Unofficial Copy R4 1998 Regular Session 8lr1768 CF 8lr0478

By: Senator Baker

Introduced and read first time: February 2, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Vehicle Laws - Drivers' Licenses - Graduated Licensing System

3	FOR the purpose of	of establishing a new	provisional	driver's	license for	new drivers

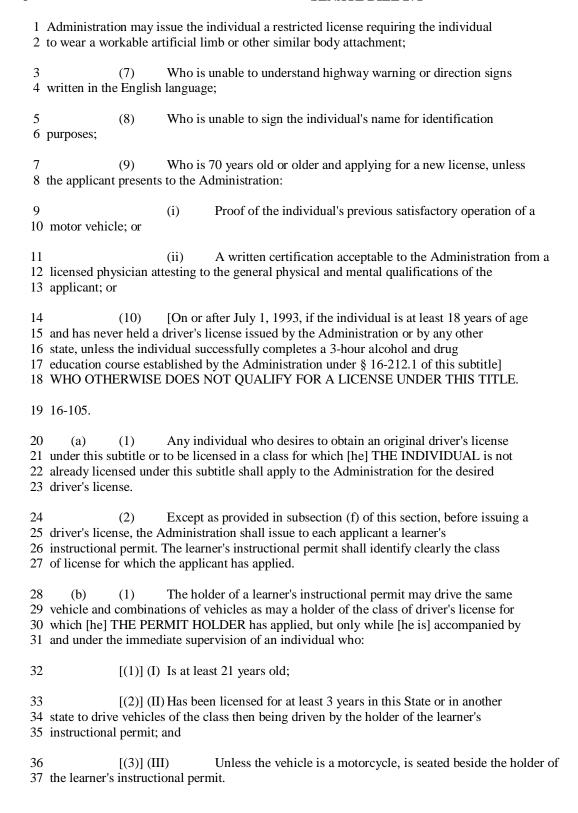
- 4 under the Maryland Vehicle Law; establishing and altering requirements,
- 5 restrictions, and procedures concerning learner's instructional permits,
- 6 provisional driver's licenses, and driver's licenses; providing for cancellation,
- suspension, and revocation of provisional licenses under certain circumstances;
- 8 requiring the keeping of certain records; modifying provisions under the
- 9 Maryland Driver Program Education Act; providing for a standardized driver
- education program; requiring and authorizing the Administration to take
- certain actions; establishing additional sanctions for specified violations;
- modifying certain provisions concerning applicants for Maryland driver's
- licenses who hold out-of-state licenses; repealing certain provisions governing
- provisional licenses; providing for the application of this Act to individuals who
- hold learner's instructional permits or provisional licenses as of a specified date;
- requiring establishment of a driver performance evaluation pilot program;
- 17 requiring, as part of the pilot program, implementation of a driver road test on
- a limited basis; authorizing, as part of the pilot program, certain driver
- examinations to be performed by persons under contract with the Motor Vehicle
- 20 Administration; requiring certain evaluations relating to driver testing and a
- 21 report to the General Assembly by a specified date; defining certain terms;
- 22 making certain stylistic and technical changes; providing for the
- 23 implementation and application of provisions of this Act; providing for the
- 24 termination of a certain provision of this Act; and generally relating to
- 25 implementation of a graduated licensing system and the licensing of drivers
- 26 under the Maryland Vehicle Law.
- 27 BY repealing and reenacting, with amendments,
- 28 Article Transportation
- 29 Section 11-128, 11-136.1, 16-101(a), 16-103, 16-103.1, 16-105, 16-105.1,
- 30 16-106, 16-110, 16-111, 16-111.1, 16-113(b), (d), and (f), 16-117,
- 31 16-117.1(a), 16-206(d), 16-212.1, 16-501 through 16-503, 16-505
- 32 through 16-507, and 16-509
- 33 Annotated Code of Maryland
- 34 (1992 Replacement Volume and 1997 Supplement)

1 2 3 4 5							
6 7 8 9 10	Section 16-113(d-1), 16-206(a)(3), and 16-213 Annotated Code of Maryland						
11 12 13 14 15	Section 16-111.2, 16-113.1, and 16-504 Annotated Code of Maryland						
16 17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
18	Article - Transportation						
19	11-128.						
20	"License", as used in reference to the operation of a motor vehicle, means any:						
21	(1) Driver's license; and						
22 23	(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:						
24	(i) Any temporary license [or];						
25	(II) A learner's instructional permit;						
26	(III) A PROVISIONAL LICENSE;						
27 28	[(ii)] (IV) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;						
29 30							
31	[(iv)] (VI) A commercial driver's license.						

1 11-136.1.

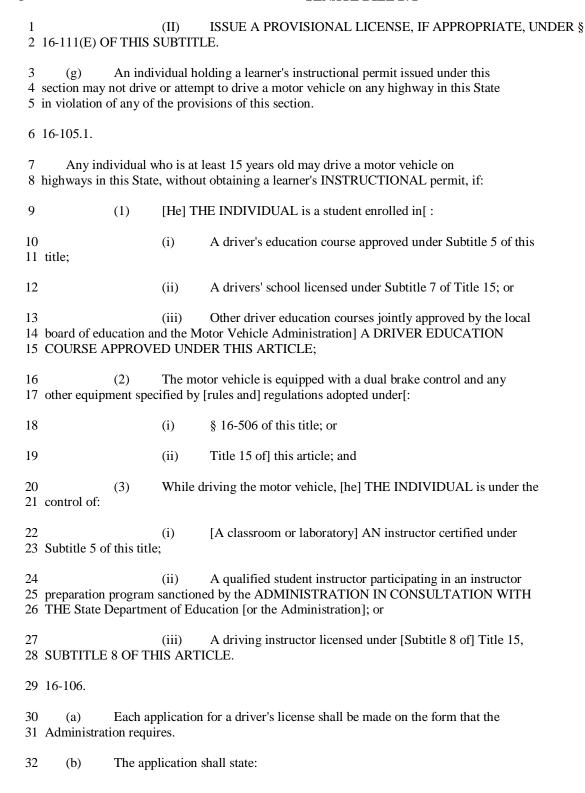
- 2 "MOVING VIOLATION" MEANS:
- 3 (1) A MOVING VIOLATION AS DEFINED IN REGULATIONS ADOPTED BY 4 THE ADMINISTRATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF
- 5 THIS ARTICLE; OR
- 6 (2) A VIOLATION OF A SUBSTANTIALLY SIMILAR NATURE REPORTED
- 7 FROM ANOTHER JURISDICTION. OTHER THAN A VIOLATION OF THE JURISDICTION'S
- 8 SIZE, WEIGHT, LOAD, EQUIPMENT, OR INSPECTION PROVISIONS.
- 9 11-136.2.
- "Multipurpose passenger vehicle" means a motor vehicle that:
- 11 (1) Is designed primarily for carrying persons and which is constructed
- 12 on a truck chassis or with special features for occasional off-road operations;
- 13 (2) Has 3 wheels; or
- 14 (3) Is of a unique design that does not clearly meet the requirements of
- 15 any other class, as determined by the Administrator.
- 16 16-101.
- 17 (a) An individual may not drive or attempt to drive a motor vehicle on any 18 highway in this State unless:
- 19 (1) [He] THE INDIVIDUAL holds a driver's license issued under this title;
- 20 (2) [He] THE INDIVIDUAL is expressly exempt from the licensing 21 requirements of this title; or
- 22 (3) [He] THE INDIVIDUAL otherwise is specifically authorized by this
- 23 title to drive vehicles of the class that [he] THE INDIVIDUAL is driving or attempting
- 24 to drive.
- 25 16-103.
- 26 (a) Except as provided in subsection (b) of this section, the Administration
- 27 may not issue a driver's license to any individual who is not at least 18 years old.
- 28 (b) (1) Except as provided under paragraph [(3)] (2) of this subsection, the
- 29 Administration may issue a noncommercial Class B, C, or M license to an individual
- 30 under the age of 18[,] if [he is at least 16 years old and has completed satisfactorily
- 31 a driver's education course approved under Subtitle 5 of this title, and has completed
- 32 satisfactorily 6 hours of laboratory instruction] THE INDIVIDUAL OTHERWISE
- 33 QUALIFIES FOR A DRIVER'S LICENSE UNDER THIS SUBTITLE.

