

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Vehicles - Commercial Vehicle Information Systems and**
3 **Network Transponders**

4 FOR the purpose of requiring the drivers of certain commercial vehicles to stop for
5 certain purposes when directed by an electronic signal to a Commercial Vehicle
6 Information Systems and Network (CVISN) transponder; prohibiting a person
7 from possessing or using a "cloned CVISN transponder"; prohibiting a person
8 from distributing or possessing with intent to distribute, manufacture, or sell a
9 "cloned CVISN transponder"; prohibiting a person from possessing a CVISN
10 transponder with intent to manufacture a cloned CVISN transponder; providing
11 that the registered owner of a vehicle is liable for violations of this Act under
12 certain circumstances; providing for certain penalties; requiring the Motor
13 Vehicle Administration to disqualify an individual from driving a commercial
14 motor vehicle for a violation of certain provisions relating to cloned CVISN
15 transponders; defining certain terms; making stylistic changes; and generally
16 relating to the use and regulation of transponders under the CVISN program.

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 16-812(a)(1), 24-111, and 25-111(b) and (d)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 1998 Supplement)

22 BY adding to
23 Article - Transportation
24 Section 25-112 and 27-112
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 1998 Supplement)

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

1 **Article - Transportation**

2 16-812.

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

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

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

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

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

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

14 (V) DRIVING IN VIOLATION OF § 25-112 OF THIS ARTICLE.

15 24-111.

16 (a) (1) In this section and in § 24-111.1 of this subtitle[, "police] THE
17 FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

18 (2) "CVISN" MEANS THE COMMERCIAL VEHICLE INFORMATION SYSTEMS
19 AND NETWORK, A MOTOR CARRIER PROGRAM MANAGED BY THE DEPARTMENT,
20 TOGETHER WITH OTHER STATE AGENCIES.

21 (3) "CVISN TRANSPONDER" MEANS AN ELECTRONIC DEVICE ACQUIRED
22 BY MOTOR CARRIERS TO ALLOW ELECTRONIC SIGNALING THROUGH CVISN.

23 (4) "POLICE officer" means:

24 [(1)] (I) Any uniformed police officer;

25 [(2)] (II) Any civilian employee of the Department of State Police or the
26 Maryland Transportation Authority Police assigned to enforce this subtitle, but only
27 while acting under written authorization of the Secretary of the State Police; or

28 [(3)] (III) Any civilian employee of a local government who is:

29 [(i)] 1. Acting under the immediate direction and control of a
30 uniformed police officer;

31 [(ii)] 2. Acting under written authorization of the Secretary of the
32 State Police; and

1 [(iii)] 3. Certified by the Department of State Police to perform the
2 weighing and measurement authorized under this section.

3 (b) (1) [If] THE DRIVER OF A VEHICLE MUST STOP AND SUBMIT THE
4 VEHICLE TO A MEASUREMENT OR WEIGHING:

5 (I) WHEN DIRECTED BY a police officer WHO has reason to believe
6 that the size or weight of a vehicle being driven on a highway violates this subtitle[,
7 the police officer may require the driver of the vehicle to stop and submit the vehicle
8 to a measurement or weighing]; OR

9 (II) WHEN DIRECTED BY AN ELECTRONIC SIGNAL TO A CVISN
10 TRANSPONDER.

11 (2) The weighing authorized by this subsection:

12 (i) May be done with either portable or stationary scales; and

13 (ii) In either case, shall be done by methods established by experts
14 in the field of weights and measures and adopted by rule or regulation of the
15 Department of State Police.

16 (3) If more than 1 statutory weight limit tolerance applies to a vehicle
17 being weighed under this section, the police officer shall grant only the greatest
18 applicable tolerance.

19 (c) The operation of a vehicle on any highway in this State constitutes the
20 consent of the driver and the owner of the vehicle to the measurement and weighing
21 provided for in this section.

22 (d) The driver of a vehicle shall obey every sign and every direction of a police
23 officer OR AN ELECTRONIC SIGNAL TO A CVISN TRANSPONDER to stop [his] THE
24 vehicle and submit it to measurement or weighing.

25 (e) A sign used to direct vehicles under this section may be displayed only by
26 a police officer who is assigned to enforce this title.

27 25-111.

28 (b) (1) [A] UPON DIRECTION BY A police officer OR BY AN ELECTRONIC
29 SIGNAL TO VEHICLES EQUIPPED WITH A CVISN TRANSPONDER, [may require] the
30 driver of any vehicle that is subject to any rule or regulation adopted under this
31 section [to] SHALL stop and submit to an inspection:

32 (i) All applicable driver records, including driver's license, driver
33 hours of service record and certificate of physical examination;

34 (ii) All load manifests, including bills of lading or other shipping
35 documents; and

36 (iii) All cargo and cargo areas; and

1 (2) A police officer who is certified by the Department of State Police to
2 perform an inspection authorized under this section, a Public Service Commission
3 inspector, or a hazardous materials inspector may conduct a safety inspection of the
4 vehicle that is subject to a rule or regulation adopted under this section or § 22-409 of
5 this article.

