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

Introduced and read first time: February 9, 2005

Assigned to: Environmental Matters and Judiciary

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; altering references
5 to certain definitions; updating references to certain classes of vehicle licenses;
6 modifying certain exemptions for certain licensing requirements; applying
7 certain sanctions to a holder of a commercial driver's license under certain
8 circumstances; adding certain offenses, including certain offenses committed in
9 a noncommercial vehicle, to the list of disqualifying offenses for commercial
10 drivers; requiring the Administration to adopt certain regulations; prohibiting
11 an individual from driving a commercial motor vehicle unless the individual has
12 been issued a commercial driver's license meeting certain requirements; altering
13 certain definitions; providing that certain offenses committed before a certain
14 date or before the initial issuance of a commercial driver's license do not apply
15 for purposes of certain disqualification provisions; establishing a certain defense
16 for a certain violation; expanding the list of persons to whom certain segregated
17 information in a driver's driving record may be made available; expanding
18 certain requirements relating to driving a commercial motor vehicle; altering
19 certain references to certain federal regulations; altering certain provisions
20 concerning the reporting of certain convictions of nonresidents; making certain
21 technical, stylistic, and conforming changes; providing for the effective date of
22 this Act; providing for a delayed effective date for certain provisions of this Act;
23 providing for the termination of certain provisions of this Act; and generally
24 relating to commercial drivers' licenses.

25 BY repealing and reenacting, with amendments,
26 Article - Courts and Judicial Proceedings
27 Section 2-201
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2004 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Public Safety

1 Section 2-701
2 Annotated Code of Maryland
3 (2003 Volume and 2004 Supplement)

4 BY repealing
5 Article - Transportation
6 Section 11-109.1
7 Annotated Code of Maryland
8 (2002 Replacement Volume and 2004 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 16-102(a), 16-104.1, 16-117, 16-205.1, 16-208.1, 16-803, 16-807,
12 16-808, 16-809, 16-812, 16-814, and 16-815
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 16-814
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2004 Supplement)
20 (As enacted by Section 2 of this Act)

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

23 **Article - Courts and Judicial Proceedings**

24 2-201.

25 (a) The clerk of a court shall:

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

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

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

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

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

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

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

5 (8) Administer an oath;

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

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

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

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

15 **Article - Public Safety**

16 2-701.

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

18 (b) "Commercial motor vehicle" has the meaning stated in [§ 11-109.1] §
19 16-803 of the Transportation Article.

20 (c) "Council" means the Vehicle Theft Prevention Council.

21 (d) "Fund" means the Vehicle Theft Prevention Fund.

22 **Article - Transportation**

23 [11-109.1.

24 (a) "Commercial motor vehicle" and "CMV" means a motor vehicle or
25 combination of motor vehicles used to transport passengers or property, if the motor
26 vehicle:

27 (1) Has a gross combination weight of 26,001 or more pounds inclusive of
28 a towed unit;

29 (2) Has a gross vehicle weight of 26,001 or more pounds;

30 (3) Is designed to transport 16 or more passengers, including the driver;
31 or

1 (4) Is of any size and is used in the transportation of materials found to
2 be hazardous for the purposes of the Hazardous Materials Transportation Act and
3 which requires the motor vehicle to be placarded under hazardous materials
4 regulations (49 CFR Part 172, Subpart F).

5 (b) "Commercial motor vehicle" and "CMV" does not include a vehicle that is:

6 (1) (i) Controlled and operated by a farmer;

7 (ii) Used to transport agricultural products, farm machinery, or
8 farm supplies to or from a farm;

9 (iii) Not used in the operations of a common or contract motor
10 carrier; and

11 (iv) Used within 150 miles of the person's farm;

12 (2) An emergency vehicle:

13 (i) Equipped with audible and visual signals; and

14 (ii) Operated by a member of or a person in the employ of a
15 volunteer or paid fire or rescue organization;

16 (3) A vehicle owned or operated by the United States Department of
17 Defense if it is controlled and operated by:

18 (i) Any active duty military personnel; or

19 (ii) Any member of the military reserves or National Guard on
20 active duty, including personnel on full-time National Guard duty and personnel on
21 part-time training; or

22 (4) A motor vehicle designed and constructed primarily to provide
23 temporary living quarters for recreational, camping, or travel use.]

24 16-102.

25 (a) The licensing requirements of this title do not apply to:

26 (1) An officer or employee of the United States while driving on official
27 business a motor vehicle other than a commercial motor vehicle owned or operated by
28 the United States;

29 (2) Except for members elected from this State, a member of the United
30 States Congress who resides in this State during his term of office in the Congress;

31 (3) An individual while driving any road machine, farm tractor, or farm
32 equipment temporarily driven on a highway in this State, or dock equipment at
33 Dundalk or Locust Point marine terminals which does not require registration under
34 the provisions of this article;

1 (4) An individual who, while driving a mobile crane on a highway to or
2 from a construction site in this State, has with him a valid Class A, B, [C, or D] OR
3 C license issued to him under [§ 16-104] § 16-104.1 of this subtitle or a Class A or B
4 commercial driver's license issued to him under this title;

5 (5) A nonresident student enrolled in an accredited school, college, or
6 university of this State or of a bordering state or serving a medical internship in this
7 State, if:

8 (i) The state of which the student is a resident extends the same
9 privileges to the residents of this State;

10 (ii) The student has with him a license to drive issued to him by the
11 state of which he is a resident; and

12 (iii) The license authorizes the student to drive in the state of which
13 he is a resident vehicles of the class he is driving in this State;

14 (6) A new resident of this State during the first 60 days of residency, if:

15 (i) The individual has a valid license issued by the state of which
16 the individual formerly was a resident;

17 (ii) The license authorizes the individual to drive in the state of
18 former residence vehicles of the class the individual is driving in this State; and

19 (iii) The individual is at least the same age as that required for a
20 resident to drive a vehicle of the same class the individual is driving in this State;

