

Chapter 158

(Senate Bill 80)

AN ACT concerning

**Commercial Drivers' Licenses – Cancellations and Downgrades
(Driving Privilege Preservation Act of 2016)**

FOR the purpose of requiring the Motor Vehicle Administration to cancel the commercial driver's license of ~~a person~~ *an individual* who fails to submit to the Administration a certain certificate of physical examination; authorizing the Administration to issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled, under certain circumstances; authorizing the Administration to immediately reinstate and, subject to certain conditions, issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled as a result of the failure to submit a certain certificate of physical examination, under certain circumstances; and generally relating to commercial driver's license cancellations and downgrades.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–812(k) and (o)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

Article – Transportation

16–812.

(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.

(3) THE ADMINISTRATION SHALL CANCEL THE COMMERCIAL DRIVER'S LICENSE OF ANY ~~PERSON~~ INDIVIDUAL WHO FAILS TO SUBMIT TO THE ADMINISTRATION A CURRENT CERTIFICATE OF PHYSICAL EXAMINATION, AS REQUIRED UNDER 49 C.F.R. § 391.43 AND § 391.45.

(o) **(1)** The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified **OR WHOSE COMMERCIAL DRIVER'S LICENSE IS CANCELED** under this section if:

[(1)] (I) The individual surrenders the commercial instructional permit or commercial driver's license; and

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

(2) (I) THE ADMINISTRATION MAY IMMEDIATELY REINSTATE AN INDIVIDUAL'S NONCOMMERCIAL DRIVING PRIVILEGE AND, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ISSUE A NONCOMMERCIAL DRIVER'S LICENSE OF AN APPROPRIATE CLASS TO AN INDIVIDUAL WHOSE COMMERCIAL DRIVER'S LICENSE IS CANCELED UNDER SUBSECTION (K)(3) OF THIS SECTION IF:

1. THE CANCELLATION RESULTS SOLELY FROM THE FAILURE TO SUBMIT A CERTIFICATE OF PHYSICAL EXAMINATION;

2. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT EXPIRED; AND

3. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT OTHERWISE REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THIS STATE OR ANY OTHER STATE.

(II) THE ADMINISTRATION MAY NOT ISSUE A NONCOMMERCIAL DRIVER'S LICENSE UNDER THIS PARAGRAPH UNLESS THE INDIVIDUAL SURRENDERS THE COMMERCIAL DRIVER'S LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 26, 2016.