

HOUSE BILL 1048

R4

5lr2308

By: **Delegates Gilchrist, Frush, Holmes, and Platt**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Drivers’ Education – Licensing**

3 FOR the purpose of ~~requiring that certain fines, revocations, suspensions, or refusals to~~
4 ~~grant or renew a license for drivers’ schools and driving instructors take effect a~~
5 ~~certain time period after the Motor Vehicle Administration provides notice of the~~
6 ~~sanction to the applicant or licensee; authorizing the applicant or licensee to remedy~~
7 ~~the underlying violation that led to the Administration imposing the sanction within~~
8 ~~a certain time period; requiring the Administration to void the sanction if the~~
9 ~~applicant or licensee remedies the underlying violation within a certain time period;~~
10 ~~authorizing certain applicants or licensees to provide any documents required by the~~
11 ~~Administration electronically; requiring the Administration to adopt by regulation~~
12 ~~any requirement with which certain applicants or licensees are required to comply;~~
13 ~~establishing that the Administration, with respect to inspection of drivers’ school~~
14 ~~classroom facilities, may only require certain fire inspections; establishing that a~~
15 ~~holder of a driving instructor license may conduct certain tests and evaluations for~~
16 ~~both the classroom and behind the wheel instruction for apprentice instructor~~
17 ~~permit applicants~~ requiring the Motor Vehicle Administration to provide written
18 notice to a drivers’ school or driving instructor license holder or applicant before
19 imposing certain administrative penalties; authorizing the Administration to allow
20 a license holder or an applicant to remedy the violation before imposing certain
21 administrative penalties; authorizing a licensee to provide required documents
22 electronically in certain circumstances in a format determined by the
23 Administration; authorizing the Administration to allow certain persons to conduct
24 certain driving tests and evaluations; authorizing the Administration to adopt

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain regulations; and generally relating to licensing for drivers' schools and
2 driving instructors.

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 15–710 and 15–807
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2014 Supplement)

8 BY adding to
9 Article – Transportation
10 Section 15–711 and 15–808
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2014 Supplement)

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

15 **Article – Transportation**

16 15–710.

17 (a) In addition to the other grounds specified in Subtitle 1 of this title for refusal,
18 suspension, or revocation of a license, the Administration may refuse to grant a license
19 under this subtitle to any person and may suspend, revoke, or refuse to renew the license
20 of any person if it finds that:

21 (1) The person has made a material misrepresentation or concealed a
22 material fact in obtaining a license;

23 (2) The person is not the true owner of the drivers' school;

24 (3) The person or any partner, officer, director, or stockholder of the person,
25 or any other person who has a direct or indirect interest in the drivers' school:

26 (i) Was the holder of a drivers' school license that was suspended or
27 revoked by the Administration; or

28 (ii) Was an officer, director, stockholder, or partner in a drivers'
29 school the license of which was suspended or revoked by the Administration;

30 (4) The person or any partner, officer, agent, or employee of the person has
31 committed any fraud in connection with the business conducted under the license,
32 including:

33 (i) Inducing any individual to obtain a driver's license by illegal or
34 improper means;

1 (ii) Representing or implying to any individual by word or deed that
2 a driver's license or any other license, registration, or other document or service granted by
3 the Administration may be obtained by any means other than those specified by law; or

4 (iii) Furnishing or obtaining by illegal or improper means any license,
5 registration, or other document or service granted by the Administration, or requesting or
6 accepting money for that purpose; or

7 (5) As to any drivers' school that is a participant in the Maryland driver
8 education program, the person has failed to comply with any of the provisions of or any of
9 the rules and regulations adopted under the Maryland Driver Education Program Act.

10 (b) Notwithstanding the renewal of any license, the Administration may revoke
11 or suspend that license for any violation or other cause, as permitted by this title, that
12 occurred during the 2 license years immediately preceding the renewal.

13 (c) As to any person licensed under this subtitle, instead of or in addition to
14 revocation, suspension, or refusal to renew a license under this section, the Administration
15 may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

16 ~~(D) (1) A FINE, REVOCATION, SUSPENSION, OR REFUSAL TO GRANT OR~~
17 ~~RENEW A LICENSE SHALL TAKE EFFECT 30 DAYS AFTER THE ADMINISTRATION~~
18 ~~PROVIDES NOTICE OF THE SANCTION TO THE APPLICANT OR LICENSEE.~~

19 ~~(2) WITHIN 30 DAYS AFTER THE ADMINISTRATION PROVIDES NOTICE~~
20 ~~OF A SANCTION UNDER THIS SUBSECTION, THE APPLICANT OR LICENSEE MAY~~
21 ~~REMEDY THE UNDERLYING VIOLATION THAT LED TO THE ADMINISTRATION~~
22 ~~IMPOSING THE SANCTION.~~

23 ~~(3) IF THE APPLICANT OR LICENSEE REMEDIES THE UNDERLYING~~
24 ~~VIOLATION DURING THE 30-DAY PERIOD, THE ADMINISTRATION SHALL VOID THE~~
25 ~~SANCTION.~~

26 (D) (1) THE ADMINISTRATION SHALL PROVIDE WRITTEN NOTICE TO A
27 LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE BEFORE
28 IMPOSING A FINE, REVOCATION, SUSPENSION, OR REFUSAL TO ISSUE OR RENEW A
29 LICENSE.

30 (2) THE ADMINISTRATION MAY ALLOW A LICENSEE TO REMEDY ANY
31 VIOLATION OR NONCOMPLIANT CONDITION RELATING TO THE REVOCATION OR
32 SUSPENSION OF THE LICENSE RATHER THAN IMPOSE THE REVOCATION OR
33 SUSPENSION.