21 (7) A member of the armed forces of the United States or of the United
22 States Public Health Service who is serving on active duty and any dependent of the
23 member, if:

24 (i) The driver has with him a license to drive issued to him by his
25 state of domicile; and

26 (ii) The license authorizes the driver to drive in his state of domicile
27 vehicles of the class he is driving in this State;

28 (8) For not more than 30 days after he returns to the United States, a
29 member of the armed forces of the United States who is returning from active duty
30 outside the United States and any dependent of the member who is returning from
31 residence with the member outside the United States; if:

32 (i) The driver has with him a license to drive issued to him by the
33 armed forces of the United States in a place outside the United States; and

34 (ii) The license authorizes the driver to drive vehicles of the class he
35 is driving in this State;

36 (9) A nonresident of this State if:

1 (i) He has with him a license to drive issued to him by the state of
2 his residence;

3 (ii) His license authorizes him to drive in that state vehicles of the
4 class he is driving in this State; and

5 (iii) He is at least the same age as that required of a resident for the
6 vehicle he is driving in this State;

7 (10) A nonresident of the United States if:

8 (i) The individual has a valid license to drive issued to the
9 individual by the country of residence;

10 (ii) The individual's license authorizes him to drive in that country
11 vehicles of the class he is driving in this State;

12 (iii) The individual is at least the same age as that required of a
13 resident for the vehicle he is driving in this State; and

14 (iv) Except as provided for in Subtitle 8 of this title, the vehicle is
15 not a commercial motor vehicle;

16 (11) A member of the Maryland National Guard OR A NATIONAL GUARD
17 MILITARY TECHNICIAN if:

18 (i) The driver is driving a military vehicle in the performance of
19 duty; and

20 (ii) The driver has with him an operator's identification card issued
21 by the Maryland National Guard for the type of military vehicle being driven; and

22 (12) A member or employee of a fire department, rescue squad, emergency
23 medical services unit, or volunteer fire company while driving an emergency vehicle if
24 the driver:

25 (i) Holds a valid Class C license issued to the driver under §
26 16-104.1 of this subtitle;

27 (ii) Has been authorized by the political subdivision that operates a
28 fire department, rescue squad, emergency medical services unit, or volunteer fire
29 department to operate the type of emergency vehicle being driven; and

30 (iii) Is driving the emergency vehicle in the performance of the
31 official duties of the driver in or out of this State.

32 16-104.1.

33 (a) (1) A noncommercial Class A driver's license authorizes the licensee to
34 drive combinations of Class F (tractor) and Class G (trailer) vehicles and any vehicle
35 that a noncommercial Class B driver's license authorizes its holder to drive, except:

1 (i) Commercial motor vehicles; and

2 (ii) Motorcycles.

3 (2) An individual who is issued a noncommercial Class A driver's license
4 under this subsection may not drive or attempt to drive a motor vehicle on any
5 highway in this State unless a noncommercial Class A driver's license authorizes the
6 individual to drive a vehicle of the class that the individual is driving or attempting to
7 drive.

8 (b) (1) A noncommercial Class B driver's license authorizes the licensee to
9 drive any single vehicle or combinations of vehicles with a [gross vehicle weight
10 (GVW) or gross combination weight (GCW)] GROSS VEHICLE WEIGHT RATING (GVWR)
11 OR GROSS COMBINATION WEIGHT RATING (GCWR), AS DEFINED IN § 16-803 OF THIS
12 TITLE, of 26,001 pounds and more and any vehicle that a noncommercial Class C
13 driver's license authorizes its holder to drive, except:

14 (i) Commercial motor vehicles;

15 (ii) Motorcycles; and

16 (iii) Combinations of Class F (tractor) and Class G (trailer) vehicles.

17 (2) An individual who is issued a noncommercial Class B driver's license
18 under this subsection may not drive or attempt to drive a motor vehicle on any
19 highway in this State unless a noncommercial Class B driver's license authorizes the
20 individual to drive a vehicle of the class that the individual is driving or attempting to
21 drive.

22 (c) (1) A noncommercial Class C driver's license authorizes the licensee to
23 drive any vehicle or combination of vehicles with a [gross vehicle weight] GROSS
24 VEHICLE WEIGHT RATING (GVWR), AS DEFINED IN § 16-803 OF THIS TITLE, OF less
25 than 26,001 pounds, except:

26 (i) Commercial motor vehicles; and

27 (ii) Motorcycles.

28 (2) An individual who is issued a noncommercial Class C driver's license
29 under this subsection may not drive or attempt to drive a motor vehicle on any
30 highway in this State unless a noncommercial Class C driver's license authorizes the
31 individual to drive a vehicle of the class that the individual is driving or attempting to
32 drive.

33 (d) (1) A Class M driver's license authorizes the licensee to drive
34 motorcycles.

35 (2) An individual who is issued a Class M driver's license under this
36 subsection may not drive or attempt to drive a motor vehicle on any highway in this

1 State unless a Class M driver's license authorizes the individual to drive a vehicle of
2 the class that the individual is driving or attempting to drive.

3 (e) Except when the towing vehicle is a commercial motor vehicle and subject
4 to the provisions of this section, a noncommercial Class A, B, or C license holder may:

5 (1) Tow any travel trailer as defined in § 11-170 of this article;

6 (2) Tow any camping trailer as defined in § 11-106 of this article; or

7 (3) Tow any boat trailer as defined in § 11-104.1 of this article.

8 (f) This section applies to any license issued or renewed on or after January 1,
9 1990.

10 16-117.

