

HOUSE BILL 478

R4

8lr0068

By: **Chair, Environmental Matters Committee and Chair, Judiciary Committee (By Request – Departmental – Transportation)**

Introduced and read first time: January 30, 2008

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Commercial Drivers’ Licenses**

3 FOR the purpose of prohibiting the Motor Vehicle Administration from expunging
4 certain driving records of certain individuals under certain circumstances;
5 expanding the circumstances under which an individual is subject to
6 disqualification from holding a commercial driver’s license; altering the
7 definition of “commercial motor vehicle”; prohibiting a person from driving a
8 commercial motor vehicle on a highway or certain other property under certain
9 circumstances; altering the circumstances under which certain offenses may be
10 considered by the Administration for purposes of disqualifications from holding
11 a commercial driver’s license; providing that, for purposes of certain commercial
12 driver’s license disqualifications, a person may not drive, operate, or be in
13 physical control of a commercial motor vehicle under certain circumstances;
14 requiring the Administration to maintain certain records relating to holding a
15 commercial driver’s license; requiring the Administration to suspend under
16 certain circumstances the commercial driver’s license of a person who fails to
17 comply with certain court notices to appear in court or pay a fine; requiring the
18 Administration to cooperate with other states’ driver licensing authorities to
19 develop certain procedures; and generally relating to commercial drivers’
20 licenses.

21 BY repealing and reenacting, with amendments,

22 Article – Transportation

23 Section 16–117.1, 16–205.1(b), 16–208.1, 16–803(c), 16–808, 16–812, 16–813,
24 and 16–819

25 Annotated Code of Maryland

26 (2006 Replacement Volume and 2007 Supplement)

27 BY adding to

28 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 26–207
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2007 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Transportation
6 Section 16–815
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2007 Supplement)

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

11 **Article – Transportation**

12 16–117.1.

13 (a) In this section, “criminal offense” does not include any violation of the
14 Maryland Vehicle Law.

15 (b) Except as provided in subsection (c) of this section and in Subtitle 8 of
16 this title, if a licensee applies for the expungement of the licensee’s public driving
17 record, the Administration shall expunge the record if, at the time of application:

18 (1) The licensee does not have charges pending for allegedly
19 committing a moving violation or a criminal offense involving a motor vehicle; and

20 (2) (i) The licensee has not been convicted of a moving violation or
21 a criminal offense involving a motor vehicle for the preceding 3 years, and the
22 licensee’s license never has been suspended or revoked;

23 (ii) The licensee has not been convicted of a moving violation or
24 a criminal offense involving a motor vehicle for the preceding 5 years, and the
25 licensee’s record shows not more than one suspension and no revocations; or

26 (iii) Within the preceding 10 years:

27 1. The licensee has not been convicted of nor been
28 granted probation before judgment for a violation of § 20–102 or § 21–902 of this
29 article;

30 2. The licensee’s driving record shows no convictions
31 from another jurisdiction of a moving violation identical or substantially similar to §
32 20–102 or § 21–902 of this article; and

33 3. The licensee has not been convicted of any other
34 moving violation or criminal offense involving a motor vehicle, regardless of the
35 number of suspensions or revocations.

1 (c) The Administration may refuse to expunge a driving record if it
2 determines that the individual requesting the expungement has not driven a motor
3 vehicle on the highways during the particular conviction-free period on which the
4 request is based.

5 (d) The Administration shall expunge from its driver record data base the
6 driving record of an individual or a probation before judgment disposition of an
7 individual:

8 (1) Who has not been convicted of a moving violation or criminal
9 offense involving a motor vehicle for the preceding 3 years;

10 (2) Who has not been convicted of, or been granted probation before
11 judgment for:

12 (i) A violation of § 20-102 of this article;

13 (ii) A violation of § 21-902 of this article; or

14 (iii) A moving violation identical or substantially similar to §
15 20-102 or § 21-902 of this article; and

16 (3) Whose license or privilege to drive never has been suspended or
17 revoked.

18 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE**
19 **ADMINISTRATION MAY NOT EXPUNGE ANY DRIVING RECORDS REQUIRED TO BE**
20 **RETAINED UNDER § 16-819 OF THIS TITLE.**

21 16-205.1.

