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**By: Delegate Hammen**

Requested: August 27, 1996

Introduced and read first time: January 8, 1997

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Minors - School Attendance Classification and Driving Privileges**

3 FOR the purpose of establishing a school attendance classification, within a certain age  
4 group, of individuals who may not participate in a driver's education course or apply  
5 for or retain a learner's permit, provisional driver's license, or driver's license in the  
6 State; requiring principals or other administrators to report to the county boards of  
7 education concerning the classification of certain individuals; requiring the county  
8 boards to report to the Motor Vehicle Administration concerning the individuals;  
9 authorizing reinstatement of a learner's permit or driver's license under certain  
10 circumstances; making stylistic changes; and generally relating to the requirements  
11 for participation in a driver's education course and for the obtaining, retention, and  
12 reinstatement of a learner's permit, provisional driver's license, or driver's license  
13 by individuals in a certain age group in the State.

14 BY repealing and reenacting, without amendments,  
15 Article - Education  
16 Section 1-101(d) and (l)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume)

19 BY adding to  
20 Article - Education  
21 Section 7-301.1  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume)

24 BY repealing and reenacting, with amendments,  
25 Article - Education  
26 Section 7-414  
27 Annotated Code of Maryland  
28 (1997 Replacement Volume)

29 BY repealing and reenacting, with amendments,  
30 Article - Transportation

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1 Section 16-103(b), 16-105(a), 16-111.2, and 16-206(a)  
2 Annotated Code of Maryland  
3 (1992 Replacement Volume and 1996 Supplement)

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

6 **Article - Education**

7 1-101.

8 (d) "County board" means the board of education of a county and includes the  
9 Board of School Commissioners of Baltimore City.

10 (l) "State Board" means the State Board of Education.

11 7-301.1.

12 (A) (1) IN THIS SECTION, "NONATTENDING STUDENT" MEANS AN  
13 INDIVIDUAL BETWEEN THE AGES OF 15 AND 18 YEARS WHO:

14 (I) WITHOUT A LAWFUL EXCUSE, HAS IRREGULAR ATTENDANCE  
15 OR AN ABSENCE FROM SCHOOL OF MORE THAN 10 CONSECUTIVE SCHOOL DAYS;

16 (II) WITHDRAWS FROM A PUBLIC OR NONPUBLIC SCHOOL BEFORE  
17 GRADUATION;

18 (III) DOES NOT PARTICIPATE ON A REGULAR BASIS IN AN  
19 EDUCATIONAL OR TRAINING PROGRAM APPROVED BY THE STATE BOARD OR  
20 COUNTY BOARD, INCLUDING A HOME INSTRUCTION PROGRAM; OR

21 (IV) HAS BEEN EXPELLED OR PLACED ON A SUSPENSION OF MORE  
22 THAN 10 DAYS FROM A PUBLIC OR NONPUBLIC SCHOOL OR EDUCATIONAL OR  
23 TRAINING PROGRAM APPROVED BY THE STATE BOARD OR A COUNTY BOARD.

24 (2) "NONATTENDING STUDENT" DOES NOT INCLUDE AN INDIVIDUAL  
25 BETWEEN THE AGES OF 15 AND 18 YEARS WHO IS UNABLE TO ATTEND SCHOOL OR  
26 AN EDUCATIONAL OR TRAINING PROGRAM APPROVED BY THE STATE BOARD OR A  
27 COUNTY BOARD BECAUSE OF EXTENUATING CIRCUMSTANCES, INCLUDING:

28 (I) A MEDICAL CONDITION, AS VERIFIED BY A PHYSICIAN;

29 (II) A SERIOUS ECONOMIC HARDSHIP IN THE FAMILY;

30 (III) GAINFUL AND SUBSTANTIAL EMPLOYMENT BY THE  
31 APPLICANT;

32 (IV) SPECIFIC FAMILY OR PERSONAL CIRCUMSTANCES; OR

33 (V) ANY OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE  
34 INDIVIDUAL.

35 (3) (I) IF AN INDIVIDUAL CLAIMS THE PRESENCE OF EXTENUATING  
36 CIRCUMSTANCES AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE

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1 COUNTY BOARD SHALL DECIDE WHETHER THE INDIVIDUAL IS A NONATTENDING  
2 STUDENT.

3 (II) THE DECISION OF THE COUNTY BOARD IS FINAL.

4 (B) (1) THE PRINCIPAL OR CHIEF ADMINISTRATOR OF A PUBLIC OR  
5 NONPUBLIC SCHOOL IN THE STATE SHALL REPORT IMMEDIATELY TO THE COUNTY  
6 BOARD THE NAME OF EACH NONATTENDING STUDENT AT THE SCHOOL.

