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By: **Senator Jimeno**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

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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  
32 Section 2-701

1 Annotated Code of Maryland  
2 (2003 Volume and 2004 Supplement)

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

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

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

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

22 **Article - Courts and Judicial Proceedings**

23 2-201.

24 (a) The clerk of a court shall:

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

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

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

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

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

3 5. The person refused to take the test.

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

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

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

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

17 4. The driver refused to take a test.

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

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

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

26 (v) The suspension imposed shall be:

27 1. For a test result indicating an alcohol concentration of  
 28 0.08 or more at the time of testing:

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

30 B. For a second or subsequent offense, a suspension for 90  
 31 days; or

32 2. For a test refusal:

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

34 B. For a second or subsequent offense, a suspension for 1  
 35 year.

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.