

HOUSE BILL 232

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R4

2001 Regular Session
(11r1025)

ENROLLED BILL

-- Commerce and Government Matters/Judicial Proceedings --

Introduced by **Delegates Mandel, Bronrott, Arnick, Benson, Brinkley, Bobo,
Clagett, DeCarlo, Dobson, Dypski, Glassman, Malone, McIntosh, Paige,
Parrott, Riley, Shank, Snodgrass, Sophocleus, Swain, and Goldwater**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 456

1 AN ACT concerning

2 **Drivers' Licenses - Graduated Licensing System - Provisional License**
3 **Licenses - Restrictions**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose ~~certain~~
5 ~~restrictions on provisional drivers' licenses pertaining to seat belt and child~~
6 ~~safety seat use; providing a certain exception relating to certain individuals~~
7 ~~covered by medical exceptions; providing for the prospective application of this~~
8 ~~Act; and generally relating to license restrictions applicable to drivers on~~
9 ~~provisional drivers' licenses issued to individuals under a certain age certain~~
10 ~~restrictions pertaining to seat belt and child safety seat use; limiting the~~
11 ~~application of this Act to certain drivers who hold provisional licenses as of a~~
12 ~~specified date; and generally relating to license restrictions applicable to drivers~~
13 ~~who are under a certain age and~~ who hold provisional drivers' licenses.

14 BY repealing and reenacting, ~~with~~ without amendments,

1 Article - Transportation
 2 Section ~~16-113~~ *16-113(d)*
 3 Annotated Code of Maryland
 4 (1999 Replacement Volume and 2000 Supplement)

5 BY adding to
 6 Article - Transportation
 7 Section 16-113(d-1)
 8 Annotated Code of Maryland
 9 (1999 Replacement Volume and 2000 Supplement)

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

12 **Article - Transportation**

13 16-113.

14 (a) (1) ~~In addition to the vision and other restrictions provided for in this~~
 15 ~~subtitle, when it issues a driver's license, the Administration for good cause may~~
 16 ~~impose on the licensee:~~

17 (i) ~~Any restrictions suitable to the licensee's driving ability with~~
 18 ~~respect to the type of special mechanical control devices required on motor vehicles~~
 19 ~~that the licensee may drive;~~

20 (ii) ~~An alcohol restriction which prohibits the licensee from driving~~
 21 ~~or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and~~

22 (iii) ~~Any other restrictions applicable to the licensee that the~~
 23 ~~Administration determines appropriate to assure the safe driving of a motor vehicle~~
 24 ~~by the licensee.~~

25 (2) ~~An alcohol restriction that prohibits the licensee from driving or~~
 26 ~~attempting to drive a motor vehicle while having alcohol in the licensee's blood may,~~
 27 ~~as described in subsections (b) and [(g)] (H) of this section, include a restriction that~~
 28 ~~prohibits the licensee from driving or attempting to drive a motor vehicle unless the~~
 29 ~~licensee is a participant in the Ignition Interlock System Program established under~~
 30 ~~§ 16-404.1 of this title.~~

31 (b) (1) ~~Notwithstanding the licensee's driving record, the Administration~~
 32 ~~shall impose on each licensee under the age of 21 years an alcohol restriction that~~
 33 ~~prohibits the licensee from driving or attempting to drive a motor vehicle with an~~
 34 ~~alcohol concentration of 0.02 or more as determined by an analysis of the licensee's~~
 35 ~~blood or breath.~~

36 (2) ~~An alcohol restriction imposed under this subsection expires when~~
 37 ~~the licensee reaches the age of 21 years.~~

- 1 (3) This subsection may not be construed or applied to limit:
- 2 (i) The authority of the Administration to impose on a licensee an
3 alcohol restriction described in subsection (a)(2) of this section; or
- 4 (ii) The application of any other provision of law that prohibits
5 consumption of an alcoholic beverage by an individual under the age of 21 years.
- 6 (4) An individual under the age of 21 years who is convicted of a violation
7 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than
8 3 years, to participate in the Ignition Interlock System Program in order to retain the
9 individual's driver's license.
- 10 (e) (1) Subject to the provisions of paragraph (2) of this subsection, the
11 Administration may:
- 12 (i) Issue a special restricted license; or
- 13 (ii) Set forth the restrictions on the usual license form.
- 14 (2) The Administration shall indicate on the license of a licensee under
15 the age of 21 years that an alcohol restriction has been imposed on the licensee under
16 subsection (b) of this section.
- 17 (d) (1) Notwithstanding the licensee's driving record, the Administration
18 shall impose an hour restriction on a provisional driver's license issued to an
19 applicant under the age of 18.
- 20 (2) The restriction under this subsection shall limit the holder of a
21 provisional license to driving unsupervised only between the hours of 5 a.m. and 12
22 midnight.
- 23 (3) This subsection does not preclude the holder of a provisional license
24 from driving between the hours of 12 midnight and 5 a.m. the following day if the
25 licensee is:
- 26 (i) Accompanied and supervised by a licensed driver who is at least
27 21 years old;
- 28 (ii) Driving to or from or in the course of the licensee's employment;
- 29 (iii) Driving to or from a school class or official school activity;
- 30 (iv) Driving to or from an organized volunteer program; or
- 31 (v) Driving to or from an opportunity to participate in an athletic
32 event or related training session.
- 33 (4) The hour restriction and the supervision requirement under this
34 subsection expire on the date the holder of the provisional license turns 18 years of
35 age.

