

# HOUSE BILL 1036

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CF SB 844

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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

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## A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

22 **Article – Transportation**

23 16–803.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 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;**

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

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

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

8                   (I) SAFETY RECORDS;

9                   (II) MAINTENANCE RECORDS; AND

10                  (III) PROOF OF INSURANCE.

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

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