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By: **Delegates DeCarlo, Dypski, and Mandel**  
Introduced and read first time: February 9, 1998  
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**  
3                                   **Program**

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

21 BY repealing and reenacting, with amendments,  
22 Article - Transportation  
23 Section 16-110  
24 Annotated Code of Maryland  
25 (1992 Replacement Volume and 1997 Supplement)

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

28                                   **Article - Transportation**

29 16-110.

30       (a)       The Administration shall:

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

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

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

8 (c) The examination shall include:

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

10 (i) Vision;

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

13 (iii) Knowledge of the traffic laws of this State and safe driving  
14 practices;

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

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

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

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

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

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

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

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

4 (4) The holder of a learner's instructional permit may be driven to the  
5 examination station and to the starting point where the examiner begins the test by  
6 any individual authorized to drive the class of vehicle in which the test is being given.  
7 [That] AN individual DRIVING THE PERMIT HOLDER TO THE EXAMINATION STATION  
8 shall [have his] POSSESS THE INDIVIDUAL'S driver's license [with him] AT THE TIME  
9 OF THE TEST.

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

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

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

17 (2) Is applying for a Class M license and has successfully completed the  
18 Administration approved basic motorcycle safety course; or

19 (3) Holds a valid license from:

20 (i) Another state;

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

23 (iii) A province or territory of Canada.

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

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

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

34 (I) INCLUDES ACTUAL HIGHWAY DRIVING;

35 (II) PROVIDES OPPORTUNITIES TO EVALUATE THE APPLICANT'S  
36 ABILITY TO:

- 1 1. DRIVE ON HIGH SPEED HIGHWAYS;
- 2 2. ENTER AND EXIT HIGHWAYS BY WAY OF MERGE LANES;
- 3 3. DRIVE UNDER CONGESTED TRAFFIC CONDITIONS;
- 4 4. READ AND FOLLOW ROAD SIGNS WHILE DRIVING;
- 5 5. REACT TO UNEXPECTED HIGHWAY CONDITIONS SUCH AS  
6 ROAD CONSTRUCTION OBSTACLES AND DETOURS; AND
- 7 6. RESPOND TO OTHER COMMON HIGHWAY CONDITIONS  
8 THAT DEMAND THE APPLICATION OF THE GOOD JUDGMENT AND SAFE DRIVING  
9 SKILLS THAT A COMPETENT DRIVER SHOULD POSSESS; AND

10 (III) ENSURES STANDARDIZATION OF TESTING PROCEDURES AND  
11 OBJECTIVITY OF SCORING CRITERIA.

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

- 16 1. HARFORD;
- 17 2. BALTIMORE; AND
- 18 3. MONTGOMERY.

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

- 21 1. EVALUATE THE DRIVING TEST OFFERED UNDER THE  
22 PILOT PROGRAM WITH RESPECT TO ITS EFFECTIVENESS IN ENSURING THE  
23 COMPETENCY OF DRIVERS; AND
- 24 2. DETERMINE THE RELATIVE MERITS OF THE DRIVING  
25 TEST OFFERED UNDER THE PILOT PROGRAM IN COMPARISON WITH THE TESTS  
26 OFFERED TO LICENSE APPLICANTS ELSEWHERE IN THE STATE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That, before January 1, 2001,  
28 the Motor Vehicle Administration shall report to the General Assembly, in accordance  
29 with § 2-1246 of the State Government Article, on the implementation of this Act,  
30 including:

- 31 (1) the results of the driving test review and evaluation undertaken by  
32 the Administration under this Act;
- 33 (2) the conclusions of the Administration regarding the comparison of  
34 the driving test offered under the Driver Performance Evaluation Pilot Program and  
35 the tests offered elsewhere in the State; and

1                   (3)       the Administration's recommendations regarding the future of driver  
2 testing in the State.

3       SECTION 3. AND BE IT FURTHER ENACTED, That Section 16-110(i) of the  
4 Transportation Article, as enacted by this Act, shall be abrogated and of no further  
5 force and effect at the end of December 31, 2000, with no further action required by  
6 the General Assembly.

7       SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the  
8 provisions of Section 3 of this Act, this Act shall take effect October 1, 1998.