

MARYLAND REGISTER

**Proposed Action on Regulations**

<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>
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 12/28/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

11 17 03 02, .02-1, .04, .05, and .09

**3. Name of Promulgating Authority**

Department of Transportation

**4. Name of Regulations Coordinator**

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**Title 11**  
**DEPARTMENT OF TRANSPORTATION**  
**Subtitle 17 MOTOR VEHICLE ADMINISTRATION — DRIVER LICENSING**  
**AND IDENTIFICATION DOCUMENTS**  
**11.17.03 Physical and Mental Condition**  
Authority: Transportation Article, §§12-104(b), 16-106, 16-110, 16-118, 16-119, 16-206,  
and 16-208, Annotated Code of Maryland

**Notice of Proposed Action**

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The Administrator of the Motor Vehicle Administration proposes to amend Regulations .02, .02-1, .04, .05, and .09 under COMAR 11.17.03 Physical and Mental Conditions.

**Statement of Purpose**

The purpose of this action is to update and clarify medical disorders that must be reported by driver's license applicants or holders.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**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 January 28, 2016. A public hearing has not been scheduled.

## Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2016
- 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:  
The action has no economic impact since they only clarify and update medical disorders that must be reported by driver's license applicants or holders.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.  
There is no economic impact on small businesses since this action only clarifies and updates medical disorders that must be reported by driver's license applicants or holders.
- 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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11.17.03 (May 27, 2015)

# **Title 11 DEPARTMENT OF TRANSPORTATION**

## **Subtitle 17 MOTOR VEHICLE ADMINISTRATION — DRIVER LICENSING AND IDENTIFICATION DOCUMENTS**

### **Chapter 03 Physical and Mental Condition**

Authority: Transportation Article, §§12-104(b), 16-106, 16-110, 16-118, 16-119, 16-206, and 16-208, Annotated Code of Maryland

#### **.02 [Disorders] Medical Conditions Reported by Physicians or Other Authorized Persons.**

A. Under Transportation Article, §16-119, Annotated Code of Maryland, any physician and any other person authorized to diagnose, detect, or treat the following [disorders] *medical conditions*, may report to the Administration and to the subject of the report, in writing, the full name, date of birth, and address of each individual 15 years old or older who has a disorder that:

(1) —(2) (text unchanged)

B. Lapses of Consciousness.

(1) —(2) (text unchanged)

(3) Individuals who have a significant risk of lapses of consciousness due to any condition or disease [process] may be reported pursuant to Transportation Article, §16-119, Annotated Code of Maryland. A judgment of significant risk shall be based on:

(a) (text unchanged)

(b) How well the individual's [disorder] *medical condition* is controlled; or

(c) (text unchanged)

C. Individuals who have any [disorder] *medical condition* which prevents them from having a corrected minimum visual acuity of 20/40 in each eye and a field of vision of at least 140 degrees may be reported pursuant to Transportation Article, §16-119, Annotated Code of Maryland.

**.02-1 [Disorders] Medical Conditions Reported by Applicant or Licensee.**

A. A licensee or an applicant for a driver's license shall notify the Administration if the licensee or applicant is diagnosed as having any of the following [disorders]:

[(1) Cerebral palsy;]

[(2)] (1) Diabetes that has caused a low blood sugar episode requiring [insulin] assistance from another person in the last six months;

[(3)] (2) Epilepsy;

[(4) Multiple sclerosis;

(5) Muscular dystrophy;]

(3) Seizure;

[(6) Irregular heart rhythm or] (4) A heart condition that has caused a loss of consciousness in the past six months;

[(7)](5) Stroke [or transient ischemic attack (ministroke)];

[(8) Alcohol dependence or abuse;

(9) Drug or substance dependence or abuse;

(10) Loss of limb or limbs;

(11) Traumatic brain injury;

(12) Bipolar disorder;

(13) Schizophrenic disorders;

(14) Panic attack disorder;

(15) Impaired or loss of consciousness,] (6) A condition that causes you to have dizzy spells, fainting, [blackout,] or [seizure] blackouts;

(7) Sleep apnea or narcolepsy;

(8) A history of traumatic brain injury (TBI);

(9) A condition that causes weakness, shaking, or numbness in the arms, hands, legs or feet that may affect your ability to drive;