11 (a) The Administration shall keep a record of:

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

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

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

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

18 (2) (I) The Administration shall keep convenient records or make
19 suitable notations showing the convictions or traffic accidents in which each licensee
20 has been involved and every probation before judgment disposition of any violation of
21 the Maryland Vehicle Law. A record or notation of a probation before judgment
22 disposition, or a first offense of driving with an alcohol concentration of 0.08 or more
23 under § 16-205.1 of this title, shall be segregated by the Administration and shall be
24 available only to [the]:

25 1. THE Administration[.];

26 2. OTHER DRIVER LICENSING AUTHORITIES;

27 3. THE UNITED STATES SECRETARY OF TRANSPORTATION;

28 4. CURRENT AND PROSPECTIVE EMPLOYERS, AS DEFINED IN
29 § 16-803(D) OF THIS TITLE, OF DRIVERS REQUIRED TO HOLD COMMERCIAL DRIVERS'
30 LICENSES;

31 5. [the] THE courts[.];

32 6. [criminal] CRIMINAL justice agencies[.]; and

1 7. [the] THE defendant or the defendant's attorney.

2 (II) However, a record or notation of a probation before judgment, or
3 a first offense of driving with an alcohol concentration of 0.08 or more under §
4 16-205.1 of this title, may not be received or considered by the courts until a plea of
5 guilty or nolo contendere is made by the defendant or a finding of guilty is made by
6 the court.

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

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

14 (5) Except as provided in this section, an employee of the Administration
15 may not disclose any records or information regarding probation before judgment, or
16 a first offense of driving with an alcohol concentration of 0.08 or more under §
17 16-205.1 of this title.

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

21 16-205.1.

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

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

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

29 (iv) "Test" means, unless the context requires otherwise:

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

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

34 3. Both:

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

1 A. For a first offense, suspend the person's driving privilege
2 for 120 days; or

3 B. For a second or subsequent offense, suspend the person's
4 driving privilege for 1 year; and

5 (iii) In addition to any applicable driver's license suspensions
6 authorized under this section, in the case of a person operating a commercial motor
7 vehicle OR WHO HOLDS A COMMERCIAL DRIVER'S LICENSE who refuses to take a test:

8 1. Disqualify the person's commercial driver's license for a
9 period of 1 year for a first offense, 3 years for a first offense which occurs while
10 transporting hazardous materials required to be placarded, and disqualify for life for
11 a second or subsequent offense which occurs while operating any commercial motor
12 vehicle; or

13 2. If the person [is licensed as a commercial driver] HOLDS A
14 COMMERCIAL DRIVER'S LICENSE ISSUED by another state, disqualify the person's
15 privilege to operate a commercial motor vehicle and report the refusal and
16 disqualification to the person's resident state which may result in further penalties
17 imposed by the person's resident state.

18 (2) Except as provided in subsection (c) of this section, if a police officer
19 stops or detains any person who the police officer has reasonable grounds to believe is
20 or has been driving or attempting to drive a motor vehicle while under the influence
21 of alcohol, while impaired by alcohol, while so far impaired by any drug, any
22 combination of drugs, or a combination of one or more drugs and alcohol that the
23 person could not drive a vehicle safely, while impaired by a controlled dangerous
24 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title,
25 and who is not unconscious or otherwise incapable of refusing to take a test, the police
26 officer shall:

27 (i) Detain the person;

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

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

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

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

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

- 1 (iii) Issue a temporary license to drive;
- 2 (iv) Inform the person that the temporary license allows the person
3 to continue driving for 45 days if the person is licensed under this title;
- 4 (v) Inform the person that:
- 5 1. The person has a right to request, at that time or within
6 10 days, a hearing to show cause why the driver's license should not be suspended
7 concerning the refusal to take the test or for test results indicating an alcohol
8 concentration of 0.08 or more at the time of testing, and the hearing will be scheduled
9 within 45 days; and
- 10 2. If a hearing request is not made at that time or within 10
11 days, but within 30 days the person requests a hearing, a hearing to show cause why
12 the driver's license should not be suspended concerning the refusal to take the test or
13 for test results indicating an alcohol concentration of 0.08 or more at the time of
14 testing will be scheduled, but a request made after 10 days does not extend a
15 temporary license issued by the police officer that allows the person to continue
16 driving for 45 days;
- 17 (vi) Advise the person of the administrative sanctions that shall be
18 imposed in the event of failure to request a hearing, failure to attend a requested
19 hearing, or upon an adverse finding by the hearing officer; and
- 20 (vii) Within 72 hours after the issuance of the order of suspension,
21 send any confiscated driver's license, copy of the suspension order, and a sworn
22 statement to the Administration, that states:
- 23 1. The officer had reasonable grounds to believe that the
24 person had been driving or attempting to drive a motor vehicle on a highway or on
25 any private property that is used by the public in general in this State while under
26 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug,
27 any combination of drugs, or a combination of one or more drugs and alcohol that the
28 person could not drive a vehicle safely, while impaired by a controlled dangerous
29 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;
- 30 2. The person refused to take a test when requested by the
31 police officer or the person submitted to the test which indicated an alcohol
32 concentration of 0.08 or more at the time of testing; and
- 33 3. The person was fully advised of the administrative
34 sanctions that shall be imposed, including the fact that a person who refuses to take
35 the test is ineligible for modification of a suspension or issuance of a restrictive
36 license under subsection (n)(1) or (2) of this section.
- 37 (c) (1) If a person is involved in a motor vehicle accident that results in the
38 death of, or a life threatening injury to, another person and the person is detained by
39 a police officer who has reasonable grounds to believe that the person has been
40 driving or attempting to drive while under the influence of alcohol, while impaired by

1 alcohol, while so far impaired by any drug, any combination of drugs, or a
2 combination of one or more drugs and alcohol that the person could not drive a vehicle
3 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813
4 of this title, the person shall be required to submit, as directed by the officer, to a test
5 of:

6 (i) The person's breath to determine alcohol concentration;

7 (ii) One specimen of the person's blood, to determine alcohol
8 concentration or to determine the drug or controlled dangerous substance content of
9 the person's blood; or

10 (iii) Both the person's breath under item (i) of this paragraph and
11 one specimen of the person's blood under item (ii) of this paragraph.

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

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

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

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

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

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

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

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

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

1 (f) (1) Subject to the provisions of this subsection, at the time of, or within
2 30 days from the date of, the issuance of an order of suspension, a person may submit
3 a written request for a hearing before an officer of the Administration if:

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

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

12 2. The person refused to take a test.

