
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Transportation)**

Introduced and read first time: January 21, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Drivers' Licenses - Standards, Requirements, and Penalties**

3 FOR the purpose of requiring a clerk of a court to establish certain procedures for
4 reporting certain cases to the Motor Vehicle Administration; applying certain
5 sanctions to a holder of a commercial driver's license under certain
6 circumstances; adding additional offenses, including certain offenses committed
7 in a noncommercial vehicle, to the list of disqualifying offenses for commercial
8 drivers; prohibiting an individual from driving a commercial motor vehicle
9 unless the individual has been issued a commercial driver's license meeting
10 certain requirements; altering certain definitions; establishing a certain defense
11 for a certain violation; expanding the list of persons to whom certain segregated
12 information in a driver's driving record may be made available; altering certain
13 provisions concerning the reporting of certain offenses of nonresidents;
14 providing for a delayed effective date of certain provisions of this Act; providing
15 for the termination of certain provisions of this Act; and generally relating to
16 commercial drivers' licenses.

17 BY repealing and reenacting, with amendments,
18 Article - Courts and Judicial Proceedings
19 Section 2-201
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 16-117, 16-205.1, 16-803, 16-807, 16-812, and 16-814
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2003 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Transportation
29 Section 16-814
30 Annotated Code of Maryland

1 (2002 Replacement Volume and 2003 Supplement)
2 (As enacted by Section 2 of this Act)

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

5 **Article - Courts and Judicial Proceedings**

6 2-201.

7 (a) The clerk of a court shall:

8 (1) Have custody of the books, records, and papers of his office;

9 (2) Make proper legible entries of all proceedings of the court and keep
10 them in well bound books or other permanent form;

11 (3) When requested in writing to do so, record any paper filed with his
12 office and required by law to be recorded in the appropriate place, whether or not the
13 title to land is involved;

14 (4) Unless prohibited by law or order of court, provide copies of records or
15 papers in his custody to a person requesting a copy, under the seal of the court if
16 required;

17 (5) Issue all writs which may legally be issued from the court;

18 (6) Deliver a full statement of the costs of a suit to a party requesting a
19 copy;

20 (7) Receive all books, documents, public letters, and packages sent to
21 him pursuant to law, and carefully dispose of them as the law requires;

22 (8) Administer an oath;

23 (9) Replace worn books and records with new ones; [and]

24 (10) IN CONJUNCTION WITH THE MOTOR VEHICLE ADMINISTRATOR,
25 ESTABLISH UNIFORM PROCEDURES FOR REPORTING BOTH TRAFFIC CASES AND
26 CRIMINAL CASES INVOLVING A MOTOR VEHICLE IN THE CIRCUIT COURT TO THE
27 MOTOR VEHICLE ADMINISTRATION; AND

28 [(10)] (11) Perform any other duty required by law or rule.

29 (b) Unless otherwise provided by law, a clerk is not required to record any
30 paper filed with him or to provide any person with a copy of a paper until the
31 applicable charge has been paid.

Article - Transportation

16-117.

(a) The Administration shall keep a record of:

(1) Each driver's license application that it receives;

(2) Each driver's license that it issues; and

(3) Each licensee whose license to drive the Administration has suspended or revoked, and the reasons for the action.

(b) (1) The Administration shall file each accident report and abstract of court disposition records that it receives under the laws of this State.

(2) The Administration shall keep convenient records or make suitable notations showing the convictions or traffic accidents in which each licensee has been involved and every probation before judgment disposition of any violation of the Maryland Vehicle Law. A record or notation of a probation before judgment disposition, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title, shall be segregated by the Administration and shall be available only to the Administration, OTHER DRIVER LICENSING AUTHORITIES, THE UNITED STATES SECRETARY OF TRANSPORTATION, CURRENT AND PROSPECTIVE EMPLOYERS, AS DEFINED IN § 16-803(D) OF THIS TITLE, OF DRIVERS REQUIRED TO HOLD COMMERCIAL DRIVERS' LICENSES, the courts, criminal justice agencies, and the defendant or the defendant's attorney. However, a record or notation of a probation before judgment, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title, may not be received or considered by the courts until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty is made by the court.

(3) These records or notations shall be made so that they are readily available for consideration by the Administration of any license renewal application and at any other suitable time.

(4) Accident reports and abstracts of court convictions pertaining to driving an emergency vehicle, if received by a person who was driving an emergency vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by the Administration and shall be available only to the Administration.

(5) Except as provided in this section, an employee of the Administration may not disclose any records or information regarding probation before judgment, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title.

(c) If a charge of a Maryland Vehicle Law violation against any individual is dismissed by a court of competent jurisdiction, a record of the charge and dismissal may not be included in the individual's driving record.

1 16-205.1.

2 (a) (1) (i) In this section, the following words have the meanings
3 indicated.

4 (ii) "Under the influence of alcohol" includes under the influence of
5 alcohol per se as defined by § 11-127.1 of this article.

6 (iii) "Specimen of blood" and "1 specimen of blood" means 1 sample
7 of blood that is taken, in a single procedure, in 2 or more portions in 2 or more
8 separate vials.

9 (iv) "Test" means:

10 1. A test of a person's breath or of 1 specimen of a person's
11 blood to determine alcohol concentration;

12 2. A test or tests of 1 specimen of a person's blood to
13 determine the drug or controlled dangerous substance content of the person's blood; or

14 3. Both:

15 A. A test of a person's breath or a test of 1 specimen of a
16 person's blood, to determine alcohol concentration; and

17 B. A test or tests of 1 specimen of a person's blood to
18 determine the drug or controlled dangerous substance content of the person's blood.

19 (2) Any person who drives or attempts to drive a motor vehicle on a
20 highway or on any private property that is used by the public in general in this State
21 is deemed to have consented, subject to the provisions of §§ 10-302 through 10-309,
22 inclusive, of the Courts and Judicial Proceedings Article, to take a test if the person
23 should be detained on suspicion of driving or attempting to drive while under the
24 influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any
25 combination of drugs, or a combination of one or more drugs and alcohol that the
26 person could not drive a vehicle safely, while impaired by a controlled dangerous
27 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title.

