

SENATE BILL 271

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1998 Regular Session  
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By: ~~Senator Baker~~ **Senators Baker and Jimeno**  
Introduced and read first time: February 2, 1998  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 25, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - Graduated Licensing System**

3 FOR the purpose 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,  
7 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  
10 education program; modifying provisions concerning the 3-hour alcohol and  
11 drug education course; requiring and authorizing the Administration to take  
12 certain actions; establishing additional sanctions for specified violations;  
13 modifying certain provisions concerning applicants for Maryland driver's  
14 licenses who hold out-of-state licenses; repealing certain provisions governing  
15 provisional licenses; providing for the application of this Act to individuals who  
16 hold learner's instructional permits or provisional licenses as of a specified date;  
17 allowing use of simulator training as part of driver education programs under  
18 limited circumstances; requiring establishment of a driver performance  
19 evaluation pilot program; requiring, as part of the pilot program,  
20 implementation of a driver road test on a limited basis; authorizing, as part of  
21 the pilot program, certain driver examinations to be performed by persons under  
22 contract with the Motor Vehicle Administration; requiring certain evaluations  
23 relating to driver testing and a report to the General Assembly by a specified  
24 date; defining certain terms; making certain stylistic and technical changes;  
25 providing for the implementation and application of provisions of this Act;  
26 providing for the termination of a certain provision of this Act; and generally  
27 relating to implementation of a graduated licensing system and the licensing of  
28 drivers under the Maryland Vehicle Law.

1 BY repealing and reenacting, with amendments,  
 2 Article - Transportation  
 3 Section 11-128, 11-136.1, 16-101(a), 16-103, 16-103.1, 16-105, 16-105.1,  
 4 16-106, 16-110, 16-111, 16-111.1, 16-113(b), ~~(d), and (f)~~, 16-117 and (d),  
 5 16-117.1(a), 16-206(d), 16-212.1, 16-501 through 16-503, 16-505  
 6 through 16-507, and 16-509  
 7 Annotated Code of Maryland  
 8 (1992 Replacement Volume and 1997 Supplement)

9 BY repealing and reenacting, without amendments,  
 10 Article - Transportation  
 11 Section 16-107, ~~16-113(i)~~ 16-113(f) and (i), 16-201, 16-206(e), and 16-301(a)  
 12 and (b)  
 13 Annotated Code of Maryland  
 14 (1992 Replacement Volume and 1997 Supplement)

15 BY adding to  
 16 Article - Transportation  
 17 Section ~~16-113(d-1)~~, 16-206(a)(3); and 16-213  
 18 Annotated Code of Maryland  
 19 (1992 Replacement Volume and 1997 Supplement)

20 BY repealing  
 21 Article - Transportation  
 22 Section 16-111.2, 16-113.1, and 16-504  
 23 Annotated Code of Maryland  
 24 (1992 Replacement Volume and 1997 Supplement)

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

27 **Article - Transportation**

28 11-128.

29 "License", as used in reference to the operation of a motor vehicle, means any:

30 (1) Driver's license; and

31 (2) Any other license or permit to drive a motor vehicle that is issued  
 32 under or granted by the laws of this State, including:

33 (i) Any temporary license [or];

34 (II) A learner's instructional permit;

1 (III) A PROVISIONAL LICENSE;

2 [(ii)] (IV) The privilege of any individual to drive a motor vehicle,  
3 whether or not that individual is formally licensed by this or any other jurisdiction;

4 [(iii)] (V) Any nonresident's privilege to drive, as defined in this  
5 subtitle; and

6 [(iv)] (VI) A commercial driver's license.

7 11-136.1.

8 "MOVING VIOLATION" MEANS:

9 (1) A MOVING VIOLATION AS DEFINED IN REGULATIONS ADOPTED BY  
10 THE ADMINISTRATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF  
11 THIS ARTICLE; OR

12 (2) A VIOLATION OF A SUBSTANTIALLY SIMILAR NATURE REPORTED  
13 FROM ANOTHER JURISDICTION, OTHER THAN A VIOLATION OF THE JURISDICTION'S  
14 SIZE, WEIGHT, LOAD, EQUIPMENT, OR INSPECTION PROVISIONS.

