

# SENATE BILL 140

R7  
HB 1036/20 – ENT

(PRE-FILED)

1r1482  
CF 1r1483

---

By: **Senator Peters**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Commercial Motor Carriers – Safety, Inspection, Performance,**  
3 **and Insurance Information**  
4 **(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; providing for the application of this Act; and generally relating to  
8 requirements for commercial motor carriers.

9 BY repealing and reenacting, without amendments,  
10 Article – Transportation  
11 Section 16–803(a) and (e)  
12 Annotated Code of Maryland  
13 (2020 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 16–806  
17 Annotated Code of Maryland  
18 (2020 Replacement Volume)

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

21 **Article – Transportation**

22 16–803.

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 16–806.

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

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

11 (1) During any period in which the driver has a driver's license suspended,  
12 revoked, or canceled by a state or has lost the privilege to operate a commercial motor  
13 vehicle in a state;

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

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

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

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

23 (C) (1) **THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER THAT:**

24 (I) **IS REGULATED BY THE FEDERAL MOTOR CARRIER SAFETY**  
25 **ADMINISTRATION;**

26 (II) **OPERATES A PHYSICAL PLACE OF BUSINESS IN THE STATE;**  
27 **AND**

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

29 (2) **ON A BONA FIDE OFFER OF EMPLOYMENT, AN EMPLOYER SHALL**  
30 **PROVIDE A PROSPECTIVE EMPLOYEE DRIVER WITH ITS U.S. DEPARTMENT OF**  
31 **TRANSPORTATION NUMBER AND THE WEBSITE ADDRESS FOR THE FEDERAL MOTOR**  
32 **CARRIER SAFETY ADMINISTRATION'S SAFETY AND FITNESS RECORDS (SAFER)**  
33 **SYSTEM.**

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

4            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2021.