

HOUSE BILL 1036

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CF SB 844

By: **Delegates R. Watson, D. Barnes, Barron, D.M. Davis, Ivey, and Proctor**

Introduced and read first time: February 5, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Commercial Motor Carriers – Safety, Maintenance, and**
3 **Insurance Information**
4 **(James’s Law)**

5 FOR the purpose of requiring certain employers of commercial motor vehicle drivers to
6 provide certain information to a prospective employee driver; requiring a contract
7 between a certain employer of commercial motor vehicle drivers and a subcontractor
8 to contain certain provisions; providing for the application of this Act; and generally
9 relating to requirements for commercial motor carriers.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 16–803(a) and (e)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 16–806
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2019 Supplement)

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

22 **Article – Transportation**

23 16–803.

24 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Employer" means any individual, including the United States, a state, or a
2 political subdivision of a state, who owns or leases a commercial motor vehicle or assigns
3 drivers to operate such a vehicle. An individual who employs himself as a commercial motor
4 vehicle driver is considered to be both an employer and a driver for the purposes of this
5 subtitle.

6 16–806.

7 (a) Each employer shall require the information specified in § 16–805(c) of this
8 subtitle to be provided by the applicant.

9 (b) An employer may not knowingly allow, require, permit, or authorize a driver
10 to drive a commercial motor vehicle in the United States:

11 (1) During any period in which the driver has a driver's license suspended,
12 revoked, or canceled by a state or has lost the privilege to operate a commercial motor
13 vehicle in a state;

14 (2) During any period in which the driver has been disqualified from
15 driving a commercial motor vehicle;

16 (3) During any period in which the driver has more than 1 driver's license;

17 (4) During any period in which the driver, the motor vehicle he or she is
18 driving, or the motor carrier operation, is subject to an out-of-service order; or

19 (5) In violation of any of the provisions of §§ 21–701 through 21–704 of this
20 article pertaining to railroad crossings or any other federal, state, or local law or regulation
21 substantially similar to a provision of §§ 21–701 through 21–704 of this article, pertaining
22 to railroad grade crossings.

23 (C) (1) **THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER THAT:**

24 (I) **IS REGULATED BY THE FEDERAL MOTOR CARRIER SAFETY**
25 **ADMINISTRATION;**

26 (II) **OPERATES A PHYSICAL PLACE OF BUSINESS IN THE STATE;**
27 **AND**

28 (III) **EMPLOYS MORE THAN ONE DRIVER IN THE STATE.**

29 (2) **AN EMPLOYER SHALL PROVIDE A PROSPECTIVE EMPLOYEE**
30 **DRIVER WITH:**

31 (I) **A COPY OF THE EMPLOYER'S SAFETY RECORD MAINTAINED**
32 **BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION;**

1 **(II) ACCESS TO UP-TO-DATE SERVICE AND MAINTENANCE**
2 **RECORDS; AND**

3 **(III) PROOF OF INSURANCE, INCLUDING INFORMATION ON**
4 **POLICY COVERAGE.**

5 **(3) A CONTRACT BETWEEN AN EMPLOYER AND A SUBCONTRACTOR**
6 **SHALL REQUIRE PERIODIC UPDATES BY THE SUBCONTRACTOR TO THE EMPLOYER**
7 **REGARDING:**

8 **(I) SAFETY RECORDS;**

9 **(II) MAINTENANCE RECORDS; AND**

10 **(III) PROOF OF INSURANCE.**

11 **[(c)] (D)** An employer that is convicted of violating subsection (b)(4) or (5) of this
12 section is subject to the civil penalties specified in regulation by the United States Secretary
13 of Transportation.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2020.