

SENATE BILL 599

R4

2lr1372

By: **Senator Guzzone**

Introduced and read first time: February 2, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2022

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Driver’s Licenses – Driver Skills Examinations**

3 FOR the purpose of authorizing the Motor Vehicle Administration to establish a pilot
4 program in Howard County and Montgomery County to allow certain drivers’ schools
5 to administer the driver skills examination required for an individual to obtain
6 certain driver’s licenses; establishing, as part of the pilot program, certain standards
7 and requirements for drivers’ schools that administer driver skills examinations and
8 instructors who administer driver skills examinations on behalf of a drivers’ school;
9 and generally relating to driver skills examinations.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 15–702
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 15–707 and 16–110
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2021 Supplement)

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

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.



Article – Transportation

15–702.

A person may not conduct a drivers' school unless the person is licensed by the Administration under this subtitle.

15–707.

(a) A license issued under this subtitle authorizes the licensee to [conduct]:

(1) CONDUCT a drivers' school during the license year for which the license is issued; **AND**

(2) IF AUTHORIZED BY THE ADMINISTRATION UNDER § 16–110(I) OF THIS ARTICLE, ADMINISTER THE DRIVER SKILLS EXAMINATION FOR AN APPLICANT FOR A DRIVER'S LICENSE.

(b) The license shall be displayed conspicuously at the location from which the business of the licensee is conducted.

16–110.

(a) The Administration shall:

(1) Establish qualifications for the safe operation of the various classes, types, sizes, or combinations of vehicles; and

(2) Examine each applicant to determine the applicant's qualifications for the license class applied for.

(b) Except as otherwise provided in this title, the Administration shall examine each applicant for an original driver's license or for a class of driver's license higher than that which the applicant currently holds.

(c) The examination shall include:

(1) A test of the applicant's:

(i) Vision;

(ii) Ability to read and understand highway signs regulating, warning, and directing traffic; and

(iii) Knowledge of the traffic laws of this State and safe driving practices;

1 (2) A demonstration of the applicant's ability to exercise reasonable control
2 in driving a motor vehicle; and

3 (3) Any other additional physical or mental examination that the
4 Administration considers necessary to determine an applicant's fitness to drive a motor
5 vehicle safely.

6 (d) If an applicant is qualified to take the required examinations for the license
7 applied for, the applicant shall appear in person for examination at any one of the places
8 in this State that the Administration has designated for this purpose.

9 (e) (1) (i) Subject to subparagraph (ii) of this paragraph, for a required
10 driver skills examination or driver road examination, each applicant shall provide a motor
11 vehicle of a type appropriate to test the applicant's ability to drive all vehicles that may be
12 driven under the license class applied for.

13 (ii) An applicant may not use an autocycle to test the applicant's
14 ability to drive under subparagraph (i) of this paragraph.

15 (2) Except as provided in paragraphs (3) and (4) of this subsection, when
16 the holder of a learner's instructional permit appears for the driving test, the permit holder
17 shall be accompanied by an individual qualified under § 16-105 of this subtitle to
18 accompany the holder of a learner's permit while driving on a highway. That individual
19 shall have his driver's license with him.

20 (3) The holder of a Class M (motorcycle) learner's instructional permit may:

21 (i) Transport a motorcycle to the driving test by truck or other
22 vehicle unaccompanied by another individual, if the permit holder is licensed to drive the
23 truck or other vehicle; or

24 (ii) Be accompanied by a person transporting a motorcycle to the test
25 by truck or other vehicle, if that person is licensed to drive the truck or other vehicle.

26 (4) The holder of a learner's instructional permit may be driven to the
27 examination station and to the starting point where the examiner begins the test by any
28 individual authorized to drive the class of vehicle in which the test is being given. That
29 individual shall have a valid driver's license in the individual's possession.

30 (f) If the applicant does not pass the examination for the license class applied for,
31 the Administration may issue the applicant any license of a lower class for which the
32 applicant qualifies.

33 (g) Except as provided in subsection (h) of this section, the Administration may
34 waive any driver's license examination provided for under this title if the applicant:

(1) Holds a valid driver's license issued under this subtitle;

(2) Is applying for a Class M license and has successfully completed the Administration approved basic motorcycle safety course; or

(3) Holds a valid license from:

(i) Another state;

(ii) A territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; or

(iii) A province or territory of Canada.

(h) The Administration may not waive a vision examination required under this section unless the applicant:

(1) Is applying for a corrected driver's license under § 16–114.1 of this subtitle; and

(2) Has passed a vision examination acceptable to the Administration within the last 12 months.

(I) (1) THIS SUBSECTION APPLIES ONLY IN HOWARD COUNTY AND MONTGOMERY COUNTY.

(2) THE ADMINISTRATION MAY ESTABLISH A PILOT PROGRAM TO AUTHORIZE A LICENSED DRIVERS' SCHOOL TO ADMINISTER THE DRIVER SKILLS EXAMINATION FOR THE FOLLOWING CLASSES OF NONCOMMERCIAL DRIVER'S LICENSES:

(I) CLASS A;

(II) CLASS B;

(III) CLASS C; AND

(IV) CLASS M.