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

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

28 1. Except as provided in item 2 of this item, for a test
29 result indicating an alcohol concentration of 0.08 or more at the time of testing:

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

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

3 2. For a test result indicating an alcohol concentration of
4 0.15 or more at the time of testing:

5 A. For a first offense, suspend the driver's license for 90
6 days; or

7 B. For a second or subsequent offense, suspend the
8 driver's license for 180 days; or

9 3. For a test refusal:

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

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

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

15 1. Except as provided in item 2 of this item, for a test
16 result indicating an alcohol concentration of 0.08 or more at the time of testing:

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

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

21 2. For a test result indicating an alcohol concentration of
22 0.15 or more at the time of testing:

23 A. For a first offense, suspend the person's driving
24 privilege for 90 days; or

25 B. For a second or subsequent offense, suspend the
26 person's driving privilege for 180 days; or

27 3. For a test refusal:

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

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

1 (iii) In addition to any applicable driver's license suspensions
2 authorized under this section, in the case of a person operating a commercial motor
3 vehicle or who holds a commercial driver's license who refuses to take a test:

4 1. Disqualify the person's commercial driver's license for
5 a period of 1 year for a first offense, 3 years for a first offense which occurs while
6 transporting hazardous materials required to be placarded, and disqualify for life for a
7 second or subsequent offense, **TO INCLUDE AN OFFENSE SPECIFIED IN § 16-812(A)**
8 **OF THIS TITLE**, which occurs while operating any commercial motor vehicle **IN THIS**
9 **STATE OR ANY OTHER STATE**; or

10 2. If the person holds a commercial driver's license
11 issued by another state, disqualify the person's privilege to operate a commercial
12 motor vehicle and report the refusal and disqualification to the person's resident state
13 which may result in further penalties imposed by the person's resident state.

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

23 (i) Detain the person;

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

25 (iii) Advise the person of the administrative sanctions that shall
26 be imposed for test results indicating an alcohol concentration of at least 0.08 but less
27 than 0.15 at the time of testing;

28 (iv) Advise the person of the administrative sanctions, including
29 ineligibility for modification of a suspension or issuance of a restrictive license unless
30 the person participates in the Ignition Interlock System Program under § 16-404.1 of
31 this title, that shall be imposed for refusal to take the test and for test results
32 indicating an alcohol concentration of 0.15 or more at the time of testing; and

33 (v) Advise the person of the additional criminal penalties that
34 may be imposed under § 27-101(x) of this article on conviction of a violation of §
35 21-902 of this article if the person knowingly refused to take a test arising out of the
36 same circumstances as the violation.

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

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

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

7 (iii) Issue a temporary license to drive;

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

10 (v) Inform the person that:

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

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

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

26 (vii) Inform the person that, if the person refuses a test or takes a
27 test that indicates an alcohol concentration of 0.15 or more at the time of testing, the
28 person may participate in the Ignition Interlock System Program under § 16-404.1 of
29 this title instead of requesting a hearing under this paragraph, if the following
30 conditions are met:

31 1. The person's driver's license is not currently
32 suspended, revoked, canceled, or refused;

33 2. The person was not charged with a moving violation
34 arising out of the same circumstances as an administrative offense under this section
35 that involved a death of, or serious physical injury to, another person; and

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

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

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

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

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

21 16–803.

22 (c) (1) “Commercial motor vehicle (CMV)” means a motor vehicle or
23 combination of motor vehicles used to transport passengers or property, if the motor
24 vehicle:

25 (i) Has a gross combination weight rating of 26,001 or more
26 pounds inclusive of a towed unit **WITH A GROSS VEHICLE WEIGHT RATING OF**
27 **MORE THAN 10,000 POUNDS;**

28 (ii) Has a gross vehicle weight rating of 26,001 or more pounds;

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

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

1 (2) “Commercial motor vehicle (CMV)” does not include a vehicle that
2 is:

- 3 (i) 1. Controlled and operated by a farmer;
4 2. Used to transport agricultural products, farm
5 machinery, or farm supplies to or from a farm;
6 3. Not used in the operations of a common or contract
7 motor carrier; and
8 4. Used within 150 miles of the person’s farm;

9 (ii) An emergency vehicle:

- 10 1. Equipped with audible and visual signals; and
11 2. Operated by a member of or a person in the employ of
12 a volunteer or paid fire or rescue organization;

13 (iii) A vehicle owned or operated by the United States
14 Department of Defense if it is controlled and operated by:

- 15 1. Any active duty military personnel;
16 2. Any member of the military reserves or National
17 Guard on active duty, including personnel on full-time National Guard duty and
18 personnel on part-time training; or
19 3. Any National Guard military technician; or

20 (iv) A motor vehicle designed and constructed primarily to
21 provide temporary living quarters for recreational, camping, or travel use.