1 2	(2) [The individual shall be exempt from the laboratory instruction required by this subsection, though not the required classroom instruction, if:
3	(i) He has been licensed regularly to drive in another state for at least 6 months; and
	(ii) He establishes to the satisfaction of a classroom instructor certified under Subtitle 5 of this title that his driving experience is sufficient to justify the exemption.
	(3)] The Administration may not issue a Class M license to an individual under the age of 18 years unless the individual has also completed satisfactorily a motorcycle safety course approved under Subtitle 6 of this title.
11	(c) The Administration may not issue [a]:
12 13	(1) A learner's instructional permit to any individual who has not reached the age of 15 years, 9 months;
14 15	(2) A PROVISIONAL LICENSE TO ANY INDIVIDUAL WHO HAS NOT REACHED THE AGE OF 16 YEARS, 3 MONTHS; OR
16 17	(3) A LICENSE TO ANY INDIVIDUAL WHO HAS NOT REACHED THE AGE OF 17 YEARS, 9 MONTHS.
18	16-103.1.
19	The Administration may not issue a driver's license to an individual:
	(1) During any period for which the individual's license to drive is revoked, suspended, refused, or canceled in this or any other state, unless the individual is eligible for a restricted license under § 16-113(e) of this subtitle;
	(2) Who is an habitual drunkard, habitual user of narcotic drugs, or habitual user of any other drug to a degree that renders the individual incapable of safely driving a motor vehicle;
	(3) Who previously has been adjudged to be suffering from any mental disability or mental disease and who, at the time of application, has not been adjudged competent;
29 30	(4) Who is required by this title to take an examination, unless the individual has passed the examination;
31 32	(5) Whose driving of a motor vehicle on the highways the Administration has good cause to believe would be inimical to public safety or welfare;
	(6) Who is unable to exercise reasonable control over a motor vehicle due to disease or a physical disability, including the loss of an arm or leg or both, except that, if the individual passes the examination required by this title, the



- **SENATE BILL 271** 1 (2)THE INDIVIDUAL SUPERVISING THE HOLDER OF THE LEARNER'S 2 INSTRUCTIONAL PERMIT UNDER PARAGRAPH (1) OF THIS SUBSECTION IS THE ONLY 3 INDIVIDUAL ALLOWED IN THE FRONT SEAT OF A MOTOR VEHICLE WITH THE PERMIT 4 HOLDER WHILE THE PERMIT HOLDER IS DRIVING. 5 (c) The holder of a learner's instructional permit for a motorcycle may drive 6 the motorcycle with another individual on it only if the other individual is one 7 described in subsection [(b)(1) and (2)] (B)(1)(I) AND (II) of this section. THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO: 8 (d) (1) 9 SEEKS TO OBTAIN AN ORIGINAL DRIVER'S LICENSE UNDER (I) 10 THIS SUBTITLE: AND 11 (II)DOES NOT QUALIFY FOR A LEARNER'S INSTRUCTIONAL PERMIT 12 UNDER SUBSECTION (E) OF THIS SECTION. 13 THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON A (I) 14 LEARNER'S INSTRUCTIONAL PERMIT PROHIBITING THE HOLDER OF THE PERMIT 15 FROM OPERATING A MOTOR VEHICLE UNLESS THE PERMIT HOLDER AND EACH 16 PASSENGER IN THE MOTOR VEHICLE IS RESTRAINED BY A SEAT BELT OR BY A CHILD 17 SAFETY SEAT AS PROVIDED IN § 22-412.2 OF THIS ARTICLE. IT IS NOT A VIOLATION OF A RESTRICTION IMPOSED UNDER 18 19 SUBPARAGRAPH (I) OF THIS PARAGRAPH IF AN INDIVIDUAL COVERED BY A MEDICAL 20 EXCEPTION UNDER § 22-412.2(F) OR § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT 21 RESTRAINED. AN INDIVIDUAL WHO HOLDS A LEARNER'S INSTRUCTIONAL PERMIT 22 (3) 23 MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR 24 A PROVISIONAL LICENSE: 25 (I) SOONER THAN 6 MONTHS: AFTER THE INDIVIDUAL FIRST OBTAINS THE LEARNER'S 27 INSTRUCTIONAL PERMIT; OR AFTER THE DATE ON WHICH THE INDIVIDUAL 29 COMMITTED A MOVING VIOLATION OR A VIOLATION BASED ON A PERMIT 30 RESTRICTION UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR WHICH THE 31 INDIVIDUAL WAS CONVICTED OR RECEIVED PROBATION BEFORE JUDGMENT; 32 UNTIL AFTER SUCCESSFUL COMPLETION OF A DRIVER (II)33 EDUCATION COURSE APPROVED UNDER SUBTITLE 5 OF THIS TITLE. CONSISTING OF
- 34 AT LEAST 30 HOURS OF CLASSROOM INSTRUCTION AND AT LEAST 6 HOURS OF
- 35 HIGHWAY DRIVING INSTRUCTION;
- 36 (III)UNLESS THE INDIVIDUAL SUBMITS, IN ACCORDANCE WITH THE
- 37 ADMINISTRATION'S REGULATIONS, A COMPLETED SKILLS LOG BOOK SIGNED BY:

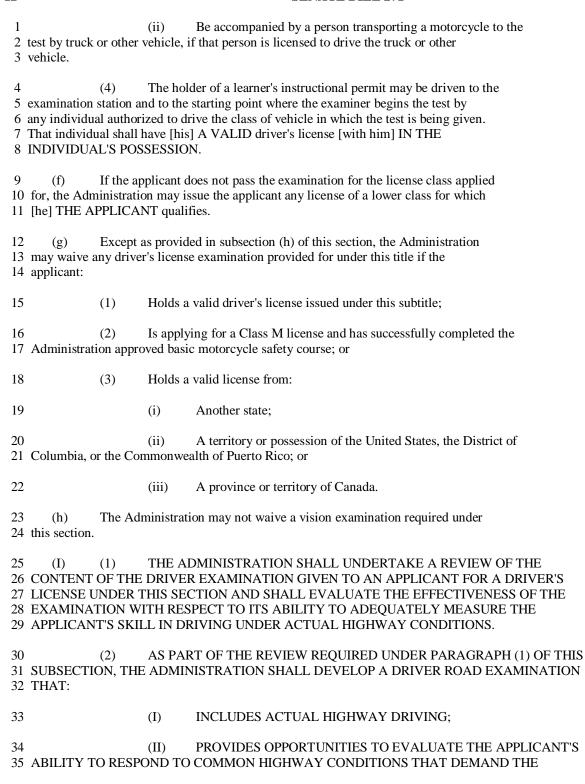
1 2	1. EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE INDIVIDUAL HAS SATISFACTORILY DEMONSTRATED A REQUIRED SKILL; AND
5	2. IF A SIGNATURE OF A PARENT, GUARDIAN, OR OTHER PERSON IS REQUIRED UNDER § 16-107 OF THIS SUBTITLE, THE PARENT, GUARDIAN, OR OTHER PERSON WHO SIGNS THE INDIVIDUAL'S APPLICATION UNDER THAT SECTION; OR
9	(IV) IF, AT THE TIME THE INDIVIDUAL OTHERWISE WOULD QUALIFY TO TAKE THE DRIVER SKILLS EXAMINATION, THE INDIVIDUAL HAS BEEN CHARGED WITH A MOVING VIOLATION OR PERMIT RESTRICTION VIOLATION UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT HAS NOT BEEN ADJUDICATED.
	(4) A LEARNER'S INSTRUCTIONAL PERMIT ISSUED TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION EXPIRES ONE YEAR AFTER THE DATE OF ISSUANCE.
16	(E) (1) THIS SUBSECTION ONLY APPLIES TO AN INDIVIDUAL WHO HOLDS A LICENSE AND WHO SEEKS A DIFFERENT CLASS LICENSE TO DRIVE A MOTOR VEHICLE THAT, UNDER THE INDIVIDUAL'S CURRENT LICENSE, THE INDIVIDUAL IS NOT AUTHORIZED TO DRIVE.
18 19	(2) The holder of a learner's instructional permit may NOT take the driver's license examination [no] sooner than 14 days after the permit is issued.
20 21	[(2)] (3) The 14 days' requirement may be waived if a subsequent learner's instructional permit is issued or applied for.
	[(e)] (4) A learner's instructional permit ISSUED TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION expires 180 days after date of issuance.
25 26	(f) (1) The Administration may issue a driver's license, without first issuing a learner's instructional permit and without a waiting period, to any individual who:
29 30	(i) Has been licensed regularly to drive in this State, in another state or country, or by the armed forces of the United States, if the Administration is satisfied that the applicant's experience in driving vehicles of the type that would be authorized by the license class applied for is sufficient to justify issuance of the license without further training; or
32 33	(ii) Has successfully completed the Administration approved basic motorcycle safety course.
34	(2) The Administration may [examine]:
35 36	(I) EXAMINE the applicant's driving as provided in § 16-110 of this title; OR



1 2	height, weigh	(1) ht, genera			faryland residence address, employer, race, sex, on, and date of birth of the applicant;
3	and, if so:	(2)	Whether	the appl	icant previously has been refused a license to drive
5			(i)	By what	state or country; and
6			(ii)	The date	e of and reason for the refusal;
7 8	so:	(3)	Whether	the appl	icant previously has been licensed to drive and, if
9			(i)	When a	nd by what state or country; and
			(ii) ne date of		the license ever has been suspended, revoked, or on for the suspension, revocation, or
13		(4)	Any oth	er pertino	ent information that the Administration requires.
14 15	(c) made in it an		licant sha	ıll sign th	e application and certify that the statements
	original lice		submit w	ith [his]	ise provided in this subsection, an applicant for an THE application a birth certificate or other ctory to the Administration.
					rty to an absolute divorce may elect to use a prior vit or other proof, satisfactory to the
22			(i)	The prior	or name; and
23			(ii)	The abs	olute divorce.
		(3) or any of			o claims a name change by or under the common law mit with the applicant's application the
				rated by	avit of the name by which the applicant is known and a social security card or record together with ing categories:
30				1.	Tax records;
31				2.	Selective service card or records;
32				3.	Voter registration card or records;
33				4.	Passport;

1 2	contains a ph	otograph		5. plicant;	A form of identification issued by a government unit that
3				6.	Baptismal certificate;
4				7.	Banking records; and
5 6	Administrati	on;		8.	Other proof of age and identity that is satisfactory to the
	paragraph resprior to assur		ne legal na	ame prev	ument required under subparagraph (i) of this riously given to, or used by, the applicant e;
10 11	previously u	sed by th			ver's license issued to the applicant in the name o assuming the common law name; and
12 13	and identity	that is sa			of the applicant's birth certificate or other proof of age dministration.
	(e) for a license other jurisdi	, the Adn			licensed to drive in another jurisdiction applies equest a copy of his driving record from the
17 18	(f) Administrati				ction requests a driving record from the y send the record to it without charge.
19	16-107.				
20	(a)	The app	lication of	f a minor	for a license shall be cosigned by:
21		(1)	A parent	or guard	lian of the applicant; or
22 23	employer of	(2) the appli			as no parent or guardian or is married, an adult responsible adult.
24	(b)	The indi	vidual cos	signing t	he application of a minor shall:
25 26	and	(1)	(i)	Provide	the cosigner's mailing address to the Administration;
	while the ap	plicant or			00 days of any change in the mailing address occurring or, notify the Administration of the change;
30 31	best of the c	(2) osigner's			atements made in the application are true to the nation, and belief.
32	16-110.				
33	(a)	The Adr	ninistratio	on shall:	

