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**By: Delegates DeCarlo, Dypski, and Mandel**  
Introduced and read first time: February 14, 1997  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving Tests - Driver Performance Evaluation Pilot Program**

3 FOR the purpose of requiring the Motor Vehicle Administration to undertake a review of  
4 the content of the driving test given to applicants for a driver's license to evaluate  
5 the test's effectiveness in measuring driving skills under actual highway conditions;  
6 requiring the Administration to develop a revised driving test that includes actual  
7 highway driving to evaluate an applicant's ability to drive under certain highway  
8 conditions and ensures standardization of test procedures and objectivity of scoring  
9 criteria; requiring the Administration to implement the revised driving test as part  
10 of a Driver Performance Evaluation Pilot Program to be established by the  
11 Administration in certain counties; requiring the Administration to compare the  
12 effectiveness of the driving test under the pilot program to the driving tests offered  
13 elsewhere in the State; requiring the Administration to report to the General  
14 Assembly before a certain date on the results of the driving test review undertaken  
15 under this Act; requiring the report to include certain conclusions and  
16 recommendations regarding driver testing; making stylistic changes; providing for  
17 the termination of certain provisions of this Act; and generally relating to driving  
18 tests required of applicants for drivers' licenses.

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 16-110  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1996 Supplement)

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

26 **Article - Transportation**

27 16-110.

28 (a) The Administration shall:

29 (1) Establish qualifications for the safe operation of the various classes,  
30 types, sizes, or combinations of vehicles; and

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1 (2) Examine each applicant to determine [his] THE APPLICANT'S  
2 qualifications for the license class applied for.

3 (b) Except as otherwise provided in this title, the Administration shall examine  
4 each applicant for an original driver's license or for a class of driver's license higher than  
5 that which the applicant currently holds.

6 (c) The examination shall include:

7 (1) A test of the applicant's:

8 (i) Vision;

9 (ii) Ability to read and understand highway signs regulating, warning,  
10 and directing traffic; and

11 (iii) Knowledge of the traffic laws of this State and safe driving  
12 practices;

13 (2) A demonstration of the applicant's ability to exercise reasonable control  
14 in driving a motor vehicle; and

15 (3) Any other additional physical or mental examination that the  
16 Administration considers necessary to determine an applicant's fitness to drive a motor  
17 vehicle safely.

18 (d) If an applicant is qualified to take the required examinations for the license  
19 applied for, the applicant shall appear in person for examination at any one of the places  
20 in this State that the Administration has designated for this purpose.

21 (e) (1) For the required driving test, each applicant shall provide a motor  
22 vehicle of a type appropriate to test the applicant's ability to drive all vehicles that may be  
23 driven under the license class applied for.

24 (2) Except as provided in paragraphs (3) and (4) of this subsection, when  
25 the holder of a learner's instructional permit appears for the driving test, [he] THE  
26 PERMIT HOLDER shall be accompanied by an individual qualified under § 16-105 of this  
27 subtitle to accompany the holder of a learner's permit while driving on a highway. [That]  
28 AN individual ACCOMPANYING THE PERMIT HOLDER shall [have his] POSSESS THE  
29 INDIVIDUAL'S driver's license [with him] AT THE TIME OF THE TEST.

30 (3) The holder of a Class E or M (motorcycle) learner's instructional permit  
31 may:

32 (i) Transport a motorcycle to the driving test by truck or other vehicle  
33 unaccompanied by another individual, if the permit holder is licensed to drive the truck or  
34 other vehicle; or

35 (ii) Be accompanied by a person transporting a motorcycle to the test  
36 by truck or other vehicle, if that person is licensed to drive the truck or other vehicle.

37 (4) The holder of a learner's instructional permit may be driven to the  
38 examination station and to the starting point where the examiner begins the test by any  
39 individual authorized to drive the class of vehicle in which the test is being given. [That]

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1 AN individual DRIVING THE PERMIT HOLDER TO THE EXAMINATION STATION shall  
2 [have his] POSSESS THE INDIVIDUAL'S driver's license [with him] AT THE TIME OF  
3 THE TEST.

4 (f) If the applicant does not pass the examination for the license class applied for,  
5 the Administration may issue the applicant any license of a lower class for which [he]  
6 THE APPLICANT qualifies.

7 (g) Except as provided in subsection (h) of this section, the Administration may  
8 waive any driver's license examination provided for under this title if the applicant:

9 (1) Holds a valid driver's license issued under this subtitle; or

10 (2) Holds a valid license from:

11 (i) Another State;

12 (ii) A territory or possession of the United States, the District of  
13 Columbia, or the Commonwealth of Puerto Rico; or

14 (iii) A province or territory of Canada.

