

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

Reassigned: Environmental Matters and Judiciary, February 1, 2008

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2008

CHAPTER _____

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; providing that, on
7 termination of a disqualification period of less than 1 year for holding a
8 commercial driver’s license, the holder of the license may apply for
9 reinstatement of the license and the Administration shall reissue the license
10 when the applicant pays any required reinstatement fees; altering the definition
11 of “commercial motor vehicle”; prohibiting a person from driving a commercial
12 motor vehicle on a highway or certain other property under certain
13 circumstances; altering the circumstances under which certain offenses may be
14 considered by the Administration for purposes of disqualifications from holding
15 a commercial driver’s license; providing that, for purposes of certain commercial
16 driver’s license disqualifications, a person may not drive, operate, or be in
17 physical control of a commercial motor vehicle under certain circumstances;
18 requiring the Administration to maintain certain records relating to holding a
19 commercial driver’s license; requiring the Administration to suspend under
20 certain circumstances the commercial driver’s license of a person who fails to
21 comply with certain court notices to appear in court or pay a fine; requiring the
22 Administration to cooperate with other states’ driver licensing authorities to
23 develop certain procedures; making a certain stylistic change; and generally
24 relating to commercial drivers’ licenses.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–117.1, 16–205.1(b), 16–208.1, 16–803(c), 16–808, 16–812, 16–813,
and 16–819
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 26–207
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

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

Article – Transportation

16–117.1.

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

(b) Except as provided in ~~subsection (e)~~ **SUBSECTIONS (C) AND (E)** of this
section and in Subtitle 8 of this title, if a licensee applies for the expungement of the
licensee’s public driving record, the Administration shall expunge the record if, at the
time of application:

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

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

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

(iii) Within the preceding 10 years:

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

4 2. The licensee’s driving record shows no convictions
5 from another jurisdiction of a moving violation identical or substantially similar to §
6 20–102 or § 21–902 of this article; and

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

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

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

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

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

21 (i) A violation of § 20–102 of this article;

22 (ii) A violation of § 21–902 of this article; or

23 (iii) A moving violation identical or substantially similar to §
24 20–102 or § 21–902 of this article; and

25 (3) Whose license or privilege to drive never has been suspended or
26 revoked.

27 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE**
28 **ADMINISTRATION MAY NOT EXPUNGE ANY DRIVING RECORDS BEFORE THE**
29 **EXPIRATION OF THE TIME THEY ARE REQUIRED TO BE RETAINED UNDER §**
30 **16–819 OF THIS TITLE.**

31 16–205.1.

32 (b) (1) Except as provided in subsection (c) of this section, a person may
33 not be compelled to take a test. However, the detaining officer shall advise the person

1 that, on receipt of a sworn statement from the officer that the person was so charged
2 and refused to take a test, or was tested and the result indicated an alcohol
3 concentration of 0.08 or more, the Administration shall:

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

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

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

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

11 2. For a test result indicating an alcohol concentration of
12 0.15 or more at the time of testing:

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

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

17 3. For a test refusal:

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

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

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

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

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

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

29 2. For a test result indicating an alcohol concentration of
30 0.15 or more at the time of testing:

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

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

3. For a test refusal:

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

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

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

1. Disqualify the person's commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and disqualify for life ~~for a second or subsequent offense, TO INCLUDE AN OFFENSE SPECIFIED IN § 16-812(A) OF THIS TITLE, which occurs while operating any commercial motor vehicle IN THIS STATE OR ANY OTHER STATE IF THE PERSON'S COMMERCIAL DRIVER'S LICENSE HAS BEEN PREVIOUSLY DISQUALIFIED FOR AT LEAST 1 YEAR UNDER:~~

A. § 16-812(A) OR (B) OF THIS TITLE;

B. A FEDERAL LAW; OR

C. ANY OTHER STATE'S LAW; or

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

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

(i) Detain the person;

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

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

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

10 (v) Advise the person of the additional criminal penalties that
11 may be imposed under § 27–101(x) of this article on conviction of a violation of §
12 21–902 of this article if the person knowingly refused to take a test arising out of the
13 same circumstances as the violation.