22 16–808.

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

- 25 (1) Unless authorized to do so under this title;
26 (2) While the person’s driver’s license or privilege to drive is refused in
27 this State or any other state;
28 (3) While the person’s driver’s license or privilege to drive is canceled
29 in this State;

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

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

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

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

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

11 (9) While the person is:

12 (i) Disqualified from driving a commercial motor vehicle in this
13 State or any other state; **OR**

14 (ii) Disqualified from driving a commercial motor vehicle by the
15 United States Department of Transportation[; or

16 (iii) Subject to an out-of-service order, as defined in §
17 16-812(i)(1)(ii) of this subtitle].

18 **(B) A PERSON MAY NOT DRIVE A COMMERCIAL MOTOR VEHICLE ON ANY**
19 **HIGHWAY OR ANY PROPERTY SPECIFIED IN § 21-101.1 OF THIS ARTICLE WHILE**
20 **THE PERSON IS SUBJECT TO A DRIVER OR VEHICLE OUT-OF-SERVICE ORDER, AS**
21 **DEFINED IN § 16-812(I)(1)(II) OF THIS SUBTITLE:**

22 **(1) WHILE TRANSPORTING NONHAZARDOUS MATERIALS;**

23 **(2) WHILE TRANSPORTING HAZARDOUS MATERIALS REQUIRED**
24 **TO BE PLACARDED; OR**

25 **(3) WHILE OPERATING A VEHICLE DESIGNED TO TRANSPORT 16**
26 **OR MORE PASSENGERS, INCLUDING THE DRIVER.**

27 [(b)] (C) If a person has been issued a valid commercial driver's license, the
28 person may not drive a commercial motor vehicle on any highway or any property
29 specified in § 21-101.1 of this article without the valid commercial driver's license in
30 the person's possession.

31 16-812.

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

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

5 (i) A violation of § 21–902 of this article;

6 (ii) A violation of a federal law or any other state’s law which is
7 substantially similar in nature to the provisions in § 21–902 of this article;

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

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

13 (v) A violation of § 25–112 of this article; **OR**

14 **(VI) A VIOLATION OF § 16–205.1 OF THIS TITLE.**

15 (2) The individual holds a commercial driver’s license and is convicted
16 of committing any of the following offenses while driving a noncommercial motor
17 vehicle:

18 (i) A violation of § 21–902(a), (c), or (d) of this article;

19 (ii) A violation of a federal law or any other state’s law which is
20 substantially similar in nature to the provisions in § 21–902(a), (c), or (d) of this
21 article;

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

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

26 (3) The individual, while driving a commercial motor vehicle **OR**
27 **WHILE HOLDING A COMMERCIAL DRIVER’S LICENSE**, refuses to undergo testing as
28 provided in § 16–205.1 of this title or as is required by any other state’s law or by
29 federal law in the enforcement of 49 CFR § 383.51 Table 1, or 49 CFR § 392.5(a)(2);

30 (4) The individual drives or attempts to drive a commercial motor
31 vehicle while the alcohol concentration of the person’s blood or breath is 0.04 or [more]
32 **GREATER; [or]**

1 (5) The individual drives a commercial motor vehicle when, as a result
2 of prior violations committed while driving a commercial motor vehicle, the driver's
3 commercial driver's license is revoked, suspended, or canceled or the driver is
4 disqualified from driving a commercial motor vehicle; **OR**

5 **(6) THE INDIVIDUAL CAUSES A FATALITY THROUGH THE**
6 **NEGLIGENT OPERATION OF A COMMERCIAL MOTOR VEHICLE, INCLUDING, BUT**
7 **NOT LIMITED TO, THE CRIMES OF MOTOR VEHICLE MANSLAUGHTER, HOMICIDE**
8 **BY MOTOR VEHICLE, OR NEGLIGENT HOMICIDE.**

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

12 (c) The Administration shall disqualify any person from driving a
13 commercial motor vehicle for life for 2 or more violations of any of the offenses
14 specified in subsection (a) or (b) of this section, or any combination of those offenses,
15 arising from 2 or more separate incidents, **REGARDLESS OF WHETHER THE**
16 **VIOLATIONS OCCURRED IN THIS OR ANY OTHER STATE.**

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

20 (e) The Administration shall disqualify any person from driving a
21 commercial motor vehicle for life who is convicted of using a motor vehicle in the
22 commission of any felony involving the manufacture, distribution, or dispensing of a
23 controlled dangerous substance, or possession with intent to manufacture, distribute,
24 or dispense a controlled dangerous substance.

