

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Transportation  
(DLS Control No. 15-413)**

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**Overview and Legal and Fiscal Impact**

These regulations update COMAR 11.19.02.32 and 11.19.03.30 and .31 to mirror federal requirements for school bus construction standards.

The regulations present no legal issues of concern.

There is no impact on State agencies and a potential minimal impact on local agencies.

**Regulations of COMAR Affected**

**Department of Transportation:**

Motor Vehicle Administration – School Vehicles:

Type I School Vehicles – Construction Standards: COMAR 11.19.02.32

Type II School Vehicles – Construction Standards: COMAR 11.19.03.30 and .31

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**Legal Analysis**

**Summary of Regulations**

These regulations update COMAR 11.19.02.32 and 11.19.03.30 and .31 to mirror federal requirements for school bus construction standards by removing the requirement that Type I and Type II school vehicles have non-locking doors and requiring instead that the engine starting system of a Type I or Type II school vehicle not operate if any emergency exit is locked.

**Legal Issues**

The regulations present no legal issues of concern.

**Statutory Authority and Legislative Intent**

The Motor Vehicle Administration cites §§ 11-173, 11-174, 12-104(b) and 25-110 of the Transportation Article, and § 7-808 of the Education Article as statutory authority for the regulations. More specifically, § 12-104(b) of the Transportation Article authorizes the administration to adopt rules and regulations necessary to administer and enforce the provisions of the State vehicle law and any other provision of law for which the administration is responsible. Section 25-110(a)(1) requires the administration, with the advice of the Department of Education,

to adopt and enforce rules and regulations not inconsistent with the State vehicle law to govern the safe operation of all school vehicles.

Section 7-808 of the Education Article requires the administration, with the advice of the Department of Education, to adopt regulations to promote fire safety standards of school buses.

The remaining cited authority is not relevant to these regulations.

The relevant cited authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Fiscal Analysis**

There is no impact on State agencies and a potential minimal impact on local agencies.

### **Agency Estimate of Projected Fiscal Impact**

By removing requirements for non-locking door handles on the service door handles of school vehicles, the regulations authorize locking door handles on school vehicles, which is consistent with federal requirements. Also consistent with federal requirements, the engine starting system of a school vehicle must not operate if any emergency exit on the vehicle is locked. These regulations provide local flexibility to determine whether to install locking mechanisms on existing buses or to purchase or lease new buses with locking mechanisms, but they do not mandate additional local expenditures. The Department of Legislative Services disagrees with the department's estimate that Transportation Trust Fund monies would be used to implement the regulations beginning in fiscal 2016. Local boards of education will determine whether to install locking mechanisms on school vehicles and will assume the fiscal impact.

### **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; small businesses that sell and/or install locks on vehicles may benefit minimally.

## **Contact Information**

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