(10) A hand, arm, foot, or leg, that is absent, amputated, or has a loss of function that may affect your ability to drive;

[(16) Disorder] (11) An eye problem which prevents a corrected minimum visual acuity of 20/70 in [each] at least one eye [and a] or binocular field of vision of at least 110 degrees;

[(17) Parkinson's disease;

(18)]

(12) Alcohol use problem;

(13) Drug use problem;

(14) A mental health condition that may affect your ability to drive;

(15) Schizophrenia; or

(16) Dementia[, for example, Alzheimer's disease or multi-infarct dementia;

(19) Sleep disorders, for example, narcolepsy, or sleep apnea; or

(20) Autism].

B. (text unchanged)

C. Upon application for, or renewal of, a driver's license, the applicant shall answer any question submitted by the Administration pertaining to any [disorders] *medical conditions* affecting the applicant's ability to drive.

D. Upon diagnosis of a medical condition listed in § A of this regulation, a licensee shall notify the Administration.

**.03 Procedures when a Certain Physical or Mental Condition is Indicated.**

Upon receipt of an application for a driver's license, or renewal of a driver's license, on which an individual has indicated that the individual has been treated for any of the listed [disorders] *medical conditions*, or when an individual is referred to the Medical Advisory Board by the Administrator for any other reason, the Administration shall follow the procedures set forth below:

A. —C. (text unchanged)

**.04 Medical Advisory Board Guidelines.**

A. The Medical Advisory Board shall follow the guidelines set forth in [§§B—K] §§B—J of this regulation when making a recommendation to the Administration.

B. (text unchanged)

C. Diseases of the Endocrine System.

(1) Diabetes Mellitus. An individual with diabetes mellitus requiring insulin [shall] *may* be reviewed by the Medical Advisory Board.

(2) (text unchanged)

D. —F. (text unchanged)

**G. Intellectual or Developmental Disabilities.**

(1) Mild Intellectual or Developmental Disability. Before deciding whether to issue a driver's license to an individual with a mild intellectual or developmental disability, the Administration shall ask the Medical Advisory Board to evaluate that individual.

(2) Moderate or Severe Intellectual or Developmental Disability. The Administration may not issue any class of driver's license to an individual with a moderate or severe intellectual or developmental disability.]

[H.] G. Psychiatric Disorders.

(1) —(2) (text unchanged)

[I.] H. Substance [Abuse] *Use Disorders*. In this section, a certified substance abuse treatment program means a program which has been certified by the Alcohol and Drug Abuse Administration of the Department of Health and Mental Hygiene.

(1) A *Severe Substance* [abuse is the] *Use Disorder is characterized by physical or psychological dependence, or both, on certain psychoactive chemical substances, as shown through the continued use of these psychoactive chemical substances despite harmful or adverse circumstances. A Mild or Moderate Substance* [abuse] *Use Disorder involves harmful or hazardous use of substances which can be both licit, for example medication, and illicit. These substances include, but are not limited to:*

(a) —(d) (text unchanged)

[(2) Misuse or abuse may be early stages of dependence or addiction.]

[(3)] (2) Before being considered for a license, an individual who has been involved in two alcohol-related or other substance-related driving incidents during the past 5 years, or three or more alcohol-related or other substance-related driving incidents in a lifetime, is required to submit satisfactory evidence to the Administration of:

(a) —(c) (text unchanged)

[(4)] (3) —[(5)] (4) (text unchanged)

[J.] I. —[K.] J. (text unchanged)

**.05 Procedures when Suspension or Refusal is Recommended.**

If the Medical Advisory Board recommends suspension or refusal of a driving privilege, and the recommendation is followed by the Administration, a letter shall be sent by [certified] first class mail to the individual, stating:

A. —F. (text unchanged)

**.09 Records of the Medical Advisory Board — Used for Driver Safety Research.**

A. (text unchanged)

B. Records of the Medical [Advisor] *Advisory Board* are confidential, except as provided under Transportation Article, §§16-118 and 16-119, Annotated Code of Maryland, in which information may be used for the purpose of driver safety research, provided that personal information relating to the identity of the individual is not disclosed.

C. —J. (text unchanged)

**CHRISTINE NIZER**

**Administrator**

**Motor Vehicle Administration**