1 ~~(E)~~ (D-1) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, AND
 2 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ADMINISTRATION SHALL
 3 IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S LICENSE PROHIBITING
 4 THE LICENSEE FROM OPERATING A MOTOR VEHICLE IF THE DRIVER AND EACH
 5 PASSENGER IN THE MOTOR VEHICLE ARE NOT RESTRAINED BY A SEAT BELT OR, IN
 6 ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE, BY A CHILD SAFETY SEAT.

7 (2) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)
 8 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER
 9 § 22-412.2(F) OR ~~§ 22-413.3~~ § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.

10 (3) THE RESTRICTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION
 11 EXPIRE ON THE DATE THAT THE HOLDER OF A PROVISIONAL LICENSE TURNS 18
 12 YEARS OF AGE.

13 ~~[(e)]~~ ~~(F)~~ (1) ~~In addition to the other restrictions provided under this~~
 14 ~~subtitle, the Administration may issue:~~

15 (i) ~~A driver's license that is valid only in the State of Maryland to~~
 16 ~~an applicant who has been suspended in another jurisdiction as a result of failing to~~
 17 ~~comply with the financial responsibility requirements of that jurisdiction; or~~

18 (ii) ~~A temporary driver's license that is valid only in the State of~~
 19 ~~Maryland to an applicant for reinstatement of a suspended or revoked driver's~~
 20 ~~license, renewal of a driver's license, or a duplicate or corrected driver's license if, at~~
 21 ~~the time of application:~~

22 1. ~~The applicant's privilege to drive in another jurisdiction is~~
 23 ~~revoked or suspended as a result of failing to comply with the licensing requirements~~
 24 ~~of that jurisdiction for which a comparable violation in this State would not have~~
 25 ~~resulted in revocation or suspension;~~

26 2. ~~The initial violation that led to the revocation or~~
 27 ~~suspension did not occur within the preceding 5 years;~~

28 3. ~~The applicant is otherwise qualified to be licensed in this~~
 29 ~~State; and~~

30 4. ~~The Administration determines that the applicant will be~~
 31 ~~able to take any actions required by the other jurisdiction for reinstatement of the~~
 32 ~~privilege to drive in that jurisdiction.~~

33 (2) ~~A temporary license issued under paragraph (1) of this subsection~~
 34 ~~shall be valid for 90 days.~~

35 ~~(3) The Administration shall adopt regulations for the issuance of~~
 36 ~~temporary licenses under paragraph (1) of this subsection.~~

37 ~~[(f)]~~ (G) ~~After receiving satisfactory evidence of any violation of a restricted or~~
 38 ~~provisional driver's license, the Administration may suspend or revoke the license.~~

1 However, the licensee may request a hearing as provided for a suspension or
2 revocation under Subtitle 2 of this title.

3 ~~[(g)] (H) (1) The Administration shall impose an alcohol restriction under~~
4 ~~subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years~~
5 ~~from driving or attempting to drive with alcohol in the individual's blood on any~~
6 ~~licensee who is convicted within 5 years of any combination of two or more violations~~
7 ~~under § 21-902(a), (b), or (c) of this article.~~

8 ~~(2) If a circuit court or the District Court orders a licensee not to drive or~~
9 ~~attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under §~~
10 ~~27-107 of this article, the licensee to participate in the Ignition Interlock System~~
11 ~~Program established under § 16-404.1 of this title, the Administration shall have the~~
12 ~~licensee's driving record and driver's license reflect that the court ordered restriction~~
13 ~~was imposed, and shall keep records of the order.~~

14 ~~[(h)] (I) An individual may not drive a vehicle in any manner that violates~~
15 ~~any restriction imposed by the Administration in a restricted license issued to the~~
16 ~~individual.~~

17 ~~[(i)] (J) An individual may not drive a vehicle in any manner that violates~~
18 ~~any restriction imposed in a provisional license issued to the individual.~~

19 ~~[(j)] (K) An individual may not drive or attempt to drive a motor vehicle with~~
20 ~~alcohol in the individual's blood in violation of a restriction imposed by a court.~~

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
22 ~~construed only prospectively and may not be applied or interpreted to have any effect~~
23 ~~on or application to any provisional driver's license issued before the effective date of~~
24 ~~this Act.~~

25 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding~~
26 ~~Section 1 of this Act, any individual who holds a provisional driver's license on~~
27 ~~September 30, 2001, is subject to the license restrictions in effect on that date as long as~~
28 ~~the provisional license remains in effect and is not affected by the changes in~~
29 ~~restrictions applicable to provisional licenses enacted under Section 1 of this Act.~~

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2001.