

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 708

(Senators Ramirez and Raskin)

Judicial Proceedings

Vehicle Laws - Drivers' Education Schools and Instructors

This bill authorizes a drivers' school to have multiple approved driver education instructor trainers, and it requires the Motor Vehicle Administration (MVA) to establish an annual training schedule for driver education instructor trainers. MVA may establish a fee for the training. MVA must provide notice to a drivers' school or driving instructor licensee or applicant before imposing a fine, revocation, suspension, or refusal to renew or grant a license; MVA *may* allow the licensee to remedy the violation in lieu of imposing a sanction. A drivers' school or driving instructor licensee or applicant may electronically provide any appropriate document that MVA allows to be provided electronically; any document that is required to be maintained by a licensee and is in electronic format must be accessible to MVA, on request. MVA must also notify licensees each year about specified regulatory changes that were made in the previous calendar year. MVA may allow a qualified individual to conduct a driver knowledge test and basic skills evaluation for both the classroom and behind-the-wheel instruction for instructor license applicants; MVA may adopt regulations to do so.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues may decrease minimally beginning in FY 2017 as fewer administrative fines and fees paid to reinstate a license are collected by MVA. Any decrease in TTF revenues may be offset if MVA charges a training fee authorized by the bill. Expenditures are not materially affected as MVA can implement the bill with existing resources.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: MVA may determine a searchable format in which electronic documents provided by a licensee or an applicant for a license must be transmitted.

On or before January 15 of each year, MVA must provide to all licensees a compilation of all changes to applicable regulations, administrative rules, and policies that were adopted in the previous calendar year.

The bill also specifies that, with respect to inspection requirements for classroom facilities, MVA may require only an appropriate fire safety inspection. MVA may require a licensee to provide an appropriate zoning certification.

Current Law:

Use of Licensed Instructors

A drivers' school may not provide or offer to provide any instruction in driving unless the individual who gives the instruction is a driving instructor employed by it. In addition, a drivers' school may not employ any individual as a driving instructor unless that individual (1) is licensed to drive under the Transportation Article; (2) has completed the instructor certification program approved by MVA; and (3) is licensed as a driving instructor under the Transportation Article.

MVA Sanctions on Licensees

MVA may suspend, revoke, or refuse to renew a license for a drivers' school or driving instructor or may impose an administrative fine of up to \$1,000 for any violation of the portion of the Maryland Vehicle Law pertaining to drivers' schools and driving instructors. MVA may also refuse to grant a license upon any of several specified findings regarding the applicant by MVA. The Maryland Vehicle Law does not require that notice be given to a licensee prior to the issuance by MVA of a sanction, but MVA has adopted regulations that require MVA to provide a drivers' school or driving instructor licensee with notice and an opportunity for a hearing before suspending, revoking, or refusing to renew a license; the regulations do not establish a specific right to remedy a violation.

Electronic Submission of Documents

The Maryland Vehicle Law does not specifically authorize or require drivers' school or driving instructor licensees to submit required documents electronically, but MVA regulations require the electronic submission of certain documents.

Knowledge and Basic Skills Evaluation

MVA regulations require MVA (rather than allowing a qualified individual) to conduct a knowledge test and basic skills evaluation for an apprentice instructor in the classroom and through behind-the-wheel instruction. No such requirement exists in MVA regulations for driving instructor certification applicants, but such applicants must have already passed all requirements for an apprentice license (which includes the knowledge test and basic skills evaluation).

Small Business Effect: Small business drivers' schools may realize a meaningful reduction in costs associated with license suspensions or revocations or the payment of administrative fines to MVA as well as costs associated with the submission of documents to MVA and applying for driving instructor licenses. They may have multiple approved driver education instructor trainers, but they may also be subject to a fee for driver education instructor training.

Additional Information

Prior Introductions: HB 1048 of 2015, a similar bill, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken on the bill.

Cross File: HB 627 (Delegate Gilchrist) - Environment and Transportation.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

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md/ljm

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