

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 45

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Transportation)

Judicial Proceedings

Environment and Transportation

**Motor Vehicle Administration - Driving Instructors - Criminal History Records
Checks**

This departmental bill requires the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services (DPSCS) to provide the Motor Vehicle Administration (MVA) with a revised driving instructor criminal history statement if additional information is reported after the criminal history records check has been done. The bill also makes technical changes related to the records check process.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations as there is no charge for the updates. DPSCS can handle any required programming changes to provide the updates to MVA with existing budgeted resources.

Local Effect: None.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: A person may not act as a driving instructor unless the person is licensed by MVA. A driving instructor must (1) be an individual of good reputation and moral character; (2) be licensed to drive; (3) have completed the driver instructor certification

program; and (4) either be licensed to conduct a driver's school or employed as an instructor by a licensed driver's school. Unless the applicant is licensed to conduct a driver's school, the person must submit a written statement from the school by whom the applicant is or will be employed certifying that the applicant has been accepted as a driving instructor. If a driving school terminates the employment of a driving instructor, it must notify MVA immediately.

For each driving instructor applicant, MVA must apply to the Central Repository for a State and national criminal history records check. As part of the application, MVA must submit legible fingerprints as well as the respective fees for State and national criminal history records checks.

MVA may refuse to grant a license to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person (1) has been convicted of a crime of moral turpitude or (2) has failed to comply with any of the provisions or rules and regulations adopted under the Maryland Driver Education Program Act.

Background: MVA advises that the intent of current law is to protect the public by ensuring that individuals granted a driving instructor's license have not been convicted of any crimes or moral turpitude. However, once a license is issued (typically for a period of two years), MVA has no practical means by which to monitor criminal arrests or convictions during the period of the license. The lack of ongoing monitoring potentially puts the public at risk, particularly young men and women undergoing mandatory driver's education. The administration further advises that the bill is intended to align current State law with its original intent by permitting MVA to receive automatic reports from CJIS of any criminal history records received by CJIS after the initial (or periodic) criminal history records check, thus maintaining continuous monitoring of driver education instructors' criminal records. MVA advises that, as of January 2017, there are 951 licensed driving instructors in Maryland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2017
fn/ljm Third Reader - February 14, 2017

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Motor Vehicle Administration – Driver’s Education Instructors –
Continuous Reporting of Criminal Justice Information

BILL NUMBER: SB 45

PREPARED BY: Maryland Department of Transportation / Motor Vehicle Administration
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS