

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 59 (Chairman, Judicial Proceedings Committee)
 (Departmental – Transportation)

Judicial Proceedings

Commerce and Government Matters

Vehicle Laws - Driver Education

This departmental bill changes the requirements for hiring driving instructors and taking the examination for a provisional driver's license. It also provides an exemption for licensing requirements and fees for public schools that provide free driver education and include driver education as part of the school curriculum. The bill requires the Motor Vehicle Administration (MVA) to consult with the State Department of Education in adopting and enforcing regulations for a standardized driver education program.

Fiscal Summary

State Effect: The MVA could implement the provisions of the bill with existing resources.

Local Effect: Potential minimal decrease in expenditures. Any county that opts to provide publicly funded driver education would save a minimum \$400 in licensing and application fees (if they did not receive a waiver). Only one public school system (Garrett County) currently qualifies for the exemption provided in this bill.

Small Business Effect: The MVA has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill prohibits driving schools from hiring a driving instructor unless the instructor has completed a certification program approved by the MVA. Instructors cannot be licensed by the MVA until completion of the program. Individuals who hold a

learner's permit must also complete the MVA-approved driver education program to qualify for the examination for a provisional driver's license.

The bill also changes the definition of driver schools that are subject to licensing requirements, fees, and other provisions to exclude public schools or noncollegiate institutions that give instruction during normal school hours and do not charge a fee.

It directs the MVA to consult with the State Department of Education in adopting and enforcing regulations for a standardized driver education program, rather than receive an endorsement from the State Superintendent of Schools. The bill stipulates that the regulations administered by the MVA include student performance standards based on the standardized curriculum approved by the MVA. The standards will incorporate the current requirements of at least 30 hours of classroom instruction, six hours of highway driving instruction, and completion of a skills log book.

Current Law: Driving education schools may hire instructors who are licensed but have not taken a certification program approved by the MVA. Instructors must complete an MVA-approved certification course to qualify as a certified instructor, but do not have to complete such a course to be licensed. Individuals who hold a learner's instructional permit can take the exam needed to receive a provisional license after they complete a driver education course consisting of at least 30 hours of classroom instruction and six hours of highway driving instruction.

The current definition of a driver's school (which requires licensure) excludes any public school or other noncollegiate education institution approved by the State Board of Education, as well as any college, university or other postsecondary education approved by the Maryland Higher Education Commission. Before MVA can adopt and enforce regulations to implement a standardized driver education program, the State Superintendent of Schools must endorse the regulations. However, the MVA advises that the current programs are not approved by the State Board of Education so schools that provide driver education are required to be licensed. No distinction is made in current law between schools that charge a fee or teach driver education during school hours and those that do not.

The Department of Legislative Services (DLS) notes that three public school systems -- Calvert and Baltimore counties and Baltimore City -- pay licensing fees (\$250 application fee and \$150 per site fee) for their offices and classrooms. Garrett County receives a waiver from those fees because it does not charge students for instruction and offers the program during the school hours.

Background: The MVA recently implemented a standardized driver education curriculum to improve the quality of driver's education programs, pursuant to Chapter

483 of 1998 (HB 527). The proposed legislation is intended to provide the MVA more flexibility to monitor driver education courses and the competency of instructors.

The MVA advises that the proposed legislation is consistent with the recommendations of the Task Force on Driver's Education Programs, created by the General Assembly in 1999 (HB 1202). In its final report, the task force recommended that school systems that provide publicly funded driver education programs during school hours should be considered for exemption from some or all fees normally charged to driving schools. It also called for greater oversight of driver education programs, as well as immediate intervention and penalties for schools or instructors not complying with the regulations for conducting driver education courses.

Local Fiscal Effect: Potential minimal decrease in expenditures. Garrett County and other counties that opt to provide publicly funded driver education would save \$400 in licensing and application fees if a waiver was not granted by the MVA.

Small Business Effect: The bill would have a minimal impact on the small businesses that operate driving schools if the schools choose to pay for the certification course that would be required for instructors. DLS notes that beginning May 1, 2001, the certification course fee will be approximately \$500 if sponsored by the MVA and \$600 to \$700 if conducted by a private provider. The MVA advises that the fee it charges may be reduced.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), Maryland Department of Education, *Report of the Task Force on Driver Education Programs in Maryland*, Department of Legislative Services

Fiscal Note History: First Reader – January 23, 2001
mld/cr Revised – Enrolled Bill – April 25, 2001

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