7 (2) WITHIN 30 BUSINESS DAYS OF RECEIVING A REPORT UNDER THIS  
8 SUBSECTION, THE COUNTY BOARD SHALL FORWARD THE NAME OF THE  
9 NONATTENDING STUDENT TO THE MOTOR VEHICLE ADMINISTRATION.

10 (C) (1) AN INDIVIDUAL BETWEEN THE AGES OF 15 AND 18 YEARS OF AGE  
11 WHO REENTERS SCHOOL OR ENTERS OR REENTERS AN EDUCATIONAL OR  
12 TRAINING PROGRAM APPROVED BY THE STATE BOARD OR COUNTY BOARD AND IS  
13 NO LONGER CLASSIFIED AS A NONATTENDING STUDENT MAY REQUEST THE  
14 COUNTY BOARD TO NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE  
15 CHANGE IN CLASSIFICATION.

16 (2) THE COUNTY BOARD SHALL NOTIFY THE MOTOR VEHICLE  
17 ADMINISTRATION OF THE CHANGE IN CLASSIFICATION OF THE INDIVIDUAL WITHIN  
18 5 BUSINESS DAYS.

19 7-414.

20 (a) (1) Each county board may offer instruction in the safe operation of a motor  
21 vehicle to high school students who are 15 years old or older.

22 (2) (I) The instruction shall be given as provided by Title 16, Subtitle 5 of  
23 the Transportation Article.

24 (II) A NONATTENDING STUDENT UNDER § 7-301.1 OF THIS TITLE  
25 MAY NOT TAKE INSTRUCTION FOR THE SAFE OPERATION OF A MOTOR VEHICLE  
26 FROM THE COUNTY BOARD.

27 (3) Each county board shall determine whether the course is an elective or  
28 a required course.

29 (4) The State Board shall determine what credit, if any, is allowed to  
30 successful students of the course.

31 (b) The principal of each school that offers the driver education course shall  
32 arrange the time set aside for actual driving instruction so that it does not interfere with  
33 other school work.

34 (c) (1) Each motor vehicle used for instruction shall bear the identification  
35 required by the Motor Vehicle Administration.

36 (2) If practicable, the actual driving instruction shall be conducted on  
37 private or public property that is removed from State roads.

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1                   **Article - Transportation**

2 16-103.

3                   (b) (1) Except as provided under paragraph (3) of this subsection, the  
4 Administration may issue a noncommercial Class B, C, or M license to an individual  
5 under the age of 18, if he is at least 16 years old and has completed satisfactorily a driver's  
6 education course approved under Subtitle 5 of this title, and has completed satisfactorily  
7 6 hours of laboratory instruction.

8                   (2) The individual shall be exempt from the laboratory instruction required  
9 by this subsection, though not the required classroom instruction, if:

10                                 (i) He has been licensed regularly to drive in another state for at least  
11 6 months; and

12                                 (ii) He establishes to the satisfaction of a classroom instructor certified  
13 under Subtitle 5 of this title that his driving experience is sufficient to justify the  
14 exemption.

15                   (3) (I) THE ADMINISTRATION MAY NOT ISSUE A NONCOMMERCIAL  
16 CLASS B, C, OR M LICENSE TO A NONATTENDING STUDENT UNDER § 7-301.1 OF THE  
17 EDUCATION ARTICLE.

18                                 (II) The Administration may not issue a Class M license to an  
19 individual under the age of 18 years unless the individual has also completed satisfactorily  
20 a motorcycle safety course approved under Subtitle 6 of this title.

21 16-105.

22                   (a) (1) Any individual who desires to obtain an original driver's license under  
23 this subtitle or to be licensed in a class for which[he] THE INDIVIDUAL is not already  
24 licensed under this subtitle shall apply to the Administration for the desired driver's  
25 license.

26                   (2) Except as provided in subsection (f) of this section, before issuing a  
27 driver's license, the Administration shall issue to each applicant a learner's instructional  
28 permit. The learner's instructional permit shall identify clearly the class of license for  
29 which the applicant has applied.

30                   (3) A NONATTENDING STUDENT UNDER § 7-301.1 OF THE EDUCATION  
31 ARTICLE MAY NOT APPLY FOR A LEARNER'S INSTRUCTIONAL PERMIT.

32 16-111.2.

