

# HOUSE BILL 1545

R4

0lr3581

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By: **Delegate Stifler**

Rules suspended

Introduced and read first time: March 10, 2010

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driving Instructors – Licensing Qualifications**

3 FOR the purpose of establishing that a person may not be licensed as a driving  
4 instructor and the Motor Vehicle Administration shall refuse to grant a driving  
5 instructor license to a person or shall suspend, revoke, or refuse to renew a  
6 person's license if the person has been convicted of, or has charges pending for,  
7 an offense that would constitute a crime for which certain registration is  
8 required; establishing that a certain fine may be imposed on a licensee in  
9 addition to a certain suspension, revocation, or refusal to renew a license; and  
10 generally relating to a license to act as a driving instructor.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 15–802  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 15–803 and 15–807  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2009 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 15–802.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 A person may not act as a driving instructor unless the person is licensed by the  
2 Administration under this subtitle.

3 15–803.

4 (a) A person may not be licensed under this subtitle unless the person:

5 (1) Is an individual of good reputation and moral character;

6 (2) **HAS NEVER BEEN CONVICTED OF, AND DOES NOT HAVE**  
7 **CHARGES PENDING FOR, AN OFFENSE THAT WOULD CONSTITUTE A CRIME FOR**  
8 **WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE**  
9 **CRIMINAL PROCEDURE ARTICLE;**

10 (3) Is licensed to drive under Title 16 of this article;

11 [(3)] (4) Has completed the instructor certification program approved  
12 by the Administration; and

13 [(4)] (5) Is either:

14 (i) Licensed under Subtitle 7 of this title to conduct a drivers'  
15 school; or

16 (ii) Employed as a driving instructor by a licensed drivers'  
17 school.

18 (b) Unless the applicant himself is licensed to conduct a drivers' school, each  
19 application for a license shall contain or be accompanied by the written statement of  
20 the licensed drivers' school by whom the applicant is or will be employed, certifying  
21 that the applicant has been accepted as a driving instructor. The written statement  
22 shall be signed on behalf of the licensed drivers' school by a person authorized under  
23 this title to sign an application for a drivers' school license.

24 (c) If a drivers' school makes a certified statement under this section, the  
25 drivers' school immediately shall notify the Administration of any termination of  
26 employment of the driving instructor.

27 (d) The notification required under subsection (c) of this section shall be  
28 made on the form that the Administration requires.

29 15–807.

30 (a) In addition to the other grounds specified in Subtitle 1 of this title for  
31 refusal, suspension, or revocation of a license, the Administration may refuse to grant

1 a license under this subtitle to any person and may suspend, revoke, or refuse to  
2 renew the license of any person if it finds that the person:

3 (1) Has been convicted of a crime of moral turpitude; or

4 (2) As to any driving instructor that is a participant in the Maryland  
5 driver education program, the person has failed to comply with any of the provisions of  
6 or any of the rules and regulations adopted under the Maryland Driver Education  
7 Program Act.

8 (b) **IN ADDITION TO THE OTHER GROUNDS SPECIFIED IN SUBTITLE 1 OF**  
9 **THIS TITLE FOR REFUSAL, SUSPENSION, OR REVOCATION OF A LICENSE, THE**  
10 **ADMINISTRATION SHALL REFUSE TO GRANT A LICENSE UNDER THIS SUBTITLE**  
11 **TO ANY PERSON AND SHALL SUSPEND, REVOKE, OR REFUSE TO RENEW THE**  
12 **LICENSE OF ANY PERSON IF IT FINDS THAT THE PERSON HAS BEEN CONVICTED**  
13 **OF, OR HAS CHARGES PENDING FOR, AN OFFENSE THAT WOULD CONSTITUTE A**  
14 **CRIME FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7**  
15 **OF THE CRIMINAL PROCEDURE ARTICLE.**

16 (c) (1) As to any person licensed under this subtitle, instead of or in  
17 addition to revocation, suspension, or refusal to renew a license under **SUBSECTION**  
18 **(A) OF** this section, the Administration may order the licensee to pay a fine not  
19 exceeding \$1,000 for each violation of this subtitle.

20 (2) **AS TO ANY PERSON LICENSED UNDER THIS SUBTITLE, IN**  
21 **ADDITION TO REVOCATION, SUSPENSION, OR REFUSAL TO RENEW A LICENSE**  
22 **UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION MAY ORDER**  
23 **THE LICENSEE TO PAY A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION OF**  
24 **THIS SUBTITLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 June 1, 2010.