

SENATE BILL 708

R4

6lr2551
CF HB 627

By: **Senators Ramirez and Raskin**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Drivers’ Education Schools and Instructors**

3 FOR the purpose of authorizing a drivers’ school to have multiple driver education
4 instructor trainers; requiring the Motor Vehicle Administration to establish an
5 annual training schedule for driver education instructor trainers; authorizing the
6 Administration to establish an appropriate fee for the training; requiring the
7 Administration to provide written notice to a drivers’ school or driving instructor
8 license holder or applicant before imposing certain administrative penalties;
9 authorizing the Administration to allow a license holder or an applicant to remedy
10 the violation before imposing certain administrative penalties; authorizing a licensee
11 to provide required documents electronically in certain circumstances in a
12 searchable format determined by the Administration; requiring the Administration
13 to provide to all drivers’ schools a compilation of all changes to certain policies on or
14 before a certain date each year; establishing that the Administration, with respect
15 to inspection of drivers’ school classroom facilities, may require only certain fire
16 safety inspections; authorizing the Administration to require a drivers’ school to
17 provide an appropriate zoning certification; authorizing the Administration to allow
18 certain persons to conduct certain driving tests and evaluations; authorizing the
19 Administration to adopt certain regulations; and generally relating to drivers’
20 education schools and instructors.

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 15–709, 15–710, and 15–807
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2015 Supplement)

26 BY adding to
27 Article – Transportation
28 Section 15–711 and 15–808
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2015 Supplement)

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

Article – Transportation

15–709.

(A) A drivers' school may not:

(1) Provide or offer to provide any instruction in driving unless the individual who gives the instruction is a driving instructor employed by it; or

(2) Employ any individual as a driving instructor unless that individual:

(i) Is licensed to drive under Title 16 of this article;

(ii) Has completed the instructor certification program approved by the Administration; and

(iii) Is licensed as a driving instructor under Subtitle 8 of this title.

(B) (1) A DRIVERS' SCHOOL MAY HAVE MULTIPLE APPROVED DRIVER EDUCATION INSTRUCTOR TRAINERS.

(2) THE ADMINISTRATION:

(I) SHALL ESTABLISH AN ANNUAL TRAINING SCHEDULE FOR DRIVER EDUCATION INSTRUCTOR TRAINERS; AND

(II) MAY CHARGE AN APPROPRIATE FEE FOR THE TRAINING.

15–710.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 15-711.

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

6 (B) THE ADMINISTRATION MAY DETERMINE A SEARCHABLE FORMAT IN
7 WHICH ELECTRONIC DOCUMENTS SHALL BE TRANSMITTED TO THE
8 ADMINISTRATION.

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

12 (D) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE ADMINISTRATION
13 SHALL PROVIDE TO ALL LICENSEES A COMPILATION OF ALL CHANGES TO
14 APPLICABLE REGULATIONS, ADMINISTRATIVE RULES, AND POLICIES THAT WERE
15 ADOPTED IN THE PREVIOUS CALENDAR YEAR.

16 (E) (1) WITH RESPECT TO INSPECTION REQUIREMENTS FOR CLASSROOM
17 FACILITIES, THE ADMINISTRATION MAY REQUIRE ONLY AN APPROPRIATE FIRE
18 SAFETY INSPECTION.

19 (2) THE ADMINISTRATION MAY REQUIRE A LICENSEE TO PROVIDE AN
20 APPROPRIATE ZONING CERTIFICATION.

21 15-807.

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

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

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

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

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

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

9 **15-808.**

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

14 **(2) THE ADMINISTRATION MAY DETERMINE A SEARCHABLE FORMAT**
15 **IN WHICH ELECTRONIC DOCUMENTS SHALL BE TRANSMITTED TO THE**
16 **ADMINISTRATION.**

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

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

24 **(C) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
25 **SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.