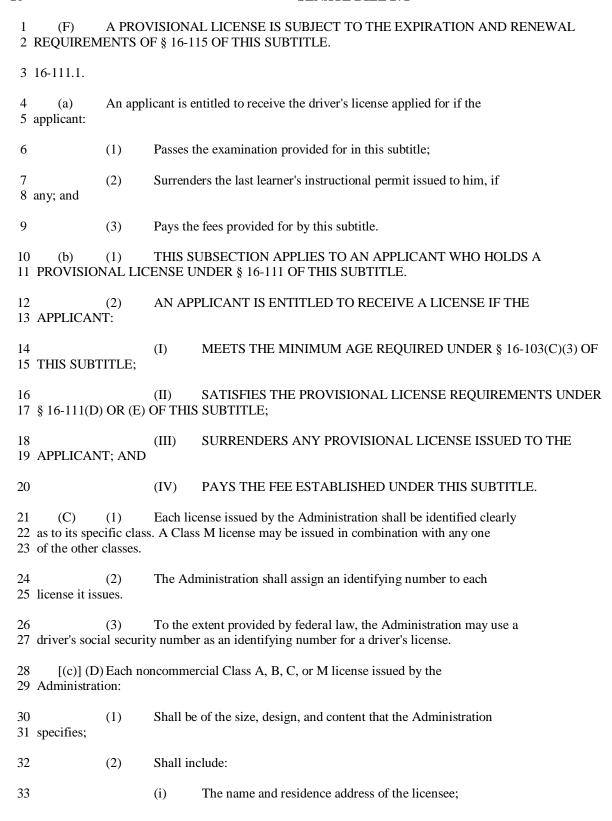
1 2	(1) types, sizes, or comb		h qualifications for the safe operation of the various classes, f vehicles; and					
3 4	(2) Examine each applicant to determine [his] THE APPLICANT'S qualifications for the license class applied for.							
	(b) Except as otherwise provided in this title, the Administration shall examine each applicant for an original driver's license or for a class of driver's license higher than that which the applicant currently holds.							
8	(c) The exa	amination	shall include:					
9	(1)	A test o	f the applicant's:					
10		(i)	Vision;					
11 12	warning, and directing	(ii) ng traffic;	Ability to read and understand highway signs regulating, and					
13 14	practices;	(iii)	Knowledge of the traffic laws of this State and safe driving					
15 16	15 (2) A demonstration of the applicant's ability to exercise reasonable 16 control in driving a motor vehicle; and							
18	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.							
21	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.							
25	(e) (1) For [the] A required [driving test] DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION, each applicant shall provide a motor vehicle of a type appropriate to test the applicant's ability to drive all vehicles that may be driven under the license class applied for.							
28 29 30	27 (2) Except as provided in paragraphs (3) and (4) of this subsection, when 28 the holder of a learner's instructional permit appears for the driving test, [he] THE 29 PERMIT HOLDER shall be accompanied by an individual qualified under § 16-105 of 30 this subtitle to accompany the holder of a learner's permit while driving on a highway. 31 That individual shall have his driver's license with him.							
32 33	permit may:	The hol	der of a Class [E or] M (motorcycle) learner's instructional					
35	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							



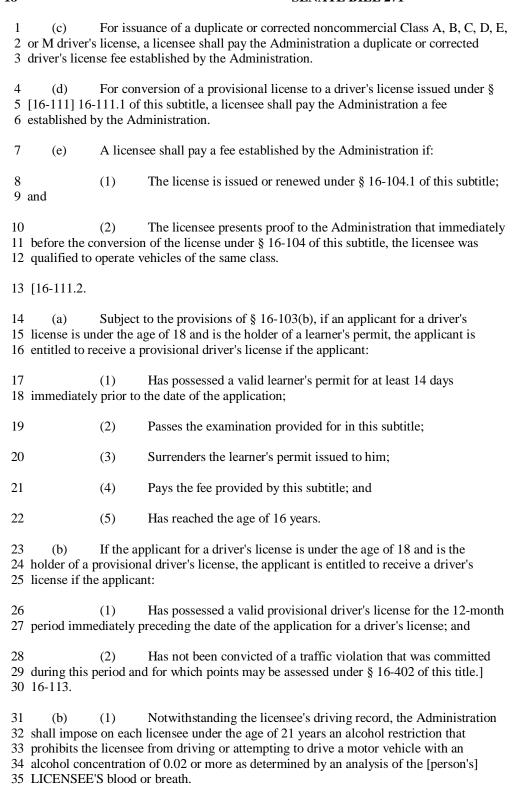
- $1\,$ APPLICATION OF THE GOOD JUDGMENT AND SAFE DRIVING SKILLS THAT A
- 2 COMPETENT DRIVER SHOULD POSSESS; AND
- 3 (III) ENSURES STANDARDIZATION OF TESTING PROCEDURES AND
- 4 OBJECTIVITY OF SCORING CRITERIA.
- 5 (3) (I) THE ADMINISTRATION SHALL IMPLEMENT THE DRIVER ROAD
- 6 EXAMINATION DEVELOPED UNDER THIS SUBSECTION AS PART OF A DRIVER
- 7 PERFORMANCE EVALUATION PILOT PROGRAM TO BE ESTABLISHED BY THE
- 8 ADMINISTRATION IN AT LEAST ONE COUNTY.
- 9 (II) AS PART OF THE PILOT PROGRAM, THE ADMINISTRATION
- 10 SHALL:
- 11 1. EVALUATE THE DRIVER ROAD EXAMINATION OFFERED
- 12 UNDER THE PILOT PROGRAM WITH RESPECT TO ITS EFFECTIVENESS IN ENSURING
- 13 THE COMPETENCY OF DRIVERS; AND
- 14 2. DETERMINE THE RELATIVE MERITS OF THE DRIVING
- 15 ROAD EXAMINATION OFFERED UNDER THE PILOT PROGRAM IN COMPARISON WITH
- 16 THE DRIVER SKILLS EXAMINATION OFFERED TO LICENSE APPLICANTS ELSEWHERE
- 17 IN THE STATE.
- 18 (4) UNDER THE DRIVER PERFORMANCE EVALUATION PILOT PROGRAM,
- 19 THE ADMINISTRATION MAY:
- 20 (I) CONDUCT DRIVER SKILLS EXAMINATIONS OR DRIVER ROAD
- 21 EXAMINATIONS FOR INDIVIDUALS SEEKING A LICENSE; OR
- 22 (II) AUTHORIZE PERSONS UNDER CONTRACT WITH THE
- 23 ADMINISTRATION TO PROVIDE DRIVER SKILLS EXAMINATIONS OR DRIVER ROAD
- 24 EXAMINATIONS.
- 25 (5) ON OR BEFORE JANUARY 1, 2001, THE ADMINISTRATION SHALL
- 26 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE
- 27 GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SUBSECTION,
- 28 INCLUDING:
- 29 (I) THE RESULTS OF THE DRIVER ROAD EXAMINATION REVIEW
- 30 AND EVALUATION UNDERTAKEN BY THE ADMINISTRATION;
- 31 (II) THE CONCLUSIONS OF THE ADMINISTRATION REGARDING THE
- 32 COMPARISON OF THE EXAMINATIONS OFFERED UNDER THE DRIVER PERFORMANCE
- 33 EVALUATION PILOT PROGRAM AND THE EXAMINATIONS OFFERED ELSEWHERE IN
- 34 THE STATE; AND
- 35 (III) THE ADMINISTRATION'S RECOMMENDATIONS REGARDING THE
- 36 FUTURE OF DRIVER EXAMINATIONS IN THE STATE.