1 ~~(A) A LICENSEE OR AN APPLICANT FOR A LICENSE MAY PROVIDE ANY~~
 2 ~~DOCUMENTS REQUIRED BY THE ADMINISTRATION ELECTRONICALLY.~~

3 ~~(B) THE ADMINISTRATION SHALL ADOPT BY REGULATION ANY~~
 4 ~~REQUIREMENT WITH WHICH A LICENSEE OR AN APPLICANT FOR A LICENSE IS~~
 5 ~~REQUIRED TO COMPLY.~~

6 ~~(C) FOR INSPECTION REQUIREMENTS FOR CLASSROOM FACILITIES, THE~~
 7 ~~ADMINISTRATION MAY REQUIRE ONLY AN APPROPRIATE FIRE INSPECTION.~~

8 (A) A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE
 9 MAY PROVIDE ELECTRONICALLY TO THE ADMINISTRATION APPROPRIATE
 10 DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS SUBTITLE, IF
 11 AUTHORIZED BY THE ADMINISTRATION.

12 (B) THE ADMINISTRATION MAY DETERMINE THE FORMAT IN WHICH
 13 ELECTRONIC DOCUMENTS SHALL BE TRANSMITTED TO THE ADMINISTRATION.

14 (C) ANY DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS
 15 SUBTITLE THAT ARE MAINTAINED BY THE LICENSEE IN ELECTRONIC FORMAT SHALL
 16 BE ACCESSIBLE TO THE ADMINISTRATION ON REQUEST.

17 15-807.

18 (a) In addition to the other grounds specified in Subtitle 1 of this title for refusal,
 19 suspension, or revocation of a license, the Administration may refuse to grant a license
 20 under this subtitle to any person and may suspend, revoke, or refuse to renew the license
 21 of any person if it finds that the person:

22 (1) Has been convicted of a crime of moral turpitude; or

23 (2) As to any driving instructor that is a participant in the Maryland driver
 24 education program, the person has failed to comply with any of the provisions of or any of
 25 the rules and regulations adopted under the Maryland Driver Education Program Act.

26 (b) As to any person licensed under this subtitle, instead of or in addition to
 27 revocation, suspension, or refusal to renew a license under this section, the Administration
 28 may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

29 ~~(C) (1) A FINE, REVOCATION, SUSPENSION, OR REFUSAL TO GRANT OR~~
 30 ~~RENEW A LICENSE SHALL TAKE EFFECT 30 DAYS AFTER THE ADMINISTRATION~~
 31 ~~PROVIDES NOTICE OF THE SANCTION TO THE APPLICANT OR LICENSEE.~~

~~(2) WITHIN 30 DAYS AFTER THE ADMINISTRATION PROVIDES NOTICE OF A SANCTION UNDER THIS SUBSECTION, THE APPLICANT OR LICENSEE MAY REMEDY THE UNDERLYING VIOLATION THAT LED TO THE ADMINISTRATION IMPOSING THE SANCTION.~~

~~(3) IF THE APPLICANT OR LICENSEE REMEDIES THE UNDERLYING VIOLATION DURING THE 30 DAY PERIOD, THE ADMINISTRATION SHALL VOID THE SANCTION.~~

(C) (1) THE ADMINISTRATION SHALL PROVIDE WRITTEN NOTICE TO A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE BEFORE IMPOSING A FINE, REVOCATION, OR SUSPENSION, OR REFUSING TO ISSUE OR RENEW A LICENSE.

(2) THE ADMINISTRATION MAY ALLOW A LICENSEE TO REMEDY ANY VIOLATION OR NONCOMPLIANT CONDITION RELATING TO THE REVOCATION OR SUSPENSION OF THE LICENSE RATHER THAN IMPOSE THE REVOCATION OR SUSPENSION.

15-808.

~~(A) A LICENSEE OR AN APPLICANT FOR A LICENSE MAY PROVIDE ANY DOCUMENTS REQUIRED BY THE ADMINISTRATION ELECTRONICALLY.~~

~~(B) THE ADMINISTRATION SHALL ADOPT BY REGULATION ANY REQUIREMENT WITH WHICH A LICENSEE OR AN APPLICANT FOR A LICENSE IS REQUIRED TO COMPLY.~~

~~(C) A LICENSEE MAY CONDUCT THE KNOWLEDGE TEST AND BASIC SKILLS EVALUATION FOR BOTH THE CLASSROOM AND BEHIND THE WHEEL INSTRUCTION FOR APPRENTICE INSTRUCTOR PERMIT APPLICANTS.~~

(A) (1) A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE MAY PROVIDE ELECTRONICALLY TO THE ADMINISTRATION APPROPRIATE DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS SUBTITLE, IF AUTHORIZED BY THE ADMINISTRATION.

(2) THE ADMINISTRATION MAY DETERMINE THE FORMAT IN WHICH ELECTRONIC DOCUMENTS SHALL BE TRANSMITTED TO THE ADMINISTRATION.

(3) ANY DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS SUBTITLE THAT ARE MAINTAINED BY THE LICENSEE IN ELECTRONIC FORMAT SHALL BE ACCESSIBLE TO THE ADMINISTRATION ON REQUEST.

1 **(B) THE ADMINISTRATION MAY ALLOW A QUALIFIED INDIVIDUAL TO**
 2 **CONDUCT THE KNOWLEDGE TEST AND BASIC SKILLS EVALUATION FOR BOTH THE**
 3 **CLASSROOM AND BEHIND-THE-WHEEL INSTRUCTION FOR APPLICANTS FOR A**
 4 **LICENSE UNDER THIS SUBTITLE.**

5 **(C) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
 6 **SUBTITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.