28 (b) (1) Except as provided in subsection (c) of this section, a person may not
29 be compelled to take a test. However, the detaining officer shall advise the person
30 that, on receipt of a sworn statement from the officer that the person was so charged
31 and refused to take a test, or was tested and the result indicated an alcohol
32 concentration of 0.08 or more, the Administration shall:

33 (i) In the case of a person licensed under this title:

34 1. For a test result indicating an alcohol concentration of
35 0.08 or more at the time of testing:

- 1 A. For a first offense, suspend the driver's license for 45 days;
2 or
- 3 B. For a second or subsequent offense, suspend the driver's
4 license for 90 days; or
- 5 2. For a test refusal:
- 6 A. For a first offense, suspend the driver's license for 120
7 days; or
- 8 B. For a second or subsequent offense, suspend the driver's
9 license for 1 year;
- 10 (ii) In the case of a nonresident or unlicensed person:
- 11 1. For a test result indicating an alcohol concentration of
12 0.08 or more at the time of testing:
- 13 A. For a first offense, suspend the person's driving privilege
14 for 45 days; or
- 15 B. For a second or subsequent offense, suspend the person's
16 driving privilege for 90 days; or
- 17 2. For a test refusal:
- 18 A. For a first offense, suspend the person's driving privilege
19 for 120 days; or
- 20 B. For a second or subsequent offense, suspend the person's
21 driving privilege for 1 year; and
- 22 (iii) In addition to any applicable driver's license suspensions
23 authorized under this section, in the case of a person operating a commercial motor
24 vehicle OR WHO HOLDS A COMMERCIAL DRIVER'S LICENSE who refuses to take a test:
- 25 1. Disqualify the person's commercial driver's license for a
26 period of 1 year for a first offense, 3 years for a first offense which occurs while
27 transporting hazardous materials required to be placarded, and disqualify for life for
28 a second or subsequent offense which occurs while operating any commercial motor
29 vehicle; or
- 30 2. If the person [is licensed as a commercial driver] HOLDS A
31 COMMERCIAL DRIVER'S LICENSE ISSUED by another state, disqualify the person's
32 privilege to operate a commercial motor vehicle and report the refusal and
33 disqualification to the person's resident state which may result in further penalties
34 imposed by the person's resident state.
- 35 (2) Except as provided in subsection (c) of this section, if a police officer
36 stops or detains any person who the police officer has reasonable grounds to believe is

1 or has been driving or attempting to drive a motor vehicle while under the influence
2 of alcohol, while impaired by alcohol, while so far impaired by any drug, any
3 combination of drugs, or a combination of one or more drugs and alcohol that the
4 person could not drive a vehicle safely, while impaired by a controlled dangerous
5 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title,
6 and who is not unconscious or otherwise incapable of refusing to take a test, the police
7 officer shall:

8 (i) Detain the person;

9 (ii) Request that the person permit a test to be taken; and

10 (iii) Advise the person of the administrative sanctions that shall be
11 imposed for refusal to take the test, including ineligibility for modification of a
12 suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this
13 section, and for test results indicating an alcohol concentration of 0.08 or more at the
14 time of testing.

15 (3) If the person refuses to take the test or takes a test which results in
16 an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

17 (i) Confiscate the person's driver's license issued by this State;

18 (ii) Acting on behalf of the Administration, personally serve an
19 order of suspension on the person;

20 (iii) Issue a temporary license to drive;

21 (iv) Inform the person that the temporary license allows the person
22 to continue driving for 45 days if the person is licensed under this title;

23 (v) Inform the person that:

24 1. The person has a right to request, at that time or within
25 10 days, a hearing to show cause why the driver's license should not be suspended
26 concerning the refusal to take the test or for test results indicating an alcohol
27 concentration of 0.08 or more at the time of testing, and the hearing will be scheduled
28 within 45 days; and

29 2. If a hearing request is not made at that time or within 10
30 days, but within 30 days the person requests a hearing, a hearing to show cause why
31 the driver's license should not be suspended concerning the refusal to take the test or
32 for test results indicating an alcohol concentration of 0.08 or more at the time of
33 testing will be scheduled, but a request made after 10 days does not extend a
34 temporary license issued by the police officer that allows the person to continue
35 driving for 45 days;

36 (vi) Advise the person of the administrative sanctions that shall be
37 imposed in the event of failure to request a hearing, failure to attend a requested
38 hearing, or upon an adverse finding by the hearing officer; and

1 (vii) Within 72 hours after the issuance of the order of suspension,
2 send any confiscated driver's license, copy of the suspension order, and a sworn
3 statement to the Administration, that states:

4 1. The officer had reasonable grounds to believe that the
5 person had been driving or attempting to drive a motor vehicle on a highway or on
6 any private property that is used by the public in general in this State while under
7 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug,
8 any combination of drugs, or a combination of one or more drugs and alcohol that the
9 person could not drive a vehicle safely, while impaired by a controlled dangerous
10 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;

11 2. The person refused to take a test when requested by the
12 police officer or the person submitted to the test which indicated an alcohol
13 concentration of 0.08 or more at the time of testing; and

14 3. The person was fully advised of the administrative
15 sanctions that shall be imposed, including the fact that a person who refuses to take
16 the test is ineligible for modification of a suspension or issuance of a restrictive
17 license under subsection (n)(1) or (2) of this section.

18 (c) (1) If a person is involved in a motor vehicle accident that results in the
19 death of, or a life threatening injury to, another person and the person is detained by
20 a police officer who has reasonable grounds to believe that the person has been
21 driving or attempting to drive while under the influence of alcohol, while impaired by
22 alcohol, while so far impaired by any drug, any combination of drugs, or a
23 combination of one or more drugs and alcohol that the person could not drive a vehicle
24 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813
25 of this title, the person shall be required to submit to a test, as directed by the officer.

26 (2) If a police officer directs that a person be tested, then the provisions
27 of § 10-304 of the Courts and Judicial Proceedings Article shall apply.

28 (3) Any medical personnel who perform any test required by this section
29 are not liable for any civil damages as the result of any act or omission related to such
30 test, not amounting to gross negligence.

31 (d) (1) If a police officer has reasonable grounds to believe that a person has
32 been driving or attempting to drive a motor vehicle while under the influence of
33 alcohol, while impaired by alcohol, while so far impaired by any drug, any
34 combination of drugs, or a combination of one or more drugs and alcohol that the
35 person could not drive a vehicle safely, while impaired by a controlled dangerous
36 substance, or in violation of § 16-813 of this title, and if the police officer determines
37 that the person is unconscious or otherwise incapable of refusing to take a test, the
38 police officer shall:

39 (i) Obtain prompt medical attention for the person;

40 (ii) If necessary, arrange for removal of the person to a nearby
41 medical facility; and

1 (iii) If a test would not jeopardize the health or well-being of the
2 person, direct a qualified medical person to withdraw blood for a test.

