



Maryland Motor Truck Association

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HEARING DATE: March 4, 2020

BILL NO/TITLE: **SB844 - Vehicle Laws - Commercial Motor Carriers - Safety, Maintenance, and Insurance Information (James's Law)**

COMMITTEE: Judicial Proceedings

POSITION: **Oppose as Introduced**

Maryland Motor Truck Association appreciates that SB844 is being offered as a result of a tragic accident; however, the Association opposes SB844 as introduced believing it will do nothing to improve safety and places an **unreasonable burden on motor carriers to provide records that are already available to the public online.**

As introduced, SB844 requires motor carriers to provide the company's safety records maintained by the U.S. Department of Transportation's Federal Motor Carrier Safety Administration, proof of insurance, and up-to-date service and maintenance records to a "prospective employee driver." Each of these is described below.

Safety Records: Every company operating a commercial motor vehicle must have an identification number issued by the U.S. Department of Transportation. Federal law requires that the USDOT number and company name be printed on the side of every vehicle. Within USDOT, the Federal Motor Carrier Safety Administration maintains the safety records of all motor carriers. These records are available at <https://safer.fmcsa.dot.gov/>. **Anyone can access the safety records of a motor carrier using the USDOT number or the company name.**

Included in the FMCSA online records are:

- Inspection history
- Crash history
- Safety rating
- Number and type of vehicles
- Operating authority
- Insurance information
- Types of cargo, and more.

Insurance Information: Insurance information is also included on the FMCSA website. This includes policy number, insurance carrier, coverage amount, effective date, insurance history, and more. **This is all public information accessible using the USDOT number or company name.**

Maintenance Records: This legislation would require a motor carrier to provide maintenance records for every one of its vehicles to any driver who applies for a job, even if the company has no interest in hiring the applicant. Companies operating 20, 50, 100, or 1,000 trucks would be required to pull this information for every truck. Maintenance of a commercial motor vehicle is a shared responsibility between both the company and driver.

- For Companies – Motor carriers with Maryland registered trucks are required to perform an annual Preventive Maintenance Inspection every 25,000 miles or annually, whichever occurs first. **These are the most stringent rules in the country.** Federal law only requires a PM once per year, regardless of miles. **A copy of Maryland's PM report is required to be kept in the vehicle.** Companies are also responsible for the repair of any defects identified by a driver during his pre-trip and/or post-trip inspection (see below).
- For Drivers – **Drivers are required to perform a pre-trip inspection of their vehicle every day and be satisfied the vehicle is in safe operating condition before taking the vehicle on the road.** At the end of the day, drivers must conduct a post-trip inspection and document any defects that would affect the safe operation of the vehicle. **The company must repair the defects prior to a driver operating the vehicle. The driver must sign that the repairs were performed before taking the vehicle on the road.**

In addition to the concerns noted above, MMTA is also concerned that this legislation lacks several important definitions, including:

- What is a “prospective employee”? **As written this legislation would seemingly apply to anyone who applies for a driving job. MMTA believes any mandate should only apply when a company provides a bona fide offer of employment to a driver.**
- What is a “periodic update” for records shared between an employer and a subcontractor?

Lastly, this legislation attempts to govern contract language between an employer and a subcontractor by imposing requirements on information that the subcontractor must provide.

The Association is working with the sponsor on the development of an amendment that would modify this legislation substantially. That amendment is expected to require employers, upon making a bona fide offer of employment to a prospective employee driver, to provide the driver with its U.S. DOT number and the URL for the Federal Motor Carrier Safety Administration’s Safety and Fitness Electronic Records System. This will enable drivers to research a company’s safety, insurance and other information before accepting an offer of employment. This amendment would address many of the concerns noted above and we would withdraw our opposition to this legislation.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a not-for-profit trade association representing the trucking industry since 1935. In service to its 1,000 members, MMTA is committed to supporting and advocating for a safe, efficient and profitable trucking industry across all sectors and industry types, regardless of size, domicile or type of operation.

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