

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 189

(Chair, Judiciary Committee)(By Request - Departmental
- Transportation)

Judiciary

Judicial Proceedings

Drunk Driving - Commercial Driver's Licenses - Disqualification From Driving

This departmental bill requires the Motor Vehicle Administration (MVA) to disqualify any individual from driving a commercial motor vehicle for a period of one year if the individual, while holding a commercial instructional permit or commercial driver's license (CDL), drives (or attempts to drive) any motor vehicle while the alcohol concentration of the person's blood or breath is 0.08 or greater.

Fiscal Summary

State Effect: Transportation Trust Fund revenues and expenditures are not materially affected. Reprogramming and other procedural changes can be handled with existing resources.

Local Effect: None.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: A "commercial motor vehicle" is defined as a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:

- has a gross combination weight rating of 26,001 or more pounds (inclusive of a towed unit with a gross vehicle weight (GVW) rating of more than 10,000 pounds);

- has a GVW rating of 26,0001 or more pounds;
- is designed to transport 16 or more passengers, including the driver; or
- is of any size and is used in the transportation of materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under specified federal hazardous material regulations.

Driving under the Influence of Alcohol or under the Influence of Alcohol Per Se

A person may not drive or attempt to drive any vehicle while under the influence of alcohol or under the influence of alcohol *per se* or while impaired by alcohol. Driving under the influence of alcohol *per se* means driving with a blood alcohol concentration (BAC) of 0.08 or higher. BAC is measured, at the time of testing, as grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Disqualification of Commercial Driver's License Holders for Drunk Driving

Section 16-812 of the Transportation Article requires MVA to disqualify an individual from driving a commercial motor vehicle when that individual is convicted of specified offenses or commits specified acts. MVA must disqualify any individual from driving a commercial motor vehicle for a period of one year if (1) the individual is *convicted* of committing certain offenses (e.g., drunk or drugged driving offenses) while driving a *commercial* vehicle; (2) the individual holds a commercial instructional permit or CDL and is *convicted* of committing specified offenses (such as driving under the influence of alcohol or under the influence of alcohol *per se* or driving while impaired by drugs or drugs and alcohol or a controlled dangerous substance) while driving a *noncommercial* motor vehicle; (3) the individual, while driving a commercial motor vehicle or while holding a commercial instructional permit or CDL, refuses to undergo required testing for intoxication; (4) the individual drives (or attempts to drive) a *commercial* motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or greater; or (5) the individual drives a commercial motor vehicle when (as a result of prior violations committed while driving a commercial vehicle) the driver's commercial instructional permit or CDL is revoked, suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

If any of the offenses described above occurred while transporting a hazardous material required to be placarded, MVA must disqualify the individual for a three-year period.

MVA must disqualify any person from driving a commercial motor vehicle for life for two or more violations of any of the offenses noted above (or any combination of those offenses) arising from two or more separate incidents.

Background: The adjudication of an administrative *per se* offense occurs through a hearing before an administrative law judge and is independent of the criminal prosecution of an alleged drunk or drugged driver through the courts. MVA advises that, under current law, it is unable to impose a disqualification (via administrative *per se*) for individuals who register a BAC of 0.08 or greater in a *personal* vehicle. However, MVA may do so if an individual drives (or attempts to drive) a *commercial* motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or greater. MVA further notes that Federal Motor Carrier Safety Administration (FMCSA) [regulations](#) require that disqualification actions be taken upon a "conviction." FMSCA regulations [consider](#) an administrative *per se* violation to be a conviction.

MVA advises that, in 2023, 174 CDL holders had an offense that would potentially be subject to disqualification actions at the administrative *per se* level under the bill. In 2022, that figure was 168 CDL holders.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 187 (Chair, Judicial Proceedings Committee)(By Request - Departmental - Transportation) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2025
js/aad
Third Reader - March 7, 2025

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Drunk Driving – Commercial Driver’s Licenses – Disqualification From Driving

BILL NUMBER: HB 189

PREPARED BY: Phillip Dacey

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

____ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS