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**By: Senators Young, Kelley, Hughes, and Conway**

Introduced and read first time: January 30, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Drivers' Licenses - Graduated Licensing Program**

3 FOR the purpose of repealing certain provisions relating to learners' instructional  
4 permits and driver's licenses; establishing a graduated licensing program for persons  
5 who are under a certain age, including new rules governing eligibility for a learner's  
6 instructional permit, an intermediate driver's permit, and a driver's license;  
7 establishing certain restrictions for a learner's instructional permit and an  
8 intermediate driver's permit; requiring the Administration to impose a controlled  
9 dangerous substance restriction on persons under a certain age; authorizing the  
10 Administration to waive or modify a certain driving restriction; and generally  
11 relating to motor vehicles and drivers' licenses.

12 BY renumbering

13 Article - Transportation

14 Section 16-105.1

15 to be Section 16-105.3

16 Annotated Code of Maryland

17 (1992 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Transportation

20 Section 16-103, 16-105, 16-110, and 16-113(b), (c), and (d)

21 Annotated Code of Maryland

22 (1992 Replacement Volume and 1996 Supplement)

23 BY adding to

24 Article - Transportation

25 Section 16-105.1 and 16-105.2

26 Annotated Code of Maryland

27 (1992 Replacement Volume and 1996 Supplement)

28 BY repealing

29 Article - Transportation

30 Section 16-111.2 and 16-113.1

2

1 Annotated Code of Maryland  
2 (1992 Replacement Volume and 1996 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That Section(s) 16-105.1 of Article - Transportation of the Annotated  
5 Code of Maryland be renumbered to be Section(s) 16-105.3.

6 SECTION 2. BE IT FURTHER ENACTED, That the Laws of Maryland read as  
7 follows:

8 **Article - Transportation**

9 16-103.

10 [(a) Except] EXCEPT as provided in [subsection (b) of this section,] § 16-105.2 OF  
11 THIS SUBTITLE, the Administration may not issue a driver's license to any individual who  
12 is not at least 18 years old.

13 [(b) (1) Except as provided under paragraph (3) of this subsection, the  
14 Administration may issue a noncommercial Class B, C, or M license to an individual  
15 under the age of 18, if he is at least 16 years old and has completed satisfactorily a driver's  
16 education course approved under Subtitle 5 of this title, and has completed satisfactorily  
17 6 hours of laboratory instruction.

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

20 (i) He has been licensed regularly to drive in another state for at least  
21 6 months; and

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

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

28 (c) The Administration may not issue a learner's instructional permit to any  
29 individual who has not reached the age of 15 years, 9 months.]

30 16-105.

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

34 (2) Except as provided in [subsection (f)] SUBSECTION (G) of this section,  
35 before issuing a driver's license, the Administration shall issue to each applicant a  
36 learner's instructional permit.

37 (3) The learner's instructional permit shall identify clearly the class of  
38 license for which the applicant has applied.

3

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

5 (1) Is at least 21 years old;

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

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

11 (B) THE ADMINISTRATION MAY ISSUE A LEARNER'S INSTRUCTIONAL PERMIT  
12 TO A PERSON WHO:

13 (1) IS AT LEAST 15 YEARS' OLD;

14 (2) HAS PASSED THE VISION, ABILITY, AND KNOWLEDGE  
15 EXAMINATIONS REQUIRED BY § 16-110(C)(1) OF THIS ARTICLE; AND

16 (3) HAS PASSED ANY OTHER EXAMINATION DEEMED NECESSARY BY  
17 THE ADMINISTRATION UNDER § 16-110(C)(3) OF THIS ARTICLE.

18 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE HOLDER OF A  
19 LEARNER'S INSTRUCTIONAL PERMIT MAY DRIVE THE SAME VEHICLES AND  
20 COMBINATIONS OF VEHICLES AS MAY BE DRIVEN BY A HOLDER OF THE CLASS OF  
21 DRIVER'S LICENSE FOR WHICH THE HOLDER OF THE LEARNER'S INSTRUCTIONAL  
22 PERMIT HAS APPLIED.

