
By: **Senator Jimeno**
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Assigned to: Judicial Proceedings

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Senate action: Adopted
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CHAPTER _____

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

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Public Safety
5 Section 2-701
6 Annotated Code of Maryland
7 (2003 Volume and 2004 Supplement)

8 BY repealing
9 Article - Transportation
10 Section 11-109.1
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-102(a), 16-104.1, 16-117, 16-205.1, 16-208.1, 16-803, 16-807,
16 16-808, 16-809, 16-812, 16-814, and 16-815
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-814
22 Annotated Code of Maryland
23 (2002 Replacement Volume and 2004 Supplement)
24 (As enacted by Section 2 of this Act)

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

27 **Article - Courts and Judicial Proceedings**

28 2-201.

29 (a) The clerk of a court shall:

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

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

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

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

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

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

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

9 (8) Administer an oath;

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

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

15 [(10)] (11) Perform any other duty required by law or rule.

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

19 **Article - Public Safety**

20 2-701.

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

22 (b) "Commercial motor vehicle" has the meaning stated in [§ 11-109.1] §
23 16-803 of the Transportation Article.

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

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

26 **Article - Transportation**

27 [11-109.1.

28 (a) "Commercial motor vehicle" and "CMV" means a motor vehicle or
29 combination of motor vehicles used to transport passengers or property, if the motor
30 vehicle:

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

- 1 (2) Has a gross vehicle weight of 26,001 or more pounds;
- 2 (3) Is designed to transport 16 or more passengers, including the driver;
- 3 or
- 4 (4) Is of any size and is used in the transportation of materials found to
- 5 be hazardous for the purposes of the Hazardous Materials Transportation Act and
- 6 which requires the motor vehicle to be placarded under hazardous materials
- 7 regulations (49 CFR Part 172, Subpart F).

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

- 9 (1) (i) Controlled and operated by a farmer;
- 10 (ii) Used to transport agricultural products, farm machinery, or
- 11 farm supplies to or from a farm;
- 12 (iii) Not used in the operations of a common or contract motor
- 13 carrier; and
- 14 (iv) Used within 150 miles of the person's farm;
- 15 (2) An emergency vehicle:
- 16 (i) Equipped with audible and visual signals; and
- 17 (ii) Operated by a member of or a person in the employ of a
- 18 volunteer or paid fire or rescue organization;
- 19 (3) A vehicle owned or operated by the United States Department of
- 20 Defense if it is controlled and operated by:
- 21 (i) Any active duty military personnel; or
- 22 (ii) Any member of the military reserves or National Guard on
- 23 active duty, including personnel on full-time National Guard duty and personnel on
- 24 part-time training; or
- 25 (4) A motor vehicle designed and constructed primarily to provide
- 26 temporary living quarters for recreational, camping, or travel use.]

27 16-102.

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

- 29 (1) An officer or employee of the United States while driving on official
- 30 business a motor vehicle other than a commercial motor vehicle owned or operated by
- 31 the United States;
- 32 (2) Except for members elected from this State, a member of the United
- 33 States Congress who resides in this State during his term of office in the Congress;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) The driver has with him a license to drive issued to him by the
2 armed forces of the United States in a place outside the United States; and
- 3 (ii) The license authorizes the driver to drive vehicles of the class he
4 is driving in this State;
- 5 (9) A nonresident of this State if:
- 6 (i) He has with him a license to drive issued to him by the state of
7 his residence;
- 8 (ii) His license authorizes him to drive in that state vehicles of the
9 class he is driving in this State; and
- 10 (iii) He is at least the same age as that required of a resident for the
11 vehicle he is driving in this State;
- 12 (10) A nonresident of the United States if:
- 13 (i) The individual has a valid license to drive issued to the
14 individual by the country of residence;
- 15 (ii) The individual's license authorizes him to drive in that country
16 vehicles of the class he is driving in this State;
- 17 (iii) The individual is at least the same age as that required of a
18 resident for the vehicle he is driving in this State; and
- 19 (iv) Except as provided for in Subtitle 8 of this title, the vehicle is
20 not a commercial motor vehicle;
- 21 (11) A member of the Maryland National Guard OR A NATIONAL GUARD
22 MILITARY TECHNICIAN if:
- 23 (i) The driver is driving a military vehicle in the performance of
24 duty; and
- 25 (ii) The driver has with him an operator's identification card issued
26 by the Maryland National Guard for the type of military vehicle being driven; and
- 27 (12) A member or employee of a fire department, rescue squad, emergency
28 medical services unit, or volunteer fire company while driving an emergency vehicle if
29 the driver:
- 30 (i) Holds a valid Class C license issued to the driver under §
31 16-104.1 of this subtitle;
- 32 (ii) Has been authorized by the political subdivision that operates a
33 fire department, rescue squad, emergency medical services unit, or volunteer fire
34 department to operate the type of emergency vehicle being driven; and

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

3 16-104.1.

