

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Education
(DLS Control No. 16-211)**

Overview and Legal and Fiscal Impact

This action repeals regulations pertaining to driver education programs adopted by the State Board of Education under COMAR 13A.04.03.01-.11. The regulations being repealed are not needed because driver education programs in the State are governed by statutory authority vested in and regulations adopted by the Motor Vehicle Administration.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Specific Subjects: Driver Education Programs: COMAR 13A.04.03.01—.11

Legal Analysis

Summary of Regulation

The action repeals regulations adopted by the State board under COMAR 13A.04.03.01-.11 pertaining to driver education programs because driver education programs in schools are governed by the Administration under Title 16, Subtitle 5 of the Transportation Article and related regulations adopted by the Administration under COMAR 11.23.02.01 - .39.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites § 7-412 of the Education Article and §§ 16-212.1 and 16-501 through 16-506 of the Transportation Article as statutory authority for the regulation. Under Title 16, Subtitle 5 of the Transportation Article, the Motor Vehicle Administration, in consultation with the State Department of Education, is required to adopt regulations to implement the subtitle.

Additionally, Subtitle 5 grants the Administration broad authority to establish a driver education program for schools.

Although not cited by the State board, § 7-414 of the Education Article authorizes each county board of education to offer instruction in the safe operation of a motor vehicle to high school students who are at least 15 years old, with the instruction given as provided by Title 16, Subtitle 5 of the Transportation Article.

The remaining cited authority is not relevant to this regulation.

With the addition of § 7-414 of the Education Article, this authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The transmittal sheet and the regulation cite § 7-412 of the Education Article as authority for the regulation. However, the correct citation is § 7-414 of the Education Article. But, since the proposed regulation repeals the entire chapter embodying the current regulations adopted by the State board for the driver education programs, it is not necessary to correct this error.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The Maryland State Department of Education advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs. The regulations on driver education programs submitted for repeal are obsolete; driver education programs in the State are governed by the Motor Vehicle Administration.

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 regulations have minimal or no economic impact on small business in the State. The Department of Legislative Services concurs.

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