

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 140

(Senator Peters)

Judicial Proceedings

Environment and Transportation

**Vehicle Laws - Commercial Motor Carriers - Safety, Inspection, Performance,
and Insurance Information (James Cohran's Law)**

This bill requires an employer of commercial motor vehicle drivers to provide a prospective employee driver with (1) the U.S. Department of Transportation number of any entity currently owned by the employer and (2) the website address for the Federal Motor Carrier Safety Administration's Safety and Fitness Records (better known as SAFER) System. The materials must be provided upon a *bona fide* offer of employment. The bill only applies to an employer that is regulated by the Federal Motor Carrier Safety Administration, operates a physical place of business in Maryland, and employs more than one driver in Maryland.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: An "employer" is any individual (including the United States, a state, or a political subdivision of a state) who owns or leases a commercial motor vehicle or assigns drivers to operate such a vehicle. An individual who employs himself or herself as a commercial motor vehicle driver is considered to be both an employer and a driver for purposes of State law.

Each employer must require an applicant to provide specified information related to previous employment.

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

- during any period in which the driver has a driver's license suspended, revoked, or canceled by a state or has lost the privilege to operate a commercial motor vehicle in a state;
- during any period in which the driver has been disqualified from driving a commercial motor vehicle;
- during any period in which the driver has more than one driver's license;
- during any period in which the driver, the motor vehicle he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or
- in violation of specified provisions of State law related to railroad crossing or any other federal, state, or local law or regulation substantially similar to those provisions.

An employer that is convicted of violating the prohibitions related to out-of-service orders or railroad crossings is subject to the civil penalties specified in regulation by the U.S. Secretary of Transportation.

Additional Information

Prior Introductions: Similar as amended, HB 1036 of 2020 passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 844, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: HB 1074 (Delegate R. Watson) - Environment and Transportation.

Information Source(s): Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2021
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