3 (2) If a person regains consciousness or otherwise becomes capable of
4 refusing before the taking of a test, the police officer shall follow the procedure set
5 forth in subsection (b) or (c) of this section.

6 (e) (1) The tests to determine alcohol concentration may be administered by
7 an individual who has been examined and is certified by the Department of State
8 Police as sufficiently equipped and trained to administer the tests.

9 (2) The Department of State Police may adopt regulations for the
10 examination and certification of individuals trained to administer tests to determine
11 alcohol concentration.

12 (f) (1) Subject to the provisions of this subsection, at the time of, or within
13 30 days from the date of, the issuance of an order of suspension, a person may submit
14 a written request for a hearing before an officer of the Administration if:

15 (i) The person is arrested for driving or attempting to drive a motor
16 vehicle while under the influence of alcohol, while impaired by alcohol, while so far
17 impaired by any drug, any combination of drugs, or a combination of one or more
18 drugs and alcohol that the person could not drive a vehicle safely, while impaired by
19 a controlled dangerous substance, in violation of an alcohol restriction, or in violation
20 of § 16-813 of this title; and

21 (ii) 1. There is an alcohol concentration of 0.08 or more at the
22 time of testing; or

23 2. The person refused to take a test.

24 (2) A request for a hearing made by mail shall be deemed to have been
25 made on the date of the United States Postal Service postmark on the mail.

26 (3) If the driver's license has not been previously surrendered, the
27 license must be surrendered at the time the request for a hearing is made.

28 (4) If a hearing request is not made at the time of or within 10 days after
29 the issuance of the order of suspension, the Administration shall:

30 (i) Make the suspension order effective suspending the license:

31 1. For a test result indicating an alcohol concentration of
32 0.08 or more at the time of testing:

33 A. For a first offense, for 45 days; or

34 B. For a second or subsequent offense, for 90 days; or

35 2. For a test refusal:

- 1 A. For a first offense, for 120 days; or
- 2 B. For a second offense or subsequent offense, for 1 year; and
- 3 (ii) 1. In the case of a person operating a commercial motor
4 vehicle OR WHO HOLDS A COMMERCIAL DRIVER'S LICENSE who refuses to take a test,
5 disqualify the [person's commercial driver's license] PERSON FROM OPERATING A
6 COMMERCIAL MOTOR VEHICLE for a period of 1 year for a first offense, 3 years for a
7 first offense which occurs while transporting hazardous materials required to be
8 placarded, and for life for a second or subsequent offense which occurs while
9 operating any commercial vehicle; or
- 10 2. In the case of a person operating a commercial motor
11 vehicle who refuses to take a test, and who [is licensed as a commercial driver]
12 HOLDS A COMMERCIAL DRIVER'S LICENSE ISSUED by another state, disqualify the
13 person's privilege to operate a commercial motor vehicle in this State and report the
14 refusal and disqualification to the person's resident state which may result in further
15 penalties imposed by the person's resident state.
- 16 (5) (i) If the person requests a hearing at the time of or within 10 days
17 after the issuance of the order of suspension and surrenders the driver's license or, if
18 applicable, the person's commercial driver's license, the Administration shall set a
19 hearing for a date within 30 days of the receipt of the request.
- 20 (ii) Subject to the provisions of this paragraph, a postponement of a
21 hearing under this paragraph does not extend the period for which the person is
22 authorized to drive and the suspension and, if applicable, the disqualification shall
23 become effective on the expiration of the 45-day period after the issuance of the order
24 of suspension.
- 25 (iii) A postponement of a hearing described under this paragraph
26 shall extend the period for which the person is authorized to drive if:
- 27 1. Both the person and the Administration agree to the
28 postponement;
- 29 2. The Administration cannot provide a hearing within the
30 period required under this paragraph; or
- 31 3. Under circumstances in which the person made a request,
32 within 10 days of the date that the order of suspension was served under this section,
33 for the issuance of a subpoena under § 12-108 of this article except as time limits are
34 changed by this paragraph:
- 35 A. The subpoena was not issued by the Administration;
- 36 B. An adverse witness for whom the subpoena was requested,
37 and on whom the subpoena was served not less than 5 days before the hearing
38 described under this paragraph, fails to comply with the subpoena at an initial or
39 subsequent hearing described under this paragraph held within the 45-day period; or

1 C. A witness for whom the subpoena was requested fails to
2 comply with the subpoena, for good cause shown, at an initial or subsequent hearing
3 described under this paragraph held within the 45-day period after the issuance of
4 the order of suspension.

5 (iv) If a witness is served with a subpoena for a hearing under this
6 paragraph, the witness shall comply with the subpoena within 20 days from the date
7 that the subpoena is served.

8 (v) If a hearing is postponed beyond the 45-day period after the
9 issuance of the order of suspension under the circumstances described in
10 subparagraph (iii) of this paragraph, the Administration shall stay the suspension
11 and issue a temporary license that authorizes the person to drive only until the date
12 of the rescheduled hearing described under this paragraph.

13 (vi) To the extent possible, the Administration shall expeditiously
14 reschedule a hearing that is postponed under this paragraph.

15 (6) (i) If a hearing request is not made at the time of, or within 10 days
16 from the date of the issuance of an order of suspension, but within 30 days of the date
17 of the issuance of an order of suspension, the person requests a hearing and
18 surrenders the driver's license or, if applicable, the person's commercial driver's
19 license, the Administration shall:

20 1. A. Make a suspension order effective suspending the
21 license for the applicable period of time described under paragraph (4)(i) of this
22 subsection; and

23 B. In the case of a person operating a commercial motor
24 vehicle OR WHO HOLDS A COMMERCIAL DRIVER'S LICENSE who refuses to take a test,
25 disqualify the person's commercial driver's license, or privilege to operate a
26 commercial motor vehicle in this State, for the applicable period of time described
27 under paragraph (4)(ii) of this subsection; and

28 2. Set a hearing for a date within 45 days of the receipt of a
29 request for a hearing under this paragraph.

30 (ii) A request for hearing scheduled under this paragraph does not
31 extend the period for which the person is authorized to drive, and the suspension and,
32 if applicable, the disqualification shall become effective on the expiration of the
33 45-day period that begins on the date of the issuance of the order of suspension.

