

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

A BILL ENTITLED

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; and generally relating to licensing for drivers’ schools and driving
18 instructors.

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 15–710 and 15–807
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2014 Supplement)

24 BY adding to
25 Article – Transportation
26 Section 15–711 and 15–808
27 Annotated Code of Maryland
28 (2012 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 15–710.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **(D) (1) A FINE, REVOCATION, SUSPENSION, OR REFUSAL TO GRANT OR**
8 **RENEW A LICENSE SHALL TAKE EFFECT 30 DAYS AFTER THE ADMINISTRATION**
9 **PROVIDES NOTICE OF THE SANCTION TO THE APPLICANT OR LICENSEE.**

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

14 **(3) IF THE APPLICANT OR LICENSEE REMEDIES THE UNDERLYING**
15 **VIOLATION DURING THE 30-DAY PERIOD, THE ADMINISTRATION SHALL VOID THE**
16 **SANCTION.**

17 **15-711.**

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

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

23 **(C) FOR INSPECTION REQUIREMENTS FOR CLASSROOM FACILITIES, THE**
24 **ADMINISTRATION MAY REQUIRE ONLY AN APPROPRIATE FIRE INSPECTION.**

25 **15-807.**

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

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

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

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

4 (c) (1) A FINE, REVOCATION, SUSPENSION, OR REFUSAL TO GRANT OR
5 RENEW A LICENSE SHALL TAKE EFFECT 30 DAYS AFTER THE ADMINISTRATION
6 PROVIDES NOTICE OF THE SANCTION TO THE APPLICANT OR LICENSEE.

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

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

14 15-808.

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

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

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

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