

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 425
(Delegate Kerr)
Environment and Transportation

**Motor Vehicle Administration - Sleep Apnea - Reporting Requirement
Prohibition**

This bill prohibits the Motor Vehicle Administration (MVA) from requiring a licensee or an applicant for a driver's license to notify MVA if the licensee or applicant is diagnosed as having sleep apnea.

Fiscal Summary

State Effect: Transportation Trust Fund expenditures may decrease negligibly due to reduced mailing costs, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: MVA may appoint a Medical Advisory Board of qualified physicians and optometrists to enable it to comply properly with the relevant provisions of the Transportation Article regarding the physical and mental condition of individuals who seek to drive on highways in the State. MVA may refer to the board, for an advisory opinion, the case of any licensee or applicant for a license, if MVA has good cause to believe that the driving of a vehicle by the individual would be contrary to public safety and welfare because of an existing or suspected mental or physical disability. Sleep apnea is one of several conditions that require review by the board.

Generally, the records of the Medical Advisory Board (1) are confidential; (2) may be disclosed only on court order; and (3) may be used only to determine the qualifications of an individual to drive. However, MVA may use information in its records for the purpose of driver safety research, provided that personal information is not published or disclosed. MVA may contract with third parties to assist with driver safety research. A person may not use these records for any other purpose.

State Expenditures: MVA advises that, when it receives a report of sleep apnea, it sends the individual an obstructive sleep apnea medical provider certification. This form requests that the medical provider managing the individual's sleep apnea (1) acknowledge that the provider follows the standard medical protocol for sleep apnea and (2) states whether the provider has any concerns about the individual's ability to safely operate a motor vehicle because of the condition. Once MVA receives the form, it is reviewed by a case reviewer and, if the information is unfavorable, additional reports may be requested to allow the proper assessment of the individual's ability to safely operate a motor vehicle.

Under the bill, fewer of these forms will be mailed and reviewed by MVA, reducing MVA's overall workload and mailing costs, albeit negligibly.

Additional Comments: Notably, MVA advises that federal regulations require that commercial drivers report sleep apnea as part of the commercial licensing process. Accordingly, the bill's prohibition on reporting sleep apnea as a condition for *all* drivers would impact the ability of MVA to comply with federal commercial licensing requirements.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Department of Legislative Services

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