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

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

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

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

20 1. For a test result indicating an alcohol concentration of
21 0.08 or more at the time of testing:

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

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

24 2. For a test refusal:

25 A. For a first offense, for 120 days; or

26 B. For a second offense or subsequent offense, for 1 year; and

27 (ii) 1. In the case of a person operating a commercial motor
28 vehicle OR WHO HOLDS A COMMERCIAL DRIVER'S LICENSE who refuses to take a test,
29 disqualify the [person's commercial driver's license] PERSON FROM OPERATING A
30 COMMERCIAL MOTOR VEHICLE for a period of 1 year for a first offense, 3 years for a
31 first offense which occurs while transporting hazardous materials required to be
32 placarded, and for life for a second or subsequent offense which occurs while
33 operating any commercial vehicle; or

34 2. In the case of a person operating a commercial motor
35 vehicle who refuses to take a test, and who [is licensed as a commercial driver]
36 HOLDS A COMMERCIAL DRIVER'S LICENSE ISSUED by another state, disqualify the

1 person's privilege to operate a commercial motor vehicle in this State and report the
2 refusal and disqualification to the person's resident state which may result in further
3 penalties imposed by the person's resident state.

4 (5) (i) If the person requests a hearing at the time of or within 10 days
5 after the issuance of the order of suspension and surrenders the driver's license or, if
6 applicable, the person's commercial driver's license, the Administration shall set a
7 hearing for a date within 30 days of the receipt of the request.

8 (ii) Subject to the provisions of this paragraph, a postponement of a
9 hearing under this paragraph does not extend the period for which the person is
10 authorized to drive and the suspension and, if applicable, the disqualification shall
11 become effective on the expiration of the 45-day period after the issuance of the order
12 of suspension.

13 (iii) A postponement of a hearing described under this paragraph
14 shall extend the period for which the person is authorized to drive if:

15 1. Both the person and the Administration agree to the
16 postponement;

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

19 3. Under circumstances in which the person made a request,
20 within 10 days of the date that the order of suspension was served under this section,
21 for the issuance of a subpoena under § 12-108 of this article except as time limits are
22 changed by this paragraph:

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

24 B. An adverse witness for whom the subpoena was requested,
25 and on whom the subpoena was served not less than 5 days before the hearing
26 described under this paragraph, fails to comply with the subpoena at an initial or
27 subsequent hearing described under this paragraph held within the 45-day period; or

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

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

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

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

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

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

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

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

18 (ii) A request for hearing scheduled under this paragraph does not
19 extend the period for which the person is authorized to drive, and the suspension and,
20 if applicable, the disqualification shall become effective on the expiration of the
21 45-day period that begins on the date of the issuance of the order of suspension.

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

24 1. Both the person and the Administration agree to the
25 postponement;

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

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

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

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

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 that begins
9 on the date of the request for a hearing under this paragraph under circumstances
10 described in subparagraph (iii) of this paragraph, the Administration shall stay the
11 suspension and issue a temporary license that authorizes the person to drive only
12 until the date of the rescheduled hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 B. A test to determine alcohol concentration was taken and
23 the test result indicated an alcohol concentration of 0.08 or more at the time of
24 testing.

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

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

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

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

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

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

9 (viii) A disqualification for life may be reduced if permitted by §
10 16-812(d) of this title.

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

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

15 (i) Is unequivocal;

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

18 (iii) Is given by the person:

19 1. Before the delay in testing would materially affect the
20 outcome of the test; and

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

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

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

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

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

32 2. 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;

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

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

3 (iv) Whether the delay in testing would have interfered with the
4 attention to other duties of the arresting officer or a qualified person, as defined in §
5 10-304 of the Courts Article;

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

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

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

14 (h) Notwithstanding any other provision of this section, if a driver's license is
15 suspended based on multiple administrative offenses of refusal to take a test, or a test
16 to determine alcohol concentration taken that indicated an alcohol concentration of
17 0.08 or more at the time of testing, or any combination of these administrative
18 offenses committed at the same time, or arising out of circumstances simultaneous in
19 time and place, or arising out of the same incident, the Administration:

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

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

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

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

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

35 (i) Designed to train and certify police officers as drug recognition
36 experts; and

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

4 1. In conjunction with the National Highway Traffic Safety
5 Administration; or

6 2. As a program of training of police officers as drug
7 recognition experts that contains requirements for successful completion of the
8 training program that are the substantial equivalent of the requirements of the Drug
9 Recognition Training Program developed by the National Highway Traffic Safety
10 Administration; and

11 (3) May only be requested as described under subsection (b) of this
12 section, required as described under subsection (c) of this section, or directed as
13 described under subsection (d) of this section:

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

18 1. The Department of State Police;

19 2. The Baltimore City Police Department;

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

21 4. A police department, bureau, or force of an incorporated
22 city or town;

23 5. The Maryland Transit Administration Police Force;

24 6. The Maryland Port Administration Police Force of the
25 Department of Transportation;

26 7. The Maryland Transportation Authority Police Force;

27 8. The Police Force of the University of Maryland or Morgan
28 State University;

29 9. The police force for a State university or college under the
30 direction and control of the University System of Maryland;

31 10. A sheriff's department of any county or Baltimore City;

32 11. The Natural Resources Police Force or the Forest and
33 Park Service Police Force of the Department of Natural Resources; or

34 12. The security force of the Department of General Services;
35 or

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

5 (j) If the Administration imposes a suspension or disqualification after a
6 hearing, the person whose license or privilege to drive has been suspended or
7 disqualified may appeal the final order of suspension as provided in Title 12, Subtitle
8 2 of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 1. A noncollegiate educational institution as defined in §
 12 2-206(a) of the Education Article; or

13 2. A regular program at an institution of postsecondary
 14 education.

