

# SENATE BILL 26

R4

4lr0016

(PRE-FILED)

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 5, 2014

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicles – Commercial Instructional Permit Holders – Administrative**  
3 **Penalties and Procedures**

4 FOR the purpose of establishing that certain administrative penalties and procedures  
5 that apply to a holder of a commercial driver's license for certain motor vehicle  
6 violations under certain circumstances also apply to a holder of a commercial  
7 instructional permit; altering a certain definition; and generally relating to  
8 administrative penalties and procedures for holders of commercial motor vehicle  
9 instructional permits.

10 BY repealing and reenacting, with amendments,

11 Article – Transportation

12 Section 16–205.1(b)(1)(iii), (f), and (g), 16–803(j), 16–812, 16–813(a), and 16–814

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2013 Supplement)

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

17 **Article – Transportation**

18 16–205.1.

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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.



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

6 (iii) In addition to any applicable driver's license suspensions  
7 authorized under this section, in the case of a person operating a commercial motor  
8 vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial  
9 driver's license who refuses to take a test:

10 1. Disqualify the person's **COMMERCIAL**  
11 **INSTRUCTIONAL PERMIT OR** commercial driver's license for a period of 1 year for a  
12 first offense, 3 years for a first offense which occurs while transporting hazardous  
13 materials required to be placarded, and disqualify for life if the person's  
14 **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license has been  
15 previously disqualified for at least 1 year under:

16 A. § 16–812(a) or (b) of this title;

17 B. A federal law; or

18 C. Any other state's law; or

19 2. If the person holds **A COMMERCIAL INSTRUCTIONAL**  
20 **PERMIT OR** a commercial driver's license issued by another state, disqualify the  
21 person's privilege to operate a commercial motor vehicle and report the refusal and  
22 disqualification to the person's resident state which may result in further penalties  
23 imposed by the person's resident state.

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

27 (i) The person is arrested for driving or attempting to drive a  
28 motor vehicle while under the influence of alcohol, while impaired by alcohol, while so  
29 far impaired by any drug, any combination of drugs, or a combination of one or more  
30 drugs and alcohol that the person could not drive a vehicle safely, while impaired by a  
31 controlled dangerous substance, in violation of an alcohol restriction, or in violation of  
32 § 16–813 of this title; and

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

35 2. The person refused to take a test.

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

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

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

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

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

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

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

12                   2.   For a test result indicating an alcohol concentration of  
13 0.15 or more at the time of testing:

14                   A.   For a first offense, for 90 days; or

15                   B.   For a second or subsequent offense, for 180 days; or

16                   3.   For a test refusal:

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

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

19 and

20           (ii)   1.   In the case of a person operating a commercial motor  
21 vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial  
22 driver's license who refuses to take a test, disqualify the person from operating a  
23 commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first  
24 offense which occurs while transporting hazardous materials required to be placarded,  
25 and for life for a second or subsequent offense which occurs while operating any  
26 commercial vehicle; or

27                   2.   In the case of a person operating a commercial motor  
28 vehicle who refuses to take a test, and who holds **A COMMERCIAL INSTRUCTIONAL**  
29 **PERMIT OR** a commercial driver's license issued by another state, disqualify the  
30 person's privilege to operate a commercial motor vehicle in this State and report the  
31 refusal and disqualification to the person's resident state which may result in further  
32 penalties imposed by the person's resident state.

1           (5)   (i)    If the person requests a hearing at the time of or within 10  
2 days after the issuance of the order of suspension and surrenders the driver's license  
3 or, if applicable, the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR**  
4 commercial driver's license, the Administration shall set a hearing for a date within 30  
5 days of the receipt of the request.

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

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

13                           1.    Both the person and the Administration agree to the  
14 postponement;

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

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

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

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

27                               C.    A witness for whom the subpoena was requested fails  
28 to comply with the subpoena, for good cause shown, at an initial or subsequent hearing  
29 described under this paragraph held within the 45-day period after the issuance of the  
30 order of suspension.

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

34                           (v)   If a hearing is postponed beyond the 45-day period after the  
35 issuance of the order of suspension under the circumstances described in  
36 subparagraph (iii) of this paragraph, the Administration shall stay the suspension and

1 issue a temporary license that authorizes the person to drive only until the date of the  
2 rescheduled hearing described under this paragraph.

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

5 (6) (i) If a hearing request is not made at the time of, or within 10  
6 days from the date of the issuance of an order of suspension, but within 30 days of the  
7 date of the issuance of an order of suspension, the person requests a hearing and  
8 surrenders the driver's license or, if applicable, the person's **COMMERCIAL**  
9 **INSTRUCTIONAL PERMIT OR** commercial driver's license, the Administration shall:

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

13 B. In the case of a person operating a commercial motor  
14 vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial  
15 driver's license who refuses to take a test, disqualify the person's **COMMERCIAL**  
16 **INSTRUCTIONAL PERMIT OR** commercial driver's license, or privilege to operate a  
17 commercial motor vehicle in this State, for the applicable period of time described  
18 under paragraph (4)(ii) of this subsection; and

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

21 (ii) A request for a hearing scheduled under this paragraph does  
22 not extend the period for which the person is authorized to drive, and the suspension  
23 and, if applicable, the disqualification shall become effective on the expiration of the  
24 45-day period that begins on the date of the issuance of the order of suspension.

