



HEARING DATE: February 27, 2020

BILL: HB1036 - Vehicle Laws - Commercial Motor Carriers - Safety, Maintenance, and Insurance Information (James's Law)

COMMITTEE: Environment & Transportation Committee

POSITION: Oppose

The Maryland Motorcoach Association (MMA) can sympathize that HB1036 is being offered as a result of a tragic accident; however, we feel we must oppose HB1036 as it will in no way improve safety in an already proven industry that exhibits above normal safety standards and regulations in addition to placing an unreasonable burden on motor carriers to provide records that are already available to the public online not to mention running afoul of 49 USC 31141 and be preempted by Federal law.

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/> and **anyone can access the safety records of a motor carrier using the USDOT number or the company name at any given time.** Also note that since there is information that is password protected on this site, is it the intention of the legislation to cause the passenger carrier to provide access to information to drivers even FMCSA believes is not public?

Included in the FMCSA online records are:

- Inspection history
- Crash history
- Safety rating
- Number and type of vehicles
- Operating authority
- Insurance information
- **Look Before You Book**
- Out of Service Rating
- Vehicle Maintenance
- Controlled Substance and Alcohol
- Driver Fitness and more

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- **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. The insurance requirement lacks specificity. One cannot assume the Bill is referring to auto liability. Without specificity all insurance policies may be viewable by drivers; a scenario that is unacceptable and should be opposed.
- **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 coaches would be required to pull this information for every vehicle. Maintenance of a commercial motor vehicle is a shared responsibility between both the company and driver.

For Companies – Motor carriers with Maryland registered coaches are already 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 – Access to up-to-date service records lacks context and purpose. Drivers are already responsible for determining if a vehicle is safe to drive through their pre-trip and post trip inspections, and access to maintenance records only confuses the Federal requirement. Once a defect is reported **The company must repair the defects prior to a driver operating the vehicle and the driver must sign that the repairs were performed before taking the vehicle on the road.**

In addition to the concerns noted above, MMA is concerned that as written this legislation would seemingly apply to anyone who applies for a driving job. MMA believes any mandate should only apply when a company provides a bona fide offer of employment to a driver.

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

ABOUT THE MARYLAND MOTORCOACH ASSOCIATION

MMA represents the interests of Maryland Motorcoach Operators across the state and industry with our tourism partners, destination marketing organizations, small businesses, coach manufacturers, and equipment suppliers all of whom are counted among our members we strive to make Motorcoach travel in Maryland Safe, Convenient and Cost Effective to Marylanders traveling to; Work, Play, School and Appointments in addition to so much more!

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