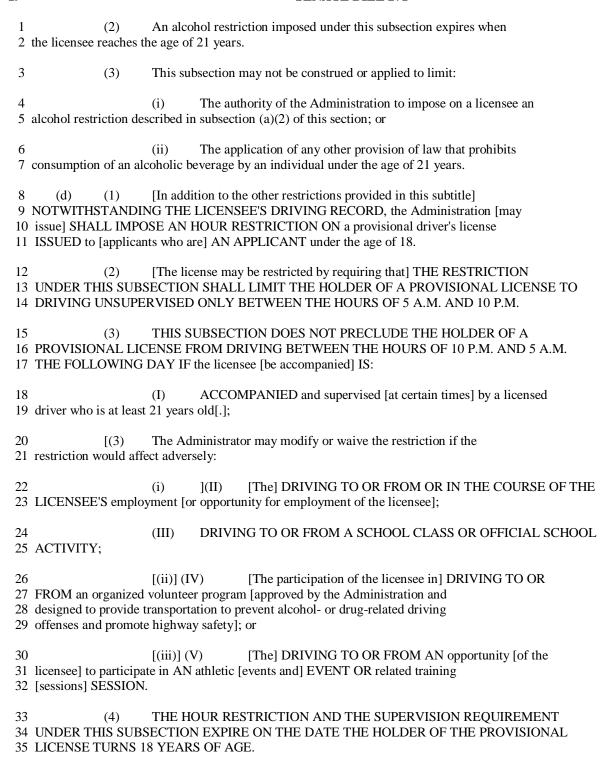
- 1 16-111. THIS SECTION APPLIES TO AN APPLICANT WHO: 2 (A) HOLDS A LEARNER'S INSTRUCTIONAL PERMIT UNDER § 16-105(D) OF (1) 4 THIS SUBTITLE; OR QUALIFIES FOR A PROVISIONAL LICENSE UNDER SUBSECTION (E) OF 5 (2) 6 THIS SECTION. AN APPLICANT IS ENTITLED TO RECEIVE A PROVISIONAL LICENSE IF THE (B) 8 APPLICANT: (1) MEETS THE MINIMUM AGE REQUIRED UNDER § 16-103(C)(2) OF THIS 10 SUBTITLE: 11 SATISFIES THE LEARNER'S INSTRUCTIONAL PERMIT 12 REQUIREMENTS UNDER § 16-105(D)(3) OF THIS SUBTITLE; PASSES A DRIVER SKILLS OR DRIVER ROAD EXAMINATION 13 (3) 14 ADMINISTERED UNDER THIS SUBTITLE: SURRENDERS ANY LEARNER'S INSTRUCTIONAL PERMIT ISSUED TO 15 (4) 16 THE APPLICANT; AND 17 (5) PAYS THE FEE ESTABLISHED UNDER THIS SUBTITLE. A PROVISIONAL LICENSE SHALL BE CLEARLY IDENTIFIABLE AS A 18 (C) (1) 19 PROVISIONAL LICENSE. (2) 20 THE HOLDER OF A PROVISIONAL LICENSE IS SUBJECT TO: 21 (I)
- THE HOUR LIMITATIONS UNDER § 16-113(D) OF THIS SUBTITLE;
- (II)THE SEAT BELT REQUIREMENTS UNDER § 16-113(D-1) OF THIS
- 23 SUBTITLE; AND
- (III)THE MOVING VIOLATION AND SEAT BELT SANCTIONS UNDER §
- 25 16-213 OF THIS TITLE.
- 26 (D) AN INDIVIDUAL WHO HOLDS A PROVISIONAL LICENSE MAY NOT RECEIVE 27 A LICENSE:
- 28 (1) **SOONER THAN 18 MONTHS:**
- 29 AFTER THE INDIVIDUAL FIRST OBTAINS THE PROVISIONAL (I)
- 30 LICENSE; OR
- IF THE INDIVIDUAL HAS BEEN CONVICTED OF OR RECEIVED (II)
- 32 PROBATION BEFORE JUDGMENT FOR A MOVING VIOLATION OR FOR A VIOLATION OF

- 1 A LICENSE RESTRICTION UNDER § 16-113(D-1) OF THIS SUBTITLE, AFTER THE DATE 2 OF THE VIOLATION; OR
- 3 (2) IF, AT THE TIME THE INDIVIDUAL OTHERWISE WOULD QUALIFY TO
- 4 RECEIVE A LICENSE, THE INDIVIDUAL HAS BEEN CHARGED WITH A MOVING
- 5 VIOLATION OR A LICENSE RESTRICTION VIOLATION UNDER § 16-113(D-1) OF THIS
- 6 SUBTITLE THAT HAS NOT BEEN ADJUDICATED.
- 7 (E) (1) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION OR ANY
- 8 OTHER PROVISION OF THIS SUBTITLE. THE ADMINISTRATION MAY ISSUE A
- 9 PROVISIONAL LICENSE TO AN INDIVIDUAL WHO HAS BEEN LICENSED TO DRIVE IN
- 10 ANOTHER STATE OR COUNTRY, OR BY THE ARMED FORCES OF THE UNITED STATES,
- 11 FOR LESS THAN 18 MONTHS.
- 12 (2) IF AN INDIVIDUAL HAS BEEN LICENSED FOR:
- 13 (I) LESS THAN 6 MONTHS, THE INDIVIDUAL SHALL HOLD THE
- 14 PROVISIONAL LICENSE FOR AT LEAST 18 MONTHS BEFORE BEING ELIGIBLE FOR A
- 15 LICENSE UNDER § 16-111.1 OF THIS SUBTITLE;
- 16 (II) 6 MONTHS, BUT LESS THAN 12 MONTHS, THE INDIVIDUAL
- 17 SHALL HOLD THE PROVISIONAL LICENSE FOR AT LEAST 12 MONTHS BEFORE BEING
- 18 ELIGIBLE FOR A LICENSE UNDER § 16-111.1 OF THIS SUBTITLE AS LONG AS THE
- 19 INDIVIDUAL HAS NOT COMMITTED AN OFFENSE AS DEFINED IN § 16-213(A) OF THIS
- 20 TITLE DURING THAT PERIOD; OR
- 21 (III) 12 MONTHS, BUT LESS THAN 18 MONTHS, THE INDIVIDUAL
- 22 SHALL HOLD THE PROVISIONAL LICENSE FOR AT LEAST 6 MONTHS BEFORE BEING
- 23 ELIGIBLE FOR A LICENSE UNDER § 16-111.1 OF THIS SUBTITLE AS LONG AS THE
- 24 INDIVIDUAL HAS NOT COMMITTED AN OFFENSE AS DEFINED IN § 16-213(A) OF THIS
- 25 TITLE DURING THAT PERIOD.
- 26 (3) AN INDIVIDUAL WHO COMMITS AN OFFENSE AS DEFINED IN §
- 27 16-213(A) OF THIS TITLE WHILE HOLDING A PROVISIONAL LICENSE ISSUED UNDER
- 28 THIS SUBSECTION IS SUBJECT TO:
- 29 (I) THE WAITING PERIODS UNDER SUBSECTION (D)(1)(II) OR (2) OF
- 30 THIS SECTION BEFORE QUALIFYING FOR A LICENSE UNDER § 16-111.1 OF THIS
- 31 SUBTITLE; AND
- 32 (II) OTHER SANCTIONS APPLICABLE TO A HOLDER OF A
- 33 PROVISIONAL LICENSE UNDER THIS ARTICLE.
- 34 (5) NOTWITHSTANDING § 16-103(C)(3) OF THIS SUBTITLE. THE
- 35 ADMINISTRATION MAY ISSUE A LICENSE UNDER § 16-111.1 OF THIS SUBTITLE
- 36 WITHOUT ISSUING A LEARNER'S INSTRUCTIONAL PERMIT OR A PROVISIONAL
- 37 LICENSE IF THE INDIVIDUAL HAS BEEN LICENSED TO DRIVE IN ANOTHER STATE OR
- 38 COUNTRY, OR BY THE ARMED FORCES OF THE UNITED STATES, FOR AT LEAST 18
- 39 MONTHS.