34 (iii) A postponement of a hearing described under this paragraph
35 shall stay the suspension only if:

36 1. Both the person and the Administration agree to the
37 postponement;

38 2. The Administration cannot provide a hearing under this
39 paragraph within the period required under this paragraph; or

1 3. Under circumstances in which the person made a request,
2 within 10 days of the date that the person requested a hearing under this paragraph,
3 for the issuance of a subpoena under § 12-108 of this article except as time limits are
4 changed by this paragraph:

5 A. The subpoena was not issued by the Administration;

6 B. An adverse witness for whom the subpoena was requested,
7 and on whom the subpoena was served not less than 5 days before the hearing, fails
8 to comply with the subpoena at an initial or subsequent hearing under this paragraph
9 held within the 45-day period that begins on the date of the request for a hearing
10 under this paragraph; or

11 C. A witness for whom the subpoena was requested fails to
12 comply with the subpoena, for good cause shown, at an initial or subsequent hearing
13 under this paragraph held within the 45-day period that begins on the date of the
14 request for a hearing under this paragraph.

15 (iv) If a witness is served with a subpoena for a hearing under this
16 paragraph, the witness shall comply with the subpoena within 20 days from the date
17 that the subpoena is served.

18 (v) If a hearing is postponed beyond the 45-day period that begins
19 on the date of the request for a hearing under this paragraph under circumstances
20 described in subparagraph (iii) of this paragraph, the Administration shall stay the
21 suspension and issue a temporary license that authorizes the person to drive only
22 until the date of the rescheduled hearing.

23 (vi) To the extent possible, the Administration shall expeditiously
24 reschedule a hearing that is postponed under this paragraph.

25 (7) (i) At a hearing under this section, the person has the rights
26 described in § 12-206 of this article, but at the hearing the only issues shall be:

27 1. Whether the police officer who stops or detains a person
28 had reasonable grounds to believe the person was driving or attempting to drive while
29 under the influence of alcohol, while impaired by alcohol, while so far impaired by any
30 drug, any combination of drugs, or a combination of one or more drugs and alcohol
31 that the person could not drive a vehicle safely, while impaired by a controlled
32 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
33 of this title;

34 2. Whether there was evidence of the use by the person of
35 alcohol, any drug, any combination of drugs, a combination of one or more drugs and
36 alcohol, or a controlled dangerous substance;

37 3. Whether the police officer requested a test after the
38 person was fully advised of the administrative sanctions that shall be imposed,
39 including the fact that a person who refuses to take the test is ineligible for

1 modification of a suspension or issuance of a restrictive license under subsection
2 (n)(1) and (2) of this section;

3 4. Whether the person refused to take the test;

4 5. Whether the person drove or attempted to drive a motor
5 vehicle while having an alcohol concentration of 0.08 or more at the time of testing; or

6 6. If the hearing involves disqualification of a commercial
7 driver's license, whether the person was operating a commercial motor vehicle OR
8 HELD A COMMERCIAL DRIVER'S LICENSE.

9 (ii) The sworn statement of the police officer and of the test
10 technician or analyst shall be prima facie evidence of a test refusal or a test resulting
11 in an alcohol concentration of 0.08 or more at the time of testing.

12 (8) (i) After a hearing, the Administration shall suspend the driver's
13 license or privilege to drive of the person charged under subsection (b) or (c) of this
14 section if:

15 1. The police officer who stopped or detained the person had
16 reasonable grounds to believe the person was driving or attempting to drive while
17 under the influence of alcohol, while impaired by alcohol, while so far impaired by any
18 drug, any combination of drugs, or a combination of one or more drugs and alcohol
19 that the person could not drive a vehicle safely, while impaired by a controlled
20 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
21 of this title;

22 2. There was evidence of the use by the person of alcohol, any
23 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
24 controlled dangerous substance;

25 3. The police officer requested a test after the person was
26 fully advised of the administrative sanctions that shall be imposed, including the fact
27 that a person who refuses to take the test is ineligible for modification of a suspension
28 or issuance of a restrictive license under subsection (n)(1) and (2) of this section; and

29 4. A. The person refused to take the test; or

30 B. A test to determine alcohol concentration was taken and
31 the test result indicated an alcohol concentration of 0.08 or more at the time of
32 testing.

33 (ii) After a hearing, the Administration shall disqualify the person
34 from driving a commercial motor vehicle if:

35 1. The person was detained while operating a commercial
36 motor vehicle OR WHILE HOLDING A COMMERCIAL DRIVER'S LICENSE;

1 2. The police officer who stopped or detained the person had
2 reasonable grounds to believe that the person was driving or attempting to drive
3 while under the influence of alcohol, while impaired by alcohol, while so far impaired
4 by any drug, any combination of drugs, or a combination of one or more drugs and
5 alcohol that the person could not drive a vehicle safely, while impaired by a controlled
6 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
7 of this title;

8 3. There was evidence of the use by the person of alcohol, any
9 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
10 controlled dangerous substance;

11 4. The police officer requested a test after the person was
12 fully advised of the administrative sanctions that shall be imposed; and

13 5. The person refused to take the test.

14 (iii) If the person is licensed to drive a commercial motor vehicle, the
15 Administration shall disqualify the person in accordance with subparagraph (ii) of
16 this paragraph, but may not impose a suspension under subparagraph (i) of this
17 paragraph, if:

18 1. The person was detained while operating a commercial
19 motor vehicle OR WHILE HOLDING A COMMERCIAL DRIVER'S LICENSE;

20 2. The police officer had reasonable grounds to believe the
21 person was in violation of an alcohol restriction or in violation of § 16-813 of this title;

22 3. The police officer did not have reasonable grounds to
23 believe the driver was driving while under the influence of alcohol, driving while
24 impaired by alcohol, while so far impaired by any drug, any combination of drugs, or
25 a combination of one or more drugs and alcohol that the person could not drive a
26 vehicle safely, or while impaired by a controlled dangerous substance; and

27 4. The driver refused to take a test.

28 (iv) In the absence of a compelling reason for failure to attend a
29 hearing, failure of a person to attend a hearing is prima facie evidence of the person's
30 inability to answer the sworn statement of the police officer or the test technician or
31 analyst, and the Administration summarily shall:

32 1. Suspend the driver's license or privilege to drive; and

33 2. If the driver is detained in a commercial motor vehicle OR
34 HOLDS A COMMERCIAL DRIVER'S LICENSE, disqualify the person from operating a
35 commercial motor vehicle.

36 (v) The suspension imposed shall be:

- 1 1. For a test result indicating an alcohol concentration of
2 0.08 or more at the time of testing:
- 3 A. For a first offense, a suspension for 45 days; or
- 4 B. For a second or subsequent offense, a suspension for 90
5 days; or
- 6 2. For a test refusal:
- 7 A. For a first offense, a suspension for 120 days; or
- 8 B. For a second or subsequent offense, a suspension for 1
9 year.