15 11-136.2.

16 "Multipurpose passenger vehicle" means a motor vehicle that:

17 (1) Is designed primarily for carrying persons and which is constructed  
18 on a truck chassis or with special features for occasional off-road operations;

19 (2) Has 3 wheels; or

20 (3) Is of a unique design that does not clearly meet the requirements of  
21 any other class, as determined by the Administrator.

22 16-101.

23 (a) An individual may not drive or attempt to drive a motor vehicle on any  
24 highway in this State unless:

25 (1) [He] THE INDIVIDUAL holds a driver's license issued under this title;

26 (2) [He] THE INDIVIDUAL is expressly exempt from the licensing  
27 requirements of this title; or

28 (3) [He] THE INDIVIDUAL otherwise is specifically authorized by this  
29 title to drive vehicles of the class that [he] THE INDIVIDUAL is driving or attempting  
30 to drive.

1 16-103.

2 (a) Except as provided in subsection (b) of this section, the Administration  
3 may not issue a driver's license to any individual who is not at least 18 years old.

4 (b) (1) Except as provided under paragraph [(3)] (2) of this subsection, the  
5 Administration may issue a noncommercial Class B, C, or M license to an individual  
6 under the age of 18[,] if [he is at least 16 years old and has completed satisfactorily  
7 a driver's education course approved under Subtitle 5 of this title, and has completed  
8 satisfactorily 6 hours of laboratory instruction] **THE INDIVIDUAL OTHERWISE  
9 QUALIFIES FOR A DRIVER'S LICENSE UNDER THIS SUBTITLE.**

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

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

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

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

20 (c) The Administration may not issue [a]:

21 (1) A learner's instructional permit to any individual who has not  
22 reached the age of 15 years, 9 months;

23 (2) **A PROVISIONAL LICENSE TO ANY INDIVIDUAL WHO HAS NOT  
24 REACHED THE AGE OF 16 YEARS, ~~3 MONTHS~~ 1 MONTH; OR**

25 (3) **A LICENSE TO ANY INDIVIDUAL WHO HAS NOT REACHED THE AGE OF  
26 17 YEARS, 9 MONTHS.**

27 16-103.1.

28 The Administration may not issue a driver's license to an individual:

29 (1) During any period for which the individual's license to drive is  
30 revoked, suspended, refused, or canceled in this or any other state, unless the  
31 individual is eligible for a restricted license under § 16-113(e) of this subtitle;

32 (2) Who is an habitual drunkard, habitual user of narcotic drugs, or  
33 habitual user of any other drug to a degree that renders the individual incapable of  
34 safely driving a motor vehicle;

1 (3) Who previously has been adjudged to be suffering from any mental  
2 disability or mental disease and who, at the time of application, has not been  
3 adjudged competent;

4 (4) Who is required by this title to take an examination, unless the  
5 individual has passed the examination;

6 (5) Whose driving of a motor vehicle on the highways the Administration  
7 has good cause to believe would be inimical to public safety or welfare;

8 (6) Who is unable to exercise reasonable control over a motor vehicle due  
9 to disease or a physical disability, including the loss of an arm or leg or both, except  
10 that, if the individual passes the examination required by this title, the  
11 Administration may issue the individual a restricted license requiring the individual  
12 to wear a workable artificial limb or other similar body attachment;

13 (7) Who is unable to understand highway warning or direction signs  
14 written in the English language;

15 (8) Who is unable to sign the individual's name for identification  
16 purposes;

17 (9) Who is 70 years old or older and applying for a new license, unless  
18 the applicant presents to the Administration:

19 (i) Proof of the individual's previous satisfactory operation of a  
20 motor vehicle; or

21 (ii) A written certification acceptable to the Administration from a  
22 licensed physician attesting to the general physical and mental qualifications of the  
23 applicant; or

24 (10) [On or after July 1, 1993, if the individual is at least 18 years of age  
25 and has never held a driver's license issued by the Administration or by any other  
26 state, unless the individual successfully completes a 3-hour alcohol and drug  
27 education course established by the Administration under § 16-212.1 of this subtitle]  
28 WHO OTHERWISE DOES NOT QUALIFY FOR A LICENSE UNDER THIS TITLE.

