

# HOUSE BILL 627

R4

6lr2563  
CF SB 708

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By: **Delegate Gilchrist**

Introduced and read first time: February 4, 2016

Assigned to: Environment and Transportation

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Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Drivers’ Education Schools and Instructors**

3 FOR the purpose of authorizing a drivers’ school to have multiple driver education  
4 instructor trainers; requiring the Motor Vehicle Administration to establish an  
5 annual training schedule for driver education instructor trainers; authorizing the  
6 Administration to establish an appropriate fee for the training; requiring the  
7 Administration to provide written notice to a drivers’ school or driving instructor  
8 license holder or applicant before imposing certain administrative penalties;  
9 authorizing the Administration to allow a license holder or an applicant to remedy  
10 the violation before imposing certain administrative penalties; authorizing a licensee  
11 to provide required documents electronically in certain circumstances in a  
12 searchable format determined by the Administration; requiring the Administration  
13 to provide to all drivers’ schools a compilation of all changes to certain policies on or  
14 before a certain date each year; establishing that the Administration, with respect  
15 to inspection of drivers’ school classroom facilities, may require only certain fire  
16 safety inspections; authorizing the Administration to require a drivers’ school to  
17 provide an appropriate zoning certification; authorizing the Administration to allow  
18 certain persons to conduct certain driving tests and evaluations; authorizing the  
19 Administration to adopt certain regulations; and generally relating to drivers’  
20 education schools and instructors.

21 BY repealing and reenacting, with amendments,  
22 Article – Transportation  
23 Section 15–709, 15–710, and 15–807  
24 Annotated Code of Maryland

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Transportation

Section 15–711 and 15–808

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

15–709.

**(A)** A drivers' school may not:

(1) Provide or offer to provide any instruction in driving unless the individual who gives the instruction is a driving instructor employed by it; or

(2) Employ any individual as a driving instructor unless that individual:

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

(ii) Has completed the instructor certification program approved by the Administration; and

(iii) Is licensed as a driving instructor under Subtitle 8 of this title.

**(B) (1) A DRIVERS' SCHOOL MAY HAVE MULTIPLE APPROVED DRIVER EDUCATION INSTRUCTOR TRAINERS.**

**(2) THE ADMINISTRATION:**

**(I) SHALL ESTABLISH AN ANNUAL TRAINING SCHEDULE FOR DRIVER EDUCATION INSTRUCTOR TRAINERS; AND**

**(II) MAY CHARGE AN APPROPRIATE FEE FOR THE TRAINING.**

15–710.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

1 (1) The person has made a material misrepresentation or concealed a  
2 material fact in obtaining a license;

3 (2) The person is not the true owner of the drivers' school;

4 (3) The person or any partner, officer, director, or stockholder of the person,  
5 or any other person who has a direct or indirect interest in the drivers' school:

6 (i) Was the holder of a drivers' school license that was suspended or  
7 revoked by the Administration; or

8 (ii) Was an officer, director, stockholder, or partner in a drivers'  
9 school the license of which was suspended or revoked by the Administration;

10 (4) The person or any partner, officer, agent, or employee of the person has  
11 committed any fraud in connection with the business conducted under the license,  
12 including:

13 (i) Inducing any individual to obtain a driver's license by illegal or  
14 improper means;

15 (ii) Representing or implying to any individual by word or deed that  
16 a driver's license or any other license, registration, or other document or service granted by  
17 the Administration may be obtained by any means other than those specified by law; or

18 (iii) Furnishing or obtaining by illegal or improper means any license,  
19 registration, or other document or service granted by the Administration, or requesting or  
20 accepting money for that purpose; or

21 (5) As to any drivers' school that is a participant in the Maryland driver  
22 education program, the person has failed to comply with any of the provisions of or any of  
23 the rules and regulations adopted under the Maryland Driver Education Program Act.

24 (b) Notwithstanding the renewal of any license, the Administration may revoke  
25 or suspend that license for any violation or other cause, as permitted by this title, that  
26 occurred during the 2 license years immediately preceding the renewal.

