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

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Law - Commercial Driver's License and Instructional Permit -**
3 **Minimum Age**

4 FOR the purpose of repealing the authority of the Motor Vehicle Administration to
5 issue, under certain circumstances, a certain commercial driver's license or a
6 commercial driver's instructional permit to an individual under a certain age;
7 repealing the authority of the Administration to issue certain regulations; and
8 generally relating to the issuance of commercial drivers' licenses and
9 commercial drivers' instructional permits.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-817 and 25-111(i)
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

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 16-817.

19 (a) Except as provided in subsections (b)[, (c), and (d)] AND (C) of this section,
20 the Administration may not issue a commercial driver's license or a commercial
21 driver's instructional permit to any individual:

1 (1) Who is not a resident of Maryland; and

2 (2) Who is not at least 21 years of age.

3 (b) [(1)] The Administration may issue a Class A, B, or C commercial driver's
4 license or a commercial driver's instructional permit to an individual under the age of
5 21, if the individual is at least 18 years of age. The license:

6 [(i)] (1) May not include a hazardous materials endorsement;

7 [(ii)] (2) May not be valid for commercial interstate operation
8 except as permitted by 49 CFR Parts 390 to 399; and

9 [(iii)] (3) Shall be valid for commercial intrastate and all
10 noncommercial operation.

11 [(2)] The Administration may issue a Class B commercial driver's license
12 or a commercial driver's instructional permit to an individual under the age of 18, if
13 the individual meets the requirements of subsection (c) of this section. The license:

14 (i) May not include a hazardous materials endorsement;

15 (ii) May not include a passenger vehicle endorsement;

16 (iii) May not be valid for commercial interstate operation except as
17 permitted by 49 CFR Parts 390 to 399; and

18 (iv) Shall be valid for commercial intrastate and all noncommercial
19 operation.

20 (c) (1) The Administration may issue a commercial driver's license or a
21 commercial driver's instructional permit to an individual under the age of 18, if the
22 individual is at least 16 years old and has completed satisfactorily a driver's
23 education course approved under Subtitle 5 of this title.

24 (2) The individual shall be exempt from the laboratory instruction
25 required by Subtitle 5 of this title, but not the required classroom instruction if the
26 individual:

27 (i) Has been licensed regularly to drive in another state for at least
28 6 months; and

29 (ii) Establishes to the satisfaction of a classroom instructor
30 certified under Subtitle 5 of this title that the individual's driving experience is
31 sufficient to justify the exemption.]

32 [(d)] (C) Consistent with the Code of Federal Regulations, the Administration
33 may issue a commercial driver's license to an applicant domiciled in a foreign country.

1 25-111.

2 (i) (1) Except as provided for in paragraph (2) of this subsection, regulations
3 adopted under this section for intrastate motor carrier transportation may not:

4 [(i) Require that a driver be older than 18 years of age;]

5 [(ii) (I) Apply the provisions of § 391.21, § 391.23, § 391.31 or §
6 391.35 of the Federal Motor Carrier Safety Regulations to:

7 1. A driver who is a regularly employed driver of a motor
8 carrier for a continuous period that began before July 1, 1986, if the driver continues
9 to be a regularly employed driver of the motor carrier; or

10 2. The motor carrier, with regard to a driver described under
11 item 1 of this subparagraph, if the motor carrier continues to employ the driver;

12 [(iii) (II) Limit a driver's time or hours on duty if:

13 1. The driver operates only within a 150 air mile radius of
14 the driver's normal work reporting location;

15 2. The driver returns to the driver's normal work reporting
16 location;

17 3. The driver is released from work within a period of 16
18 consecutive hours, not more than 12 of which are dedicated to driving, and is given at
19 least 8 consecutive hours off duty; and

20 4. Regardless of the number of motor carriers using the
21 driver's services, the driver:

22 A. If the employing motor carrier does not operate motor
23 vehicles every day of the week, has been on duty no more than 70 hours in a period of
24 7 consecutive days; or

25 B. If the employing motor carrier operates motor vehicles
26 every day of the week, has been on duty no more than 80 hours in a period of 8
27 consecutive days;

28 [(iv) (III) Require a driver to maintain a record of duty status if the
29 driver is not subject to item [(iii) (II) of this paragraph, except that, if a driver is on
30 duty for a period of more than 12 hours, the driver shall maintain a record of the
31 driver's duty status that:

32 1. For the first 12 hours of time on duty, accounts for all time
33 dedicated to driving; and

34 2. For all time on duty in excess of 12 hours, conforms to
35 federal regulations;

1 [(v)] (IV) Apply the provisions of this paragraph or Parts 391 and
2 395 of the Federal Motor Carrier Safety Regulations to a farmer, or an agent or
3 employee of a farmer, who operates farm equipment or a motor vehicle owned or
4 operated by the farmer in the transportation of supplies to a farm or the
5 transportation of farm products as defined in § 10-601 of the Agriculture Article
6 within 150 air miles of the farmer's farm;

7 [(vi)] (V) Apply the medical examination and certification
8 requirements of §§ 391.41(a), 391.43 and 391.45 of the Federal Motor Carrier Safety
9 Regulations to a driver who operates a vehicle or vehicle combination with a
10 registered gross or combination weight of less than 26,001 pounds; or

11 [(vii)] (VI) Except in the case of bus drivers, apply the provisions of §
12 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations to any
13 person who:

14 1. Was otherwise qualified to operate and operated a
15 commercial motor vehicle in intrastate commerce on or before October 1, 1992;

16 2. Operates only in intrastate commerce; and

17 3. Has a mental or physical condition which would disqualify
18 the person under the Federal Motor Carrier Safety Regulations and:

19 A. The condition existed on October 1, 1992 or at the time of
20 the first physical examination after that date to which the person submitted as
21 required by regulations adopted by the Administration under subsection (k) of this
22 section; and

23 B. A physician who has examined the person has determined
24 that the condition has not substantially worsened since October 1, 1992 or the time of
25 the first required physical examination after that date.

26 (2) Nothing contained in this subsection limits regulation of the
27 qualifications or hours of service of a driver of a vehicle:

28 (i) In interstate commerce;

29 (ii) Transporting hazardous materials of a type and quantity
30 requiring placarding under Federal Hazardous Materials Regulations; or

31 (iii) Designed to transport 16 or more passengers, including the
32 driver.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2003.

