

SENATE BILL 80

R4

(6lr0071)

ENROLLED BILL

— Judicial Proceedings/Environment and Transportation —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Commercial Drivers' Licenses – Cancellations and Downgrades**
3 **(Driving Privilege Preservation Act of 2016)**

4 FOR the purpose of requiring the Motor Vehicle Administration to cancel the commercial
5 driver's license of ~~a person~~ *an individual* who fails to submit to the Administration
6 a certain certificate of physical examination; authorizing the Administration to issue
7 a noncommercial driver's license of an appropriate class to an individual whose
8 commercial driver's license is canceled, under certain circumstances; authorizing the
9 Administration to immediately reinstate and, subject to certain conditions, issue a
10 noncommercial driver's license of an appropriate class to an individual whose
11 commercial driver's license is canceled as a result of the failure to submit a certain
12 certificate of physical examination, under certain circumstances; and generally
13 relating to commercial driver's license cancellations and downgrades.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 16–812(k) and (o)
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2015 Supplement)

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

8 **Article – Transportation**

9 16–812.

10 (k) (1) The Administration shall cancel a commercial instructional permit or
 11 commercial driver's license if the applicant provides information that is incomplete or
 12 incorrect.

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

22 **(3) THE ADMINISTRATION SHALL CANCEL THE COMMERCIAL**
 23 **DRIVER'S LICENSE OF ANY ~~PERSON~~ INDIVIDUAL WHO FAILS TO SUBMIT TO THE**
 24 **ADMINISTRATION A CURRENT CERTIFICATE OF PHYSICAL EXAMINATION, AS**
 25 **REQUIRED UNDER 49 C.F.R. § 391.43 AND § 391.45.**

26 (o) (1) The Administration may issue a noncommercial driver's license of an
 27 appropriate class to an individual who is disqualified **OR WHOSE COMMERCIAL DRIVER'S**
 28 **LICENSE IS CANCELED** under this section if:

29 [(1)] (I) The individual surrenders the commercial instructional permit
 30 or commercial driver's license; and

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

33 **(2) (I) THE ADMINISTRATION MAY IMMEDIATELY REINSTATE AN**
 34 **INDIVIDUAL'S NONCOMMERCIAL DRIVING PRIVILEGE AND, SUBJECT TO**
 35 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, ISSUE A NONCOMMERCIAL DRIVER'S**

1 LICENSE OF AN APPROPRIATE CLASS TO AN INDIVIDUAL WHOSE COMMERCIAL
2 DRIVER'S LICENSE IS CANCELED UNDER SUBSECTION (K)(3) OF THIS SECTION IF:

3 1. THE CANCELLATION RESULTS SOLELY FROM THE
4 FAILURE TO SUBMIT A CERTIFICATE OF PHYSICAL EXAMINATION;

5 2. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT
6 EXPIRED; AND

7 3. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT
8 OTHERWISE REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THIS STATE OR ANY
9 OTHER STATE.

10 (II) THE ADMINISTRATION MAY NOT ISSUE A NONCOMMERCIAL
11 DRIVER'S LICENSE UNDER THIS PARAGRAPH UNLESS THE INDIVIDUAL SURRENDERS
12 THE COMMERCIAL DRIVER'S LICENSE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.