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

7 (i) Commercial motor vehicles; and

8 (ii) Motorcycles.

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

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

20 (i) Commercial motor vehicles;

21 (ii) Motorcycles; and

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

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

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

32 (i) Commercial motor vehicles; and

33 (ii) Motorcycles.

34 (2) An individual who is issued a noncommercial Class C driver's license
35 under this subsection may not drive or attempt to drive a motor vehicle on any
36 highway in this State unless a noncommercial Class C driver's license authorizes the

1 individual to drive a vehicle of the class that the individual is driving or attempting to
2 drive.

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

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

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

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

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

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

14 (f) This section applies to any license issued or renewed on or after January 1,
15 1990.

16 16-117.

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

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

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

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

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

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

31 1. THE Administration[.];

32 2. OTHER DRIVER LICENSING AUTHORITIES;

33 3. THE UNITED STATES SECRETARY OF TRANSPORTATION;

1 4. CURRENT AND PROSPECTIVE EMPLOYERS, AS DEFINED IN
 2 § 16-803(D) OF THIS TITLE, OF DRIVERS REQUIRED TO HOLD COMMERCIAL DRIVERS'
 3 LICENSES;

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

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

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

7 (II) However, a record or notation of a probation before judgment, or
 8 a first offense of driving with an alcohol concentration of 0.08 or more under §
 9 16-205.1 of this title, may not be received or considered by the courts until a plea of
 10 guilty or nolo contendere is made by the defendant or a finding of guilty is made by
 11 the court.

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

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

19 (5) Except as provided in this section, an employee of the Administration
 20 may not disclose any records or information regarding probation before judgment, or
 21 a first offense of driving with an alcohol concentration of 0.08 or more under §
 22 16-205.1 of this title.

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

26 16-205.1.

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

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

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

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

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

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

3 3. Both:

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

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

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

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

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

23 1. For a test result indicating an alcohol concentration of
24 0.08 or more at the time of testing:

25 A. For a first offense, suspend the driver's license for 45 days;
26 or

27 B. For a second or subsequent offense, suspend the driver's
28 license for 90 days; or

29 2. For a test refusal:

30 A. For a first offense, suspend the driver's license for 120
31 days; or

32 B. For a second or subsequent offense, suspend the driver's
33 license for 1 year;

34 (ii) In the case of a nonresident or unlicensed person:

35 1. For a test result indicating an alcohol concentration of
36 0.08 or more at the time of testing:

1 A. For a first offense, suspend the person's driving privilege
2 for 45 days; or

3 B. For a second or subsequent offense, suspend the person's
4 driving privilege for 90 days; or

5 2. For a test refusal:

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

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

10 (iii) In addition to any applicable driver's license suspensions
11 authorized under this section, 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 1. Disqualify the person's commercial driver's license for a
14 period of 1 year for a first offense, 3 years for a first offense which occurs while
15 transporting hazardous materials required to be placarded, and disqualify for life for
16 a second or subsequent offense which occurs while operating any commercial motor
17 vehicle; or

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

23 (2) Except as provided in subsection (c) of this section, if a police officer
24 stops or detains any person who the police officer has reasonable grounds to believe is
25 or has been driving or attempting to drive a motor vehicle while under the influence
26 of alcohol, while impaired by alcohol, while so far impaired by any drug, any
27 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 and who is not unconscious or otherwise incapable of refusing to take a test, the police
31 officer shall:

32 (i) Detain the person;

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

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

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

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

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

6 (iii) Issue a temporary license to drive;

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

9 (v) Inform the person that:

10 1. The person has a right to request, at that time or within
11 10 days, a hearing to show cause why the driver's license should not be suspended
12 concerning the refusal to take the test or for test results indicating an alcohol
13 concentration of 0.08 or more at the time of testing, and the hearing will be scheduled
14 within 45 days; and