6 (d) The driver of a vehicle shall obey every sign and every direction of a police
7 officer OR AN ELECTRONIC SIGNAL TO A CVISN TRANSPONDER to stop [his] THE
8 vehicle and submit to the required inspection.

9 25-112.

10 (A) (1) IN THIS SECTION AND IN § 25-111 OF THIS SUBTITLE THE FOLLOWING
11 WORDS HAVE THE MEANINGS INDICATED.

12 (2) "CLONED CVISN TRANSPONDER" MEANS A CVISN TRANSPONDER OR
13 OTHER ELECTRONIC DEVICE THAT HAS BEEN CONVERTED WITH THE ELECTRONIC
14 SERIAL NUMBER OR OTHER PROPRIETARY INFORMATION OBTAINED WITHOUT THE
15 CONSENT OF THE STATE.

16 (3) "CVISN" MEANS THE COMMERCIAL VEHICLE INFORMATION SYSTEMS
17 AND NETWORK, A MOTOR CARRIER PROGRAM MANAGED BY THE DEPARTMENT,
18 TOGETHER WITH OTHER STATE AGENCIES.

19 (4) "CVISN TRANSPONDER" MEANS AN ELECTRONIC DEVICE ACQUIRED
20 BY MOTOR CARRIERS TO ALLOW ELECTRONIC SIGNALING THROUGH CVISN.

21 (5) "MANUFACTURE" MEANS TO PRODUCE, ASSEMBLE, MODIFY, ALTER,
22 PROGRAM, REPROGRAM, OR TAMPER WITH A CVISN TRANSPONDER WITHOUT THE
23 CONSENT OF THE STATE.

24 (6) "SELL" MEANS TO SELL, EXCHANGE, GIVE, OR DISPOSE OF TO
25 ANOTHER, OR TO OFFER OR AGREE TO DO THE SAME.

26 (B) (1) A PERSON MAY NOT KNOWINGLY POSSESS OR USE A CLONED CVISN
27 TRANSPONDER OR POSSESS A CVISN TRANSPONDER WITH THE INTENT TO
28 MANUFACTURE A CLONED CVISN TRANSPONDER.

29 (2) A PERSON MAY NOT KNOWINGLY DISTRIBUTE OR POSSESS WITH
30 INTENT TO DISTRIBUTE, MANUFACTURE, OR SELL A CLONED CVISN TRANSPONDER.

31 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF
32 THE OPERATOR OF A MOTOR VEHICLE IS IN POSSESSION OF A CLONED CVISN
33 TRANSPONDER, THE REGISTERED OWNER OF THE MOTOR VEHICLE SHALL BE LIABLE
34 FOR THE VIOLATION UNDER THIS SECTION.

35 (2) A REGISTERED OWNER IS NOT LIABLE FOR A VIOLATION UNDER THIS
36 SECTION IF:

1 (I) THE OPERATOR OF THE VEHICLE HAS BEEN ADJUDICATED TO
2 BE SOLELY RESPONSIBLE FOR THE VIOLATION;

3 (II) A PERSON OTHER THAN THE REGISTERED OWNER HAS BEEN
4 ADJUDICATED TO BE RESPONSIBLE FOR THE VIOLATION; OR

5 (III) 1. THE REGISTERED OWNER IS A LESSOR OF THE MOTOR
6 VEHICLE;

7 2. AT THE TIME OF THE VIOLATION, THE MOTOR VEHICLE
8 INVOLVED WAS IN THE POSSESSION OF A LESSEE; AND

9 3. THE LESSOR, WITHIN 30 DAYS OF THE ISSUANCE OF THE
10 CITATION, PROVIDES THE DEPARTMENT OR ITS AUTHORIZED AGENT WITH A COPY
11 OF THE LEASE AGREEMENT IDENTIFYING THE LESSEE.

12 27-112.

13 (A) IN ADDITION TO BEING DISQUALIFIED FROM DRIVING A COMMERCIAL
14 MOTOR VEHICLE UNDER § 16-812 OF THIS ARTICLE, A DRIVER OR OWNER WHO IS
15 CONVICTED OF VIOLATING § 25-112 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT
16 MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH.

17 (B) THE ADMINISTRATION MAY NOT REGISTER OR TRANSFER THE
18 REGISTRATION OF ANY VEHICLE INVOLVED IN A VIOLATION UNDER § 25-112 OF THIS
19 ARTICLE UNTIL FINAL DISPOSITION OF THE VIOLATION.

20 (C) THE PENALTIES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY
21 OTHER PENALTY PROVIDED BY LAW FOR A VIOLATION OF § 25-112 OF THIS ARTICLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1999.