
By: **Delegate Hixson**

Introduced and read first time: February 16, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Commercial Driver's License - Disqualification for Alcohol**
3 **Concentration**

4 FOR the purpose of requiring an applicant for employment as a driver of a
5 commercial motor vehicle to provide to the prospective employer information on
6 any suspension, revocation, cancellation, or disqualification of the applicant's
7 commercial driver's license; requiring the Motor Vehicle Administration to
8 disqualify an individual from operating a commercial motor vehicle if the
9 individual has a certain concentration of alcohol in the individual's blood or
10 breath after undergoing certain random tests required by federal law; requiring
11 certain employers to report certain violations to the Administration within a
12 certain time period; and generally relating to alcohol violations of holders of
13 commercial drivers' licenses.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 16-805, 16-806, 16-812, and 16-813
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1997 Supplement)

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

21 **Article - Transportation**

22 16-805.

23 (a) (1) Any driver of a commercial motor vehicle holding a driver's license
24 issued by this State, who is convicted of violating any federal law, State law, or local
25 ordinance relating to operating a motor vehicle in any other state, other than parking
26 violations, shall notify the Administration in the manner specified by the
27 Administration within 30 days of the date of conviction.

28 (2) Any driver of a commercial motor vehicle holding a commercial
29 driver's license issued by this State, who is convicted of violating any federal law,

1 State law, or local ordinance relating to operating a motor vehicle in this or any other
2 state, other than parking violations, shall notify the driver's employer in writing of
3 the conviction within 30 days of the date of conviction.

4 (b) Any driver of a commercial motor vehicle whose driver's license is
5 suspended, revoked, or canceled by any state, or who is disqualified from driving a
6 commercial motor vehicle for any period, shall notify the driver's employer of the
7 suspension, revocation, cancellation, or disqualification before the end of the business
8 day following the day that the driver received notice of that fact.

9 (c) Any individual who applies for employment as a driver of a commercial
10 motor vehicle shall provide the employer, at the time of the application, with the
11 following information for the 10 years preceding the date of application:

12 (1) A list of the names and addresses of the applicant's previous
13 employers for which the applicant was a driver of a commercial motor vehicle;

14 (2) The dates the applicant was employed by each employer; [and]

15 (3) The reason for leaving that employment; AND

16 (4) ANY SUSPENSION, REVOCATION, CANCELLATION, OR
17 DISQUALIFICATION OF THE APPLICANT'S COMMERCIAL DRIVER'S LICENSE BY THE
18 ADMINISTRATION OR THE LICENSING AUTHORITY OF THE STATE THAT ISSUED THE
19 COMMERCIAL DRIVER'S LICENSE.

20 (d) An applicant for employment as a driver of a commercial motor vehicle
21 shall certify that all information furnished on the application is true and complete.

22 (e) Unless otherwise prohibited by law, an employer may require an applicant
23 to provide information in addition to that required by subsection (c) of this section.

24 16-806.

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

27 (b) An employer may not knowingly allow, permit, or authorize a driver to
28 drive a commercial motor vehicle in the United States during any period:

29 (1) In which the driver has a driver's license suspended, revoked, or
30 canceled by a state;

31 (2) In which the driver has been disqualified from driving a commercial
32 motor vehicle;

33 (3) In which the driver has more than 1 driver's license; or

34 (4) In which the employee, the motor vehicle the employee is driving, or
35 the motor carrier operation, is subject to an out-of-service order.

1 (C) AN EMPLOYER SHALL REPORT ANY VIOLATION OF § 16-812(A)(2) OR (4) OF
2 THIS SUBTITLE BY AN INDIVIDUAL TO THE ADMINISTRATION WITHIN 24 HOURS.

3 16-812.

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

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

8 (i) Driving in violation of § 21-902 of this article;

9 (ii) Driving in violation of a federal law or any other state's law
10 which is substantially similar in nature to the provisions in § 21-902 of this article;

11 (iii) Leaving the scene of an accident which requires disqualification
12 as provided by the United States Secretary of Transportation; or

13 (iv) A crime, other than a crime described in subsection (e) of this
14 section, that is punishable by death or imprisonment for a term exceeding 1 year;

15 (2) The individual, while driving a commercial motor vehicle, refuses to
16 undergo testing as provided in § 16-205.1 of this title or as is required by any other
17 state's law or by federal law in the enforcement of 49 CFR § 383.51(b)(2)(i)(A) or (B),
18 or 49 CFR § 392.5(a)(2); [or]

19 (3) The individual drives or attempts to drive a commercial motor vehicle
20 while the alcohol concentration of the person's blood or breath is 0.04 or more; OR

21 (4) THE INDIVIDUAL, AFTER UNDERGOING A RANDOM ALCOHOL TEST
22 REQUIRED BY FEDERAL LAW IN THE ENFORCEMENT OF 49 CFR § 383.51(B)(2)(I)(A) OR
23 (B), HAS AN ALCOHOL CONCENTRATION IN THE PERSON'S BLOOD OR BREATH OF 0.04
24 OR MORE.

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

28 (c) The Administration shall disqualify any person from driving a commercial
29 motor vehicle for life for 2 or more violations of any of the offenses specified in
30 subsection (a) or (b) of this section, or any combination of those offenses, arising from
31 2 or more separate incidents.

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

35 (e) The Administration shall disqualify any person from driving a commercial
36 motor vehicle for life who uses a commercial motor vehicle in the commission of any

1 felony involving the manufacture, distribution, or dispensing of a controlled
2 dangerous substance, or possession with intent to manufacture, distribute, or
3 dispense a controlled dangerous substance.

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

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

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

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

16 (i) "Commercial motor vehicle" means:

17 1. A "commercial motor vehicle" as defined in § 11-109.1 of
18 this article; and

19 2. Except as provided in § 11-109.1(b) of this article, any
20 self-propelled or towed vehicle used on a public highway to transport passengers or
21 property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

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

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

31 (j) The Administration shall cancel a commercial driver's license if the
32 applicant provides information that is incomplete or incorrect.

33 (k) After suspending, revoking, or canceling a commercial driver's license, or
34 after disqualifying a commercial driver from operating a commercial motor vehicle,
35 the Administration shall update its records to reflect that action within 10 days.

36 (l) After suspending, revoking, or canceling a nonresident commercial driver's
37 privilege, or after disqualifying a nonresident driver from operating a commercial

1 motor vehicle, the Administration shall notify the licensing authority of the state
2 which issued the commercial driver's license within 10 days.

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

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

8 (1) The individual surrenders the commercial driver's license; and

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

11 (o) Upon termination of a disqualification period, an individual may apply for
12 a new commercial driver's license. The Administration shall issue a commercial
13 driver's license to the applicant when the applicant:

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

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

17 (3) Surrenders any previously issued driver's instructional permit or
18 license; and

19 (4) Pays the fees required by § 16-818(a)(1) of this subtitle.

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

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

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

27 16-813.

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

31 (b) A person who drives, operates, or is in physical control of a commercial
32 motor vehicle while having alcohol in the person's system or who, subject to §
33 16-205.1 of this title, refuses to take a chemical test to determine the alcohol
34 concentration, shall be placed out-of-service [for the 24-hour period] immediately
35 following the time the police officer or employer detects alcohol in the driver's blood or
36 breath AND BE REPORTED TO THE ADMINISTRATION WITHIN 24 HOURS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1998.