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

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

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

20 (iii) Issue a temporary license to drive;

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

23 (v) Inform the person that:

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

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

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

4 (vii) Inform the person that, if the person refuses a test or takes a
5 test that indicates an alcohol concentration of 0.15 or more at the time of testing, the
6 person may participate in the Ignition Interlock System Program under § 16–404.1 of
7 this title instead of requesting a hearing under this paragraph, if the following
8 conditions are met:

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

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

14 3. Within the same time limits set forth in item (v) of
15 this paragraph, the person:

16 A. Surrenders a valid Maryland driver's license or signs
17 a statement certifying that the driver's license is no longer in the person's possession;
18 and

19 B. Elects in writing to participate in the Ignition
20 Interlock System Program for 1 year; and

21 (viii) Within 72 hours after the issuance of the order of
22 suspension, send any confiscated driver's license, copy of the suspension order, and a
23 sworn statement to the Administration, that states:

24 1. The officer had reasonable grounds to believe that the
25 person had been driving or attempting to drive a motor vehicle on a highway or on any
26 private property that is used by the public in general in this State while under the
27 influence of 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, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

31 2. The person refused to take a test when requested by
32 the police officer, the person submitted to the test which indicated an alcohol
33 concentration of 0.08 or more at the time of testing, or the person submitted to the test
34 which indicated an alcohol concentration of 0.15 or more at the time of testing; and

35 3. The person was fully advised of the administrative
36 sanctions that shall be imposed, including the fact that a person who refuses to take
37 the test or takes a test that indicates an alcohol concentration of 0.15 or more at the

time of testing is ineligible for modification of a suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this section.

16-208.1.

(a) In addition to any suspensions or revocations of an individual's license or privilege to drive provided for in this title, if the individual holds a Class A, B, or C license issued under § 16-815 of this title or is operating a commercial motor vehicle, the Administration shall disqualify the individual from operating a commercial motor vehicle if the convictions resulted from an offense or offenses **THAT OCCURRED IN THIS STATE OR ANY OTHER STATE** that would subject the individual to disqualification under § 16-812 of this title.

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

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

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

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

~~(1) Applies for a commercial driver's license;~~

~~(2) Is qualified to be issued a commercial driver's license;~~

~~(3) Pays the fees required by § 16-818(a)(3) of this title; and~~

~~(4) Is issued a commercial driver's license by the Administration.~~

~~(E)~~ **(E)** Notwithstanding any law to the contrary, if an individual has been disqualified from driving a commercial motor vehicle under the provisions of § 16-812(i) of this title, that individual may not drive a commercial motor vehicle as defined in § 16-812(i) until the period of disqualification is completed **AND THE INDIVIDUAL IS ISSUED A COMMERCIAL DRIVER'S LICENSE BY THE ADMINISTRATION.**

16-803.

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

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

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

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

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

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

16 (i) 1. Controlled and operated by a farmer;
17 2. Used to transport agricultural products, farm
18 machinery, or farm supplies to or from a farm;
19 3. Not used in the operations of a common or contract
20 motor carrier; and

21 4. Used within 150 miles of the person’s farm;

22 (ii) An emergency vehicle:

23 1. Equipped with audible and visual signals; and
24 2. Operated by a member of or a person in the employ of
25 a volunteer or paid fire or rescue organization;

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

28 1. Any active duty military personnel;
29 2. Any member of the military reserves or National
30 Guard on active duty, including personnel on full-time National Guard duty and
31 personnel on part-time training; or

1 3. Any National Guard military technician; or

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

4 16–808.

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

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

8 (2) While the person’s driver’s license or privilege to drive is refused in
9 this State or any other state;

10 (3) While the person’s driver’s license or privilege to drive is canceled
11 in this State;

12 (4) While the person’s driver’s license or privilege to drive is canceled
13 by any other state;

14 (5) While the person’s driver’s license or privilege to drive is
15 suspended in this State;

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

18 (7) While the person’s driver’s license or privilege to drive is revoked
19 in this State;

20 (8) While the person’s driver’s license or privilege to drive is revoked
21 by any other state; or

22 (9) While the person is:

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

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

27 (iii) Subject to an out-of-service order, as defined in §
28 16–812(i)(1)(ii) of this subtitle].

29 **(B) ~~A~~ WHILE A PERSON IS SUBJECT TO A DRIVER OR VEHICLE**
30 **OUT-OF-SERVICE ORDER, AS DEFINED IN § 16–812(I)(1)(II) OF THIS SUBTITLE,**

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

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

6 (2) **WHILE TRANSPORTING HAZARDOUS MATERIALS REQUIRED**
7 **TO BE PLACARDED; OR**

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

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

14 16-812.

