

(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

Committee Report: Favorable
Senate action: Adopted
Read second time: March 17, 1999

CHAPTER _____

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

1 Section 25-112 and 27-112
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 1998 Supplement)

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

6 **Article - Transportation**

7 16-812.

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

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

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

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

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

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

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

20 24-111.

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

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

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

28 (4) "POLICE officer" means:

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

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

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

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

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

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

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

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

14 (II) WHEN DIRECTED BY AN ELECTRONIC SIGNAL TO A CVISN
15 TRANSPONDER.

16 (2) The weighing authorized by this subsection:

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

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

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

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

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

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

32 25-111.

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

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

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

5 (iii) All cargo and cargo areas; and

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

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

14 25-112.

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

17 (2) "CLONED CVISN TRANSPONDER" MEANS A CVISN TRANSPONDER OR
18 OTHER ELECTRONIC DEVICE THAT HAS BEEN CONVERTED WITH THE ELECTRONIC
19 SERIAL NUMBER OR OTHER PROPRIETARY INFORMATION OBTAINED WITHOUT THE
20 CONSENT OF THE STATE.

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

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

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

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

31 (B) (1) A PERSON MAY NOT KNOWINGLY POSSESS OR USE A CLONED CVISN
32 TRANSPONDER OR POSSESS A CVISN TRANSPONDER WITH THE INTENT TO
33 MANUFACTURE A CLONED CVISN TRANSPONDER.

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

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

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

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

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

11 (III) 1. THE REGISTERED OWNER IS A LESSOR OF THE MOTOR
12 VEHICLE;

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

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

18 27-112.

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

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

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

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