29 16-105.

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

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

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

5 [(1)] (I) Is at least 21 years old;

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

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

11 (2) THE INDIVIDUAL SUPERVISING THE HOLDER OF THE LEARNER'S  
 12 INSTRUCTIONAL PERMIT UNDER PARAGRAPH (1) OF THIS SUBSECTION IS THE ONLY  
 13 INDIVIDUAL ALLOWED IN THE FRONT SEAT OF A MOTOR VEHICLE WITH THE PERMIT  
 14 HOLDER WHILE THE PERMIT HOLDER IS DRIVING.

15 (c) The holder of a learner's instructional permit for a motorcycle may drive  
 16 the motorcycle with another individual on it only if the other individual is one  
 17 described in subsection [(b)(1) and (2)] (B)(1)(I) AND (II) of this section.

18 (d) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:

19 (I) SEEKS TO OBTAIN AN ORIGINAL DRIVER'S LICENSE UNDER  
 20 THIS SUBTITLE; AND

21 (II) DOES NOT QUALIFY FOR A LEARNER'S INSTRUCTIONAL PERMIT  
 22 UNDER SUBSECTION (E) OF THIS SECTION.

23 (2) ~~(F) THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON A~~  
 24 ~~LEARNER'S INSTRUCTIONAL PERMIT PROHIBITING THE HOLDER OF THE PERMIT~~  
 25 ~~FROM OPERATING A MOTOR VEHICLE UNLESS THE PERMIT HOLDER AND EACH~~  
 26 ~~PASSENGER IN THE MOTOR VEHICLE IS RESTRAINED BY A SEAT BELT OR BY A CHILD~~  
 27 ~~SAFETY SEAT AS PROVIDED IN § 22-412.2 OF THIS ARTICLE.~~

28 ~~(H) IT IS NOT A VIOLATION OF A RESTRICTION IMPOSED UNDER~~  
 29 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH IF AN INDIVIDUAL COVERED BY A MEDICAL~~  
 30 ~~EXCEPTION UNDER § 22-412.2(F) OR § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT~~  
 31 ~~RESTRAINED.~~

32 ~~(3)~~ AN INDIVIDUAL WHO HOLDS A LEARNER'S INSTRUCTIONAL PERMIT  
 33 MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR  
 34 A PROVISIONAL LICENSE:

35 (I) SOONER THAN ~~6~~ 4 MONTHS:

36 1. AFTER THE INDIVIDUAL FIRST OBTAINS THE LEARNER'S  
 37 INSTRUCTIONAL PERMIT; OR

1 2. AFTER THE DATE ON WHICH THE INDIVIDUAL  
 2 COMMITTED A MOVING VIOLATION ~~OR A VIOLATION BASED ON A PERMIT~~  
 3 ~~RESTRICTION UNDER PARAGRAPH (2) OF THIS SUBSECTION~~ FOR WHICH THE  
 4 INDIVIDUAL WAS CONVICTED ~~OR RECEIVED PROBATION BEFORE JUDGMENT~~;

5 (II) UNTIL AFTER SUCCESSFUL COMPLETION OF A DRIVER  
 6 EDUCATION COURSE APPROVED UNDER SUBTITLE 5 OF THIS TITLE, CONSISTING OF  
 7 AT LEAST 30 HOURS OF CLASSROOM INSTRUCTION AND AT LEAST 6 HOURS OF  
 8 HIGHWAY DRIVING INSTRUCTION; OR

9 (III) UNLESS THE INDIVIDUAL SUBMITS, IN ACCORDANCE WITH THE  
 10 ADMINISTRATION'S REGULATIONS, A COMPLETED SKILLS LOG BOOK SIGNED BY:

11 1. EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE  
 12 INDIVIDUAL HAS SATISFACTORILY DEMONSTRATED A REQUIRED SKILL; AND

