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By: **Senator Ruben**

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 27, 2003

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CHAPTER \_\_\_\_\_

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  
10 meet certain requirements; and generally relating to the applicability of certain  
11 federal medical examination and certification requirements.

12 BY repealing and reenacting, with amendments,  
13 Article - Transportation  
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:

- 1 (i) Require that a driver be older than 18 years of age;
- 2 (ii) Apply the provisions of § 391.21, § 391.23, § 391.31 or § 391.35  
3 of the Federal Motor Carrier Safety Regulations to:
- 4 1. A driver who is a regularly employed driver of a motor  
5 carrier for a continuous period that began before July 1, 1986, if the driver continues  
6 to be a regularly employed driver of the motor carrier; or
- 7 2. The motor carrier, with regard to a driver described under  
8 item 1 of this subparagraph, if the motor carrier continues to employ the driver;
- 9 (iii) Limit a driver's time or hours on duty if:
- 10 1. The driver operates only within a 150 air mile radius of  
11 the driver's normal work reporting location;
- 12 2. The driver returns to the driver's normal work reporting  
13 location;
- 14 3. The driver is released from work within a period of 16  
15 consecutive hours, not more than 12 of which are dedicated to driving, and is given at  
16 least 8 consecutive hours off duty; and
- 17 4. Regardless of the number of motor carriers using the  
18 driver's services, the driver:
- 19 A. If the employing motor carrier does not operate motor  
20 vehicles every day of the week, has been on duty no more than 70 hours in a period of  
21 7 consecutive days; or
- 22 B. If the employing motor carrier operates motor vehicles  
23 every day of the week, has been on duty no more than 80 hours in a period of 8  
24 consecutive days;
- 25 (iv) Require a driver to maintain a record of duty status if the driver  
26 is not subject to item (iii) of this paragraph, except that, if a driver is on duty for a  
27 period of more than 12 hours, the driver shall maintain a record of the driver's duty  
28 status that:
- 29 1. For the first 12 hours of time on duty, accounts for all time  
30 dedicated to driving; and
- 31 2. For all time on duty in excess of 12 hours, conforms to  
32 federal regulations;
- 33 (v) Apply the provisions of this paragraph or Parts 391 and 395 of  
34 the Federal Motor Carrier Safety Regulations to a farmer, or an agent or employee of  
35 a farmer, who operates farm equipment or a motor vehicle owned or operated by the  
36 farmer in the transportation of supplies to a farm or the transportation of farm

1 products as defined in § 10-601 of the Agriculture Article within 150 air miles of the  
2 farmer's farm; OR

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

7 (vii) Except in the case of bus drivers, apply the provisions of §  
8 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations BEFORE  
9 OCTOBER 1, 2023 to any person who:

10 1. [Was] ON OCTOBER 1, 2003, WAS otherwise qualified to  
11 operate and operated a [commercial motor vehicle in intrastate commerce on or  
12 before October 1, 1992] VEHICLE OR VEHICLE COMBINATION USED IN INTRASTATE  
13 COMMERCE WITH A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION  
14 WEIGHT RATING OF 10,001 POUNDS OR MORE AND, AFTER OCTOBER 1, 2003,  
15 REMAINED QUALIFIED TO OPERATE AND CONTINUED TO OPERATE SUCH A VEHICLE;

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] 2003 or at the  
20 time of the first physical examination after that date to which the person submitted  
21 as 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 AND THAT NO OTHER  
25 DISQUALIFYING MEDICAL OR PHYSICAL CONDITION HAS DEVELOPED since October  
26 1, [1992] 2003 or the time of the first required physical examination after that date.

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

29 (i) In interstate commerce;

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

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

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

