

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 478 (Chair, Environmental Matters Committee and Chair, Judiciary
Committee) (By Request – Departmental – Transportation)

Environmental Matters and Judiciary

Judicial Proceedings

Motor Vehicle Administration - Commercial Drivers' Licenses

This departmental bill alters Maryland's commercial driver's license laws to enhance penalties for drug, alcohol, and parking related offenses and updates and enhances regulatory oversight. The bill would make Maryland law comply with federal regulations under the Motor Carrier Safety Improvement Act (MCSIA).

Fiscal Summary

State Effect: Transportation Trust Fund expenditures could increase by at least \$22,500 in FY 2009 due to the cost of computer programming for the Motor Vehicle Administration. Revenues would not be affected; however, failure to bring Maryland law into compliance with federal regulation could lead to a loss of \$34 million in federal funding.

Local Effect: None.

Small Business Effect: The Maryland Department of Transportation has determined that the bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill narrows one of the definitions of a commercial motor vehicle such that if a motor vehicle and its towed unit have a weight rating of 26,001 pounds or

more, the towed unit must also have a gross vehicle weight rating of more than 10,000 pounds.

MVA is prohibited from expunging any commercial driver licensee's driving record, including:

- each commercial driver's license application that it receives;
- each commercial driver's license that it issues;
- 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;
- each administrative action taken by MVA or reported by another state's driver licensing authority; and
- any record required to be maintained in the Commercial Driver's License Information System (CDLIS).

In addition to the other grounds for disqualification of an individual from driving a commercial vehicle, this bill requires MVA to disqualify an individual:

- for one year, who operates a commercial motor vehicle or, while holding a commercial driver's license, refuses to take a blood alcohol concentration (BAC) test;
- for one year, who drives, attempts to drive, operates, or is in physical control of a commercial motor vehicle with a BAC of 0.04 or more in Maryland or any other state;
- for one year, who is convicted of manslaughter by vehicle or vessel, or homicide by vehicle or vessel while under the influence of alcohol, or impaired by drugs, alcohol, or a controlled dangerous substance;
- for three years, who refuses to take a BAC test while transporting hazardous materials required to be placarded in Maryland or any other state;
- for life, who refuses to take a BAC test, and whose commercial driver's license has been previously disqualified for at least one year for a violation of the crimes and other prohibitions specified in § 16-812(a) or (b) of the Transportation Article, a violation of federal law, or another state law.

The bill also alters the procedures necessary for restoration of a disqualified commercial driver's license. On termination of any disqualification period of less than one year, MVA is required to restore the license of an individual who applies for restoration of the license and pays the applicable fees. For a disqualification of at least a year, including

disqualifications based on the violations specified in this bill, an individual must first retake and pass the skills and knowledge tests required for commercial driver's license applicants.

The bill also narrows the circumstances by which a disqualification based on a driver or vehicle out-of-service order may apply to include driving on a highway or other specified property while:

- transporting nonhazardous materials;
- transporting hazardous materials required to be placarded; or
- operating a vehicle designed to transport 16 or more passengers.

MVA is required to cooperate with other states' driver's licensing authorities to develop the procedures necessary to ensure the suspension of driving privileges of any person holding a commercial driver's license who fails to pay a fine, or appear in court, related to a traffic citation.

Current Law: A "commercial motor vehicle" is defined as a motor vehicle, or combination thereof, used to transport passengers or property, if, among other requirements, it has a gross combination weight rating of 26,001 or more pounds.

Section 16-117.1 of the Transportation Article describes the circumstances for which MVA is required to expunge, or refuse to expunge, a driver licensee's public driving record. One such record that MVA may not expunge are commercial driver's licenses maintained in the U.S. Department of Transportation's Commercial Driver's License Information System.

MVA is authorized to suspend or revoke the driver's license of anyone convicted of certain alcohol-related offenses. Except for circumstances involving a life-threatening injury or death, the operator of a motor vehicle cannot be compelled to submit to a BAC test. However, if a person operating a commercial motor vehicle or who holds a commercial driver's license refuses to submit to a BAC test, MVA must disqualify that person's commercial driver's license for certain periods of time, including a lifetime disqualification for a second offense. In addition, a person is prohibited from driving a commercial motor vehicle while subject to an out-of-service order.

MVA is required to disqualify a commercial motor vehicle driver convicted of any of the provisions described in § 16-812 of the Transportation Article.

If a commercial driver's license is disqualified, upon termination of the disqualification period, the license holder may once again drive a commercial vehicle if he/she reapplies

to MVA, pays the applicable fee, is otherwise qualified for the license, and is in fact issued a new commercial driver's license.

Background: Chapter 167 of 2005 was enacted in part to ensure compliance with the federal Motor Carrier Safety Improvement Act. The Federal Motor Carrier Safety Administration conducts state compliance audits, and following the February 2007 audit, it advised the Maryland Department of Transportation to make the additional changes that are now contained in this bill. Failure to comply with the recommended changes would put Maryland at risk of losing \$34 million in federal highway safety funding and the ability to issue commercial driver's licenses.

State Expenditures: TTF expenditures could increase by at least \$22,500 due to the cost of computer programming for MVA in fiscal 2009 only. Legislative Services advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce the cost associated with this bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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