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

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

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

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

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

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

5 (c) (1) If a person is involved in a motor vehicle accident that results in the
6 death of, or a life threatening injury to, another person and the person is detained by
7 a police officer who has reasonable grounds to believe that the person has been
8 driving or attempting to drive while under the influence of alcohol, while impaired by
9 alcohol, while so far impaired by any drug, any combination of drugs, or a
10 combination of one or more drugs and alcohol that the person could not drive a vehicle
11 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813
12 of this title, the person shall be required to submit, as directed by the officer, to a test
13 of:

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

15 (ii) One specimen of the person's blood, to determine alcohol
16 concentration or to determine the drug or controlled dangerous substance content of
17 the person's blood; or

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

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

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

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

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

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

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

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

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

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

10 (f) (1) Subject to the provisions of this subsection, at the time of, or within
11 30 days from the date of, the issuance of an order of suspension, a person may submit
12 a written request for a hearing before an officer of the Administration if:

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

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

21 2. The person refused to take a test.

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

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

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

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

29 1. For a test result indicating an alcohol concentration of
30 0.08 or more at the time of testing:

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

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

33 2. For a test refusal:

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

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

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

8 2. In the case of a person operating a commercial motor
9 vehicle who refuses to take a test, and who [is licensed as a commercial driver]
10 HOLDS A COMMERCIAL DRIVER'S LICENSE ISSUED by another state, disqualify the
11 person's privilege to operate a commercial motor vehicle in this State and report the
12 refusal and disqualification to the person's resident state which may result in further
13 penalties imposed by the person's resident state.

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

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

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

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

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

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

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

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

38 C. A witness for whom the subpoena was requested fails to
39 comply with the subpoena, for good cause shown, at an initial or subsequent hearing

1 described under this paragraph held within the 45-day period after the issuance of
2 the order of suspension.

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

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

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

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

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

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

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

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

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

34 1. Both the person and the Administration agree to the
35 postponement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 5. The person refused to take the test.

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

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

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

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

27 4. The driver refused to take a test.

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

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

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

36 (v) The suspension imposed shall be:

1 1. For a test result indicating an alcohol concentration of
2 0.08 or more at the time of testing:

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

4 B. For a second or subsequent offense, a suspension for 90
5 days; or

6 2. For a test refusal:

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

8 B. For a second or subsequent offense, a suspension for 1
9 year.

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

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

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

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

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

24 (i) Is unequivocal;

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

27 (iii) Is given by the person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 1. The Department of State Police;

30 2. The Baltimore City Police Department;

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

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

34 5. The Maryland Transit Administration Police Force;

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

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

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

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

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

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

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

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

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

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

- 34 (i) The licensee did not refuse to take a test;
- 35 (ii) The licensee has not had a license suspended under this section
- 36 during the past 5 years;

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) SEPTEMBER 30, 2005; OR

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

3 16-208.1.

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

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

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

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

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

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

29 (f) Notwithstanding any law to the contrary, if an individual has been
30 disqualified from driving a commercial motor vehicle under the provisions of §
31 16-812(i) of this title, that individual may not drive a commercial motor vehicle as
32 defined in § 16-812(i) until the period of disqualification is completed.

33 16-803.

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

35 (b) "Commerce" means:

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

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

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

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

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

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

17 (IV) IS OF ANY SIZE AND IS USED IN THE TRANSPORTATION OF
18 MATERIALS FOUND TO BE HAZARDOUS FOR THE PURPOSES OF THE HAZARDOUS
19 MATERIALS TRANSPORTATION ACT AND WHICH REQUIRES THE MOTOR VEHICLE TO
20 BE PLACARDED UNDER HAZARDOUS MATERIALS REGULATIONS (49 CFR PART 172,
21 SUBPART F).

22 (2) "COMMERCIAL MOTOR VEHICLE (CMV)" DOES NOT INCLUDE A
23 VEHICLE THAT IS:

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

25 2. USED TO TRANSPORT AGRICULTURAL PRODUCTS, FARM
26 MACHINERY, OR FARM SUPPLIES TO OR FROM A FARM;

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

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

30 (II) AN EMERGENCY VEHICLE:

31 1. EQUIPPED WITH AUDIBLE AND VISUAL SIGNALS; AND

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

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

- 1 1. ANY ACTIVE DUTY MILITARY PERSONNEL;
- 2 2. ANY MEMBER OF THE MILITARY RESERVES OR NATIONAL
3 GUARD ON ACTIVE DUTY, INCLUDING PERSONNEL ON FULL-TIME NATIONAL GUARD
4 DUTY AND PERSONNEL ON PART-TIME TRAINING; OR
- 5 3. ANY NATIONAL GUARD MILITARY TECHNICIAN; OR
- 6 (IV) A MOTOR VEHICLE DESIGNED AND CONSTRUCTED PRIMARILY
7 TO PROVIDE TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR
8 TRAVEL USE.