13 2. IF A SIGNATURE OF A PARENT, GUARDIAN, OR OTHER  
 14 PERSON IS REQUIRED UNDER § 16-107 OF THIS SUBTITLE, THE PARENT, GUARDIAN,  
 15 OR OTHER PERSON WHO SIGNS THE INDIVIDUAL'S APPLICATION UNDER THAT  
 16 SECTION; ~~OR~~

17 ~~(IV) IF, AT THE TIME THE INDIVIDUAL OTHERWISE WOULD QUALIFY~~  
 18 ~~TO TAKE THE DRIVER SKILLS EXAMINATION, THE INDIVIDUAL HAS BEEN CHARGED~~  
 19 ~~WITH A MOVING VIOLATION OR PERMIT RESTRICTION VIOLATION UNDER~~  
 20 ~~PARAGRAPH (2) OF THIS SUBSECTION THAT HAS NOT BEEN ADJUDICATED.~~

21 ~~(4)~~ (3) A LEARNER'S INSTRUCTIONAL PERMIT ISSUED TO AN  
 22 INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION EXPIRES ONE YEAR  
 23 AFTER THE DATE OF ISSUANCE.

24 (E) (1) THIS SUBSECTION ONLY APPLIES TO AN INDIVIDUAL WHO HOLDS A  
 25 LICENSE AND WHO SEEKS A DIFFERENT CLASS LICENSE TO DRIVE A MOTOR  
 26 VEHICLE THAT, UNDER THE INDIVIDUAL'S CURRENT LICENSE, THE INDIVIDUAL IS  
 27 NOT AUTHORIZED TO DRIVE.

28 (2) The holder of a learner's instructional permit may NOT take the  
 29 driver's license examination [no] sooner than 14 days after the permit is issued.

30 [(2)] (3) The 14 days' requirement may be waived if a subsequent  
 31 learner's instructional permit is issued or applied for.

32 [(e)] (4) A learner's instructional permit ISSUED TO AN INDIVIDUAL  
 33 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION expires 180 days after date of  
 34 issuance.

35 (f) (1) The SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
 36 Administration may issue a driver's license, without first issuing a learner's  
 37 instructional permit and without a waiting period, to any individual who:

1 (i) Has been licensed regularly to drive in this State, in another  
 2 state or country, or by the armed forces of the United States, if the Administration is  
 3 satisfied that the applicant's experience in driving vehicles of the type that would be  
 4 authorized by the license class applied for is sufficient to justify issuance of the  
 5 license without further training; or

6 (ii) Has successfully completed the Administration approved basic  
 7 motorcycle safety course.

8 (2) The Administration may [examine]:

9 (I) EXAMINE the applicant's driving as provided in § 16-110 of this  
 10 title; OR

11 (II) ISSUE A PROVISIONAL LICENSE, IF APPROPRIATE, UNDER §  
 12 16-111(E) OF THIS SUBTITLE.

13 (3) AN INDIVIDUAL WHO NEVER HELD A DRIVER'S LICENSE ISSUED BY  
 14 THE ADMINISTRATION OR BY ANOTHER STATE, BUT WHO OTHERWISE MAY OBTAIN A  
 15 LICENSE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION WITHOUT FIRST OBTAINING  
 16 A LEARNER'S INSTRUCTIONAL PERMIT, SHALL SUCCESSFULLY COMPLETE A 3-HOUR  
 17 ALCOHOL AND DRUG EDUCATION PROGRAM ESTABLISHED BY THE ADMINISTRATION  
 18 UNDER § 16-212.1 OF THIS TITLE BEFORE QUALIFYING FOR A DRIVER'S LICENSE.

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

22 16-105.1.