33                   (a) Subject to the provisions of § 16-103(b), if an applicant for a driver's license is  
34 under the age of 18 YEARS and is the holder of a learner's permit, the applicant is  
35 entitled to receive a provisional driver's license if the applicant:

36                                 (1) Has possessed a valid learner's permit for at least 14 days immediately  
37 prior to the date of the application;

38                                 (2) Passes the examination provided for in this subtitle;

39                                 (3) Surrenders the learner's permit issued to him;

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1 (4) Pays the fee provided by this subtitle; and

2 (5) Has reached the age of 16 years.

3 (b) [If] (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
4 SUBSECTION, IF the applicant for a driver's license is under the age of 18 YEARS and is  
5 the holder of a provisional driver's license, the applicant is entitled to receive a driver's  
6 license if the applicant:

7 [(1)] (I) Has possessed a valid provisional driver's license for the 12-month  
8 period immediately preceding the date of the application for a driver's license; and

9 [(2)] (II) Has not been convicted of a traffic violation that was committed  
10 during this period and for which points may be assessed under § 16-402 of this title.

11 (2) A NONATTENDING STUDENT UNDER § 7-301.1 OF THE EDUCATION  
12 ARTICLE IS NOT ENTITLED TO RECEIVE A DRIVER'S LICENSE UNDER THIS  
13 SUBSECTION.

14 16-206.

15 (a) (1) The Administration may suspend, revoke, or refuse to issue or renew the  
16 license of any resident or the privilege to drive of any nonresident on a showing by its  
17 records or other sufficient evidence that the applicant or licensee:

18 (i) Has been convicted of moving violations so often as to indicate an  
19 intent to disregard the traffic laws and the safety of other persons on the highways;

20 (ii) Is an unfit, unsafe, or habitually reckless or negligent driver of a  
21 motor vehicle;

22 (iii) Has permitted an unlawful or fraudulent use of a license,  
23 identification card, or a facsimile of a license or identification card;

24 (iv) Has used a license, identification card, or a facsimile of a license or  
25 identification card in an unlawful or fraudulent manner, unless the applicant or licensee  
26 is subject to the provisions of subsection (b) of this section;

27 (v) Has committed an offense in another state that, if committed in  
28 this State, would be grounds for suspension or revocation;[or]

29 (vi) Has knowingly made a false certification of required security in any  
30 application for a certificate of title or for the registration of a vehicle; OR

31 (VII) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IS A  
32 NONATTENDING STUDENT UNDER § 7-301.1 OF THE EDUCATION ARTICLE.

33 (2) The Administration may suspend a license to drive of an individual who  
34 fails to attend:

35 (i) A driver improvement program or an alcohol education program  
36 required under § 16-212 of this subtitle; or

37 (ii) A private alternative program or an alternative program that is  
38 provided by a political subdivision of this State under § 16-212 of this subtitle.

1                   (3) (I) ON RECEIVING NOTIFICATION FROM A COUNTY BOARD OF  
2 EDUCATION THAT AN INDIVIDUAL WHO POSSESSES A LEARNER'S PERMIT OR  
3 DRIVER'S LICENSE HAS BEEN CLASSIFIED AS A NONATTENDING STUDENT, THE  
4 ADMINISTRATION SHALL NOTIFY THE INDIVIDUAL THAT THE PERMIT OR LICENSE  
5 WILL BE REVOKED UNDER PARAGRAPH (1)(VII) OF THIS SUBSECTION UNLESS,  
6 WITHIN 20 DAYS, THE ADMINISTRATION RECEIVES NOTIFICATION FROM THE  
7 COUNTY BOARD THAT THE INDIVIDUAL IS NO LONGER CLASSIFIED AS A  
8 NONATTENDING STUDENT.

9                   (II) IF THE ADMINISTRATION DOES NOT RECEIVE THE NOTICE OF  
10 A CHANGE IN CLASSIFICATION BEFORE THE CLOSE OF THE 20TH BUSINESS DAY  
11 AFTER THE NOTICE OF IMPENDING REVOCATION IS SENT, THE ADMINISTRATION  
12 SHALL REVOKE THE PERMIT OR LICENSE OF THE NONATTENDING STUDENT ON THE  
13 21ST BUSINESS DAY.

14                   (4) THE ADMINISTRATION MAY REINSTATE THE PERMIT OR LICENSE:

15                   (I) ON NOTIFICATION BY THE COUNTY BOARD THAT THE  
16 INDIVIDUAL IS NO LONGER CLASSIFIED AS A NONATTENDING STUDENT; OR

17                   (II) WHEN THE INDIVIDUAL BECOMES 18 YEARS OLD.

18                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 1997.