

HOUSE BILL 1036

R7

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CF SB 844

By: **Delegates R. Watson, D. Barnes, Barron, D.M. Davis, Ivey, and Proctor**

Introduced and read first time: February 5, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2020

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Commercial Motor Carriers – Safety, Maintenance, and**
3 **Insurance Information**
4 **~~(James's~~ (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; ~~requiring a contract between a certain employer of commercial motor~~
8 ~~vehicle drivers and a subcontractor to contain certain provisions~~; providing for the
9 application of this Act; and generally relating to requirements for commercial motor
10 carriers.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 16–803(a) and (e)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–806
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Transportation

16–803.

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

(e) “Employer” means 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 as a commercial motor vehicle driver is considered to be both an employer and a driver for the purposes of this subtitle.

16–806.

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

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

(1) 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;

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

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

(4) 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

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

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

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

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

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

(2) ~~AN~~ ON A BONA FIDE OFFER OF EMPLOYMENT, AN EMPLOYER SHALL PROVIDE A PROSPECTIVE EMPLOYEE DRIVER WITH:

~~(I) A COPY OF THE EMPLOYER'S SAFETY RECORD MAINTAINED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION;~~

~~(II) ACCESS TO UP-TO-DATE SERVICE AND MAINTENANCE RECORDS; AND~~

~~(III) PROOF OF INSURANCE, INCLUDING INFORMATION ON POLICY COVERAGE.~~

~~(3) A CONTRACT BETWEEN AN EMPLOYER AND A SUBCONTRACTOR SHALL REQUIRE PERIODIC UPDATES BY THE SUBCONTRACTOR TO THE EMPLOYER REGARDING:~~

~~(I) SAFETY RECORDS;~~

~~(II) MAINTENANCE RECORDS; AND~~

~~(III) PROOF OF INSURANCE.~~

(I) THE USDOT NUMBER OF ANY ENTITY CURRENTLY OWNED BY THE EMPLOYER; AND

(II) THE WEBSITE ADDRESSES FOR THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S:

1. SAFETY AND FITNESS RECORDS (SAFER) SYSTEM;
AND

2. SAFETY MEASUREMENT SYSTEM (SMS).

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.