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

27 1. Both the person and the Administration agree to the  
28 postponement;

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

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

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

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

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

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

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

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

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

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

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

32                   3. Whether the police officer requested a test after the  
33 person was fully advised, as required under subsection (b)(2) of this section, of the  
34 administrative sanctions that shall be imposed;

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

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

4                   6.     Whether the person drove or attempted to drive a  
5 motor vehicle while having an alcohol concentration of 0.15 or more at the time of  
6 testing; or

7                   7.     If the hearing involves disqualification of **A**  
8 **COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license, whether  
9 the person was operating a commercial motor vehicle or held **A COMMERCIAL**  
10 **INSTRUCTIONAL PERMIT OR** a commercial driver's license.

11                   (ii)    The sworn statement of the police officer and of the test  
12 technician or analyst shall be prima facie evidence of a test refusal, a test result  
13 indicating an alcohol concentration of 0.08 or more at the time of testing, or a test  
14 result indicating an alcohol concentration of 0.15 or more at the time of testing.

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

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

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

28                   3.     The police officer requested a test after the person  
29 was fully advised, as required under subsection (b)(2) of this section, of the  
30 administrative sanctions that shall be imposed; and

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

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

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

1                   1.     The person was detained while operating a  
2 commercial motor vehicle or while holding **A COMMERCIAL INSTRUCTIONAL**  
3 **PERMIT OR** a commercial driver's license;

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

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

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

16                   5.     The person refused to take the test.

17                   (iii)   If the person is licensed to drive a commercial motor vehicle  
18 **OR HOLDS A COMMERCIAL INSTRUCTIONAL PERMIT**, the Administration shall  
19 disqualify the person in accordance with subparagraph (ii) of this paragraph, but may  
20 not impose a suspension under subparagraph (i) of this paragraph, if:

21                   1.     The person was detained while operating a  
22 commercial motor vehicle or while holding **A COMMERCIAL INSTRUCTIONAL**  
23 **PERMIT OR** a commercial driver's license;

24                   2.     The police officer had reasonable grounds to believe  
25 the person was in violation of an alcohol restriction or in violation of § 16–813 of this  
26 title;

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

32                   4.     The driver refused to take a test.

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



- 1                   1.     Suspend the driver's license or privilege to drive; and
- 2                   2.     If the driver is detained in a commercial motor vehicle  
3 or holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license,  
4 disqualify the person from operating a commercial motor vehicle.
- 5                   (v)    The suspension imposed shall be:
- 6                   1.     Except as provided in item 2 of this subparagraph, for  
7 a test result indicating an alcohol concentration of 0.08 or more at the time of testing:
- 8                   A.     For a first offense, a suspension for 45 days; or
- 9                   B.     For a second or subsequent offense, a suspension for  
10 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, a suspension of 90 days; or
- 14                  B.     For a second or subsequent offense, a suspension of  
15 180 days; or
- 16                  3.     For a test refusal:
- 17                  A.     For a first offense, a suspension for 120 days; or
- 18                  B.     For a second or subsequent offense, a suspension for 1  
19 year.
- 20                  (vi)   A disqualification imposed under subparagraph (ii) or (iii) of  
21 this paragraph shall be for a period of 1 year for a first offense, 3 years for a first  
22 offense which occurs while transporting hazardous material required to be placarded,  
23 and life for a second or subsequent offense which occurs while operating or attempting  
24 to operate any commercial motor vehicle.
- 25                  (vii)   A disqualification of **A COMMERCIAL INSTRUCTIONAL**  
26 **PERMIT OR** a commercial driver's license is not subject to any modifications, nor may  
27 a restricted **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license  
28 be issued in lieu of a disqualification.
- 29                  (viii)  A disqualification for life may be reduced if permitted by §  
30 16-812(d) of this title.
- 31                  (q)    The provisions of this section relating to disqualification do not apply to  
32 offenses committed by an individual in a noncommercial motor vehicle before:

1 (1) September 30, 2005; or

2 (2) The initial issuance to the individual of a commercial [driver's  
3 license] **INSTRUCTIONAL PERMIT** by any state.

4 16-803.

5 (j) (1) "Serious traffic violation" means:

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

8 (ii) Reckless driving;

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

12 (iv) Driving a commercial motor vehicle without obtaining A  
13 **COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

14 (v) Driving a commercial motor vehicle without A  
15 **COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license in the  
16 driver's possession;

17 (vi) Driving a commercial motor vehicle without the proper class  
18 of **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license;

19 (vii) Driving a commercial motor vehicle without the proper  
20 endorsements **FOR THE COMMERCIAL INSTRUCTIONAL PERMIT OR COMMERCIAL**  
21 **DRIVER'S LICENSE;** or

22 (viii) Any other violation of a state or local law which the United  
23 States Secretary of Transportation determines by regulation to be serious.

24 (2) Serious traffic violation does not include vehicle weight and vehicle  
25 defect violations.

26 16-812.