23 (D) THE HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT MAY NOT:

24 (1) DRIVE A MOTOR VEHICLE UNLESS THE HOLDER IS ACCOMPANIED  
25 BY AND UNDER THE IMMEDIATE SUPERVISION OF AN INDIVIDUAL WHO:

26 (I) IS AT LEAST 21 YEARS OLD;

27 (II) HAS BEEN LICENSED FOR AT LEAST 3 YEARS IN THIS STATE OR  
28 IN ANOTHER STATE TO DRIVE VEHICLES OF THE CLASS THEN BEING DRIVEN BY THE  
29 HOLDER OF THE LEARNER'S INSTRUCTIONAL PERMIT; AND

30 (III) UNLESS THE VEHICLE IS A MOTORCYCLE, IS SEATED BESIDE  
31 THE HOLDER OF THE LEARNER'S INSTRUCTIONAL PERMIT;

32 (2) DRIVE A MOTOR VEHICLE BETWEEN 1 A.M. AND 6 A.M. UNLESS THE  
33 HOLDER HAS RECEIVED A WAIVER UNDER § 16-113(D) OF THIS ARTICLE; OR

34 (3) DRIVE A MOTOR VEHICLE UNLESS ALL OCCUPANTS ARE WEARING  
35 SEAT BELTS.

36 [(c)] (E) The holder of a learner's instructional permit for a motorcycle may drive  
37 the motorcycle with another individual on it only if the other individual is one described  
38 in [subsection (b)(1) and (2)] SUBSECTION (D)(1) of this section.

4

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

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

5 [(e)] (F) A learner's instructional permit expires [180 days] 1 YEAR after date of  
6 issuance.

7 [(f)] (G) (1) The Administration may issue a driver's license, without first  
8 issuing a learner's instructional permit OR AN INTERMEDIATE DRIVER'S PERMIT and  
9 without a waiting period, to any individual who has been licensed regularly to drive in this  
10 State, in another state or country, or by the armed forces of the United States, if the  
11 Administration is satisfied that the applicant's experience in driving vehicles of the type  
12 that would be authorized by the license class applied for is sufficient to justify issuance of  
13 the license without further training.

14 (2) The Administration may examine the applicant's driving as provided in §  
15 16-110 of this title.

16 [(g)] (H) An individual holding a learner's instructional permit issued under this  
17 section may not drive or attempt to drive a motor vehicle on any highway in this State in  
18 violation of any of the provisions of this section.

19 16-105.1.

20 (A) THE ADMINISTRATION MAY ISSUE AN INTERMEDIATE DRIVER'S PERMIT  
21 TO A PERSON WHO IS LESS THAN 18 YEARS OF AGE IF THE PERSON:

22 (1) IS AT LEAST 16 YEARS OLD;

23 (2) HAS HELD A LEARNER'S INSTRUCTIONAL PERMIT FOR AT LEAST 6  
24 MONTHS;

25 (3) HAS PASSED THE DRIVING EXAMINATION REQUIRED BY §  
26 16-110(C)(2) OF THIS ARTICLE;

27 (4) HAS PASSED ANY OTHER EXAMINATION DEEMED NECESSARY BY  
28 THE ADMINISTRATION UNDER § 16-110(C)(3) OF THIS ARTICLE;

29 (5) SURRENDERS THE LEARNER'S INSTRUCTIONAL PERMIT  
30 PREVIOUSLY ISSUED; AND

31 (6) HAS NOT BEEN CONVICTED OF A VIOLATION OF THE MOTOR  
32 VEHICLE LAW OR BEEN INVOLVED IN AN ACCIDENT FOR WHICH AN OFFICIAL  
33 POLICE REPORT INDICATES A MOVING VIOLATION ON THE PART OF THE PERSON  
34 DURING THE 6-MONTH PERIOD IMMEDIATELY PRECEDING THE PERSON'S  
35 APPLICATION FOR AN INTERMEDIATE DRIVER'S PERMIT.

36 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE HOLDER OF AN  
37 INTERMEDIATE PERMIT MAY DRIVE THE SAME VEHICLES AND COMBINATIONS OF  
38 VEHICLES AS MAY BE DRIVEN BY A HOLDER OF THE CLASS OF DRIVER'S LICENSE  
39 FOR WHICH THE HOLDER OF THE INTERMEDIATE PERMIT HAS APPLIED.

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1 (C) THE HOLDER OF AN INTERMEDIATE PERMIT MAY NOT DRIVE BETWEEN 1  
2 A.M. AND 6 A.M. UNLESS THE HOLDER HAS RECEIVED A WAIVER UNDER § 16-113(D)  
3 OF THIS ARTICLE.

