

## MARYLAND REGISTER

# Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 11.11.12.02 and .09

**Corresponding Federal Standard:**

49 CFR § 391.43 and § 391.45

**Discussion/Justification:**

Under federal law, the Administration must cancel a commercial driver's license when the holder fails to submit his or her required medical certification. In Maryland, this results in the cancellation of both the commercial driver's license privilege and the noncommercial privilege. Under § 16-812(o), a commercial driver's license holder whose commercial driver's license has been canceled may request that the Administration issue a noncommercial driver's license, upon surrender of the commercial driver's license. The problem really arises when the commercial driver's license holder, for whatever reason, is unaware that their commercial driver's license has been canceled and does not request a noncommercial driver's license within one year after the commercial driver's license cancellation. When this occurs, § 16-115(c) requires the applicant to reapply for all driving privileges, noncommercial and commercial. This causes a significant hardship for those former commercial driver's license holders who must take all tests again – the noncommercial knowledge test, the noncommercial driving skills test, and all commercial driver's license tests in order to get back to working.

Under this proposal, the commercial driver's license would be automatically downgraded to a noncommercial driving privilege, and as long as the noncommercial privilege is still valid, the customer whose commercial driver's license has been canceled for more than one year would only have to retest for the commercial driver's license, and would not be required to take the noncommercial tests first. This would benefit commercial driver's licenses drivers in that they would avoid having to regain their noncommercial privilege before testing for the commercial driver's licenses privilege again. Moreover, they would not lose their ability to drive non-commercial vehicles while they regain their commercial driver's licenses.

**TO BE COMPLETED BY DBED**

**X-** Agree

**\_**-Disagree

**Comments:**

Commerce does not have the necessary subject matter expertise in this area. Commerce therefore trusts the assertion of the Department of Transportation that the proposal is not more restrictive/stringent than corresponding federal standards.

Name: Jennifer Cox

Date: 6/8/2016

**\_**-Submit to Governor's Office

**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	06/14/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 7/8/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

11 11 12 02 and .09

**3. Name of Promulgating Authority**

Department of Transportation

**4. Name of Regulations Coordinator**

Natalie I Henson

**Telephone Number**

410-865-1091

**Mailing Address**

7201 Corporate Center Drive



Bell, Assistant Attorney General, (telephone #410-768-7415) on June 2, 2016. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Christine Nizer

**Title**

Administrator

**Telephone No.**

410-768-7320

**Date**

June 2, 2016

**Title 11  
DEPARTMENT OF TRANSPORTATION**

**Subtitle 11 .11 - MOTOR VEHICLE ADMINISTRATION—ADMINISTRATIVE  
PROCEDURES**

**11.11.12 Commercial Driver's License Disqualification**

Authority: Transportation Article, §§12-104(b), 16-208.1, 16-808, 16-812, and 16-820, Annotated Code of Maryland; 49 CFR §§383.51, 383.52, 384.208, and 384.210

**Notice of Proposed Action**

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The Administrator of the Motor Vehicle Administration proposes to amend regulation .02 and adopt new regulation .09 under COMAR 11.11.12 Commercial Driver's License Disqualification.

**Statement of Purpose**

The purpose of this action is to permit the Motor Vehicle Administration to automatically downgrade a commercial driver's license (CDL) to a noncommercial driver's license when the CDL privilege is cancelled for failure to submit a medical certification as set forth in SB 80, Chapter 158, Acts of 2016.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

The proposed action allows the Motor Vehicle Administration to automatically downgrade a commercial driver's license (CDL) to a noncommercial driver's license when the CDL privilege is cancelled for failure to submit a medical certification.

An individual's CDL would be automatically downgraded to a noncommercial driving privilege, and as long as their noncommercial privilege is still valid, the customer would only have to retest for the CDL and would not be required to take the noncommercial tests first. This benefits CDL drivers in that they would avoid having to regain their noncommercial privilege before testing for the CDL privilege again. Moreover, they would not lose their ability to drive noncommercial vehicles while they regain their CDL.

If a CDL holder's license is canceled and the holder reinstates the license within one year, the total reinstatement fee is \$65 (\$45 for the noncommercial license and \$20 for the commercial license). MVA is implementing the bill in such a way that it is revenue-neutral by charging the same fees as it currently does.

Transportation Trust Fund (TTF) expenditures increase by \$35,000 in FY 2017 only for MVA to contract with an outside vendor for computer reprogramming.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$35,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. An outside vendor is required to perform the necessary changes to implement the bill's requirements. The programming changes include adjusting the existing medical certification cancellation process, adding additional CDL downgrade checks, changing certain correspondence to reflect "downgrade" instead of "cancellation," developing other necessary procedures, and testing. The vendor estimates the cost of these one-time programming changes at \$35,000.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to [tsheffield@mdot.state.md.us](mailto:tsheffield@mdot.state.md.us), or fax to 410-768-7506. Comments will be accepted through August 7, 2016. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Transportation Trust Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This action could potentially have a positive impact on CDL drivers and their employers by allowing an individual to retain their non-commercial driving privileges, and shorten the amount of time it takes to regain their CDL certification and get back to work.

G. Small Business Worksheet:

- a. Intended Beneficiaries: N/A
- b. Intended Beneficiaries: Households: N/A
- c. Intended Beneficiaries: Businesses: N/A
- d. Other Direct or Indirect Impacts: Adverse: N/A
- e. Other Direct or Indirect Impacts: Positive: N/A

- f. Long-Term Impacts: N/A
- g. Estimates of Economic Impact: N/A

Attached Document:

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11.11.12 (May 25, 2016)

## **Title 11 DEPARTMENT OF TRANSPORTATION**

### **Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES**

#### **Chapter 12 Commercial Driver's License Disqualification *and Cancellation***

Authority: Transportation Article, §§12-104(b), 16-208.1, 16-808, 16-812, and 16-820, Annotated Code of Maryland; 49 CFR §§383.51, 383.52, 384.208, and 384.210

##### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) (text unchanged)

(2) *“Cancel” has the meaning stated in Transportation Article, §11-107, Annotated Code of Maryland.*

[(2) — (6)] (3) — (7) (text unchanged)

##### **.09 Cancellation for Failure to Submit Current Medical Certification.**

*A. If a commercial driver's license holder fails to submit their medical certification as required under 49 CFR § 391.43 and § 391.45, the Administration shall cancel the commercial driver's license privilege of the holder.*

*B. The Administration may immediately reinstate the noncommercial Class C privilege of the driver in accordance with Transportation Article, § 16-812(o), Annotated Code of Maryland.*

**CHRISTINE NIZER**

**Administrator**

**Motor Vehicle Administration**