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

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

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

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

- 28 (1) The value specified by the manufacturer as the maximum gross
29 weight;
- 30 (2) The operating weight; or
- 31 (3) The registered gross weight.]

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

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

35 (2) IN THE ABSENCE OF A VALUE SPECIFIED BY THE MANUFACTURER,
36 GCWR SHALL BE DETERMINED BY ADDING THE GROSS VEHICLE WEIGHT RATING

1 (GVWR) OF THE POWER UNIT AND THE TOTAL WEIGHT OF THE TOWED UNIT AND ITS
2 LOAD.

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

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

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

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

13 (ii) Reckless driving;

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

17 (IV) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT
18 OBTAINING A COMMERCIAL DRIVER'S LICENSE;

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

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

23 (VII) DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT THE
24 PROPER ENDORSEMENTS; OR

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

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

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

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

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

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

1 16-807.

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

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

8 1. IS VALID FOR THE CLASS OF VEHICLE BEING OPERATED;
9 AND

10 2. HAS THE PROPER ENDORSEMENTS FOR THE SPECIFIC
11 VEHICLE OR VEHICLE COMBINATION BEING OPERATED OR FOR THE PASSENGERS OR
12 TYPE OF CARGO BEING TRANSPORTED; and

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

15 (2) IT SHALL BE A VALID DEFENSE TO A CHARGE OF VIOLATING
16 PARAGRAPH (1)(II) OF THIS SUBSECTION FOR THE DRIVER TO PROVIDE A CERTIFIED
17 RECORD EITHER FROM THE ADMINISTRATION OR FROM THE LICENSING AUTHORITY
18 OF THE DRIVER'S HOME STATE SHOWING THAT THE DRIVER HELD A VALID
19 COMMERCIAL DRIVER'S LICENSE ON THE DATE OF THE VIOLATION.

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

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

28 (3) The Administration shall adopt regulations to waive the skill test
29 required under paragraph (1) of this subsection in a manner consistent with 49 CFR
30 § 383.77.

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

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

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

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

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

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

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

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

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

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

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

18 16-808.

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

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

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

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

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

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

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

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

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

1 (9) While the person is:

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

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

6 (III) SUBJECT TO AN OUT-OF-SERVICE ORDER, AS DEFINED IN §
7 16-812(I)(1)(II) OF THIS SUBTITLE.

8 (b) If a person has been issued a valid commercial driver's license, the person
9 may not drive a commercial motor vehicle on any highway or any property specified
10 in § 21-101.1 of this article without the valid commercial driver's license in the
11 person's possession.

12 16-809.

13 A person may drive a commercial motor vehicle if:

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

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

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

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

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

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

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

29 [(4)] (6) The person has the commercial driver's license in the person's
30 possession; AND

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

1 16-812.

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

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

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

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

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

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

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

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

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

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

21 (III) LEAVING THE SCENE OF AN ACCIDENT WHICH REQUIRES
22 DISQUALIFICATION AS PROVIDED BY THE UNITED STATES SECRETARY OF
23 TRANSPORTATION;

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

28 [(2)] (3) The individual, while driving a commercial motor vehicle,
29 refuses to undergo testing as provided in § 16-205.1 of this title or as is required by
30 any other state's law or by federal law in the enforcement of [49 CFR §
31 383.51(b)(2)(i)(A) or (B)] 49 CFR § 383.51 TABLE 1, or 49 CFR § 392.5(a)(2); [or]

32 [(3)] (4) The individual drives or attempts to drive a commercial motor
33 vehicle while the alcohol concentration of the person's blood or breath is 0.04 or more;
34 OR

35 (5) THE INDIVIDUAL DRIVES A COMMERCIAL MOTOR VEHICLE WHEN, AS
36 A RESULT OF PRIOR VIOLATIONS COMMITTED WHILE DRIVING A COMMERCIAL

1 MOTOR VEHICLE, THE DRIVER'S COMMERCIAL DRIVER'S LICENSE IS REVOKED,
2 SUSPENDED, OR CANCELED OR THE DRIVER IS DISQUALIFIED FROM DRIVING A
3 COMMERCIAL MOTOR VEHICLE.

