

SENATE BILL 45

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2000 Regular Session
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(PRE-FILED)

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

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Law - Commercial Vehicle Information Systems**
3 **and Network Transponders**

4 FOR the purpose of prohibiting a person from knowingly removing a Commercial
5 Vehicle Information Systems and Network (CVISN) transponder from the
6 commercial vehicle to which it is registered and placing it in another vehicle;
7 providing that the registered owner of the motor vehicle shall be liable for
8 certain violations except in certain circumstances; and generally relating to
9 Commercial Vehicle Information Systems and Network transponders.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 25-112
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 1999 Supplement)

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

17 **Article - Transportation**

18 25-112.

19 (a) (1) In this section and in § 25-111 of this subtitle the following words
20 have the meanings indicated.

21 (2) "Cloned CVISN transponder" means a CVISN transponder or other
22 electronic device that has been converted with the electronic serial number or other
23 proprietary information obtained without the consent of the State.

24 (3) "CVISN" means the Commercial Vehicle Information Systems and
25 Network, a motor carrier program managed by the Department, together with other
26 State agencies.

1 (4) "CVISN transponder" means an electronic device acquired by motor
2 carriers to allow electronic signaling through CVISN.

3 (5) "Manufacture" means to produce, assemble, modify, alter, program,
4 reprogram, or tamper with a CVISN transponder without the consent of the State.

5 (6) "Sell" means to sell, exchange, give, or dispose of to another, or to
6 offer or agree to do the same.

7 (b) (1) A person may not knowingly possess or use a cloned CVISN
8 transponder or possess a CVISN transponder with the intent to manufacture a cloned
9 CVISN transponder.

10 (2) A person may not knowingly distribute or possess with intent to
11 distribute, manufacture, or sell a cloned CVISN transponder.

12 (3) A PERSON MAY NOT KNOWINGLY REMOVE A CVISN TRANSPONDER
13 FROM THE COMMERCIAL VEHICLE TO WHICH IT IS REGISTERED AND PLACE IT IN
14 ANOTHER VEHICLE.

15 (c) (1) Except as provided in paragraph (2) of this subsection, if the operator
16 of a motor vehicle is in possession of a cloned CVISN transponder OR A CVISN
17 TRANSPONDER PLACED IN A COMMERCIAL VEHICLE TO WHICH IT IS NOT
18 REGISTERED, the registered owner of the motor vehicle shall be liable for the violation
19 under this section.

20 (2) A registered owner is not liable for a violation under this section if:

21 (i) The operator of the vehicle has been adjudicated to be solely
22 responsible for the violation;

23 (ii) A person other than the registered owner has been adjudicated
24 to be responsible for the violation; or

25 (iii) 1. The registered owner is a lessor of the motor vehicle;

26 2. At the time of the violation, the motor vehicle involved was
27 in the possession of a lessee; and

28 3. The lessor, within 30 days of the issuance of the citation,
29 provides the Department or its authorized agent with a copy of the lease agreement
30 identifying the lessee.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect October 1, 2000.