

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB530

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Batten

3. Committee: Transportation

4. Title: Driver training.

5. Summary: This bill authorizes governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill repeals the prohibition on applicants 18 years of age and older retaking skills tests within 15 days. Current law authorizes such reexamination upon payment of a \$2 fee. The bill makes immediate instead of contingent on federal regulations the repeal of certain provisions requiring an applicant to, after failing the behind the wheel examination for a third time, take a course prior to reexamination. The bill clarifies that no law or regulation safeguarding driver testing information shall be construed to prohibit (i) the possession, use, or provision of the department's driver license examination questions by or to any person for the purpose of administering a knowledge examination or (ii) the Department from making sample examination questions available to the public or the public from possessing sample examination questions.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item #8.

8. Fiscal Implications: Current law requires that applicants who are 18 years or older will be charged a fee of \$2 for each retake of the driver's license knowledge examination if taken more than once within a 15 day period. This bill would remove that provision. In FY 2019 (the most recent representative year), DMV received approximately \$129,666 in reexamination fees. The agency anticipates that it can absorb this loss of revenue.

DMV anticipates a one-time cost of \$11,342.10 associated with making the necessary system and programming changes. The 154 staff hours required can be accomplished during the normal work schedules for DMV employees, given current workloads.

9. Specific Agency or Political Subdivisions Affected: Department of Motor Vehicles.

10. Technical Amendment Necessary: No.

11. Other Comments: Current law does not allow any person, other than an authorized agent of the Department of Motor Vehicles (DMV) to procure, have, or furnish examination questions to another person that would be used by DMV in conducting an examination. This bill would expressly allow DMV to make sample examination questions available to the public. To aid customers in preparing for the driver's license knowledge test, DMV offers 200 sample questions through the DMV website. The actual knowledge test consists of 30 questions that are randomly selected from the pool of 200 sample questions, so every knowledge examination contains a different mix of questions. The language in this section of the Code needs to be clarified to ensure that DMV can continue to provide the public with a wide variety of sample questions that will help customers prepare for the knowledge examination and ultimately obtain their driver's licenses.

Current law only permits third party testers to test individuals they employ or students they have trained. HB 530 would loosen this restriction and allow governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test students that other governmental entities have trained. DMV certifies certain entities to administer the commercial driver's license (CDL) skills test in its place. These entities are referred to as Third Party Testers (TPTs). Certification for TPTs is governed by federal regulation (49 C.F.R. § 383.75) and permits the state driver licensing authority to certify any entity to administer the CDL skills test so long as the entity complies at a minimum with the federal requirements. When the TPT program was codified in Virginia in 2013, DMV limited the types of entities eligible for certification and the individuals that those entities could test in an effort to ensure the integrity of the testing program and to maintain safety on the highways in the Commonwealth. Since the program was codified, DMV has gradually made adjustments to these requirements to shift more CDL skills tests to TPTs and grow the agency's partnerships with TPTs, while maintaining testing integrity and safety. As the program currently stands, TPTs are only permitted to test individuals they employ or students they have trained.

Additionally, the driver training regulations (24 VAC20-121-30(D)(7)) have been interpreted to prohibit driver training schools to administer knowledge examinations. The language in this bill would preempt the regulatory language, which in turn permits the Commissioner under the authority granted by § 46.2-326 to designate driver training schools to administer knowledge examinations.

Current law requires that skills test certificates must be submitted to DMV within 60 days of the date that the skills test was taken. The bill would remove this requirement and instead add that the results of skills tests will remain valid for six months following the date of the skills test.