27 (c) As to any person licensed under this subtitle, instead of or in addition to  
28 revocation, suspension, or refusal to renew a license under this section, the Administration  
29 may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

30 **(D) (1) THE ADMINISTRATION SHALL PROVIDE WRITTEN NOTICE TO A**  
31 **LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE BEFORE**  
32 **IMPOSING A FINE, REVOCATION, SUSPENSION, OR REFUSAL TO ISSUE OR RENEW A**  
33 **LICENSE.**

1           **(2) THE ADMINISTRATION MAY ALLOW A LICENSEE TO REMEDY ANY**  
2 **VIOLATION OR NONCOMPLIANT CONDITION RELATING TO THE REVOCATION OR**  
3 **SUSPENSION OF THE LICENSE RATHER THAN IMPOSE THE REVOCATION OR**  
4 **SUSPENSION.**

5 **15-711.**

6           **(A) A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE**  
7 **MAY PROVIDE ELECTRONICALLY TO THE ADMINISTRATION APPROPRIATE**  
8 **DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS SUBTITLE, IF**  
9 **AUTHORIZED BY THE ADMINISTRATION.**

10           **(B) THE ADMINISTRATION MAY DETERMINE A SEARCHABLE FORMAT IN**  
11 **WHICH ELECTRONIC DOCUMENTS SHALL BE TRANSMITTED TO THE**  
12 **ADMINISTRATION.**

13           **(C) ANY DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS**  
14 **SUBTITLE THAT ARE MAINTAINED BY THE LICENSEE IN ELECTRONIC FORMAT SHALL**  
15 **BE ACCESSIBLE TO THE ADMINISTRATION ON REQUEST.**

16           **(D) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE ADMINISTRATION**  
17 **SHALL PROVIDE TO ALL LICENSEES A COMPILATION OF ALL CHANGES TO**  
18 **APPLICABLE REGULATIONS, ADMINISTRATIVE RULES, AND POLICIES THAT WERE**  
19 **ADOPTED IN THE PREVIOUS CALENDAR YEAR.**

20           **(E) (1) WITH RESPECT TO INSPECTION REQUIREMENTS FOR CLASSROOM**  
21 **FACILITIES, THE ADMINISTRATION MAY REQUIRE ONLY AN APPROPRIATE FIRE**  
22 **SAFETY INSPECTION.**

23           **(2) THE ADMINISTRATION MAY REQUIRE A LICENSEE TO PROVIDE AN**  
24 **APPROPRIATE ZONING CERTIFICATION.**

25 **15-807.**

26           **(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal,**  
27 **suspension, or revocation of a license, the Administration may refuse to grant a license**  
28 **under this subtitle to any person and may suspend, revoke, or refuse to renew the license**  
29 **of any person if it finds that the person:**

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

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

1 (b) As to any person licensed under this subtitle, instead of or in addition to  
2 revocation, suspension, or refusal to renew a license under this section, the Administration  
3 may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

4 (c) (1) THE ADMINISTRATION SHALL PROVIDE WRITTEN NOTICE TO A  
5 LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE BEFORE  
6 IMPOSING A FINE, REVOCATION, OR SUSPENSION, OR REFUSING TO ISSUE OR RENEW  
7 A LICENSE.

8 (2) THE ADMINISTRATION MAY ALLOW A LICENSEE TO REMEDY ANY  
9 VIOLATION OR NONCOMPLIANT CONDITION RELATING TO THE REVOCATION OR  
10 SUSPENSION OF THE LICENSE RATHER THAN IMPOSE THE REVOCATION OR  
11 SUSPENSION.

12 15-808.

13 (A) (1) A LICENSEE OR AN APPLICANT FOR A LICENSE UNDER THIS  
14 SUBTITLE MAY PROVIDE ELECTRONICALLY TO THE ADMINISTRATION APPROPRIATE  
15 DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER THIS SUBTITLE, IF  
16 AUTHORIZED BY THE ADMINISTRATION.

17 (2) THE ADMINISTRATION MAY DETERMINE A SEARCHABLE FORMAT  
18 IN WHICH ELECTRONIC DOCUMENTS SHALL BE TRANSMITTED TO THE  
19 ADMINISTRATION.

20 (3) ANY DOCUMENTS REQUIRED BY THE ADMINISTRATION UNDER  
21 THIS SUBTITLE THAT ARE MAINTAINED BY THE LICENSEE IN ELECTRONIC FORMAT  
22 SHALL BE ACCESSIBLE TO THE ADMINISTRATION ON REQUEST.

23 (B) THE ADMINISTRATION MAY ALLOW A QUALIFIED INDIVIDUAL TO  
24 CONDUCT THE KNOWLEDGE TEST AND BASIC SKILLS EVALUATION FOR BOTH THE  
25 CLASSROOM AND BEHIND-THE-WHEEL INSTRUCTION FOR APPLICANTS FOR A  
26 LICENSE UNDER THIS SUBTITLE.

27 (C) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS  
28 SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2016.