

# HOUSE BILL 1036

R7

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CF SB 844

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By: **Delegates R. Watson, D. Barnes, Barron, D.M. Davis, Ivey, and Proctor**

Introduced and read first time: February 5, 2020

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Commercial Motor Carriers – Safety, Maintenance, and**  
3 **Insurance Information**  
4 **~~(James's~~ (James Cohran's Law))**

5 FOR the purpose of requiring certain employers of commercial motor vehicle drivers to  
6 provide certain information to a prospective employee driver on a bona fide offer of  
7 employment; ~~requiring a contract between a certain employer of commercial motor~~  
8 ~~vehicle drivers and a subcontractor to contain certain provisions~~; providing for the  
9 application of this Act; and generally relating to requirements for commercial motor  
10 carriers.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 16–803(a) and (e)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 16–806  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2019 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 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.



**Article – Transportation**

1

2 16–803.

3 (a) In this subtitle the following words have the meanings indicated.

4 (e) “Employer” means any individual, including the United States, a state, or a  
5 political subdivision of a state, who owns or leases a commercial motor vehicle or assigns  
6 drivers to operate such a vehicle. An individual who employs himself as a commercial motor  
7 vehicle driver is considered to be both an employer and a driver for the purposes of this  
8 subtitle.

9 16–806.

10 (a) Each employer shall require the information specified in § 16–805(c) of this  
11 subtitle to be provided by the applicant.

12 (b) An employer may not knowingly allow, require, permit, or authorize a driver  
13 to drive a commercial motor vehicle in the United States:

14 (1) During any period in which the driver has a driver’s license suspended,  
15 revoked, or canceled by a state or has lost the privilege to operate a commercial motor  
16 vehicle in a state;

17 (2) During any period in which the driver has been disqualified from  
18 driving a commercial motor vehicle;

19 (3) During any period in which the driver has more than 1 driver’s license;

20 (4) During any period in which the driver, the motor vehicle he or she is  
21 driving, or the motor carrier operation, is subject to an out-of-service order; or

22 (5) In violation of any of the provisions of §§ 21–701 through 21–704 of this  
23 article pertaining to railroad crossings or any other federal, state, or local law or regulation  
24 substantially similar to a provision of §§ 21–701 through 21–704 of this article, pertaining  
25 to railroad grade crossings.

26 (c) (1) **THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER THAT:**

27 (i) **IS REGULATED BY THE FEDERAL MOTOR CARRIER SAFETY**  
28 **ADMINISTRATION;**

29 (ii) **OPERATES A PHYSICAL PLACE OF BUSINESS IN THE STATE;**  
30 **AND**

1 (III) EMPLOYS MORE THAN ONE DRIVER IN THE STATE.

2 (2) ~~AN ON A BONA FIDE OFFER OF EMPLOYMENT, AN EMPLOYER~~  
3 SHALL PROVIDE A PROSPECTIVE EMPLOYEE DRIVER WITH:

4 ~~(I) A COPY OF THE EMPLOYER'S SAFETY RECORD MAINTAINED~~  
5 ~~BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION;~~

6 ~~(II) ACCESS TO UP-TO-DATE SERVICE AND MAINTENANCE~~  
7 ~~RECORDS; AND~~

8 ~~(III) PROOF OF INSURANCE, INCLUDING INFORMATION ON~~  
9 ~~POLICY COVERAGE.~~

10 ~~(3) A CONTRACT BETWEEN AN EMPLOYER AND A SUBCONTRACTOR~~  
11 ~~SHALL REQUIRE PERIODIC UPDATES BY THE SUBCONTRACTOR TO THE EMPLOYER~~  
12 ~~REGARDING:~~

13 ~~(I) SAFETY RECORDS;~~

14 ~~(II) MAINTENANCE RECORDS; AND~~

15 ~~(III) PROOF OF INSURANCE.~~

16 (I) THE USDOT NUMBER OF ANY ENTITY CURRENTLY OWNED  
17 BY THE EMPLOYER; AND

18 (II) THE WEBSITE ADDRESSES FOR THE FEDERAL MOTOR  
19 CARRIER SAFETY ADMINISTRATION'S:

20 1. SAFETY AND FITNESS RECORDS (SAFER) SYSTEM;  
21 AND

22 2. SAFETY MEASUREMENT SYSTEM (SMS).

23 [(c)] (D) An employer that is convicted of violating subsection (b)(4) or (5) of this  
24 section is subject to the civil penalties specified in regulation by the United States Secretary  
25 of Transportation.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2020.