

SENATE BILL 140

R7
HB 1036/20 – ENT

(PRE-FILED)

1lr1482
CF HB 1074

By: **Senator Peters**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 23, 2021

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Commercial Motor Carriers – Safety, Inspection, Performance,**
3 **and Insurance Information**
4 **(James Cohran’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 on a bona fide offer of
7 employment; providing for the application of this Act; and generally relating to
8 requirements for commercial motor carriers.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 16–803(a) and (e)
12 Annotated Code of Maryland
13 (2020 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 16–806
17 Annotated Code of Maryland
18 (2020 Replacement Volume)

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

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.



1 **Article – Transportation**

2 16–803.

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

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

9 16–806.

10 (a) Each employer shall require the information specified in § 16–805(c) of this
11 subtitle to be provided by the applicant.12 (b) An employer may not knowingly allow, require, permit, or authorize a driver
13 to drive a commercial motor vehicle in the United States:14 (1) During any period in which the driver has a driver’s license suspended,
15 revoked, or canceled by a state or has lost the privilege to operate a commercial motor
16 vehicle in a state;17 (2) During any period in which the driver has been disqualified from
18 driving a commercial motor vehicle;

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

20 (4) During any period in which the driver, the motor vehicle he or she is
21 driving, or the motor carrier operation, is subject to an out-of-service order; or22 (5) In violation of any of the provisions of §§ 21–701 through 21–704 of this
23 article pertaining to railroad crossings or any other federal, state, or local law or regulation
24 substantially similar to a provision of §§ 21–701 through 21–704 of this article, pertaining
25 to railroad grade crossings.26 **(C) (1) THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER THAT:**27 **(I) IS REGULATED BY THE FEDERAL MOTOR CARRIER SAFETY**
28 **ADMINISTRATION;**29 **(II) OPERATES A PHYSICAL PLACE OF BUSINESS IN THE STATE;**
30 **AND**31 **(III) EMPLOYS MORE THAN ONE DRIVER IN THE STATE.**

1 **(2) ON A BONA FIDE OFFER OF EMPLOYMENT, AN EMPLOYER SHALL**
2 **PROVIDE A PROSPECTIVE EMPLOYEE DRIVER WITH ITS U.S. DEPARTMENT OF**
3 **TRANSPORTATION NUMBER AND THE WEBSITE ADDRESS FOR THE FEDERAL MOTOR**
4 **CARRIER SAFETY ADMINISTRATION’S SAFETY AND FITNESS RECORDS (SAFER)**
5 **SYSTEM.**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.