

Jackie Cohran-Furbert_FAV_SB 844

Uploaded by: Cohran, Jackie

Position: FAV

JACKIE COHRAN-FURBERT “ON BEHALF OF MY SON” JAMES PARKER COHRAN TESTIMONY HRSB JAMES LAW

My name is Jackie Cohran-Furbert, a resident of Prince George County Maryland for 29 years. I’m here today in **support** of HB 1036/ SB 0844. I am the **mother** of James Parker Cohran. I’m here as an **Advocate** for ALL Commercial Motor Vehicle Drivers. On Sept 29, 2019, my only son James Parker Cohran died in a fiery crash on the NJ Turnpike. James was 30 years old and a loving father of four children. James was a licensed Commercial Motor Vehicle Driver.

The impact of James death on my life is profound, I believed I have PTSD post realizing that he burned up in the truck with no skin remaining except on the right foot. The remainder of the body was charred to the muscle with areas of charring through to the internal organs the medical examiner wrote. After his death, we learned that the company he worked for has a documented history of **safety violations, recurrent insurance cancellations**, and should have been **out-of-service**. The company is **out-of-service** as I plead to you. Regardless of your profession, everyone is entitled to work in a safe environment or at least be provided knowledge if conditions are **not** safe.

HB 1036/SB 0844 “Vehicle Laws - Commercial Motor Carriers - Safety, Maintenance, and Insurance Information (James's Cohran Law)” This bill requires **EMPLOYERS** of commercial motor vehicle drivers to provide **PROSPECTIVE** employees with:

1. A copy of the employer’s safety record maintained by the Federal Motor Carrier Safety Administration (FMCSA)
 - This **bill** will promote transparency so that drivers can make informed decisions about whether they want to work for said employers.
 - Prior to my son death, his employer was in violation of “396.17 Critical Violation” on 8/05/2018 which requires periodic inspections and fined.
 - After my son death, his employer was in violation of “382.11 Acute Violation” on 11/05/2019 which requires alcohol and drug testing and fined.
2. Proof of insurance, including information on policy coverage. Likewise, a contract between an employer and a subcontractor must require periodic updates by the subcontractor to the employer.
3. Provide USDOT Number of any entity owned or operated by the employer. Also provide the FMCSA URL with an explanation of how to access the prospective employer safety performance records on the FMCSA website which includes the company operational status, inspection reports, fatality reports, crash reports, monetary fines, program violations, insurance coverage and cancellations records.

In 2017, there were 34,247 fatal motor vehicle crashes. Fatalities increased 8% from 2016. Large truck occupants comprised 17% of all large truck and bus fatalities. This **bill** is important to ensure that my son death is not just another statistic and to hold employers accountable for their failure to implement safety laws. This is an educational opportunity for the 16 CDL schools in Maryland.

In the State of Maryland, we must better serve the CDL Drivers. The FMCSA rules must be enforced at the state level. Maryland has 17,020 trucking companies according to the Maryland Trucking Association Fast Facts. Self-regulation historically has never worked. We cannot save James; but maybe we can save someone else’s child. The drivers can’t speak for themselves. Because, they will lose their job. I speak for them today. I’m asking for your support today of this **bill**.

MMTA_UNF_SB844

Uploaded by: CAMPION, LOUIS

Position: UNF



Maryland Motor Truck Association

9256 Bendix Road, Suite 203, Columbia, MD 21045

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



HEARING DATE: March 4, 2020

BILL NO/TITLE: **SB844 - Vehicle Laws - Commercial Motor Carriers - Safety, Maintenance, and Insurance Information (James's Law)**

COMMITTEE: Judicial Proceedings

POSITION: **Oppose as Introduced**

Maryland Motor Truck Association appreciates that SB844 is being offered as a result of a tragic accident; however, the Association opposes SB844 as introduced believing it will do nothing to improve safety and places an **unreasonable burden on motor carriers to provide records that are already available to the public online.**

As introduced, SB844 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/>. **Anyone can access the safety records of a motor carrier using the USDOT number or the company name.**

Included in the FMCSA online records are:

- Inspection history
- Crash history
- Safety rating
- Number and type of vehicles
- Operating authority
- Insurance information
- Types of cargo, and more.

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.**

Maintenance Records: This legislation 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 trucks would be required to pull this information for every truck. Maintenance of a commercial motor vehicle is a shared responsibility between both the company and driver.

