Apply the provisions of § 391.21, § 391.23, § 391.31 or § 391.35

A driver who is a regularly employed driver of a motor

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(ii)

25 of the Federal Motor Carrier Safety Regulations to:

28 to be a regularly employed driver of the motor carrier; or

1.

27 carrier for a continuous period that began before July 1, 1986, if the driver continues

2003 Regular Session 3lr2649

By: Senator Ruben Introduced and read first time: March 3, 2003 Assigned to: Rules A BILL ENTITLED 1 AN ACT concerning 2 Motor Carrier Safety Regulations - Applicability of Medical and 3 **Certification Requirements** 4 FOR the purpose of repealing a provision prohibiting the Motor Vehicle 5 Administration from applying certain federal medical examination and 6 certification requirements to a driver who operates certain vehicles; altering a 7 provision prohibiting the Administration from applying certain federal medical 8 examination and certification requirements to certain intrastate drivers to 9 make the prohibition applicable only before a certain date and to persons who meet certain requirements; and generally relating to the applicability of certain 10 federal medical examination and certification requirements. 11 12 BY repealing and reenacting, with amendments, Article - Transportation 13 14 Section 25-111(i) 15 Annotated Code of Maryland 16 (2002 Replacement Volume) 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 MARYLAND, That the Laws of Maryland read as follows: 19 **Article - Transportation** 20 25-111. 21 (i) (1) Except as provided for in paragraph (2) of this subsection, regulations 22 adopted under this section for intrastate motor carrier transportation may not: 23 (i) Require that a driver be older than 18 years of age;

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1 2	item 1 of this subparagraph, if	2. the motor	The motor carrier, with regard to a driver described under r carrier continues to employ the driver;
3	(iii)	Limit a	driver's time or hours on duty if:
4 5	the driver's normal work report	1. ing locat	The driver operates only within a 150 air mile radius of ion;
6 7	location;	2.	The driver returns to the driver's normal work reporting
	consecutive hours, not more th least 8 consecutive hours off d		The driver is released from work within a period of 16 which are dedicated to driving, and is given at
11 12	driver's services, the driver:	4.	Regardless of the number of motor carriers using the
		A. k, has bee	If the employing motor carrier does not operate motor en on duty no more than 70 hours in a period of
		B. en on dut	If the employing motor carrier operates motor vehicles y no more than 80 hours in a period of 8
21	(iv) Require a driver to maintain a record of duty status if the driver is not subject to item (iii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:		
23 24	dedicated to driving; and	1.	For the first 12 hours of time on duty, accounts for all time
25 26	federal regulations;	2.	For all time on duty in excess of 12 hours, conforms to
29 30 31	(v) Apply the provisions of this paragraph or Parts 391 and 395 of the Federal Motor Carrier Safety Regulations to a farmer, or an agent or employee of a farmer, who operates farm equipment or a motor vehicle owned or operated by the farmer in the transportation of supplies to a farm or the transportation of farm products as defined in § 10-601 of the Agriculture Article within 150 air miles of the farmer's farm; OR		
35	of §§ 391.41(a), 391.43 and 39	91.45 of t e or vehic	the medical examination and certification requirements the Federal Motor Carrier Safety Regulations to cle combination with a registered gross or pounds; or

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	(vii)] Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations BEFORE OCTOBER 1, 2023 to any person who:			
6 7 8	1. [Was] ON OCTOBER 1, 2003, WAS otherwise qualified to operate and operated a [commercial motor vehicle in intrastate commerce on or before October 1, 1992] VEHICLE OR VEHICLE COMBINATION USED IN INTRASTATE COMMERCE WITH A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING OF 10,001 POUNDS OR MORE AND, AFTER OCTOBER 1, 2003, REMAINED QUALIFIED TO OPERATE AND CONTINUED TO OPERATE SUCH A VEHICLE;			
10	2. Operates only in intrastate commerce; and			
11 12	3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:			
15	A. The condition existed on October 1, [1992] 2003 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and			
19	B. A physician who has examined the person has determined that the condition has not substantially worsened AND THAT NO OTHER DISQUALIFYING MEDICAL OR PHYSICAL CONDITION HAS DEVELOPED since October 1, [1992] 2003 or the time of the first required physical examination after that date.			
21 22	1 (2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:			
23	(i) In interstate commerce;			
24 25	(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or			
26 27	(iii) Designed to transport 16 or more passengers, including the driver.			
28 29	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.			