10 (vi) A disqualification imposed under subparagraph (ii) or (iii) of
11 this paragraph shall be for a period of 1 year for a first offense, 3 years for a first
12 offense which occurs while transporting hazardous material required to be placarded,
13 and life for a second or subsequent offense which occurs while operating or
14 attempting to operate any commercial motor vehicle.

15 (vii) A disqualification of a commercial driver's license is not subject
16 to any modifications, nor may a restricted commercial driver's license be issued in
17 lieu of a disqualification.

18 (viii) A disqualification for life may be reduced if permitted by §
19 16-812(d) of this title.

20 (g) (1) An initial refusal to take a test that is withdrawn as provided in this
21 subsection is not a refusal to take a test for the purposes of this section.

22 (2) A person who initially refuses to take a test may withdraw the initial
23 refusal and subsequently consent to take the test if the subsequent consent:

24 (i) Is unequivocal;

25 (ii) Does not substantially interfere with the timely and efficacious
26 administration of the test; and

27 (iii) Is given by the person:

28 1. Before the delay in testing would materially affect the
29 outcome of the test; and

30 2. A. For the purpose of a test for determining alcohol
31 concentration, within 2 hours of the person's apprehension; or

32 B. For the purpose of a test for determining the drug or
33 controlled dangerous substance content of the person's blood, within 4 hours of the
34 person's apprehension.

1 (3) In determining whether a person has withdrawn an initial refusal for
2 the purposes of paragraph (1) of this subsection, among the factors that the
3 Administration shall consider are the following:

4 (i) Whether the test would have been administered properly:

5 1. For the purpose of a test for determining alcohol
6 concentration, within 2 hours of the person's apprehension; or

7 2. For the purpose of a test for determining the drug or
8 controlled dangerous substance content of the person's blood, within 4 hours of the
9 person's apprehension;

10 (ii) Whether a qualified person, as defined in § 10-304 of the
11 Courts Article, to administer the test and testing equipment were readily available;

12 (iii) Whether the delay in testing would have interfered with the
13 administration of a test to another person;

14 (iv) Whether the delay in testing would have interfered with the
15 attention to other duties of the arresting officer or a qualified person, as defined in §
16 10-304 of the Courts Article;

17 (v) Whether the person's subsequent consent to take the test was
18 made in good faith; and

19 (vi) Whether the consent after the initial refusal was while the
20 person was still in police custody.

21 (4) In determining whether a person has withdrawn an initial refusal for
22 the purposes of paragraph (1) of this subsection, the burden of proof rests with the
23 person to establish by a preponderance of the evidence the requirements of paragraph
24 (2) of this subsection.

25 (h) Notwithstanding any other provision of this section, if a driver's license is
26 suspended based on multiple administrative offenses of refusal to take a test, or a test
27 to determine alcohol concentration taken that indicated an alcohol concentration of
28 0.08 or more at the time of testing, or any combination of these administrative
29 offenses committed at the same time, or arising out of circumstances simultaneous in
30 time and place, or arising out of the same incident, the Administration:

31 (1) Shall suspend the driver's license for the administrative offense that
32 results in the lengthiest period of suspension; and

33 (2) May not impose any additional periods of suspension for the
34 remainder of the administrative offenses.

35 (i) Notwithstanding any other provision of this section, a test for drug or
36 controlled dangerous substance content under this section:

1 (1) May not be requested as described under subsection (b) of this
2 section, required as described under subsection (c) of this section, or directed as
3 described under subsection (d) of this section, by a police officer unless the law
4 enforcement agency of which the officer is a member has the capacity to have such
5 tests conducted;

6 (2) May only be requested as described under subsection (b) of this
7 section, required as described under subsection (c) of this section, or directed as
8 described under subsection (d) of this section, by a police officer who is a trainee, has
9 been trained, or is participating directly or indirectly in a program of training that is:

10 (i) Designed to train and certify police officers as drug recognition
11 experts; and

12 (ii) Conducted by a law enforcement agency of the State, or any
13 county, municipal, or other law enforcement agency in the State described in items
14 (3)(i)1 through 12 of this subsection:

15 1. In conjunction with the National Highway Traffic Safety
16 Administration; or

17 2. As a program of training of police officers as drug
18 recognition experts that contains requirements for successful completion of the
19 training program that are the substantial equivalent of the requirements of the Drug
20 Recognition Training Program developed by the National Highway Traffic Safety
21 Administration; and

22 (3) May only be requested as described under subsection (b) of this
23 section, required as described under subsection (c) of this section, or directed as
24 described under subsection (d) of this section:

25 (i) In the case of a police officer who is a trainee, or who is
26 participating directly or indirectly in a program of training described in paragraph (2)
27 of this subsection, if the police officer is a member of, and is designated as a trainee or
28 a participant by the head of:

29 1. The Department of State Police;

30 2. The Baltimore City Police Department;

31 3. A police department, bureau, or force of a county;

32 4. A police department, bureau, or force of an incorporated
33 city or town;

34 5. The Maryland Transit Administration Police Force;

35 6. The Maryland Port Administration Police Force of the
36 Department of Transportation;

- 1 7. The Maryland Transportation Authority Police Force;
- 2 8. The Police Force of the University of Maryland or Morgan
3 State University;
- 4 9. The police force for a State university or college under the
5 direction and control of the Board of Trustees of State Universities and Colleges;
- 6 10. A sheriff's department of any county or Baltimore City;
- 7 11. The Natural Resources Police Force or the Forest and
8 Park Service Police Force of the Department of Natural Resources; or
- 9 12. The security force of the Department of General Services;
- 10 or

11 (ii) In the case of a police officer who has been trained as a drug
12 recognition expert, if the police officer is a member of, and certified as a drug
13 recognition expert by the head of one of the law enforcement agencies described in
14 items (3)(i)1 through 12 of this subsection.

15 (j) If the Administration imposes a suspension or disqualification after a
16 hearing, the person whose license or privilege to drive has been suspended or
17 disqualified may appeal the final order of suspension as provided in Title 12, Subtitle
18 2 of this article.

19 (k) Subject to § 16-812(p) of this title, this section does not prohibit the
20 imposition of further administrative sanctions if the person is convicted for any
21 violation of the Maryland Vehicle Law arising out of the same occurrence.

22 (l) (1) The determination of any facts by the Administration is independent
23 of the determination of the same or similar facts in the adjudication of any criminal
24 charges arising out of the same occurrence.