- For Companies – Motor carriers with Maryland registered trucks are 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 – **Drivers are required to perform a pre-trip inspection of their vehicle every day and be satisfied the vehicle is in safe operating condition before taking the vehicle on the road.** At the end of the day, drivers must conduct a post-trip inspection and document any defects that would affect the safe operation of the vehicle. **The company must repair the defects prior to a driver operating the vehicle. The driver must sign that the repairs were performed before taking the vehicle on the road.**

In addition to the concerns noted above, MMTA is also concerned that this legislation lacks several important definitions, including:

- What is a “prospective employee”? **As written this legislation would seemingly apply to anyone who applies for a driving job. MMTA believes any mandate should only apply when a company provides a bona fide offer of employment to a driver.**
- What is a “periodic update” for records shared between an employer and a subcontractor?

Lastly, this legislation attempts to govern contract language between an employer and a subcontractor by imposing requirements on information that the subcontractor must provide.

The Association is working with the sponsor on the development of an amendment that would modify this legislation substantially. That amendment is expected to require employers, upon making a bona fide offer of employment to a prospective employee driver, to provide the driver with its U.S. DOT number and the URL for the Federal Motor Carrier Safety Administration’s Safety and Fitness Electronic Records System. This will enable drivers to research a company’s safety, insurance and other information before accepting an offer of employment. This amendment would address many of the concerns noted above and we would withdraw our opposition to this legislation.

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

MAA_UNF_SB844

Uploaded by: Klinefelter, Marshall

Position: UNF

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Rob Scrivener
VICE CHAIRMAN
Brian Russell

MARYLAND ASPHALT ASSOCIATION



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Jeff Graf
PRESIDENT:
G. Marshall Klinefelter

March 4, 2020

Senator William C. Smith, Jr., Chairman
Judicial Proceedings Committee
2 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

OPPOSE

Re: **SENATE BILL 844 – VEHICLE LAWS – COMMERCIAL MOTOR CARRIERS –
SAFETY, MAINTENANCE, AND INSURANCE INFORMATION (JAMES’S LAW)**

Dear Chairman Smith and Committee Members:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 47 production facilities, 21 contractor members, 24 consulting engineer firms and 39 other associate members. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

SB 844 would require commercial motor vehicle employers to provide specified documentation to prospective employees as well as a requirement for regular updates to contracts between employers and subcontractors. This legislation would place an enormous burden on every one of our members that employs and seeks to employ CDL drivers by requiring them to provide copies of all safety records and access to up-to-date service and maintenance records to prospective employees. The bill does not explain what access means – is it paper copies or electronic access? Furthermore, the bill does not define what a prospective employee is. Is it someone that applies for a position with the employer, someone who comes in to interview, or someone who an offer for employment is extended to? This bill is too vague to know to whom it would apply.

We appreciate you taking the time to address this important issue and we respectfully urge an unfavorable report on Senate Bill 844.

Thank you,

Marshall Klinefelter
President
Maryland Asphalt Association

MTBMA_UNF_SB844

Uploaded by: Sakata, Michael

Position: UNF



MTBMA
MARYLAND TRANSPORTATION BUILDERS
AND MATERIALS ASSOCIATION

March 4, 2020

Senator William C. Smith, Jr., Chairman
Judicial Proceedings Committee
2 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

OPPOSE

Re: **SENATE BILL 844 – VEHICLE LAWS – COMMERCIAL MOTOR CARRIERS –
SAFETY, MAINTENANCE, AND INSURANCE INFORMATION (JAMES’S LAW)**

Dear Chairman Smith and Committee Members:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials.

SB 844 would require commercial motor vehicle employers to provide specified documentation to prospective employees as well as a requirement for regular updates to contracts between employers and subcontractors. This legislation would place an enormous burden on every one of our members that employs and seeks to employ CDL drivers by requiring them to provide copies of all safety records and access to up-to-date service and maintenance records to prospective employees. The bill does not explain what access means – is it paper copies or electronic access? Furthermore, the bill does not define what a prospective employee is. Is it someone that applies for a position with the employer, someone who comes in to interview, or someone who an offer for employment is extended to? This bill is too vague to know to whom it would apply.

We appreciate you taking the time to address this important issue and we respectfully urge an unfavorable report on Senate Bill 844.

Thank you,

Michael A Sakata

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association