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

18 (4) In addition to the authority to modify a suspension or issue a
 19 restrictive license under paragraph (1) or (2) of this subsection, the Administration
 20 may modify a suspension under this section or issue a restrictive license to a licensee
 21 who participates in the Ignition Interlock System Program established under §
 22 16-404.1 of this title for at least 1 year.

23 (O) THE PROVISIONS OF THIS SECTION RELATING TO DISQUALIFICATION DO
 24 NOT APPLY TO OFFENSES COMMITTED BY AN INDIVIDUAL IN A NONCOMMERCIAL
 25 MOTOR VEHICLE BEFORE:

26 (1) SEPTEMBER 30, 2005; OR

27 (2) THE INITIAL ISSUANCE TO THE INDIVIDUAL OF A COMMERCIAL
 28 DRIVER'S LICENSE BY ANY STATE.

29 16-208.1.

30 (a) In addition to any suspensions or revocations of an individual's license or
 31 privilege to drive provided for in this title, if the individual holds a Class A, B, [C, or
 32 D] OR C license issued under [§ 16-104] § 16-815 of this title OR IS OPERATING A
 33 COMMERCIAL MOTOR VEHICLE, the Administration shall disqualify the individual
 34 from operating a commercial motor vehicle if the convictions resulted from an offense
 35 [involving a commercial motor vehicle and the] OR offenses THAT would subject the
 36 individual to disqualification under § 16-812 of this title.

1 (b) Any disqualification imposed under subsection (a) of this section shall be
2 for the period of time provided in § 16-812 of this title.

3 (c) If an individual has been disqualified from operating a commercial motor
4 vehicle pursuant to subsection (a) of this section, but that individual is otherwise
5 eligible for a license or privilege to operate vehicles other than commercial motor
6 vehicles, the Administration may issue a noncommercial driver's license to that
7 individual.

8 (d) The Administration may not issue a commercial driver's license to an
9 individual until the disqualification imposed under subsection (a) of this section has
10 expired.

11 (e) Notwithstanding any law to the contrary, if an individual has been
12 disqualified from operating a commercial motor vehicle pursuant to subsection (a) of
13 this section, that individual may not drive a commercial motor vehicle after the
14 period of disqualification unless the individual:

- 15 (1) Applies for a commercial driver's license;
- 16 (2) Is qualified to be issued a commercial driver's license;
- 17 (3) Pays the fees required by § 16-818(a)(3) of this title; and
- 18 (4) Is issued a commercial driver's license by the Administration.

19 (f) Notwithstanding any law to the contrary, if an individual has been
20 disqualified from driving a commercial motor vehicle under the provisions of §
21 16-812(i) of this title, that individual may not drive a commercial motor vehicle as
22 defined in § 16-812(i) until the period of disqualification is completed.

23 16-803.

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

25 (b) "Commerce" means:

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

29 (2) Trade, traffic, and transportation in the United States which affects
30 any trade, traffic, and transportation within the jurisdiction of the United States
31 between a place in a state and a place outside of the state, including a place outside
32 the United States.

33 (C) (1) "COMMERCIAL MOTOR VEHICLE (CMV)" MEANS A MOTOR VEHICLE
34 OR COMBINATION OF MOTOR VEHICLES USED TO TRANSPORT PASSENGERS OR
35 PROPERTY, IF THE MOTOR VEHICLE:

1 (I) HAS A GROSS COMBINATION WEIGHT RATING OF 26,001 OR
2 MORE POUNDS INCLUSIVE OF A TOWED UNIT;

3 (II) HAS A GROSS VEHICLE WEIGHT RATING OF 26,001 OR MORE
4 POUNDS;

5 (III) IS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS,
6 INCLUDING THE DRIVER; OR

7 (IV) IS OF ANY SIZE AND IS USED IN THE TRANSPORTATION OF
8 MATERIALS FOUND TO BE HAZARDOUS FOR THE PURPOSES OF THE HAZARDOUS
9 MATERIALS TRANSPORTATION ACT AND WHICH REQUIRES THE MOTOR VEHICLE TO
10 BE PLACARDED UNDER HAZARDOUS MATERIALS REGULATIONS (49 CFR PART 172,
11 SUBPART F).

12 (2) "COMMERCIAL MOTOR VEHICLE (CMV)" DOES NOT INCLUDE A
13 VEHICLE THAT IS:

14 (I) 1. CONTROLLED AND OPERATED BY A FARMER;

15 2. USED TO TRANSPORT AGRICULTURAL PRODUCTS, FARM
16 MACHINERY, OR FARM SUPPLIES TO OR FROM A FARM;

17 3. NOT USED IN THE OPERATIONS OF A COMMON OR
18 CONTRACT MOTOR CARRIER; AND

19 4. USED WITHIN 150 MILES OF THE PERSON'S FARM;

20 (II) AN EMERGENCY VEHICLE:

21 1. EQUIPPED WITH AUDIBLE AND VISUAL SIGNALS; AND

22 2. OPERATED BY A MEMBER OF OR A PERSON IN THE
23 EMPLOY OF A VOLUNTEER OR PAID FIRE OR RESCUE ORGANIZATION;

24 (III) A VEHICLE OWNED OR OPERATED BY THE UNITED STATES
25 DEPARTMENT OF DEFENSE IF IT IS CONTROLLED AND OPERATED BY:

26 1. ANY ACTIVE DUTY MILITARY PERSONNEL;

27 2. ANY MEMBER OF THE MILITARY RESERVES OR NATIONAL
28 GUARD ON ACTIVE DUTY, INCLUDING PERSONNEL ON FULL-TIME NATIONAL GUARD
29 DUTY AND PERSONNEL ON PART-TIME TRAINING; OR

30 3. ANY NATIONAL GUARD MILITARY TECHNICIAN; OR

31 (IV) A MOTOR VEHICLE DESIGNED AND CONSTRUCTED PRIMARILY
32 TO PROVIDE TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR
33 TRAVEL USE.

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

9 [(d)] (E) "Employer" means any individual, including the United States, a
10 state, or a political subdivision of a state, who owns or leases a commercial motor
11 vehicle or assigns drivers to operate such a vehicle. An individual who employs
12 himself as a commercial motor vehicle driver is considered to be both an employer and
13 a driver for the purposes of this subtitle.