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

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

19 (i) A violation of § 21-902 of this article;

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

27 (v) A violation of § 25-112 of this article; **OR**

28 ~~(VI) A VIOLATION OF § 16-205.1 OF THIS TITLE.~~

29 **(VI) A VIOLATION OF § 2-209, § 2-503, § 2-504, § 2-505, OR**
30 **§ 2-506 OF THE CRIMINAL LAW ARTICLE.**

1 (2) The individual holds a commercial driver's license and is convicted
2 of committing any of the following offenses while driving a noncommercial motor
3 vehicle:

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

5 (ii) A violation of a federal law or any other state's law which is
6 substantially similar in nature to the provisions in § 21-902(a), (c), or (d) of this
7 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 (3) The individual, while driving a commercial motor vehicle **OR**
13 **WHILE HOLDING A COMMERCIAL DRIVER'S LICENSE**, refuses to undergo testing as
14 provided in § 16-205.1 of this title or as is required by any other state's law or by
15 federal law in the enforcement of 49 CFR § 383.51 Table 1, or 49 CFR § 392.5(a)(2);

16 (4) The individual drives or attempts to drive a commercial motor
17 vehicle while the alcohol concentration of the person's blood or breath is 0.04 or [more]
18 **GREATER; [or]**

19 (5) The individual drives a commercial motor vehicle when, as a result
20 of prior violations committed while driving a commercial motor vehicle, the driver's
21 commercial driver's license is revoked, suspended, or canceled or the driver is
22 disqualified from driving a commercial motor vehicle;~~OR~~

23 ~~(6) THE INDIVIDUAL CAUSES A FATALITY THROUGH THE~~
24 ~~NEGLIGENT OPERATION OF A COMMERCIAL MOTOR VEHICLE, INCLUDING, BUT~~
25 ~~NOT LIMITED TO, THE CRIMES OF MOTOR VEHICLE MANSLAUGHTER, HOMICIDE~~
26 ~~BY MOTOR VEHICLE, OR NEGLIGENT HOMICIDE.~~

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

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

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

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

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

(1) While operating a commercial motor vehicle; or

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

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

(1) While operating a commercial motor vehicle; or

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

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

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

(i) "Commercial motor vehicle" means:

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

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

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

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

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

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

(2) If the Administration determines, in its check of an applicant’s license status and record prior to issuing a commercial driver’s license, or at any time after the commercial driver’s license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a commercial driver’s license, the Administration shall suspend, cancel, or revoke the commercial driver’s license or pending application, or disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

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

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

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

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

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

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

(p) **(1) (I) ON TERMINATION OF A DISQUALIFICATION PERIOD OF LESS THAN 1 YEAR, AN INDIVIDUAL MAY APPLY FOR RESTORATION OF THE INDIVIDUAL'S COMMERCIAL DRIVER'S LICENSE.**

(II) THE ADMINISTRATION SHALL REISSUE A COMMERCIAL DRIVER'S LICENSE UNDER THIS PARAGRAPH WHEN THE APPLICANT PAYS ANY REQUIRED FEES.

(2) ~~Upon~~ **ON** termination of a disqualification period **OF AT LEAST 1 YEAR**, an individual may apply for a new commercial driver's license.

(3) The Administration shall issue a commercial driver's license to the applicant when the applicant:

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

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

~~(3)~~ **(III)** Surrenders any previously issued driver's instructional permit or license; and

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

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

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

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

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

(1) September 30, 2005; or

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

16-813.

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

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

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

16-815.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) Double/triple trailers;

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

34 (iii) School buses; or

1 (iv) Tank vehicles.

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

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

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

12 (3) The Administration may not issue a hazardous materials
13 endorsement of a commercial driver's license without the approval of the
14 Transportation Security Administration of the federal Department of Homeland
15 Security.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Confidential and may not be disseminated; and

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

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

16–819.

(A) THE ADMINISTRATION SHALL RETAIN A RECORD OF:

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

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

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

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

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

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

8 **26-207.**

9 **(A) IF A PERSON HOLDING A COMMERCIAL DRIVER'S LICENSE FAILS TO**
10 **COMPLY WITH A NOTICE TO APPEAR IN COURT OR A NOTICE FOR FAILURE TO**
11 **PAY A FINE FOR A TRAFFIC CITATION ISSUED TO THE PERSON UNDER THE LAWS**
12 **OR REGULATIONS OF ANOTHER STATE, AND THE OTHER STATE'S DRIVER**
13 **LICENSING AUTHORITY NOTIFIED THE ADMINISTRATION OF THE**
14 **NONCOMPLIANCE, ON RECEIPT OF THE NOTICE OF NONCOMPLIANCE AND**
15 **AFTER GIVING THE PERSON 10 DAYS' WRITTEN NOTICE, THE ADMINISTRATION**
16 **SHALL SUSPEND THE DRIVING PRIVILEGES OF THE PERSON UNTIL RECEIPT OF**
17 **A NOTICE OF COMPLIANCE FROM THE OTHER STATE.**

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.