

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1048

(Delegate Gilchrist, *et al.*)

Environment and Transportation

Judicial Proceedings

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Vehicle Laws - Drivers' Education - Licensing

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This bill requires the Motor Vehicle Administration (MVA) to 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. The bill also authorizes a drivers' school or driving instructor licensee or applicant to electronically provide any appropriate document that MVA allows to be provided electronically; any document that is required to be maintained by a licensee in electronic format must be accessible to MVA, on request. Finally, the bill authorizes MVA to 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 implement the subtitle governing driving instructors.

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Fiscal Summary

**State Effect:** Transportation Trust Fund revenues may decrease minimally beginning in FY 2016 as fewer administrative fines and fees paid to reinstate a license are collected by MVA. 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.

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## Analysis

### **Current Law:**

#### *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 driving 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.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 9, 2015  
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