14 [(e)] (F) "Endorsement" means an authorization to an individual's commercial
15 driver's license required to permit the individual to operate certain types of
16 commercial motor vehicles.

17 [(f)] "Gross vehicle weight (GVW)" and "gross combination weight (GCW)"
18 mean the greatest of the following weights for a single vehicle or a combination of
19 vehicles:

20 (1) The value specified by the manufacturer as the maximum gross
21 weight;

22 (2) The operating weight; or

23 (3) The registered gross weight.]

24 (G) "GROSS COMBINATION WEIGHT RATING (GCWR)" MEANS:

25 (1) THE VALUE SPECIFIED BY THE MANUFACTURER AS THE LOADED
26 WEIGHT OF A COMBINATION OR ARTICULATED VEHICLE; OR

27 (2) IN THE ABSENCE OF A VALUE SPECIFIED BY THE MANUFACTURER,
28 GCWR SHALL BE DETERMINED BY ADDING THE GROSS VEHICLE WEIGHT RATING
29 (GVWR) OF THE POWER UNIT AND THE TOTAL WEIGHT OF THE TOWED UNIT AND ITS
30 LOAD.

31 (H) "GROSS VEHICLE WEIGHT RATING (GVWR)" MEANS THE VALUE SPECIFIED
32 BY THE MANUFACTURER AS THE LOADED WEIGHT OF A SINGLE VEHICLE.

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

38 [(h)] (J) (1) "Serious traffic violation" means:

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

3 (ii) Reckless driving;

4 (iii) A violation of any state or local law relating to operating a
5 motor vehicle, other than a parking violation, arising in connection with an accident
6 or collision resulting in death to any individual; [or]

7 (IV) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT
8 OBTAINING A COMMERCIAL DRIVER'S LICENSE;

9 (V) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT A
10 COMMERCIAL DRIVER'S LICENSE IN THE DRIVER'S POSSESSION;

11 (VI) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT THE
12 PROPER CLASS OF COMMERCIAL DRIVER'S LICENSE;

13 (VII) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT THE
14 PROPER ENDORSEMENTS; OR

15 [(iv)] (VIII) Any other violation of a state or local law which the
16 United States Secretary of Transportation determines by regulation to be serious.

17 (2) Serious traffic [violations] VIOLATION does not include vehicle
18 weight and vehicle defect violations.

19 [(i)] (K) (1) "Tank vehicle" means any commercial motor vehicle that is
20 designed to transport any liquid or gaseous material within a tank that is either
21 permanently or temporarily attached to the vehicle or chassis.

22 (2) Tank vehicles include cargo tanks and portable tanks.

23 (3) Tank vehicle does not include portable tanks having a rated capacity
24 under 1,000 gallons.

25 [(j)] (L) "United States" means the 50 states and the District of Columbia.

26 16-807.

27 (a) (1) Except when driving under a commercial driver's instructional
28 permit and accompanied by the holder of a driver's license valid for the class of vehicle
29 being driven, an individual may not drive a commercial motor vehicle unless the
30 individual:

31 (I) [has] HAS been issued A COMMERCIAL DRIVER'S LICENSE
32 THAT:

33 1. IS VALID FOR THE CLASS OF VEHICLE BEING OPERATED;
34 AND

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

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

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

8 16-808.

9 (a) A person may not drive a commercial motor vehicle on any highway or any
10 property specified in § 21-101.1 of this article:

11 (1) Unless authorized to do so under this title;

12 (2) While the person's driver's license or privilege to drive is refused in
13 this State or any other state;

14 (3) While the person's driver's license or privilege to drive is canceled in
15 this State;

16 (4) While the person's driver's license or privilege to drive is canceled by
17 any other state;

18 (5) While the person's driver's license or privilege to drive is suspended
19 in this State;

20 (6) While the person's driver's license or privilege to drive is suspended
21 by any other state;

22 (7) While the person's driver's license or privilege to drive is revoked in
23 this State;

24 (8) While the person's driver's license or privilege to drive is revoked by
25 any other state; or

26 (9) While the person is:

27 (I) [disqualified] DISQUALIFIED from driving a commercial motor
28 vehicle in this State or any other state;

29 (II) DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR
30 VEHICLE BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION; OR

31 (III) SUBJECT TO AN OUT-OF-SERVICE ORDER, AS DEFINED IN §
32 16-812(I)(1)(II) OF THIS SUBTITLE.

33 (b) If a person has been issued a valid commercial driver's license, the person
34 may not drive a commercial motor vehicle on any highway or any property specified

1 in § 21-101.1 of this article without the valid commercial driver's license in the
2 person's possession.

3 16-809.

4 A person may drive a commercial motor vehicle if:

5 (1) The person [has] HOLDS a valid commercial driver's license issued
6 by any:

7 (I) [state] STATE in accordance with the minimum federal
8 standards for the issuance of a commercial driver's license; OR

9 (II) FOREIGN JURISDICTION THAT THE UNITED STATES
10 DEPARTMENT OF TRANSPORTATION HAS DETERMINED ISSUES COMMERCIAL
11 DRIVERS' LICENSES IN ACCORDANCE WITH THE MINIMUM FEDERAL STANDARDS;

12 (2) The person's driver's license is not refused, suspended, revoked, or
13 canceled;

14 (3) The person is not disqualified from driving a commercial motor
15 vehicle in any state; [and]

16 (4) THE PERSON IS NOT DISQUALIFIED FROM DRIVING A COMMERCIAL
17 VEHICLE BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION;

18 (5) THE PERSON IS NOT SUBJECT TO AN OUT-OF-SERVICE ORDER AS
19 DEFINED IN § 16-812(I)(1)(II) OF THIS SUBTITLE;

20 [(4)] (6) The person has the commercial driver's license in the person's
21 possession; AND

22 (7) THE PERSON'S COMMERCIAL DRIVER'S LICENSE IS VALID FOR THE
23 TYPE OF VEHICLE BEING DRIVEN, AS DETERMINED BY REGULATION ESTABLISHED
24 BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

25 16-812.

