

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulation
Department of Transportation
(DLS Control No. 14-186)**

Overview and Legal and Fiscal Impact

This emergency/proposed regulation repeals the 15 minute time limit for completion of a Maryland noncommercial driver's license knowledge test and instead requires the Motor Vehicle Administration (MVA) to set a time limit for completion.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Transportation:

Motor Vehicle Administration – Driver License and Identification Card: Driver Knowledge and Skills Tests: COMAR 11.17.14.11

Legal Analysis

Summary of Regulation

The regulation repeals the 15 minute time limit for completion of a Maryland noncommercial driver's license knowledge test and instead requires MVA to set a time limit for an applicant for a driver's license to complete the test.

Statutory Authority and Legislative Intent

The department cites, among other authority, §§ 12-104 and 16-110 of the Transportation Article as authority for the regulation. Section 12-104 authorizes MVA to adopt rules and regulations to carry out provisions of the Maryland Vehicle Law that relate to or are administered and enforced by MVA. Section 16-110 requires MVA to examine each applicant's qualifications for a driver's license. The examination must include a test of the applicant's ability to understand highway signs and knowledge of driving laws and safe driving practices. There is no statutory requirement that the knowledge test be completed within a certain period of time. Additional statutory authority cited by the department is not necessary to support the regulation.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Reason for Emergency Status

The department states that it wishes to increase the time limit allowed for the driver's license knowledge test because the failure rate has been very high. It would like this authority to commence in August due to the high volume of test takers during the summer months. The Maryland Department of Transportation requests emergency status to begin on August 1, 2014 and expire on January 28, 2015. This period is within normal timeframes approved by the committee.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments as it merely alters the amount of time allotted for a driver's license applicant to complete the required knowledge examination. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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