

Chapter 451

(House Bill 1074)

AN ACT concerning

**Vehicle Laws – Commercial Motor Carriers – Safety, Inspection, Performance,
and Insurance Information
(James Cohran’s Law)**

FOR the purpose of requiring certain employers of commercial motor vehicle drivers to provide certain information to a prospective employee driver on a bona fide offer of employment; providing for the application of this Act; and generally relating to requirements for commercial motor carriers.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–803(a) and (e)
Annotated Code of Maryland
(2020 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–806
Annotated Code of Maryland
(2020 Replacement Volume)

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

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) ON A BONA FIDE OFFER OF EMPLOYMENT, AN EMPLOYER SHALL PROVIDE A PROSPECTIVE EMPLOYEE DRIVER WITH ITS U.S. DEPARTMENT OF TRANSPORTATION NUMBER AND THE WEBSITE ADDRESS FOR THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S SAFETY AND FITNESS RECORDS (SAFER) SYSTEM.

[(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, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.