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

28 (1) The individual is convicted of committing any of the following
29 offenses while driving a commercial motor vehicle:

30 (i) [Driving in] A violation of § 21-902 of this article;

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

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

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

3 (v) [Driving in] A violation of § 25-112 of this article;

4 (2) THE INDIVIDUAL HOLDS A COMMERCIAL DRIVER'S LICENSE AND IS
5 CONVICTED OF COMMITTING ANY OF THE FOLLOWING OFFENSES WHILE DRIVING A
6 NONCOMMERCIAL MOTOR VEHICLE:

7 (I) A VIOLATION OF § 21-902(A), (C), OR (D) OF THIS ARTICLE;

8 (II) A VIOLATION OF A FEDERAL LAW OR ANY OTHER STATE'S LAW
9 WHICH IS SUBSTANTIALLY SIMILAR IN NATURE TO THE PROVISIONS IN § 21-902(A),
10 (C), OR (D) OF THIS ARTICLE;

11 (III) LEAVING THE SCENE OF AN ACCIDENT WHICH REQUIRES
12 DISQUALIFICATION AS PROVIDED BY THE UNITED STATES SECRETARY OF
13 TRANSPORTATION;

14 (IV) A CRIME, OTHER THAN A CRIME DESCRIBED IN SUBSECTION (E)
15 OF THIS SECTION, THAT IS PUNISHABLE BY DEATH OR IMPRISONMENT FOR A TERM
16 EXCEEDING 1 YEAR AND IN THE COMMISSION OF WHICH THE INDIVIDUAL USED THE
17 MOTOR VEHICLE;

18 [(2)] (3) The individual, while driving a commercial motor vehicle,
19 refuses to undergo testing as provided in § 16-205.1 of this title or as is required by
20 any other state's law or by federal law in the enforcement of [49 CFR §
21 383.51(b)(2)(i)(A) or (B)] 49 CFR § 383.51 TABLE 1, or 49 CFR § 392.5(a)(2); [or]

22 [(3)] (4) The individual drives or attempts to drive a commercial motor
23 vehicle while the alcohol concentration of the person's blood or breath is 0.04 or more;
24 OR

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

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

33 (c) The Administration shall disqualify any person from driving a commercial
34 motor vehicle for life for 2 or more violations of any of the offenses specified in
35 subsection (a) or (b) of this section, or any combination of those offenses, arising from
36 2 or more separate incidents.

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

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

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

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

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

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

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

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

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

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

30 (i) "Commercial motor vehicle" means:

31 1. A "commercial motor vehicle" as defined in [§ 11-109.1 of
32 this article] § 16-803 OF THIS SUBTITLE; and

33 2. Except as provided in [§ 11-109.1(b) of this article] §
34 16-803(C)(2) OF THIS SUBTITLE, any self-propelled or towed vehicle used on a public
35 highway to transport passengers or property, if the vehicle has a gross vehicle weight
36 rating of 10,001 or more pounds.

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

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

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

16 (k) (1) The Administration shall cancel a commercial driver's license if the
17 applicant provides information that is incomplete or incorrect.

18 (2) IF THE ADMINISTRATION DETERMINES, IN ITS CHECK OF AN
19 APPLICANT'S LICENSE STATUS AND RECORD PRIOR TO ISSUING A COMMERCIAL
20 DRIVER'S LICENSE, OR AT ANY TIME AFTER THE COMMERCIAL DRIVER'S LICENSE
21 HAS BEEN ISSUED, THAT THE APPLICANT HAS FALSIFIED ANY INFORMATION OR
22 CERTIFICATION SUBMITTED IN CONNECTION WITH AN APPLICATION FOR A
23 COMMERCIAL DRIVER'S LICENSE, THE ADMINISTRATION SHALL SUSPEND, CANCEL,
24 OR REVOKE THE COMMERCIAL DRIVER'S LICENSE OR PENDING APPLICATION, OR
25 DISQUALIFY THE PERSON FROM OPERATING A COMMERCIAL MOTOR VEHICLE, FOR A
26 PERIOD OF NOT LESS THAN 60 DAYS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (R) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OFFENSE
20 DESCRIBED IN THIS SECTION OR § 16-205.1 OF THIS ARTICLE COMMITTED BY AN
21 INDIVIDUAL IN A NONCOMMERCIAL MOTOR VEHICLE MAY NOT BE CONSIDERED AN
22 OFFENSE FOR THE PURPOSES OF DISQUALIFICATION IF THE OFFENSE OCCURRED
23 BEFORE:

24 (1) SEPTEMBER 30, 2005; OR

25 (2) THE INITIAL ISSUANCE TO THE INDIVIDUAL OF A COMMERCIAL
26 DRIVER'S LICENSE BY ANY STATE.

27 16-815.

28 (a) (1) A Class A commercial driver's license authorizes the licensee to drive
29 the following motor vehicles and combinations of motor vehicles:

30 (i) Any combinations of vehicles with a gross combination weight
31 RATING of 26,001 or more pounds if the [GVW] GVWR of the vehicles being towed is
32 in excess of 10,000 pounds; and

33 (ii) Any vehicle or combination of vehicles that a Class B
34 commercial driver's license authorizes its holder to drive.

1 (2) An individual who is issued a Class A commercial driver's license
2 under this subsection may not drive or attempt to drive a motor vehicle on any
3 highway in this State unless a Class A commercial driver's license or an appropriately
4 endorsed Class A commercial driver's license authorizes the individual to drive a
5 vehicle of the class that the individual is driving or attempting to drive.

6 (b) (1) A Class B commercial driver's license authorizes the licensee to drive
7 the following motor vehicles and combinations of motor vehicles:

8 (i) Any single vehicle with a gross vehicle weight [(GVW)] RATING
9 (GVWR) of 26,001 or more pounds;

10 (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds
11 [GVW] GVWR; and

12 (iii) Any vehicle that a Class C commercial driver's license
13 authorizes its holder to drive.

