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**By: Chairman, Commerce and Government Matters Committee (Departmental -  
Transportation)**

Introduced and read first time: January 15, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Learner's and Commercial Driver's Instructional Permit - Requirement**  
3 **for Individuals Accompanying Permit Holders While Driving**

4 FOR the purpose of repealing the requirement that the individual accompanying a  
5 learner's instructional permit holder or commercial driver's instructional permit  
6 holder be licensed in Maryland or another state for at least 3 years; and generally  
7 relating to learner's and commercial driver's instructional permits.

8 BY repealing and reenacting, with amendments,  
9 Article - Transportation  
10 Section 16-105 and 16-807  
11 Annotated Code of Maryland  
12 (1992 Replacement Volume and 1996 Supplement)

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

15 **Article - Transportation**

16 16-105.

17 (a) (1) Any individual who desires to obtain an original driver's license under  
18 this subtitle or to be licensed in a class for which he is not already licensed under this  
19 subtitle shall apply to the Administration for the desired driver's license.

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

24 (b) The holder of a learner's instructional permit may drive the same vehicle and  
25 combinations of vehicles as may a holder of the class of driver's license for which he has  
26 applied, but only while he is accompanied by and under the immediate supervision of an  
27 individual who:

28 (1) Is at least 21 years old;

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1                   (2) [Has been]IS licensed [for at least 3 years in this State or in another  
2 state] to drive vehicles of the class then being driven by the holder of the learner's  
3 instructional permit; and

4                   (3) Unless the vehicle is a motorcycle, is seated beside the holder of the  
5 learner's instructional permit.

6                   (c) The holder of a learner's instructional permit for a motorcycle may drive the  
7 motorcycle with another individual on it only if the other individual is one described in  
8 subsection (b)(1) and (2) of this section.

9                   (d) (1) The holder of a learner's instructional permit may take the driver's  
10 license examination no sooner than 14 days after the permit is issued.

11                   (2) The 14 days' requirement may be waived if a subsequent learner's  
12 instructional permit is issued or applied for.

13                   (e) A learner's instructional permit expires 180 days after date of issuance.

14                   (f) (1) The Administration may issue a driver's license, without first issuing a  
15 learner's instructional permit and without a waiting period, to any individual who has  
16 been licensed regularly to drive in this State, in another state or country, or by the armed  
17 forces of the United States, if the Administration is satisfied that the applicant's  
18 experience in driving vehicles of the type that would be authorized by the license class  
19 applied for is sufficient to justify issuance of the license without further training.

20                   (2) The Administration may examine the applicant's driving as provided in §  
21 16-110 of this title.

22                   (g) An individual holding a learner's instructional permit issued under this section  
23 may not drive or attempt to drive a motor vehicle on any highway in this State in violation  
24 of any of the provisions of this section.

25 16-807.

26                   (a) Except when driving under a commercial driver's instructional permit and  
27 accompanied by the holder of a driver's license valid for the class of vehicle being driven,  
28 an individual may not drive a commercial motor vehicle unless the individual has been  
29 issued and is in immediate possession of a driver's license valid for the class of vehicle  
30 being driven.

31                   (b) (1) An individual may not be issued a commercial driver's license until the  
32 individual has passed the knowledge and skill tests for driving a commercial motor vehicle  
33 which complies with the minimum federal standards established by the federal  
34 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570), and has  
35 satisfied all other requirements of that act as well as any other requirements of this title.

36                   (2) The tests shall be prescribed and conducted at the direction of the  
37 Administration.

38                   (3) The Administration shall adopt regulations to waive the skill test  
39 required under paragraph (1) of this subsection in a manner consistent with 49 CFR §  
40 383.77.

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1 (c) A commercial driver's license may be issued only to:

2 (1) An individual who drives or will drive a commercial motor vehicle and  
3 who is a resident of this State; and

4 (2) Those nonresidents who may qualify under § 16-817 of this subtitle.

5 (d) A commercial driver's license may not be issued to an individual:

6 (1) While the individual is disqualified from driving a commercial motor  
7 vehicle;

8 (2) While the individual's driver's license is suspended, revoked, or canceled  
9 in this State or any other state; or

10 (3) While the individual holds a commercial driver's license or driver's  
11 license issued by any other jurisdiction, unless the individual surrenders that license for  
12 return to the issuing jurisdiction for cancellation.

13 (e) (1) A commercial driver's instructional permit may be issued for the class of  
14 commercial driver's license applied for only to an individual who has passed the  
15 appropriate knowledge and vision screening tests.

16 (2) The holder of a commercial driver's instructional permit may drive a  
17 commercial motor vehicle on a highway only when the individual is accompanied by and  
18 under the immediate supervision of the holder of a driver's license valid for the type of  
19 vehicle driven, if the accompanying driver[:

20 (i) Is at least 21 years old; and

21 (ii) Has been licensed for at least 3 years in this State or in another  
22 state to drive vehicles of the class then being driven]IS AT LEAST 21 YEARS OLD.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 1997.