



Maryland Motor Truck Association

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HEARING DATE: February 27, 2020

BILL NO/TITLE: **HB1036 - Vehicle Laws - Commercial Motor Carriers - Safety, Maintenance, and Insurance Information (James's Law)**

COMMITTEE: Environment & Transportation

POSITION: **Oppose**

Maryland Motor Truck Association appreciates that HB1036 is being offered as a result of a tragic accident; however, the Association opposes HB1036 because it will do nothing to improve safety and places an **unreasonable burden on motor carriers to provide records that are already available to the public online.**

As introduced, HB1036 requires motor carriers to provide the company's safety records maintained by the U.S. Department of Transportation's Federal Motor Carrier Safety Administration, proof of insurance, and up-to-date service and maintenance records to a "prospective employee driver." Each of these is described below.

Safety Records: Every company operating a commercial motor vehicle must have an identification number issued by the U.S. Department of Transportation. Federal law requires that the USDOT number and company name be printed on the side of every vehicle. Within USDOT, the Federal Motor Carrier Safety Administration maintains the safety records of all motor carriers. These records are available at <https://safer.fmcsa.dot.gov/>. **Anyone can access the safety records of a motor carrier using the USDOT number or the company name.**

Included in the FMCSA online records are:

- Inspection history
- Crash history
- Safety rating
- Number and type of vehicles
- Operating authority
- Insurance information
- Types of cargo, and more.

Insurance Information: Insurance information is also included on the FMCSA website. This includes policy number, insurance carrier, coverage amount, effective date, insurance history, and more. **This is all public information accessible using the USDOT number or company name.**

Maintenance Records: HB1036 would require a motor carrier to provide maintenance records for every one of its vehicles to any driver who applies for a job, even if the company has no interest in hiring the applicant. Companies operating 20, 50, 100, or 1,000 trucks would be required to pull this information for every truck. Maintenance of a commercial motor vehicle is a shared responsibility between both the company and driver.

- For Companies – Motor carriers with Maryland registered trucks are required to perform an annual Preventive Maintenance Inspection every 25,000 miles or annually, whichever occurs first. **These are the most stringent rules in the country.** Federal law only requires a PM once per year, regardless of miles. **A copy of Maryland's PM report is required to be kept in the vehicle.** Companies are also responsible for the repair of any defects identified by a driver during his pre-trip and/or post-trip inspection (see below).
- For Drivers – **Drivers are required to perform a pre-trip inspection of their vehicle every day and be satisfied the vehicle is in safe operating condition before taking the vehicle on the road.** At the end of the day, drivers must conduct a post-trip inspection and document any defects that would affect the safe operation of the vehicle. **The company must repair the defects prior to a driver operating the vehicle. The driver must sign that the repairs were performed before taking the vehicle on the road.**

In addition to the concerns noted above, MMTA is also concerned that this legislation lacks several important definitions, including:

- What is a "prospective employee"? **As written this legislation would seemingly apply to anyone who applies for a driving job. MMTA believes any mandate should only apply when a company provides a bona fide offer of employment to a driver.**
- What is a "periodic update" for records shared between an employer and a subcontractor?

For the reasons noted above, MMTA requests an unfavorable report on HB1036.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a not-for-profit trade association representing the trucking industry since 1935. In service to its 1,000 members, MMTA is committed to supporting and advocating for a safe, efficient and profitable trucking industry across all sectors and industry types, regardless of size, domicile or type of operation.

For further information, contact: Louis Campion, (c) 443-623-4223

TRUCK OR TRUCK TRACTOR
PREVENTIVE MAINTENANCE REPORT
(MD TR 23-301 — 23-305; COMAR 22.88; FMCSSR 396.17)

Owner's Name _____ Address _____

Telephone _____ Fax _____

Make _____ Model _____ Year _____

Company Name _____ Tag Number _____

Manufacturer's Vehicle ID Number (VIN) _____

Title Number _____

COMAR 11.22.02 **Passed** **Failed** **Date Repaired***

COMAR 11.22.02	Passed	Failed	Date Repaired*
.02 Alignment			
.03 Suspension			
.04 Steering			
.05 Brake Systems — Hydraulic / Vacuum			
.06 Brake Systems — Air			
.07 Tires			
.08 Wheels, Rims, Lock Rings, Studs and Nuts			
.09 Accelerator Pedal and Air Throttle			
.10 Fuel Storage and Delivery System			
.11 Exhaust System			
.12 Universal Joints and U-Clamps			
.13 Vehicle Frame, Body and Sheet Metal			
.14 Lighting			
.15 Electrical System			
.16 Emergency Equipment			
.17 Seats and Seat Belts			
.18 Sun Visor			
.19 Mirrors			
.20 Glazing			
.21 Windshield Wipers and Washers			
.22 Defroster			
.23 Auto Trans Gear Selector / Neutral Safety Switch			
.24 Speedometer and Odometer			
.25 Brake and Clutch Pedal			
.26 Horn			
.27 Hitches and Coupling Devices			
.28 Tanks and Pressure Vessels			

Inspected: (a) Date _____ (b) Vehicle Mileage _____

Inspected by (Print) _____ Repaired by (Print) _____

Certified by (Print) _____ Signature _____

(Owner or Authorized Representative)

* Provide description of repairs and parts used on reverse side of this form.