1		(ii)	The date of birth of the licensee;			
2 3	weight, and sex of the	(iii) licensee	A description of the licensee, which shall include the height,			
4 5	licensee to drive;	(iv)	The type or class of vehicles that the license authorizes the			
6		(v)	The signature and seal of the issuing agent; and			
7		(vi)	A space for the signature of the licensee; and			
8	(3)	Shall in	clude:			
9 10	of the licensee; or	(i)	If the licensee is under the age of 21 years, a profile photograph			
11 12	the licensee.	(ii)	If the licensee is at least 21 years old, a frontal photograph of			
13 14	[(d)] (E) (1) THE LICENSE in [h		e is not valid unless the licensee signs [his name on it] LICENSEE'S usual signature.			
	When issued and signed, a driver's license authorizes the licensee to drive any vehicle of the type or class specified on it, subject to any restrictions endorsed on the license.					
18 19	Only one current driver's license may be issued by the Administration to and held by any individual at any one time.					
	0 (2) Before issuing a license, the Administration shall require the 1 applicant to surrender any other license issued to [him] THE APPLICANT by any 2 jurisdiction.					
23	[16-111.1.] 16-111.2					
26 27 28	(a) (1) When an applicant applies for an initial driver's license or for a class of driver's license other than that which the applicant currently holds, the applicant shall pay the Administration a license fee established by the Administration. This fee covers issuance of a learner's instructional permit and, if the applicant qualifies before the learner's instructional permit expires, issuance of a driver's license OR PROVISIONAL LICENSE.					
	(2) pay the Administration by the Administration	on, when	ner's instructional permit is not required, the applicant shall the driver's license is issued, a license fee established			
	3 (b) For the renewal of a noncommercial Class A, B, C, D, E, or M driver's license, a licensee shall pay the Administration a renewal fee established by the Administration.					





- 1 (D-1) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, THE
- 2 ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S
- 3 LICENSE PROHIBITING THE LICENSEE FROM OPERATING A MOTOR VEHICLE UNLESS
- 4 THE LICENSEE AND EACH PASSENGER IS RESTRAINED BY A SEAT BELT OR BY A
- 5 CHILD SAFETY SEAT AS PROVIDED IN § 22-412.2 OF THIS ARTICLE.
- 6 (2) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)
- 7 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER
- 8 § 22-412.2(F) OR § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.
- 9 (f) (1) [After] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AFTER
- 10 receiving satisfactory evidence of any violation of a restricted or provisional driver's
- 11 license, the Administration may suspend or revoke the license. However, the licensee
- 12 may request a hearing as provided for a suspension or revocation under Subtitle 2 of
- 13 this title.
- 14 (2) AN INDIVIDUAL WHO VIOLATES THE RESTRICTION UNDER
- 15 SUBSECTION (D-1) OF THIS SECTION IS SUBJECT TO THE SANCTIONS UNDER § 16-213
- 16 OF THIS TITLE.
- 17 (i) An individual may not drive a vehicle in any manner that violates any
- 18 restriction imposed in a provisional license issued to the individual.
- 19 [16-113.1.
- 20 (a) Upon meeting the requirements set forth in § 16-111.2(a) of this subtitle,
- 21 the holder of a learner's permit shall be issued a provisional driver's license as
- 22 authorized in § 16-113(d) of this subtitle.
- 23 (b) The driver's license issued shall be as provided in § 16-111 of this subtitle,
- 24 except that it shall be identifiable as a provisional driver's license and shall contain a
- 25 provisional symbol limiting the licensee to driving unsupervised only from 5:00 a.m.
- 26 until 12 midnight.
- 27 (c) A provisional driver's license is subject to the expiration and renewal
- 28 requirements of § 16-115 of this subtitle.
- 29 (d) Upon meeting the requirements set forth in § 16-111.2(b) of this subtitle,
- 30 or upon attaining the age of 18, the holder of a provisional driver's license shall be
- 31 issued a driver's license as provided in § 16-111 of this subtitle.
- 32 (e) The driver's license shall be issued on payment of a fee established by the
- 33 Administration and shall expire 60 days after the licensee's 21st birthday.]
- 34 16-117.
- 35 (a) The Administration shall keep a record of:
- 36 (1) Each driver's license application that it receives;

36

37

(a)

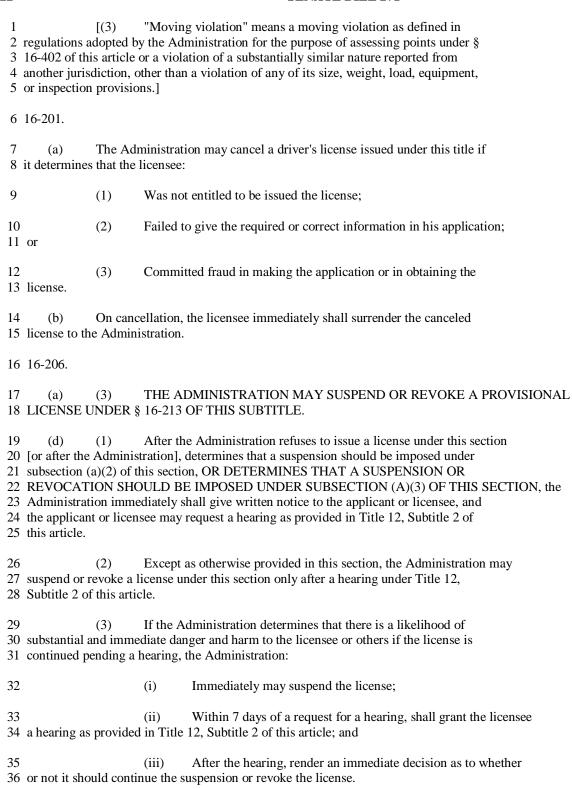
(2)