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

7 (c) The Administration shall disqualify any person from driving a commercial
8 motor vehicle for life for 2 or more violations of any of the offenses specified in
9 subsection (a) or (b) of this section, or any combination of those offenses, arising from
10 2 or more separate incidents.

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

14 (e) The Administration shall disqualify any person from driving a commercial
15 motor vehicle for life who ~~uses a commercial~~ **IS CONVICTED OF USING A** motor vehicle
16 in the commission of any felony involving the manufacture, distribution, or
17 dispensing of a controlled dangerous substance, or possession with intent to
18 manufacture, distribute, or dispense a controlled dangerous substance.

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

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

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

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

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

32 (2) WHILE HOLDING A COMMERCIAL DRIVER'S LICENSE AND
33 OPERATING A NONCOMMERCIAL MOTOR VEHICLE, AND THE CONVICTION WOULD
34 RESULT IN SUSPENSION, REVOCATION, OR CANCELLATION OF THE DRIVER'S
35 LICENSE.

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

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

2 (i) "Commercial motor vehicle" means:

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

5 2. Except as provided in [§ 11-109.1(b) of this article] §
6 16-803(C)(2) OF THIS SUBTITLE, any self-propelled or towed vehicle used on a public
7 highway to transport passengers or property, if the vehicle has a gross vehicle weight
8 rating of 10,001 or more pounds.

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

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

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

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

26 (2) IF THE ADMINISTRATION DETERMINES, IN ITS CHECK OF AN
27 APPLICANT'S LICENSE STATUS AND RECORD PRIOR TO ISSUING A COMMERCIAL
28 DRIVER'S LICENSE, OR AT ANY TIME AFTER THE COMMERCIAL DRIVER'S LICENSE
29 HAS BEEN ISSUED, THAT THE APPLICANT HAS FALSIFIED ANY INFORMATION OR
30 CERTIFICATION SUBMITTED IN CONNECTION WITH AN APPLICATION FOR A
31 COMMERCIAL DRIVER'S LICENSE, THE ADMINISTRATION SHALL SUSPEND, CANCEL,
32 OR REVOKE THE COMMERCIAL DRIVER'S LICENSE OR PENDING APPLICATION, OR
33 DISQUALIFY THE PERSON FROM OPERATING A COMMERCIAL MOTOR VEHICLE, FOR A
34 PERIOD OF NOT LESS THAN 60 DAYS.

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

39 (m) After suspending, revoking, or canceling a nonresident commercial driver's
40 privilege, or after disqualifying a nonresident driver from operating a commercial

1 motor vehicle, the Administration shall notify the licensing authority of the state
2 which issued the commercial driver's license within 10 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (1) SEPTEMBER 30, 2005; OR

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

1 16-815.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 highway in this State unless a Class C commercial driver's license or an appropriately
2 endorsed Class C commercial driver's license authorizes the individual to drive a
3 vehicle of the class that the individual is driving or attempting to drive.

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

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

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

13 (i) Double/triple trailers;

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

16 (iii) School buses; or

17 (iv) Tank vehicles.

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

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

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

28 (3) The Administration may not issue a hazardous materials
29 endorsement of a commercial driver's license without the approval of the
30 Transportation Security Administration of the federal Department of Homeland
31 Security.

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

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

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

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

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

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

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

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

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

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

21 (ii) If criminal history record information is reported to the Central
22 Repository after the date of the criminal history records check, the Central Repository
23 shall provide to the Transportation Security Administration of the federal
24 Department of Homeland Security and the operator a revised printed statement of
25 the operator's criminal history record information.

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

30 (7) Information obtained from the Central Repository under this section
31 shall be:

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

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

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

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

3 **Article - Transportation**

4 16-814.

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

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

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

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

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

23 **Article - Transportation**

24 16-814.

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

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

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

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

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

5 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act
6 shall take effect on the taking effect of the termination provision specified in Section
7 4 of this Act. If that termination provision takes effect, Section 2 of this Act shall be
8 abrogated and of no further force and effect.

9 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the
10 provisions of Sections 4 and 5 of this Act, this Act shall take effect September 30,
11 2005.