorized to drive, and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period that begins on the date of the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall stay the suspension only if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing under this paragraph within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the person requested a hearing under this paragraph, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing, fails to comply with the subpoena at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period that begins on the date of the request for a hearing under this paragraph under circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(7) (i) At a hearing under this section, the person has the rights described in § 12-206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

6. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.15 or more at the time of testing; or

7. If the hearing involves disqualification of **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license, whether the person was operating a commercial motor vehicle or held **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal, a test result indicating an alcohol concentration of 0.08 or more at the time of testing, or a test result indicating an alcohol concentration of 0.15 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend the driver's license or privilege to drive of the person charged under subsection (b) or (c) of this section if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. The police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed; and

4. A. The person refused to take the test; or

B. A test to determine alcohol concentration was taken and the test result indicated an alcohol concentration of 0.08 or more at the time of testing.

(ii) After a hearing, the Administration shall disqualify the person from driving a commercial motor vehicle if:

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1. The person was detained while operating a commercial motor vehicle or while holding **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

2. The police officer who stopped or detained the person had reasonable grounds to believe that the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

3. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

4. The police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed; and

5. The person refused to take the test.

(iii) If the person is licensed to drive a commercial motor vehicle **OR HOLDS A COMMERCIAL INSTRUCTIONAL PERMIT**, the Administration shall disqualify the person in accordance with subparagraph (ii) of this paragraph, but may not impose a suspension under subparagraph (i) of this paragraph, if:

1. The person was detained while operating a commercial motor vehicle or while holding **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction or in violation of § 16–813 of this title;

3. The police officer did not have reasonable grounds to believe the driver was driving while under the influence of alcohol, driving while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; and

4. The driver refused to take a test.

(iv) In the absence of a compelling reason for failure to attend a hearing, failure of a person to attend a hearing is prima facie evidence of the person's inability to answer the sworn statement of the police officer or the test technician or analyst, and the Administration summarily shall:

1. Suspend the driver's license or privilege to drive; and
2. If the driver is detained in a commercial motor vehicle or holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license, disqualify the person from operating a commercial motor vehicle.

(v) The suspension imposed shall be:

1. Except as provided in item 2 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:
  - A. For a first offense, a suspension for 45 days; or
  - B. For a second or subsequent offense, a suspension for 90 days;
2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:
  - A. For a first offense, a suspension of 90 days; or
  - B. For a second or subsequent offense, a suspension of 180 days; or
3. For a test refusal:
  - A. For a first offense, a suspension for 120 days; or
  - B. For a second or subsequent offense, a suspension for 1 year.

(vi) A disqualification imposed under subparagraph (ii) or (iii) of this paragraph shall be for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous material required to be placarded, and life for a second or subsequent offense which occurs while operating or attempting to operate any commercial motor vehicle.

(vii) A disqualification of **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license is not subject to any modifications, nor may a restricted **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license be issued in lieu of a disqualification.

(viii) A disqualification for life may be reduced if permitted by § 16-812(d) of this title.

(q) The provisions of this section relating to disqualification do not apply to offenses committed by an individual in a noncommercial motor vehicle before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial [driver's license] **INSTRUCTIONAL PERMIT** by any state.

16-803.

(j) (1) "Serious traffic violation" means:

(i) Excessive speeding, as defined by the United States Secretary of Transportation by regulation;

(ii) Reckless driving;

(iii) A violation of any state or local law relating to operating a motor vehicle, other than a parking violation, arising in connection with an accident or collision resulting in death to any individual;

(iv) Driving a commercial motor vehicle without obtaining **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

(v) Driving a commercial motor vehicle without **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license in the driver's possession;

(vi) Driving a commercial motor vehicle without the proper class of **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license;

(vii) Driving a commercial motor vehicle without the proper endorsements **FOR THE COMMERCIAL INSTRUCTIONAL PERMIT OR COMMERCIAL DRIVER'S LICENSE;** or

(viii) Any other violation of a state or local law which the United States Secretary of Transportation determines by regulation to be serious.

(2) Serious traffic violation does not include vehicle weight and vehicle defect violations.

16-812.

(a) The Administration shall disqualify any individual from driving a commercial motor vehicle for a period of 1 year if:

(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:

- (i) A violation of § 21–902 of this article;
- (ii) A violation of a federal law or any other state’s law which is substantially similar in nature to the provisions in § 21–902 of this article;
- (iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation;
- (iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;
- (v) A violation of § 25–112 of this article; or
- (vi) A violation of § 2–209, § 2–503, § 2–504, § 2–505, or § 2–506 of the Criminal Law Article;

(2) The individual holds a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license and is convicted of committing any of the following offenses while driving a noncommercial motor vehicle:

- (i) A violation of § 21–902(a), (c), or (d) of this article;
- (ii) A violation of a federal law or any other state’s law which is substantially similar in nature to the provisions in § 21–902(a), (c), or (d) of this article;
- (iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation; or
- (iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(3) The individual, while driving a commercial motor vehicle or while holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license, refuses to undergo testing as provided in § 16–205.1 of this title or as is required by any other state’s law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table 1, or 49 C.F.R. § 392.5(a)(2);

(4) The individual drives or attempts to drive a commercial motor vehicle while the alcohol concentration of the person’s blood or breath is 0.04 or greater; or

(5) The individual drives a commercial motor vehicle when, as a result of prior violations committed while driving a commercial motor vehicle, the driver’s **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license is revoked,

suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

(b) If any of the offenses in subsection (a) of this section occurred while transporting a hazardous material required to be placarded, the Administration shall disqualify the individual for a period of 3 years.