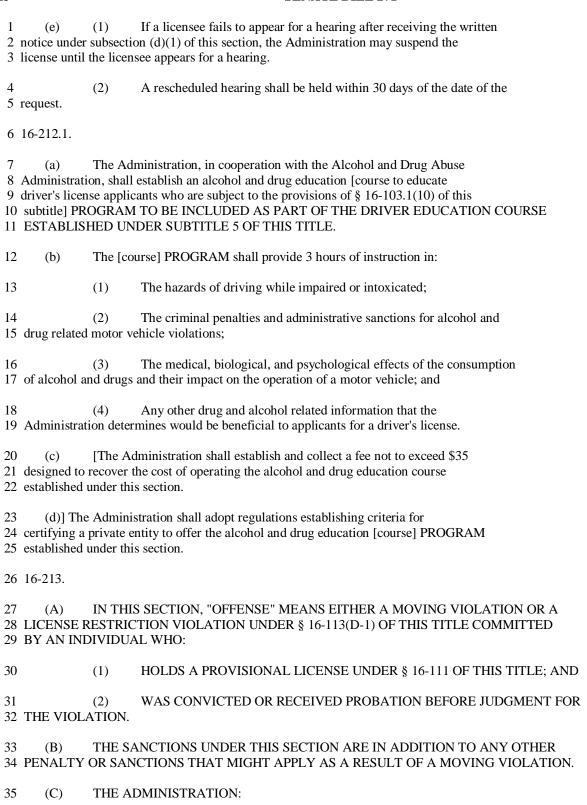
38 Maryland Vehicle Law.

1 (2) Each driver's license that it issues: and 2 Each licensee whose license to drive the Administration has (3) 3 suspended or revoked, and the reasons for the action. 4 The Administration shall file each accident report and abstract of (1) 5 court disposition records that it receives under the laws of this State. 6 The Administration shall keep convenient records or make suitable 7 notations showing the convictions or traffic accidents in which each licensee has been 8 involved [and], every probation before judgment disposition of any violation of § 21-902 of this article, AND EVERY PROBATION BEFORE JUDGMENT DISPOSITION OF A 10 MOVING VIOLATION BY A HOLDER OF A LEARNER'S PERMIT ISSUED UNDER § 11 16-105(D) OF THIS SUBTITLE OR BY A HOLDER OF A PROVISIONAL LICENSE ISSUED 12 UNDER § 16-111 OF THIS SUBTITLE. A record or notation of a probation before 13 judgment disposition, or a first offense of driving with an alcohol concentration of 0.10 14 or more under § 16-205.1 of this article, shall be segregated by the Administration 15 and shall be available only to the Administration, the courts, criminal justice 16 agencies, and the defendant or [his] THE DEFENDANT'S attorney. However, a record 17 or notation of a probation before judgment, or a first offense of driving with an alcohol 18 concentration of 0.10 or more under § 16-205.1 of this article, may not be received or 19 considered by the courts until a plea of guilty or nolo contendere is made by the 20 defendant or a finding of guilty is made by the court. These records or notations shall be made so that they are readily 21 (3)22 available for consideration by the Administration of any license renewal application 23 and at any other suitable time. 24 (4) Accident reports and abstracts of court convictions pertaining to 25 driving an emergency vehicle, if received by a person who was driving an emergency 26 vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by 27 the Administration and shall be available only to the Administration. 28 Except as provided in this section, an employee of the Administration (5) 29 may not disclose any records or information regarding probation before judgment, or 30 a first offense of driving with an alcohol concentration of 0.10 or more under § 31 16-205.1 of this article. 32 If a charge of a Maryland Vehicle Law violation against any individual is (c) 33 dismissed by a court of competent jurisdiction, a record of the charge and dismissal 34 may not be included in his driving record. 35 16-117.1.

[(1)] In this section [the following words have the meanings indicated.

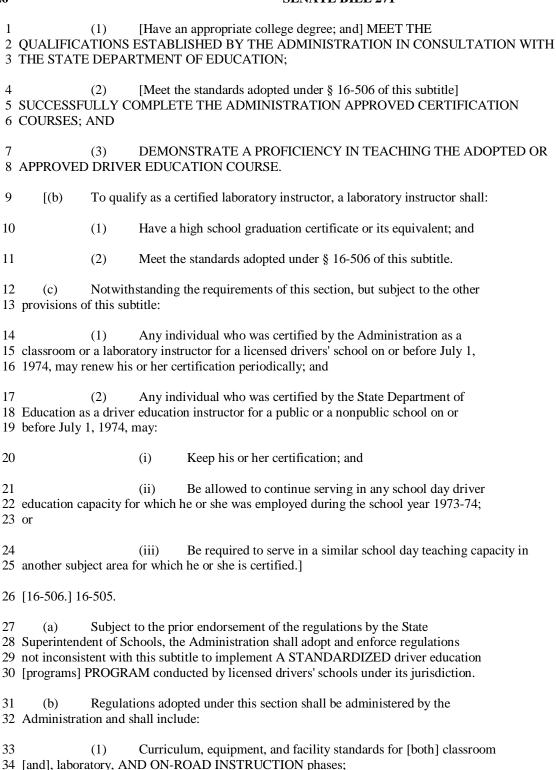
"Criminal], "CRIMINAL offense" does not include any violation of the