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

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

- 1 (i) A violation of § 21–902 of this article;
- 2 (ii) A violation of a federal law or any other state’s law which is  
3 substantially similar in nature to the provisions in § 21–902 of this article;
- 4 (iii) Leaving the scene of an accident which requires  
5 disqualification as provided by the United States Secretary of Transportation;
- 6 (iv) A crime, other than a crime described in subsection (e) of  
7 this section, that is punishable by imprisonment for a term exceeding 1 year;
- 8 (v) A violation of § 25–112 of this article; or
- 9 (vi) A violation of § 2–209, § 2–503, § 2–504, § 2–505, or § 2–506  
10 of the Criminal Law Article;
- 11 (2) The individual holds a **COMMERCIAL INSTRUCTIONAL PERMIT**  
12 **OR** commercial driver’s license and is convicted of committing any of the following  
13 offenses while driving a noncommercial motor vehicle:
- 14 (i) A violation of § 21–902(a), (c), or (d) of this article;
- 15 (ii) A violation of a federal law or any other state’s law which is  
16 substantially similar in nature to the provisions in § 21–902(a), (c), or (d) of this  
17 article;
- 18 (iii) Leaving the scene of an accident which requires  
19 disqualification as provided by the United States Secretary of Transportation; or
- 20 (iv) A crime, other than a crime described in subsection (e) of  
21 this section, that is punishable by imprisonment for a term exceeding 1 year;
- 22 (3) The individual, while driving a commercial motor vehicle or while  
23 holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license,  
24 refuses to undergo testing as provided in § 16–205.1 of this title or as is required by  
25 any other state’s law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table  
26 1, or 49 C.F.R. § 392.5(a)(2);
- 27 (4) The individual drives or attempts to drive a commercial motor  
28 vehicle while the alcohol concentration of the person’s blood or breath is 0.04 or  
29 greater; or
- 30 (5) The individual drives a commercial motor vehicle when, as a result  
31 of prior violations committed while driving a commercial motor vehicle, the driver’s  
32 **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver’s license is revoked,

1 suspended, or canceled or the driver is disqualified from driving a commercial motor  
2 vehicle.

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

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

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

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

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

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

23 (2) While holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR**  
24 commercial driver's license and operating a noncommercial vehicle, and the conviction  
25 would result in suspension, revocation, or cancellation of the driver's license.

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

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

31 (2) While holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR**  
32 commercial driver's license and operating a noncommercial motor vehicle, and the  
33 conviction would result in suspension, revocation, or cancellation of the driver's  
34 license.

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

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

6 (i) “Commercial motor vehicle” means:

7 1. A “commercial motor vehicle” as defined in § 16–803  
8 of this subtitle; and

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

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

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

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

27 (k) (1) The Administration shall cancel a **COMMERCIAL**  
28 **INSTRUCTIONAL PERMIT OR** commercial driver’s license if the applicant provides  
29 information that is incomplete or incorrect.

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

1 disqualify the person from operating a commercial motor vehicle, for a period of not  
2 less than 60 days.

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

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

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

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

18 (1) The individual surrenders the **COMMERCIAL INSTRUCTIONAL**  
19 **PERMIT OR** commercial driver's license; and

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

22 (p) (1) (i) On termination of a disqualification period of less than 1  
23 year, an individual may apply for restoration of the individual's **COMMERCIAL**  
24 **INSTRUCTIONAL PERMIT OR** commercial driver's license.

25 (ii) The Administration shall reissue a **COMMERCIAL**  
26 **INSTRUCTIONAL PERMIT OR** commercial driver's license under this paragraph when  
27 the applicant pays any required fees.

28 (2) On termination of a disqualification period of at least 1 year, an  
29 individual may apply for a new **COMMERCIAL INSTRUCTIONAL PERMIT OR**  
30 commercial driver's license.

31 (3) The Administration shall issue a **COMMERCIAL INSTRUCTIONAL**  
32 **PERMIT OR** commercial driver's license to the applicant when the applicant:

33 (i) Passes the skills and knowledge tests required by this  
34 subtitle;

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

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

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

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

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

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

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

17 (1) September 30, 2005; or

18 (2) The initial issuance to the individual of a commercial [driver's  
19 license] **INSTRUCTIONAL PERMIT** by any state.

20 16-813.

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

24 (2) Notwithstanding the provisions of paragraph (1) of this subsection  
25 and for the purpose of disqualifying an individual's **COMMERCIAL INSTRUCTIONAL**  
26 **PERMIT OR** commercial driver's license for a violation of § 16-812(a) of this subtitle,  
27 an individual may not drive, operate, or be in physical control of a commercial motor  
28 vehicle while the individual has an alcohol concentration of 0.04 or greater in the  
29 individual's blood or breath.

30 16-814.

31 Within 10 days of the conviction, the Administration shall notify the driver  
32 licensing authority in the licensing state of the conviction of:

1           (1) Any nonresident holder of a **COMMERCIAL INSTRUCTIONAL**  
2 **PERMIT OR** commercial driver's license for the violation of any State law or local  
3 ordinance relating to operating a motor vehicle, other than parking violations;

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

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

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.