4 (D) AN INTERMEDIATE DRIVER'S PERMIT EXPIRES 18 MONTHS AFTER DATE  
5 OF ISSUANCE.

6 16-105.2.

7 (A) THE ADMINISTRATION MAY ISSUE A DRIVER'S LICENSE TO A PERSON  
8 WHO IS AT LEAST 18 YEARS OF AGE IF THE PERSON:

9 (1) HAS HELD A LEARNER'S INSTRUCTIONAL PERMIT FOR AT LEAST 14  
10 DAYS; AND

11 (2) SATISFIES ALL OTHER ELIGIBILITY REQUIREMENTS FOR A DRIVER'S  
12 LICENSE ESTABLISHED BY THIS SUBTITLE.

13 (B) THE ADMINISTRATION MAY ISSUE A NONCOMMERCIAL CLASS B, C, OR M  
14 DRIVER'S LICENSE TO A PERSON WHO IS LESS THAN 18 YEARS OF AGE IF THE  
15 PERSON:

16 (1) HAS HELD AN INTERMEDIATE PERMIT FOR AT LEAST 12 MONTHS;

17 (2) HAS SATISFACTORILY COMPLETED A DRIVER'S EDUCATION COURSE  
18 APPROVED UNDER SUBTITLE 5 OF THIS TITLE;

19 (3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, HAS  
20 SATISFACTORILY COMPLETED 6 HOURS OF LABORATORY INSTRUCTION;

21 (4) SURRENDERS THE INTERMEDIATE DRIVER'S PERMIT PREVIOUSLY  
22 ISSUED;

23 (5) PAYS THE FEE REQUIRED BY THIS SUBTITLE;

24 (6) IF SEEKING A CLASS M (MOTORCYCLE) LICENSE, HAS  
25 SATISFACTORILY COMPLETED A MOTORCYCLE SAFETY COURSE APPROVED UNDER  
26 SUBTITLE 6 OF THIS TITLE; AND

27 (7) HAS NOT BEEN CONVICTED OF A VIOLATION OF THE MOTOR  
28 VEHICLE LAW OR BEEN INVOLVED IN AN ACCIDENT FOR WHICH AN OFFICIAL  
29 POLICE REPORT INDICATES A MOVING VIOLATION ON THE PART OF THE PERSON  
30 DURING THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE PERSON'S  
31 APPLICATION FOR A DRIVER'S LICENSE.

32 (C) A PERSON IS EXEMPT FROM THE LABORATORY INSTRUCTION  
33 REQUIREMENT OF SUBSECTION (B)(3) OF THIS SECTION IF THE PERSON:

34 (1) HAS BEEN LICENSED REGULARLY TO DRIVE IN ANOTHER STATE  
35 FOR AT LEAST 6 MONTHS; AND

36 (2) ESTABLISHES TO THE SATISFACTION OF A CLASSROOM INSTRUCTOR  
37 CERTIFIED UNDER SUBTITLE 5 OF THIS TITLE THAT THE PERSON'S DRIVING  
38 EXPERIENCE IS SUFFICIENT TO JUSTIFY EXEMPTION.

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1 16-110.

2 (a) The Administration shall:

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

5 (2) Examine each applicant to determine his qualifications for the license  
6 class applied for.

7 (b) Except as otherwise provided in this title, the Administration shall examine  
8 each applicant for A LEARNER'S INSTRUCTIONAL PERMIT, AN INTERMEDIATE  
9 DRIVER'S PERMIT, an original driver's [license] LICENSE, or for a class of driver's  
10 license higher than that which the applicant currently holds.

11 (c) [The] EXCEPT AS PROVIDED IN §§ 16-105(B)(2) AND (3) AND 16-105.1(A)(3)  
12 AND (4) OF THIS SUBTITLE, THE examination shall include:

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

14 (i) Vision;

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

17 (iii) Knowledge of the traffic laws of this State and safe driving  
18 practices;

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

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

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

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

30 (2) Except as provided in paragraphs (3) and (4) of this subsection, when  
31 the holder of a learner's instructional permit appears for the driving test, he shall be  
32 accompanied by an individual qualified under § 16-105 of this subtitle to accompany the  
33 holder of a learner's permit while driving on a highway. That individual shall have his  
34 driver's license with him.

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

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

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

6 (4) The holder of a learner's instructional permit may be driven to the  
7 examination station and to the starting point where the examiner begins the test by any  
8 individual authorized to drive the class of vehicle in which the test is being given. That  
9 individual shall have his driver's license with him.

