

# SENATE BILL 80

R4

6lr0071

(PRE-FILED)

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

Requested: October 5, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 26, 2016

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## 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 who fails to submit to the Administration a certain  
6 certificate of physical examination; authorizing the Administration to issue a  
7 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.

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 16–812(k) and (o)  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2015 Supplement)

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

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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 **Article – Transportation**

2 16–812.

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

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

15 **(3) THE ADMINISTRATION SHALL CANCEL THE COMMERCIAL**  
16 **DRIVER'S LICENSE OF ANY PERSON WHO FAILS TO SUBMIT TO THE ADMINISTRATION**  
17 **A CURRENT CERTIFICATE OF PHYSICAL EXAMINATION, AS REQUIRED UNDER 49**  
18 **C.F.R. § 391.43 AND § 391.45.**

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

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

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

26 (2) (I) **THE ADMINISTRATION MAY IMMEDIATELY REINSTATE AN**  
27 **INDIVIDUAL'S NONCOMMERCIAL DRIVING PRIVILEGE AND, SUBJECT TO**  
28 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, ISSUE A NONCOMMERCIAL DRIVER'S**  
29 **LICENSE OF AN APPROPRIATE CLASS TO AN INDIVIDUAL WHOSE COMMERCIAL**  
30 **DRIVER'S LICENSE IS CANCELED UNDER SUBSECTION (K)(3) OF THIS SECTION IF:**

31 1. **THE CANCELLATION RESULTS SOLELY FROM THE**  
32 **FAILURE TO SUBMIT A CERTIFICATE OF PHYSICAL EXAMINATION;**

33 2. **THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT**  
34 **EXPIRED; AND**

1                                   **3. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT**  
2 **OTHERWISE REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THIS STATE OR ANY**  
3 **OTHER STATE.**

4                                   **(II) THE ADMINISTRATION MAY NOT ISSUE A NONCOMMERCIAL**  
5 **DRIVER'S LICENSE UNDER THIS PARAGRAPH UNLESS THE INDIVIDUAL SURRENDERS**  
6 **THE COMMERCIAL DRIVER'S LICENSE.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.