25 (2) The disposition of those criminal charges may not affect any
26 suspension imposed under this section.

27 (m) (1) Except as otherwise provided in this subsection, a suspension
28 imposed under this section may not be stayed by the Administration pending appeal.

29 (2) If the person files an appeal and requests in writing a stay of a
30 suspension imposed under this section, the Director of the Division of Administrative
31 Adjudication of the Administration may stay a suspension imposed under this section.

32 (n) (1) The Administration may modify a suspension under this section or
33 issue a restrictive license if:

34 (i) The licensee did not refuse to take a test;

35 (ii) The licensee has not had a license suspended under this section
36 during the past 5 years;

1 (iii) The licensee has not been convicted under § 21-902 of this
2 article during the past 5 years; and

3 (iv) 1. The licensee is required to drive a motor vehicle in the
4 course of employment;

5 2. The license is required for the purpose of attending an
6 alcoholic prevention or treatment program; or

7 3. It finds that the licensee has no alternative means of
8 transportation available to or from the licensee's place of employment and, without
9 the license, the licensee's ability to earn a living would be severely impaired.

10 (2) In addition to the authority to modify a suspension or issue a
11 restrictive license under paragraph (1) or (4) of this subsection, the Administration
12 may modify a suspension under this section or issue a restrictive license, including a
13 restriction that prohibits the licensee from driving or attempting to drive a motor
14 vehicle unless the licensee is a participant in the Ignition Interlock System Program
15 established under § 16-404.1 of this title, if:

16 (i) The licensee did not refuse to take a test;

17 (ii) The licensee has not been convicted under § 21-902 of this
18 article; and

19 (iii) The license is required for the purpose of attending:

20 1. A noncollegiate educational institution as defined in §
21 2-206(a) of the Education Article; or

22 2. A regular program at an institution of postsecondary
23 education.

24 (3) If the licensee refused to take a test, the Administration may not
25 modify a suspension under this section or issue a restrictive license except as
26 provided under paragraph (4) of this subsection.

27 (4) In addition to the authority to modify a suspension or issue a
28 restrictive license under paragraph (1) or (2) of this subsection, the Administration
29 may modify a suspension under this section or issue a restrictive license to a licensee
30 who participates in the Ignition Interlock System Program established under §
31 16-404.1 of this title for at least 1 year.

32 16-803.

33 (a) In this subtitle the following words have the meanings indicated.

34 (b) "Commerce" means:

1 (1) Trade, traffic, and transportation within the jurisdiction of the
2 United States between a place in a state and a place outside of the state, including a
3 place outside the United States; and

4 (2) Trade, traffic, and transportation in the United States which affects
5 any trade, traffic, and transportation within the jurisdiction of the United States
6 between a place in a state and a place outside of the state, including a place outside
7 the United States.

8 (c) "Conviction" means a final unvacated adjudication of guilt, or a
9 determination that an individual has violated or failed to comply with the law in a
10 court of original jurisdiction or by an authorized administrative tribunal, an
11 unvacated forfeiture of bail or collateral deposited to secure the person's appearance
12 in court, a plea of guilty or nolo contendere accepted by the court, the payment of a
13 fine or court cost, A PROBATION BEFORE JUDGMENT FINDING, or violation of a
14 condition of release without bail, regardless of whether or not the penalty is rebated,
15 suspended, or probated.

16 (d) "Employer" means any individual, including the United States, a state, or
17 a political subdivision of a state, who owns or leases a commercial motor vehicle or
18 assigns drivers to operate such a vehicle. An individual who employs himself as a
19 commercial motor vehicle driver is considered to be both an employer and a driver for
20 the purposes of this subtitle.

21 (e) "Endorsement" means an authorization to an individual's commercial
22 driver's license required to permit the individual to operate certain types of
23 commercial motor vehicles.

24 (f) "Gross vehicle weight (GVW)" and "gross combination weight (GCW)"
25 mean the greatest of the following weights for a single vehicle or a combination of
26 vehicles:

27 (1) The value specified by the manufacturer as the maximum gross
28 weight;

29 (2) The operating weight; or

30 (3) The registered gross weight.

31 (g) "Hazardous materials" [has the meaning stated in § 103 of the Hazardous
32 Materials Transportation Act (49 U.S.C. § 1802)] MEANS ANY MATERIAL THAT HAS
33 BEEN DESIGNATED AS HAZARDOUS UNDER 49 U.S.C. § 5103 AND IS REQUIRED TO BE
34 PLACARDED UNDER SUBPART F OF 49 CFR PART 172 OR ANY QUANTITY OF A
35 MATERIAL LISTED AS A SELECT AGENT OR TOXIN IN 42 CFR PART 73.

36 (h) (1) "Serious traffic violation" means:

37 (i) Excessive speeding, as defined by the United States Secretary
38 of Transportation by regulation;

- 1 (ii) Reckless driving;
- 2 (iii) A violation of any state or local law relating to operating a
3 motor vehicle, other than a parking violation, arising in connection with an accident
4 or collision resulting in death to any individual; [or]
- 5 (IV) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT
6 OBTAINING A COMMERCIAL DRIVER'S LICENSE;
- 7 (V) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT A
8 COMMERCIAL DRIVER'S LICENSE IN THE DRIVER'S POSSESSION;
- 9 (VI) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT THE
10 PROPER CLASS OF COMMERCIAL DRIVER'S LICENSE;
- 11 (VII) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT THE
12 PROPER ENDORSEMENTS; OR
- 13 [(iv)] (VIII) Any other violation of a state or local law which the
14 United States Secretary of Transportation determines by regulation to be serious.
- 15 (2) Serious traffic violations does not include vehicle weight and vehicle
16 defect violations.
- 17 (i) (1) "Tank vehicle" means any commercial motor vehicle that is designed
18 to transport any liquid or gaseous material within a tank that is either permanently
19 or temporarily attached to the vehicle or chassis.
- 20 (2) Tank vehicles include cargo tanks and portable tanks.
- 21 (3) Tank vehicle does not include portable tanks having a rated capacity
22 under 1,000 gallons.
- 23 (j) "United States" means the 50 states and the District of Columbia.
24 16-807.
- 25 (a) (1) Except when driving under a commercial driver's instructional
26 permit and accompanied by the holder of a driver's license valid for the class of vehicle
27 being driven, an individual may not drive a commercial motor vehicle unless the
28 individual [has]:
- 29 (I) HAS been issued A COMMERCIAL DRIVER'S LICENSE THAT:
- 30 1. IS VALID FOR THE CLASS OF VEHICLE BEING OPERATED;
31 AND
- 32 2. HAS THE PROPER ENDORSEMENTS FOR THE SPECIFIC
33 VEHICLE OR VEHICLE COMBINATION BEING OPERATED OR FOR THE PASSENGERS OR
34 TYPE OF CARGO BEING TRANSPORTED; and

1 (II) [is] IS in immediate possession of a driver's license valid for the
2 class of vehicle being driven.