(c) The Administration shall disqualify any person from driving a commercial motor vehicle for life for 2 or more violations of any of the offenses specified in subsection (a) or (b) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

(d) The Administration shall adopt regulations establishing guidelines, including conditions, under which a disqualification for life may be reduced to a period of time which may be permitted by federal regulations.

(e) The Administration shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled dangerous substance, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance.

(f) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted under the laws of this State or any other state of 2 serious traffic violations arising from separate incidents occurring within a 3-year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license and operating a noncommercial vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(g) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 120 days if convicted under the laws of this State or any other state of 3 serious traffic violations arising from separate incidents occurring within a 3-year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license and operating a noncommercial motor vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(h) The Administration may disqualify a person from driving a commercial motor vehicle for a controlled dangerous substance offense in the manner provided under Article 41, Title 1, Subtitle 5 of the Code.

(i) (1) In this subsection the following terms have the meanings indicated:

(i) “Commercial motor vehicle” means:

1. A “commercial motor vehicle” as defined in § 16–803 of this subtitle; and

2. Except as provided in § 16–803(c)(2) of this subtitle, any self-propelled or towed vehicle used on a public highway to transport passengers or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

(ii) “Out-of-service order” means a declaration by an authorized enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is put out of service pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal Regulations, compatible laws, or the North American Uniform Out-of-Service Criteria.

(2) A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(j) A driver who is convicted of a violation of any of the provisions of §§ 21–701 through 21–704 of this article pertaining to railroad grade crossings or any other federal, state, or local law or regulation pertaining to railroad grade crossings that is substantially similar to §§ 21–701 through 21–704 of this article, while operating a commercial motor vehicle, is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(k) (1) The Administration shall cancel a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license if the applicant provides information that is incomplete or incorrect.

(2) If the Administration determines, in its check of an applicant’s license status and record prior to issuing a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license, or at any time after the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license, the Administration shall suspend, cancel, or revoke the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license or pending application, or

disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

(l) After suspending, revoking, or canceling a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, or after disqualifying a person who holds a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license from operating a commercial motor vehicle, the Administration shall update its records to reflect that action within 10 days.

(m) After suspending, revoking, or canceling a nonresident commercial driver's privilege, or after disqualifying a nonresident driver from operating a commercial motor vehicle, the Administration shall notify the licensing authority of the state which issued the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license within 10 days.

(n) An individual who is disqualified from driving a commercial motor vehicle under this section shall surrender the individual's driver's license to the Administration.

(o) The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified under this section if:

(1) The individual surrenders the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license; and

(2) The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(p) (1) (i) On termination of a disqualification period of less than 1 year, an individual may apply for restoration of the individual's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license.

(ii) The Administration shall reissue a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license under this paragraph when the applicant pays any required fees.

(2) On termination of a disqualification period of at least 1 year, an individual may apply for a new **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license.

(3) The Administration shall issue a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license to the applicant when the applicant:

(i) Passes the skills and knowledge tests required by this subtitle;

(ii) Is eligible to drive pursuant to the Commercial Driver's License Information System, and National Driver's Register;

(iii) Surrenders any previously issued driver's instructional permit or license; and

(iv) Pays the fees required by § 16–818(a)(1) of this subtitle.

(q) If an individual is disqualified based on multiple offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall disqualify the individual from driving a commercial motor vehicle for the offense which results in the lengthiest period of disqualification; and

(2) May not impose any additional periods of disqualification for the remainder of the offenses.

(r) Notwithstanding any other provision of law, an offense described in this section or § 16–205.1 of this title committed by an individual in a noncommercial motor vehicle may not be considered an offense for the purposes of disqualification if the offense occurred before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial [driver's license] **INSTRUCTIONAL PERMIT** by any state.

16–813.

(a) (1) An individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has any alcohol concentration in the individual's blood or breath.

(2) Notwithstanding the provisions of paragraph (1) of this subsection and for the purpose of disqualifying an individual's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license for a violation of § 16–812(a) of this subtitle, an individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has an alcohol concentration of 0.04 or greater in the individual's blood or breath.

16–814.

Within 10 days of the conviction, the Administration shall notify the driver licensing authority in the licensing state of the conviction of:

(1) Any nonresident holder of a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations;

(2) Any nonresident holder of a noncommercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations, committed in a commercial motor vehicle; or

(3) Any nonresident who does not hold any type of license to drive, or whose license to drive is suspended, revoked, or canceled, for the violation of any State law or local ordinance relating to operating a commercial motor vehicle, other than parking violations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.