25 (f) The Administration shall disqualify any person from driving a
26 commercial motor vehicle for a period of 60 days if convicted under the laws of this
27 State or any other state of 2 serious traffic violations arising from separate incidents
28 occurring within a 3-year period committed:

29 (1) While operating a commercial motor vehicle; or

30 (2) While holding a commercial driver's license and operating a
31 noncommercial vehicle, and the conviction would result in suspension, revocation, or
32 cancellation of the driver's license.

33 (g) The Administration shall disqualify any person from driving a
34 commercial motor vehicle for a period of 120 days if convicted under the laws of this
35 State or any other state of 3 serious traffic violations arising from separate incidents
36 occurring within a 3-year period committed:

37 (1) While operating a commercial motor vehicle; or

1 (2) While holding a commercial driver's license and operating a
2 noncommercial motor vehicle, and the conviction would result in suspension,
3 revocation, or cancellation of the driver's license.

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

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

9 (i) "Commercial motor vehicle" means:

10 1. A "commercial motor vehicle" as defined in § 16-803
11 of this subtitle; and

12 2. Except as provided in § 16-803(c)(2) of this subtitle,
13 any self-propelled or towed vehicle used on a public highway to transport passengers
14 or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

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

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

24 (j) A driver who is convicted of a violation of any of the provisions of §§
25 21-701 through 21-704 of this article pertaining to railroad grade crossings or any
26 other federal, state, or local law or regulation pertaining to railroad grade crossings
27 that is substantially similar to §§ 21-701 through 21-704 of this article, while
28 operating a commercial motor vehicle, is disqualified for the period of time specified in
29 regulation by the United States Secretary of Transportation.

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

32 (2) If the Administration determines, in its check of an applicant's
33 license status and record prior to issuing a commercial driver's license, or at any time
34 after the commercial driver's license has been issued, that the applicant has falsified
35 any information or certification submitted in connection with an application for a
36 commercial driver's license, the Administration shall suspend, cancel, or revoke the

1 commercial driver's license or pending application, or disqualify the person from
2 operating a commercial motor vehicle, for a period of not less than 60 days.

3 (l) After suspending, revoking, or canceling a commercial driver's license, or
4 after disqualifying a person who holds a commercial driver's license from operating a
5 commercial motor vehicle, the Administration shall update its records to reflect that
6 action within 10 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (r) Notwithstanding any other provision of law, an offense described in this
2 section or § 16–205.1 of this title committed by an individual in a noncommercial
3 motor vehicle may not be considered an offense for the purposes of disqualification if
4 the offense occurred before[:

5 (1) September 30, 2005[; or

6 (2) The initial issuance to the individual of a commercial driver's
7 license by any state].

8 16–813.

9 (a) (1) An individual may not drive, operate, or be in physical control of a
10 commercial motor vehicle while the individual has any alcohol concentration in the
11 individual's blood or breath.

12 (2) **NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF**
13 **THIS SUBSECTION AND FOR THE PURPOSE OF DISQUALIFYING AN INDIVIDUAL'S**
14 **COMMERCIAL DRIVER'S LICENSE FOR A VIOLATION OF § 16–812(A) OF THIS**
15 **SUBTITLE, AN INDIVIDUAL MAY NOT DRIVE, OPERATE, OR BE IN PHYSICAL**
16 **CONTROL OF A COMMERCIAL MOTOR VEHICLE WHILE THE INDIVIDUAL HAS AN**
17 **ALCOHOL CONCENTRATION OF 0.04 OR GREATER IN THE INDIVIDUAL'S BLOOD**
18 **OR BREATH.**

19 (b) A person who drives, operates, or is in physical control of a commercial
20 motor vehicle while having alcohol in the person's system or who, subject to § 16–205.1
21 of this title, refuses to take a chemical test to determine the alcohol concentration,
22 shall be placed out of service for the 24-hour period immediately following the time
23 the police officer or employer detects alcohol in the driver's blood or breath.