14 (2) An individual who is issued a Class B commercial driver's license
15 under this subsection may not drive or attempt to drive a motor vehicle on any
16 highway in this State unless a Class B commercial driver's license or an appropriately
17 endorsed Class B commercial driver's license authorizes the individual to drive a
18 vehicle of the class that the individual is driving or attempting to drive.

19 (c) (1) A Class C commercial driver's license authorizes the licensee to drive
20 the following motor vehicles and combinations of motor vehicles:

21 (i) Any single vehicle less than 26,001 pounds gross vehicle weight
22 [(GVW)] RATING (GVWR);

23 (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds
24 [GVW] GVWR; and

25 (iii) Any vehicle which a noncommercial Class C driver's license
26 authorizes its holder to drive, except for motorcycles.

27 (2) An individual who is issued a Class C commercial driver's license
28 under this subsection may not drive or attempt to drive a motor vehicle on any
29 highway in this State unless a Class C commercial driver's license or an appropriately
30 endorsed Class C commercial driver's license authorizes the individual to drive a
31 vehicle of the class that the individual is driving or attempting to drive.

32 (d) (1) A commercial driver's instructional permit authorizes the holder to
33 operate commercial motor vehicles of Class A, B, and C subject to the conditions of
34 Subtitle 1 of this title.

35 (2) An instructional permit is not a license within the meaning of the
36 single license restriction placed upon drivers of commercial motor vehicles.

1 (e) (1) In addition to the requirements contained in subsections (a), (b), and
2 (c) of this section, an operator must obtain State-issued endorsements of an
3 operator's commercial driver's license to operate commercial motor vehicles which
4 are:

5 (i) Double/triple trailers;

6 (ii) Vehicles designed to transport 16 or more passengers including
7 the driver (passenger vehicles);

8 (iii) School buses; or

9 (iv) Tank vehicles.

10 (2) A school bus endorsement authorized under this subsection is also an
11 endorsement for vehicles designed to transport 16 or more passengers including the
12 driver (passenger vehicles).

13 (f) (1) In addition to the requirements contained in subsections (a), (b), and
14 (c) of this section, an operator must obtain a State-issued endorsement of an
15 operator's commercial driver's license to operate a commercial motor vehicle that is
16 required to be placarded for hazardous materials.

17 (2) Before an operator can obtain a State-issued endorsement under this
18 subsection, the operator shall apply to the Criminal Justice Information System
19 Central Repository for a national and State criminal history records check.

20 (3) The Administration may not issue a hazardous materials
21 endorsement of a commercial driver's license without the approval of the
22 Transportation Security Administration of the federal Department of Homeland
23 Security.

24 (4) The Department of Public Safety and Correctional Services and the
25 Director of the Criminal Justice Information System Central Repository, in
26 consultation with the Administration, may adopt regulations to carry out this section.

27 (g) (1) In this subsection, "Central Repository" means the Criminal Justice
28 Information System Central Repository of the Department of Public Safety and
29 Correctional Services.

30 (2) An operator requesting a State-issued endorsement under subsection
31 (f) of this section shall apply to the Central Repository for a national and a State
32 criminal history records check.

33 (3) As part of the application for a criminal history records check, the
34 operator shall submit to the Central Repository:

35 (i) Two complete sets of the operator's legible fingerprints taken in
36 a format approved by the Director of the Central Repository and the Director of the
37 Federal Bureau of Investigation;

1 (ii) The fee authorized under § 10-221(b)(7) of the Criminal
2 Procedure Article for access to Maryland criminal history records; and

3 (iii) The mandatory processing fee required by the Federal Bureau
4 of Investigation for a national criminal history records check.

5 (4) (i) The Central Repository shall provide a receipt to the operator
6 for the fees paid under paragraph (3)(ii) and (iii) of this subsection.

7 (ii) The operator's employer may pay the fees or reimburse the
8 operator for the fees required under paragraph (3)(ii) and (iii) of this subsection.

9 (5) (i) In accordance with §§ 10-201 through 10-234 of the Criminal
10 Procedure Article, the Central Repository shall forward to the operator and the
11 Transportation Security Administration of the federal Department of Homeland
12 Security, a printed statement of the operator's criminal history record information.

13 (ii) If criminal history record information is reported to the Central
14 Repository after the date of the criminal history records check, the Central Repository
15 shall provide to the Transportation Security Administration of the federal
16 Department of Homeland Security and the operator a revised printed statement of
17 the operator's criminal history record information.

18 (6) In accordance with regulations adopted by the Department of Public
19 Safety and Correctional Services, the Administration shall verify periodically a list of
20 operators of commercial motor vehicles that are required to be placarded for
21 hazardous materials.

22 (7) Information obtained from the Central Repository under this section
23 shall be:

24 (i) Confidential and may not be disseminated; and

25 (ii) Used only for the purpose authorized by this section.

26 (8) The subject of a criminal history records check under this subsection
27 may contest the contents of the printed statement issued by the Central Repository as
28 provided in § 10-223 of the Criminal Procedure Article.

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

31 **Article - Transportation**

32 16-814.

33 Within [10] 30 days [of receiving a report] of the conviction [of any nonresident
34 holder of a commercial driver's license for the violation of any State law or local
35 ordinance relating to operating a motor vehicle, other than parking violations,

1 committed in a commercial motor vehicle], the Administration shall notify the driver
2 licensing authority in the licensing state of the conviction OF:

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

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

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

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

16 **Article - Transportation**

17 16-814.

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

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

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

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

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

34 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act
35 shall take effect on the taking effect of the termination provision specified in Section
36 4 of this Act. If that termination provision takes effect, Section 2 of this Act shall be
37 abrogated and of no further force and effect.

1 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the
2 provisions of Sections 4 and 5 of this Act, this Act shall take effect September 30,
3 2005.