



Maryland Motor Truck Association

9256 Bendix Road, Suite 203, Columbia, MD 21045

Phone: 410-644-4600 Fax: 410-644-2537



HEARING DATE: January 28, 2020

BILL NO/TITLE: **HB83 - Criminal Procedure - Automatic Expungement - Possession of Marijuana**

COMMITTEE: House Judiciary Committee

POSITION: **Oppose**

HB83 would require the automatic expungement of court and police records involving possession of marijuana. Maryland Motor Truck Association (MMTA) opposes such legislation because of the inherent linkage between possession and use of marijuana, which is prohibited for commercial drivers under federal law even if no level of impairment is established. The Association is also concerned that automatic expungement will make it more difficult for trucking companies to adequately screen commercial drivers as required in federal and state law.

Federal regulations require trucking companies to test all commercial drivers for alcohol and drug use before employment, on a random basis, after crashes, and whenever a supervisor has reasonable suspicion that a driver may be impaired. These regulations have been adopted by reference in the Maryland Transportation Article, §25-111 and in the Code of Maryland Regulations, 11.21.01.02.

Under the Federal Motor Carrier Safety Regulations (§391.41(12)), drivers are disqualified from using any Schedule I drug or any non-Schedule I that would adversely affect the driver's ability to safely operate a commercial motor vehicle. **If a driver tests positive for marijuana use, he is disqualified from operating a commercial motor vehicle. No level of impairment needs to be established.**

On January 6, 2020, the U.S. Department of Transportation launched a clearinghouse for positive drug and alcohol test results of commercial truck drivers. Employers are required to report any positive test results to the clearinghouse, to query it every year for each driver they employ, and to search the clearinghouse before hiring a new driver. Records are stored for 3 years. To ensure safety, many trucking companies supplement such queries with a separate criminal background check.

MMTA is concerned that the passage of HB83 will make it harder for trucking companies to conduct their queries of commercial drivers, potentially jeopardizing safety on our roadways should a driver with a history of marijuana use be unknowingly permitted to operate a large truck. Should the Judiciary Committee elect to move forward with HB83, we encourage the Committee to exclude from automatic expungement any offenses for marijuana possession that are discovered while a driver is operating a commercial vehicle.

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