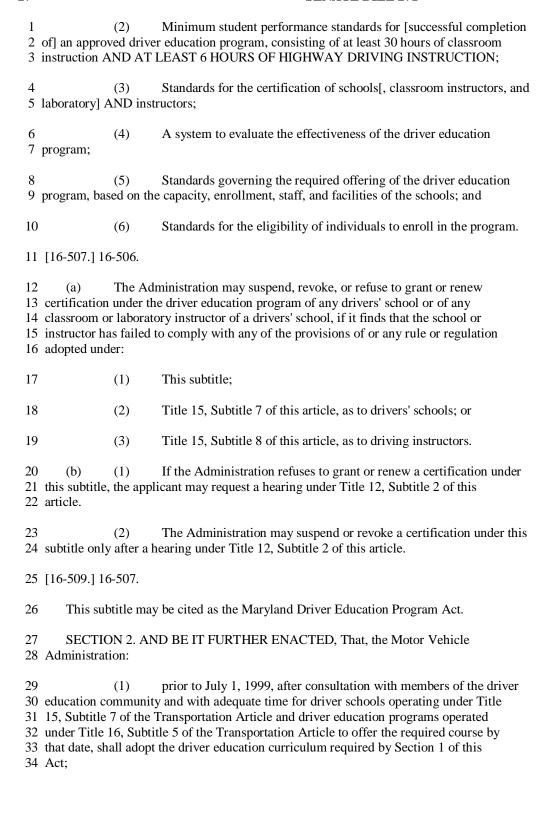




- 1 (1) FOR A FIRST OFFENSE, SHALL REQUIRE THE OFFENDER TO ATTEND 2 A DRIVER IMPROVEMENT PROGRAM UNDER § 16-212 OF THIS SUBTITLE;
- 3 (2) FOR A SECOND OFFENSE, SHALL SUSPEND THE OFFENDER'S 4 PROVISIONAL LICENSE FOR 30 DAYS; AND
- 5 (3) FOR A THIRD OFFENSE, SHALL REVOKE THE OFFENDER'S 6 PROVISIONAL LICENSE.
- 7 16-301.
- 8 (a) A person may not knowingly or fraudulently obtain or attempt to obtain a 9 driver's license by misrepresentation.
- 10 (b) A person may not in any application for a driver's license:
- 11 (1) Use a false or fictitious name;
- 12 (2) Knowingly make a false statement;
- 13 Knowingly conceal a material fact; or
- 14 (4) Otherwise commit a fraud.
- 15 16-501.
- 16 (a) In this subtitle the following words have the meanings indicated.
- 17 [(b) "Classroom instructor" means an individual who gives classroom,
- 18 simulator, multiple-car range, and on-road behind-the-wheel instruction in a driver
- 19 education program approved by either the State Department of Education or the
- 20 Administration.
- 21 (c) "Laboratory instructor" means an individual who gives simulator,
- 22 multiple-car range, and on-road behind-the-wheel instruction in a driver education
- 23 program approved by either the State Department of Education or the
- 24 Administration.]
- 25 (B) "DRIVER EDUCATION COURSE" MEANS A STANDARDIZED COURSE OF
- 26 INSTRUCTION UNDER A DRIVER EDUCATION PROGRAM, ADOPTED OR APPROVED BY
- 27 THE ADMINISTRATION IN CONSULTATION WITH THE STATE DEPARTMENT OF
- 28 EDUCATION, INTENDED TO TEACH INDIVIDUALS TO SAFELY DRIVE A
- 29 NONCOMMERCIAL MOTOR VEHICLE.
- 30 (C) "DRIVER EDUCATION INSTRUCTOR" MEANS AN INDIVIDUAL WHO HAS
- 31 COMPLETED REQUIRED CERTIFICATION COURSES AND IS CERTIFIED BY THE
- 32 ADMINISTRATION TO TEACH A DRIVER EDUCATION COURSE, WHETHER OR NOT THE
- 33 INDIVIDUAL IS REQUIRED TO BE LICENSED UNDER TITLE 15, SUBTITLE 8 OF THIS
- 34 ARTICLE.

- 1 (D) "DRIVER EDUCATION PROGRAM" MEANS THE COURSES AND LEARNING
- 2 ACTIVITIES DESIGNATED BY THE ADMINISTRATION IN CONSULTATION WITH THE
- 3 STATE DEPARTMENT OF EDUCATION THAT AN INDIVIDUAL MAY BE REQUIRED TO
- 4 COMPLETE BEFORE OBTAINING A NONCOMMERCIAL DRIVER'S LICENSE UNDER THIS
- 5 TITLE.
- 6 (E) "DRIVERS' SCHOOL" MEANS A SCHOOL APPROVED BY THE
- 7 ADMINISTRATION TO CONDUCT DRIVER EDUCATION COURSES IN ACCORDANCE
- 8 WITH THIS SUBTITLE AND TITLE 15, SUBTITLE 7 OF THIS ARTICLE.
- 9 16-502.
- 10 (a) There is a driver education program, established as part of the highway
- 11 safety program of this State.
- 12 (b) The purpose of the driver education program is to provide a complete
- 13 program of driver education to eligible individuals [who are 15, 16, or 17 years old].
- 14 16-503.
- 15 (a) Subject to the regulations adopted under § [16-506(b)(5)] 16-505(B) of this
- 16 subtitle on the required offering of the program:
- 17 (1) The complete program shall be offered to all eligible individuals
- 18 before [their initial licensing age] THEY MAY OBTAIN A PROVISIONAL LICENSE
- 19 UNDER § 16-111 OF THIS TITLE: and
- 20 (2) Any individual to whom the program initially is offered remains
- 21 eligible to enroll in the program until [he] THE INDIVIDUAL becomes [18 years old]
- 22 ELIGIBLE TO QUALIFY FOR A PROVISIONAL LICENSE.
- 23 (b) Once enrolled in the program, an individual is considered eligible until
- 24 [he] THE INDIVIDUAL completes the course.
- 25 [16-504.
- 26 (a) Laboratory instruction under the driver education program shall be given
- 27 by:
- 28 (1) A certified classroom instructor; or
- 29 (2) A certified laboratory instructor under the supervision of a certified
- 30 classroom instructor.
- 31 (b) All other instruction under the driver education program shall be given by
- 32 a certified classroom instructor.]
- 33 [16-505.] 16-504.
- 34 [(a)] To qualify as a certified [classroom] DRIVER EDUCATION instructor, [a
- 35 classroom instructor] AN INDIVIDUAL shall:





- 1 (2) prior to July 1, 1999, in conjunction with the State Department of 2 Education, shall adopt regulations governing the qualifications of driver instructors
- 3 under Title 15, Subtitle 8 and Title 16, Subtitle 5 of the Transportation Article;
- 4 (3) shall develop a system for adequate monitoring of entities providing 5 driving instruction; and
- 6 (4) shall take any other actions necessary for implementation of Section 7 1 of this Act by July 1, 1999.
- 8 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Section
- 9 1 of this Act, any individual who has a learner's permit on June 30, 1999 may qualify
- 10 for a license based on provisions in effect on June 30, 1999 as long as the individual:
- 11 (1) obtains a driver's license before the learner's permit expires; or
- 12 (2) renews the learner's permit in accordance with Motor Vehicle
- 13 Administration regulations by the date that the learner's permit would otherwise
- 14 expire.
- 15 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding Section
- 16 1 of this Act, any individual who has a provisional license on June 30, 1999, is entitled
- 7 to retain that license and obtain a driver's license based on provisions in effect on
- 18 June 30, 1999, as long as the individual otherwise is entitled to a driver's license
- 19 under provisions in effect on that date.
- 20 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
- 21 take effect July 1, 1999. Section 16-110(i) of the Transportation Article, as enacted by
- 22 Section 1 of this Act, shall remain effective for a period of 2 years and, at the end of
- 23 June 30, 2001, with no further action required by the General Assembly, § 16-110(i) of
- 24 the Transportation Article, as enacted by Section 1 of this Act shall be abrogated and
- 25 of no further force and effect.
- 26 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 5 of
- 27 this Act, this Act shall take effect October 1, 1998.