10 (f) If the applicant does not pass the examination for the license class applied for,  
11 the Administration may issue the applicant any license of a lower class for which he  
12 qualifies.

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

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

16 (2) Holds a valid license from:

17 (i) Another State;

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

20 (iii) A province or territory of Canada.

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

23 [16-111.2.

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

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

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

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

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

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

33 (b) If the applicant for a driver's license is under the age of 18 and is the holder  
34 of a provisional driver's license, the applicant is entitled to receive a driver's license if the  
35 applicant:

8

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

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

5 16-113.

6 (b) (1) Notwithstanding the licensee's driving record, the Administration shall  
7 impose on each licensee under the age of 21 years:

8 (I) [an] AN alcohol restriction that prohibits the licensee from  
9 driving or attempting to drive a motor vehicle with an alcohol concentration of 0.02 or  
10 more as determined by an analysis of the person's blood or breath; AND

11 (II) A CONTROLLED DANGEROUS SUBSTANCE RESTRICTION THAT  
12 PROHIBITS THE LICENSEE FROM DRIVING OR ATTEMPTING TO DRIVE A MOTOR  
13 VEHICLE WITH A CONTROLLED DANGEROUS SUBSTANCE IN THE PERSON'S BLOOD.

14 (2) An alcohol OR CONTROLLED DANGEROUS SUBSTANCE restriction  
15 imposed under this subsection expires when the licensee reaches the age of 21 years.

16 (3) This subsection may not be construed or applied to limit:

17 (i) The authority of the Administration to impose on a licensee an  
18 alcohol restriction described in subsection (a)(2) of this section; or

19 (ii) The application of any other provision of law that prohibits  
20 consumption of an alcoholic beverage OR THE USE OF A CONTROLLED DANGEROUS  
21 SUBSTANCE by an individual under the age of 21 years.

22 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the  
23 Administration may:

24 (i) Issue a special restricted license; or

25 (ii) Set forth the restrictions on the usual license form.

26 (2) The Administration shall indicate on the license of a licensee under the  
27 age of 21 years that an alcohol AND CONTROLLED DANGEROUS SUBSTANCE restriction  
28 has been imposed on the licensee under subsection (b) of this section.

29 (d) [(1) In addition to the other restrictions provided in this subtitle, the  
30 Administration may issue a provisional driver's license to applicants who are under the  
31 age of 18.

32 (2) The license may be restricted by requiring that the licensee be  
33 accompanied and supervised at certain times by a licensed driver who is at least 21 years  
34 old.

35 (3)] The Administrator may modify or waive the restriction ON DRIVING  
36 BETWEEN 1 A.M. AND 6 A.M. UNDER §§ 16-105(D)(2) AND 16-105.1(C) OF THIS SUBTITLE  
37 if the restriction would affect adversely:

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1 [(i)] (1) The employment or opportunity for employment of the  
2 [licensee] PERMIT HOLDER;

3 [(ii)] (2) The participation of the [licensee] PERMIT HOLDER in an  
4 organized volunteer program approved by the Administration and designed to provide  
5 transportation to prevent alcohol- or drug-related driving offenses and promote highway  
6 safety; or

7 [(iii)] (3) The opportunity of the [licensee] PERMIT HOLDER to  
8 participate in athletic events and related training sessions.

9 [16-113.1.

10 (a) Upon meeting the requirements set forth in § 16-111.2(a) of this subtitle, the  
11 holder of a learner's permit shall be issued a provisional driver's license as authorized in  
12 § 16-113(d) of this subtitle.

13 (b) The driver's license issued shall be as provided in § 16-111 of this subtitle,  
14 except that it shall be identifiable as a provisional driver's license and shall contain a  
15 provisional symbol limiting the licensee to driving unsupervised only from 5:00 a.m. until  
16 12 midnight.

17 (c) A provisional driver's license is subject to the expiration and renewal  
18 requirements of § 16-115 of this subtitle.

19 (d) Upon meeting the requirements set forth in § 16-111.2(b) of this subtitle, or  
20 upon attaining the age of 18, the holder of a provisional driver's license shall be issued a  
21 driver's license as provided in § 16-111 of this subtitle.

22 (e) The driver's license shall be issued on payment of a fee established by the  
23 Administration and shall expire 60 days after the licensee's 21st birthday.]

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1997.