~~(2)~~ (3) A DRIVERS' SCHOOL MAY ADMINISTER THE DRIVER SKILLS EXAMINATION ONLY IF THE DRIVERS' SCHOOL:

(I) IS LICENSED UNDER TITLE 15, SUBTITLE 7 OF THIS ARTICLE;

(II) HAS BEEN LICENSED AND IN OPERATION FOR AT LEAST 5 YEARS BEFORE THE DATE OF APPLICATION FOR THE AUTHORIZATION TO ADMINISTER THE DRIVER SKILLS EXAMINATION;

(III) IS AUTHORIZED TO TEACH THE INSTRUCTOR CERTIFICATION PROGRAM REQUIRED BY § 15-803 OF THIS ARTICLE AND ANY OTHER COURSE THE ADMINISTRATION CONSIDERS NECESSARY;

(IV) HAS AN OWNER OR EMPLOYEE WITH AT LEAST 2 YEARS OF EXPERIENCE IN ADMINISTERING DRIVER SKILLS EXAMINATIONS WHO WILL SUPERVISE THE DRIVER SKILLS EXAMINATION PROGRAM;

(V) FILES WITH THE ADMINISTRATION A SURETY BOND IN A FORM THE ADMINISTRATION APPROVES IN THE AMOUNT OF:

1. \$150,000 IF THE DRIVERS' SCHOOL ADMINISTERS DRIVER SKILLS EXAMINATIONS FOR ONLY CLASS C LICENSES; OR

2. \$250,000 IF THE DRIVERS' SCHOOL ADMINISTERS DRIVER SKILLS EXAMINATIONS FOR ANY OTHER AUTHORIZED CLASS OF LICENSE;

(VI) HAS A FACILITY CAPABLE OF TESTING THE SAME SKILLS AS ARE TESTED DURING DRIVER SKILLS EXAMINATIONS AT AN ADMINISTRATION FACILITY;

(VII) ADMINISTERS THE DRIVER SKILLS EXAMINATION USING A METHOD THAT THE ADMINISTRATION IS AUTHORIZED TO USE; AND

(VIII) HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING WITH THE ADMINISTRATION THAT HAS NOT BEEN TERMINATED BY EITHER PARTY.

~~(3)~~ (4) (I) A DRIVER SKILLS EXAMINATION MAY BE ADMINISTERED AT AN AUTHORIZED DRIVERS' SCHOOL ONLY IF THE DRIVER SKILLS EXAMINATION IS ADMINISTERED BY AN INDIVIDUAL APPROVED BY THE ADMINISTRATION.

(II) THE ADMINISTRATION MAY APPROVE AN INDIVIDUAL TO ADMINISTER A DRIVER SKILLS EXAMINATION IF THE INDIVIDUAL SUBMITS AN APPLICATION TO THE ADMINISTRATION SHOWING THAT THE INDIVIDUAL:

1. IS AT LEAST 21 YEARS OLD;

2. POSSESSES:

1 A. A VALID CLASS C LICENSE; OR

2 B. A VALID LICENSE OF ANY OTHER CLASS FOR WHICH
3 THE INDIVIDUAL WILL ADMINISTER DRIVER SKILLS EXAMINATIONS;

4 3. HAS NOT HAD THE INDIVIDUAL'S DRIVER'S LICENSE
5 SUSPENDED, REVOKED, OR CANCELED WITHIN 5 YEARS BEFORE THE DATE OF
6 APPLICATION;

7 4. HAS NOT MORE THAN 6 POINTS ASSESSED AGAINST
8 THE INDIVIDUAL AT THE TIME OF THE APPLICATION;

9 5. HAS NOT BEEN CONVICTED OF A VIOLATION OF
10 § 21-902 OF THIS ARTICLE WITHIN 3 YEARS BEFORE THE DATE OF APPLICATION;
11 AND

12 6. HAS COMPLETED ANY ADDITIONAL TRAINING
13 COURSES THE ADMINISTRATION CONSIDERS NECESSARY.

14 (III) THE ADMINISTRATION SHALL RESCIND ITS APPROVAL FOR
15 AN INDIVIDUAL TO ADMINISTER DRIVER SKILLS EXAMINATIONS IF AT ANY TIME
16 DURING THE INDIVIDUAL'S PERIOD OF APPROVAL:

17 1. THE INDIVIDUAL'S DRIVER'S LICENSE IS SUSPENDED,
18 REVOKED, OR CANCELED;

19 2. MORE THAN 6 POINTS ARE ASSESSED AGAINST THE
20 INDIVIDUAL; OR

21 3. THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF
22 § 21-902 OF THIS ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2022. It shall remain effective for a period of 5 years and, at the end of September
25 30, 2027, this Act, with no further action required by the General Assembly, shall be
26 abrogated and of no further force and effect.