ANNUAL VEHICLE INSPECTION REPORT

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
DATE	

MOTOR CARRIER OPERATOR	INSPECTOR'S NAME (PRINT OR TYPE)
ADDRESS	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input type="checkbox"/> YES
CITY, STATE, ZIP CODE	VEHICLE IDENTIFICATION (<input checked="" type="checkbox"/> AND COMPLETE) <input type="checkbox"/> LIC. PLATE NO. <input type="checkbox"/> VIN <input type="checkbox"/> OTHER
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL)

VEHICLE COMPONENTS INSPECTED											
OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			1. BRAKE SYSTEM				6. SAFE LOADING				10. TIRES
			a. Service Brakes				a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.				a. Tires on any steering axle of a power unit.
			b. Parking Brake System				b. Protection against shifting cargo.				b. All other tires.
			c. Brake Drums or Rotors				c. Container securement devices on intermodal equipment.				c. Installation of speed-restricted tires unless specifically designated by motor carrier.
			d. Brake Hose								
			e. Brake Tubing								
			f. Low Pressure Warning Device								
			g. Tractor Protection Valve								
			h. Air Compressor								
			i. Electric Brakes								
			j. Hydraulic Brakes								
			k. Vacuum Systems								
			l. Antilock Brake System								
			m. Automatic Brake Adjusters								
			2. COUPLING DEVICES				7. STEERING MECHANISM				11. WHEELS AND RIMS
			a. Fifth Wheels				a. Steering Wheel Free Play				a. Lock or Side Ring
			b. Pintle Hooks				b. Steering Column				b. Wheels and Rims
			c. Drawbar/Towbar Eye				c. Front Axle Beam and All Steering Components Other Than Steering Column				c. Fasteners
			d. Drawbar/Towbar Tongue				d. Steering Gear Box				d. Welds
			e. Safety Devices				e. Pitman Arm				
			f. Saddle-Mounts				f. Power Steering				
			3. EXHAUST SYSTEM				g. Ball and Socket Joints				12. WINDSHIELD GLAZING
			a. Exhaust system leaking forward of or directly below the driver/sleeper compartment.				h. Tie Rods and Drag Links				Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions).
			b. Bus exhaust system leaking or discharging in violation of standard.				i. Nuts				
			c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle.				j. Steering System				
			4. FUEL SYSTEM				8. SUSPENSION				13. WINDSHIELD WIPERS
			a. Visible leak.				a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.				Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
			b. Fuel tank filler cap missing.				b. Spring Assembly				
			c. Fuel tank securely attached.				c. Torque, Radius or Tracking Components				
			5. LIGHTING DEVICES				9. FRAME				14. MOTORCOACH SEATS
			All lighting devices and reflectors required by Part 393 shall be operable.				a. Frame Members				Any passenger seat that is not securely fastened to the vehicle structure.
							b. Tire and Wheel Clearance				
							c. Adjustable Axle Assemblies (Sliding Subframes)				15. OTHER
											List any other condition(s) which may prevent safe operation of this vehicle.

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY. _____ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

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DRIVER'S VEHICLE INSPECTION REPORT

Completion of this report required by Federal Law 49 CFR 396.11 & 396.13

Location _____ Date _____
 Truck/Tractor _____ Trailer #1 _____
 Dolly _____ Trailer #2 _____

Odometer Mileage _____

Explain any Defects

- Engine _____
- Transmission _____
- Clutch _____
- Steering Mechanism _____
- Horn _____
- Windshield Wipers/Washers _____
- Rear Vision Mirrors _____
- Lighting Devices and Reflectors _____
- Parking Brake _____
- Service Brakes _____
- Air Lines/Light Lines _____
- Coupling Devices _____
- Tires _____
- Wheels and Rims _____
- Emergency Equipment _____
- Other _____

Vehicle condition OK
 (This must be checked if there are no defects)

Defects do not need to be corrected for safe operation

Defects Corrected

Reporting Driver's Signature _____
 Certified by: _____ Mechanic's Signature _____

WHITE - MAINTENANCE
 CANARY - DRIVER REVIEW
 4024642

Reviewing Driver's Signature _____

DRIVER'S VEHICLE INSPECTION REPORT

AS REQUIRED BY THE D.O.T. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

CARRIER: _____
 ADDRESS: _____
 DATE: _____ TIME: _____ A.M. _____ P.M.
CHECK ANY DEFECTIVE ITEM AND GIVE DETAILS UNDER "REMARKS"

TRACTOR/TRUCK NO. _____ ODOMETER READING _____

- Air Compressor
- Air Lines
- Battery
- Body
- Brake Accessories
- Brakes, Parking
- Brakes, Service
- Clutch
- Coupling Devices
- Defroster/Heater
- Drive Line
- Engine
- Exhaust
- Fifth Wheel
- Frame and Assembly
- Front Axle
- Fuel Tanks
- Horn
- Lights
- Head - Stop
- Tail - Dash
- Turn Indicators
- Mirrors
- Muffler
- Oil Pressure
- Radiator
- Rear End
- Reflectors
- Safety Equipment
- Fire Extinguisher
- Reflective Triangles
- Flags - Flares - Fuses
- Spare Bulbs & Fuses
- Spare Seal Beam
- Suspension System
- Starter
- Steering
- Tachograph
- Tires
- Tire Chains
- Transmission
- Wheels and Rims
- Windows
- Windshield Wipers
- Other _____

- TRAILER(S) NO.(S) _____
- Brake Connections
 - Brakes
 - Coupling Devices
 - Coupling (King) Pin
 - Doors
 - Hitch
 - Landing Gear
 - Lights - All
 - Roof
 - Suspension System
 - Tarpaulin
 - Tires
 - Wheels and Rims
 - Other _____

Remarks: _____

CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE: _____ DATE _____
 ABOVE DEFECTS CORRECTED
 ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE
 MECHANIC'S SIGNATURE: _____ DATE _____
 DRIVER'S SIGNATURE: _____ DATE _____