

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 114

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Environment)

Education, Health, and Environmental Affairs

Environmental Matters

**Environment - Controlled Hazardous Substance Driver Certification -
Elimination**

This departmental bill repeals the controlled hazardous substance driver certificate, numerous references to the certificate, and the prohibition on transporting controlled hazardous substances in the State without a certificate. The bill does not alter the vehicle certification process. The bill requires the Maryland Department of the Environment (MDE) to conduct a specified review and report to specified legislative committees by December 15, 2012.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: Special fund revenues decrease by \$2,600 annually due to the elimination of the driver certification program and the related fee. Although elimination of the program reduces agency workload for MDE, staff will be redirected to related activities. The review and reporting requirements can be handled with existing resources.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: A controlled hazardous substance may not be transported from any source in Maryland to any controlled hazardous substance facility in Maryland unless a hauler, vehicle, and driver certificate have been issued by MDE for the appropriate persons, vehicle, and driver of the vehicle.

A driver certificate authorizes its holder to operate a vehicle transporting hazardous substances while the certificate is effective. Each controlled hazardous substance vehicle driver must (1) submit to MDE evidence that the person has received adequate training in the proper and safe handling of controlled hazardous substances; (2) pay an annual fee (currently set at the statutory maximum fee of \$20); and (3) comply with various other State laws and regulations.

Background: According to MDE, the U.S. Department of Transportation ruled that the application of Maryland's controlled hazardous substance driver certification program to out-of-state drivers was preempted by federal hazardous materials transportation law due to certain State requirements that were stricter than corresponding federal requirements. Since that time, Maryland has continued to require certification of in-state drivers. In order to eliminate the disparate treatment of in-state drivers, this bill repeals the driver certification program. MDE advises that the certification program has generally not resulted in the elimination of unfit drivers and that there is no evidence that the program has resulted in a better driver record for in-state drivers than out-of-state drivers.

State Fiscal Effect: By eliminating the driver certification program, the bill reduces MDE's workload, thus, freeing up staff time (the equivalent of about 15% of one full-time position) to be redirected to higher priority matters, such as compliance checks and quality control checks of hazardous waste manifests. The elimination of the \$20 annual fee imposed on the 128 current controlled hazardous substance drivers that are domiciled in Maryland will result in a special fund revenue decrease of about \$2,560 annually for the State Hazardous Substance Control Fund within MDE.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2012
mc/lgc Revised - Enrolled Bill - April 18, 2012

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Environment – Controlled Hazardous Substance Driver Certification
- Elimination

BILL NUMBER: SB 114

PREPARED BY: Maryland Department of the Environment

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

This proposed legislation would eliminate the driver certification program for Maryland domiciled drivers of vehicles transporting controlled hazardous substances in Maryland. The loss in revenue from driver certification fees would be approximately \$2,500.

128 entities that are currently certified as transporters of controlled hazardous substances would be affected, but not all of these are small businesses. The universe of certified transporters includes small businesses, large businesses, and government agencies. The Department does not have a breakdown of the number of small businesses versus large businesses in this group of businesses.