3 (2) IT SHALL BE A VALID DEFENSE TO A CHARGE OF VIOLATING
4 PARAGRAPH (1)(II) OF THIS SUBSECTION FOR THE DRIVER TO PROVIDE A CERTIFIED
5 RECORD EITHER FROM THE MOTOR VEHICLE ADMINISTRATION OR FROM THE
6 LICENSING AUTHORITY OF THE DRIVER'S HOME STATE SHOWING THAT THE DRIVER
7 HELD A VALID COMMERCIAL DRIVER'S LICENSE ON THE DATE OF THE VIOLATION.

8 (b) (1) An individual may not be issued a commercial driver's license until
9 the individual has passed the knowledge and skill tests for driving a commercial
10 motor vehicle which complies with the minimum federal standards established by the
11 federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570),
12 and has satisfied all other requirements of that act as well as any other requirements
13 of this title.

14 (2) The tests shall be prescribed and conducted at the direction of the
15 Administration.

16 (3) The Administration shall adopt regulations to waive the skill test
17 required under paragraph (1) of this subsection in a manner consistent with 49 CFR
18 § 383.77.

19 (c) A commercial driver's license may be issued only to:

20 (1) An individual who drives or will drive a commercial motor vehicle
21 and who is a resident of this State; and

22 (2) Those nonresidents who may qualify under § 16-817 of this subtitle.

23 (d) A commercial driver's license may not be issued to an individual:

24 (1) While the individual is disqualified from driving a commercial motor
25 vehicle;

26 (2) While the individual's driver's license is suspended, revoked, or
27 canceled in this State or any other state; or

28 (3) While the individual holds a commercial driver's license or driver's
29 license issued by any other jurisdiction, unless the individual surrenders that license
30 for return to the issuing jurisdiction for cancellation.

31 (e) (1) A commercial driver's instructional permit may be issued for the
32 class of commercial driver's license applied for only to an individual who has passed
33 the appropriate knowledge and vision screening tests.

34 (2) The holder of a commercial driver's instructional permit may drive a
35 commercial motor vehicle on a highway only when the individual is accompanied by
36 and under the immediate supervision of the holder of a driver's license valid for the
37 type of vehicle driven, if the accompanying driver:

1 (i) Is at least 21 years old; and

2 (ii) Has been licensed for at least 3 years in this State or in another
3 state to drive vehicles of the class then being driven.

4 16-812.

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

7 (1) The individual is convicted of committing any of the following
8 offenses while driving a commercial motor vehicle OR WHILE HOLDING A
9 COMMERCIAL DRIVER'S LICENSE:

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

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

13 (iii) Leaving the scene of an accident which requires disqualification
14 as provided by the United States Secretary of Transportation;

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

17 (v) Driving in violation of § 25-112 of this article;

18 (2) The individual, while driving a commercial motor vehicle, refuses to
19 undergo testing as provided in § 16-205.1 of this title or as is required by any other
20 state's law or by federal law in the enforcement of 49 CFR § 383.51(b)(2)(i)(A) or (B),
21 or 49 CFR § 392.5(a)(2); [or]

22 (3) The individual drives or attempts to drive a commercial motor vehicle
23 while the alcohol concentration of the person's blood or breath is 0.04 or more;

24 (4) THE INDIVIDUAL IS CONVICTED FOR A VIOLATION OF § 2-209, § 2-503,
25 § 2-504, § 2-505, OR § 2-506 OF THE CRIMINAL LAW ARTICLE; OR

26 (5) THE INDIVIDUAL DRIVES A COMMERCIAL MOTOR VEHICLE WHEN, AS
27 A RESULT OF PRIOR VIOLATIONS COMMITTED WHILE OPERATING A COMMERCIAL
28 MOTOR VEHICLE, THE DRIVER'S COMMERCIAL DRIVER'S LICENSE IS REVOKED,
29 SUSPENDED, OR CANCELED OR THE DRIVER IS DISQUALIFIED FROM OPERATING A
30 COMMERCIAL MOTOR VEHICLE.

31 (b) If any of the offenses in subsection (a) of this section occurred while
32 transporting a hazardous material required to be placarded, the Administration shall
33 disqualify the individual for a period of 3 years.

34 (c) The Administration shall disqualify any person from driving a commercial
35 motor vehicle for life for 2 or more violations of any of the offenses specified in

1 subsection (a) or (b) of this section, or any combination of those offenses, arising from
2 2 or more separate incidents.

3 (d) The Administration may adopt regulations establishing guidelines,
4 including conditions, under which a disqualification for life may be reduced to a
5 period of time which may be permitted by federal regulations.

6 (e) The Administration shall disqualify any person from driving a commercial
7 motor vehicle for life who uses a commercial motor vehicle in the commission of any
8 felony involving the manufacture, distribution, or dispensing of a controlled
9 dangerous substance, or possession with intent to manufacture, distribute, or
10 dispense a controlled dangerous substance.

11 (f) The Administration shall disqualify any person from driving a commercial
12 motor vehicle for a period of 60 days if convicted under the laws of this State or any
13 other state of 2 serious traffic violations [committed in a commercial motor vehicle]
14 arising from separate incidents occurring within a 3-year period COMMITTED:

15 (1) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE; OR

16 (2) WHILE HOLDING A COMMERCIAL DRIVER'S LICENSE AND
17 OPERATING A NONCOMMERCIAL MOTOR VEHICLE, AND THE CONVICTION WOULD
18 RESULT IN SUSPENSION, REVOCATION, OR CANCELLATION OF THE DRIVER'S
19 LICENSE.

20 (g) The Administration shall disqualify any person from driving a commercial
21 motor vehicle for a period of 120 days if convicted under the laws of this State or any
22 other state of 3 serious traffic violations [committed in a commercial motor vehicle]
23 arising from separate incidents occurring within a 3-year period COMMITTED:

24 (1) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE; OR

25 (2) WHILE HOLDING A COMMERCIAL DRIVER'S LICENSE AND
26 OPERATING A NONCOMMERCIAL MOTOR VEHICLE, AND THE CONVICTION WOULD
27 RESULT IN SUSPENSION, REVOCATION, OR CANCELLATION OF THE DRIVER'S
28 LICENSE.