15 (h) The Administration may not waive a vision examination required under this  
16 section.

17 (I) (1) THE ADMINISTRATION SHALL UNDERTAKE A REVIEW OF THE  
18 CONTENT OF THE DRIVING TEST GIVEN TO AN APPLICANT FOR A DRIVER'S LICENSE  
19 UNDER THIS SECTION AND SHALL EVALUATE THE EFFECTIVENESS OF THE TEST  
20 WITH RESPECT TO ITS ABILITY TO ADEQUATELY MEASURE THE APPLICANT'S SKILL  
21 IN DRIVING UNDER ACTUAL HIGHWAY CONDITIONS.

22 (2) AS PART OF THE REVIEW REQUIRED UNDER PARAGRAPH (1) OF  
23 THIS SUBSECTION, THE ADMINISTRATION SHALL DEVELOP A REVISED DRIVING  
24 TEST THAT:

25 (I) INCLUDES ACTUAL HIGHWAY DRIVING;

26 (II) PROVIDES OPPORTUNITIES TO EVALUATE THE APPLICANT'S  
27 ABILITY TO:

28 1. DRIVE ON HIGH SPEED HIGHWAYS;

29 2. ENTER AND EXIT HIGHWAYS BY WAY OF MERGE LANES;

30 3. DRIVE UNDER CONGESTED TRAFFIC CONDITIONS;

31 4. READ AND FOLLOW ROAD SIGNS WHILE DRIVING;

32 5. REACT TO UNEXPECTED HIGHWAY CONDITIONS SUCH AS  
33 ROAD CONSTRUCTION OBSTACLES AND DETOURS; AND

34 6. RESPOND TO OTHER COMMON HIGHWAY CONDITIONS  
35 THAT DEMAND THE APPLICATION OF THE GOOD JUDGMENT AND SAFE DRIVING  
36 SKILLS THAT A COMPETENT DRIVER SHOULD POSSESS; AND

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1 (III) ENSURES STANDARDIZATION OF TESTING PROCEDURES AND  
2 OBJECTIVITY OF SCORING CRITERIA.

3 (3) (I) THE ADMINISTRATION SHALL IMPLEMENT THE DRIVING TEST  
4 DEVELOPED UNDER THIS SUBSECTION AS PART OF A DRIVER PERFORMANCE  
5 EVALUATION PILOT PROGRAM TO BE ESTABLISHED BY THE ADMINISTRATION IN  
6 THE FOLLOWING COUNTIES:

- 7 1. HARFORD;
- 8 2. BALTIMORE; AND
- 9 3. MONTGOMERY.

10 (II) AS PART OF THE PILOT PROGRAM ESTABLISHED UNDER THIS  
11 SUBSECTION, THE ADMINISTRATION SHALL CONDUCT AN ONGOING STUDY TO:

- 12 1. EVALUATE THE DRIVING TEST OFFERED UNDER THE  
13 PILOT PROGRAM WITH RESPECT TO ITS EFFECTIVENESS IN ENSURING THE  
14 COMPETENCY OF DRIVERS; AND
- 15 2. DETERMINE THE RELATIVE MERITS OF THE DRIVING  
16 TEST OFFERED UNDER THE PILOT PROGRAM IN COMPARISON WITH THE TESTS  
17 OFFERED TO LICENSE APPLICANTS ELSEWHERE IN THE STATE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, before January 1, 2000,  
19 the Motor Vehicle Administration shall report to the General Assembly, in accordance  
20 with § 2-1312 of the State Government Article, on the implementation of this Act,  
21 including:

- 22 (1) the results of the driving test review and evaluation undertaken by the  
23 Administration under this Act;
- 24 (2) the conclusions of the Administration regarding the comparison of the  
25 driving test offered under the Driver Performance Evaluation Pilot Program and the tests  
26 offered elsewhere in the State; and
- 27 (3) the Administration's recommendations regarding the future of driver  
28 testing in the State.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 1997. Section 16-110(i) of the Transportation Article, as enacted by Section 1  
31 of this Act, shall remain effective for a period of 2 years and 3 months and, at the end of  
32 December 31, 1999, with no further action required by the General Assembly,  
33 § 16-110(i) of the Transportation Article, as enacted by Section 1 of this Act, shall be  
34 abrogated and of no further force and effect.