

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Transportation**
(DLS Control No. 15-375)

Overview and Legal and Fiscal Impact

The regulations update and clarify, to reflect current medical understanding and practice, those medical conditions that must be reported by an applicant for a driver's license or a current license holder.

The regulations present 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:

Physical and Mental Condition: COMAR 11.17.03.02, .02-1, .04, .05, and .09

Legal Analysis

Background

Current regulations require that the holder of a driver's license and applicants for a driver's license report certain medical conditions to the Motor Vehicle Administration. When a condition is reported, the administration may request information from the holder or applicant and the holder's or applicant's physician. The administration then makes a decision about whether the case should be referred for an opinion from the Medical Advisory Board.

The Medical Advisory Board is comprised of physicians from various medical specialties. The objective of the board is to assess whether individuals who have medical conditions that can impact their ability to safely operate a motor vehicle are medically fit to drive. The board functions by reviewing the medical information of drivers and then providing advice and recommendations to the Driver Wellness and Safety Division of the administration. The board does not perform medical examinations and does not make the final decision as to whether or not to license or to suspend a driver's license.

Summary of Regulation

The regulations replace the term “disorder” with the term “medical condition” throughout COMAR 11.17.03, which addresses outlining and reporting those conditions that may inhibit an individual’s ability to drive. The regulations also update and clarify (1) medical conditions that must be reported by licensees and applicants for a driver’s license and (2) medical conditions that are used in guidelines that the board must follow when making recommendations regarding an individual to the administration. On diagnosis of a specified medical condition, a licensee must notify the administration. Additionally, the regulations change the method of providing notice to an individual from certified mail to first class mail when the board recommends a suspension or refusal of driving privileges and the administration follows the recommendation. The regulations also correct a typographical error.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The administration cites §§ 12-104(b), 16-106, 16-118, 16-119, 16-206, and 16-208 of the Transportation Article as statutory authority for the regulations. More specifically, §12-104(b) authorizes the administration to adopt rules and regulations to carry out provisions of law administered and enforced by the administration. Section 16-118(a)(1) authorizes the administrator to appoint the board and § 16-118(c)(1) authorizes the administrator to refer cases to the board for an advisory opinion. Section 16-206(d) requires the administration to provide written notice to an individual when the administration (1) refuses to issue a license; (2) determines that a suspension or revocation should be imposed in accordance with certain provisions of law; or (3) suspends the driver’s license or driving privilege in accordance with certain provisions of law. The remaining cited authority is not relevant to these regulations.

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

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The administration advises that the regulations have no impact on State or local governments. 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 administration advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Jennifer L. Young – (410) 946/(301) 970-5350

Fiscal Analysis: Eric Pierce – (410) 946/(301) 970-5510