29 (h) The Administration may disqualify a person from driving a commercial
30 motor vehicle for a controlled dangerous substance offense in the manner provided
31 under Article 41, Title 1, Subtitle 5 of the Code.

32 (i) (1) In this subsection the following terms have the meanings indicated:

33 (i) "Commercial motor vehicle" means:

34 1. A "commercial motor vehicle" as defined in § 11-109.1 of
35 this article; and

1 2. Except as provided in § 11-109.1(b) of this article, any
2 self-propelled or towed vehicle used on a public highway to transport passengers or
3 property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

4 (ii) "Out-of-service order" means a declaration by an authorized
5 enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a
6 driver, a commercial motor vehicle, or a motor carrier operation, is put out of service
7 pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal
8 Regulations, compatible laws, or the North American Uniform Out-of-Service
9 criteria.

10 (2) A driver who is convicted of violating an out-of-service order while
11 driving a commercial motor vehicle is disqualified for the period of time specified in
12 regulation by the United States Secretary of Transportation.

13 (j) A driver who is convicted of a violation of any of the provisions of §§ 21-701
14 through 21-704 of this article pertaining to railroad grade crossings or any other
15 federal, state, or local law or regulation pertaining to railroad grade crossings that is
16 substantially similar to §§ 21-701 through 21-704 of this article, while operating a
17 commercial motor vehicle, is disqualified for the period of time specified in regulation
18 by the United States Secretary of Transportation.

19 (k) The Administration shall cancel a commercial driver's license if the
20 applicant provides information that is incomplete or incorrect.

21 (l) After suspending, revoking, or canceling a commercial driver's license, or
22 after disqualifying a [commercial driver] PERSON WHO HOLDS A COMMERCIAL
23 DRIVER'S LICENSE from operating a commercial motor vehicle, the Administration
24 shall update its records to reflect that action within 10 days.

25 (m) After suspending, revoking, or canceling a nonresident commercial driver's
26 privilege, or after disqualifying a nonresident driver from operating a commercial
27 motor vehicle, the Administration shall notify the licensing authority of the state
28 which issued the commercial driver's license within 10 days.

29 (n) An individual who is disqualified from driving a commercial motor vehicle
30 under this section shall surrender the individual's driver's license to the
31 Administration.

32 (o) The Administration may issue a noncommercial driver's license of an
33 appropriate class to an individual who is disqualified under this section if:

34 (1) The individual surrenders the commercial driver's license; and

35 (2) The individual's driving privilege is not otherwise refused,
36 suspended, revoked, or canceled in this State or any other state.

37 (p) Upon termination of a disqualification period, an individual may apply for
38 a new commercial driver's license. The Administration shall issue a commercial
39 driver's license to the applicant when the applicant:

1 (1) Passes the skills and knowledge tests required by this subtitle;

2 (2) Is eligible to drive pursuant to the Commercial Driver's License
3 Information System, and National Driver's Register;

4 (3) Surrenders any previously issued driver's instructional permit or
5 license; and

6 (4) Pays the fees required by § 16-818(a)(1) of this subtitle.

7 (q) If an individual is disqualified based on multiple offenses committed at the
8 same time, or arising out of circumstances simultaneous in time and place, or arising
9 out of the same incident, the Administration:

10 (1) Shall disqualify the individual from driving a commercial motor
11 vehicle for the offense which results in the lengthiest period of disqualification; and

12 (2) May not impose any additional periods of disqualification for the
13 remainder of the offenses.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **Article - Transportation**

17 16-814.

18 Within [10] 30 days [of receiving a report] of the conviction [of any nonresident
19 holder of a commercial driver's license for the violation of any State law or local
20 ordinance relating to operating a motor vehicle, other than parking violations,
21 committed in a commercial motor vehicle], the Administration shall notify the driver
22 licensing authority in the licensing state of the conviction OF:

23 (1) ANY NONRESIDENT HOLDER OF A COMMERCIAL DRIVER'S LICENSE
24 FOR THE VIOLATION OF ANY STATE LAW OR LOCAL ORDINANCE RELATING TO
25 OPERATING A MOTOR VEHICLE, OTHER THAN PARKING VIOLATIONS;

26 (2) ANY NONRESIDENT HOLDER OF A NONCOMMERCIAL DRIVER'S
27 LICENSE FOR THE VIOLATION OF ANY STATE LAW OR LOCAL ORDINANCE RELATING
28 TO OPERATING A MOTOR VEHICLE, OTHER THAN PARKING VIOLATIONS, COMMITTED
29 IN A COMMERCIAL MOTOR VEHICLE; OR

30 (3) ANY NONRESIDENT WHO DOES NOT HOLD ANY TYPE OF LICENSE TO
31 DRIVE, OR WHOSE LICENSE TO DRIVE IS SUSPENDED, REVOKED, OR CANCELED, FOR
32 THE VIOLATION OF ANY STATE LAW OR LOCAL ORDINANCE RELATING TO
33 OPERATING A COMMERCIAL MOTOR VEHICLE, OTHER THAN PARKING VIOLATIONS.

34 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
35 read as follows:

1

Article - Transportation

2 16-814.

3 Within [30] 10 days of the conviction, the Administration shall notify the driver
4 licensing authority in the licensing state of the conviction of:

5 (1) Any nonresident holder of a commercial driver's license for the
6 violation of any State law or local ordinance relating to operating a motor vehicle,
7 other than parking violations;

8 (2) Any nonresident holder of a noncommercial driver's license for the
9 violation of any State law or local ordinance relating to operating a motor vehicle,
10 other than parking violations, committed in a commercial motor vehicle; or

11 (3) Any nonresident who does not hold any type of license to drive, or
12 whose license to drive is suspended, revoked, or canceled for the violation of any State
13 law or local ordinance relating to operating a commercial motor vehicle, other than
14 parking violations.

15 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
16 shall take effect September 30, 2005. It shall remain effective for a period of 3 years
17 and, at the end of September 29, 2008, with no further action required by the General
18 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

19 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act
20 shall take effect on the taking effect of the termination provision specified in Section
21 4 of this Act. If that termination provision takes effect, Section 2 of this Act shall be
22 abrogated and of no further force and effect.

23 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the
24 provisions of Sections 4 and 5 of this Act, this Act shall take effect September 30,
25 2005.