24 16–815.

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

27 (i) Any combination of vehicles with a gross combination weight
28 rating of 26,001 or more pounds if the GVWR of the vehicles being towed is in excess of
29 10,000 pounds; and

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

32 (2) An individual who is issued a Class A commercial driver's license
33 under this subsection may not drive or attempt to drive a motor vehicle on any
34 highway in this State unless a Class A commercial driver's license or an appropriately

1 endorsed Class A commercial driver's license authorizes the individual to drive a
2 vehicle of the class that the individual is driving or attempting to drive.

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

5 (i) Any single vehicle with a gross vehicle weight rating
6 (GVWR) of 26,001 or more pounds;

7 (ii) Any such vehicle towing a vehicle not in excess of 10,000
8 pounds GVWR; and

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

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

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

18 (i) Any single vehicle less than 26,001 pounds gross vehicle
19 weight rating (GVWR);

20 (ii) Any such vehicle towing a vehicle not in excess of 10,000
21 pounds GVWR; and

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

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

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

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

1 (e) (1) In addition to the requirements contained in subsections (a), (b),
2 and (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 are:

4 (i) Double/triple trailers;

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

7 (iii) School buses; or

8 (iv) Tank vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (7) Information obtained from the Central Repository under this
26 section shall be:

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

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

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

32 16-819.

33 (A) **THE ADMINISTRATION SHALL RETAIN A RECORD OF:**

1 (1) **EACH COMMERCIAL DRIVER'S LICENSE APPLICATION THAT IT**
2 **RECEIVES; AND**

3 (2) **EACH COMMERCIAL DRIVER'S LICENSE THAT IT ISSUES.**

4 **(B) THE ADMINISTRATION SHALL RETAIN AS PART OF THE DRIVING**
5 **RECORD:**

6 (1) **EACH CONVICTION FOR ANY OFFENSE RELATED TO THE USE**
7 **OR OPERATION OF A MOTOR VEHICLE WHICH IS PROHIBITED BY STATE LAW,**
8 **MUNICIPAL ORDINANCE, OR ADMINISTRATIVE RULE OR REGULATION, OR**
9 **REPORTED BY ANOTHER STATE'S DRIVER LICENSING AUTHORITY; AND**

10 (2) **EACH ADMINISTRATIVE ACTION TAKEN BY THE**
11 **ADMINISTRATION OR REPORTED BY ANOTHER STATE'S DRIVER LICENSING**
12 **AUTHORITY.**

13 (C) The Administration shall retain the driving records of individuals who
14 have been issued commercial driver's licenses for at least the period of time required
15 by the Commercial Driver's License Information System (CDLIS) established by the
16 Secretary, United States Department of Transportation.

17 **26-207.**

18 (A) **IF A PERSON HOLDING A COMMERCIAL DRIVER'S LICENSE FAILS TO**
19 **COMPLY WITH A NOTICE TO APPEAR IN COURT OR A NOTICE FOR FAILURE TO**
20 **PAY A FINE FOR A TRAFFIC CITATION ISSUED TO THE PERSON UNDER THE LAWS**
21 **OR REGULATIONS OF ANOTHER STATE, AND THE OTHER STATE'S DRIVER**
22 **LICENSING AUTHORITY NOTIFIED THE ADMINISTRATION OF THE**
23 **NONCOMPLIANCE, ON RECEIPT OF THE NOTICE OF NONCOMPLIANCE AND**
24 **AFTER GIVING THE PERSON 10 DAYS' WRITTEN NOTICE, THE ADMINISTRATION**
25 **SHALL SUSPEND THE DRIVING PRIVILEGES OF THE PERSON UNTIL RECEIPT OF**
26 **A NOTICE OF COMPLIANCE FROM THE OTHER STATE.**

27 (B) **IN COOPERATION WITH OTHER STATES' DRIVER LICENSING**
28 **AUTHORITIES, THE ADMINISTRATION SHALL DEVELOP PROCEDURES TO CARRY**
29 **OUT THE PROVISIONS OF THIS SECTION THAT RELATE TO THE SUSPENSION OF**
30 **DRIVING PRIVILEGES.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2008.