23 Any individual who is at least 15 years old may drive a motor vehicle on  
 24 highways in this State, without obtaining a learner's INSTRUCTIONAL permit, if:

25 (1) [He] THE INDIVIDUAL is a student enrolled in[ :

26 (i) A driver's education course approved under Subtitle 5 of this  
 27 title;

28 (ii) A drivers' school licensed under Subtitle 7 of Title 15; or

29 (iii) Other driver education courses jointly approved by the local  
 30 board of education and the Motor Vehicle Administration] A DRIVER EDUCATION  
 31 COURSE APPROVED UNDER THIS ARTICLE;

32 (2) The motor vehicle is equipped with a dual brake control and any  
 33 other equipment specified by [rules and] regulations adopted under[:

34 (i) § 16-506 of this title; or

35 (ii) Title 15 of] this article; and

1 (3) While driving the motor vehicle, [he] THE INDIVIDUAL is under the  
2 control of:

3 (i) [A classroom or laboratory] AN instructor certified under  
4 Subtitle 5 of this title;

5 (ii) A qualified student instructor participating in an instructor  
6 preparation program sanctioned by the ADMINISTRATION IN CONSULTATION WITH  
7 THE State Department of Education [or the Administration]; or

8 (iii) A driving instructor licensed under [Subtitle 8 of] Title 15,  
9 SUBTITLE 8 OF THIS ARTICLE.

10 16-106.

11 (a) Each application for a driver's license shall be made on the form that the  
12 Administration requires.

13 (b) The application shall state:

14 (1) The full name, Maryland residence address, employer, race, sex,  
15 height, weight, general physical condition, and date of birth of the applicant;

16 (2) Whether the applicant previously has been refused a license to drive  
17 and, if so:

18 (i) By what state or country; and

19 (ii) The date of and reason for the refusal;

20 (3) Whether the applicant previously has been licensed to drive and, if  
21 so:

22 (i) When and by what state or country; and

23 (ii) Whether the license ever has been suspended, revoked, or  
24 canceled and, if so, the date of and reason for the suspension, revocation, or  
25 cancellation; and

26 (4) Any other pertinent information that the Administration requires.

27 (c) The applicant shall sign the application and certify that the statements  
28 made in it are true.

29 (d) (1) Except as otherwise provided in this subsection, an applicant for an  
30 original license shall submit with [his] THE application a birth certificate or other  
31 proof of age and identity that is satisfactory to the Administration.

32 (2) An individual party to an absolute divorce may elect to use a prior  
33 legal or true name upon filing an affidavit or other proof, satisfactory to the  
34 Administration, of:

1 (i) The prior name; and

2 (ii) The absolute divorce.

3 (3) An applicant who claims a name change by or under the common law  
4 of this State or any other state shall submit with the applicant's application the  
5 following:

6 (i) An affidavit of the name by which the applicant is known and  
7 transacts business, as demonstrated by a social security card or record together with  
8 documents from at least 2 of the following categories:

9 1. Tax records;

10 2. Selective service card or records;

11 3. Voter registration card or records;

12 4. Passport;

13 5. A form of identification issued by a government unit that  
14 contains a photograph of the applicant;

15 6. Baptismal certificate;

16 7. Banking records; and

17 8. Other proof of age and identity that is satisfactory to the  
18 Administration;

19 (ii) Any document required under subparagraph (i) of this  
20 paragraph reflecting the legal name previously given to, or used by, the applicant  
21 prior to assuming the common law name;

22 (iii) Any driver's license issued to the applicant in the name  
23 previously used by the applicant prior to assuming the common law name; and

24 (iv) A copy of the applicant's birth certificate or other proof of age  
25 and identity that is satisfactory to the Administration.

26 (e) If an individual previously licensed to drive in another jurisdiction applies  
27 for a license, the Administration may request a copy of his driving record from the  
28 other jurisdiction.

29 (f) If another licensing jurisdiction requests a driving record from the  
30 Administration, the Administration may send the record to it without charge.

31 16-107.

32 (a) The application of a minor for a license shall be cosigned by:

- 1 (1) A parent or guardian of the applicant; or
- 2 (2) If the applicant has no parent or guardian or is married, an adult  
3 employer of the applicant or any other responsible adult.
- 4 (b) The individual cosigning the application of a minor shall:
- 5 (1) (i) Provide the cosigner's mailing address to the Administration;  
6 and
- 7 (ii) Within 30 days of any change in the mailing address occurring  
8 while the applicant or licensee is a minor, notify the Administration of the change;  
9 and
- 10 (2) Certify that the statements made in the application are true to the  
11 best of the cosigner's knowledge, information, and belief.
- 12 16-110.
- 13 (a) The Administration shall:
- 14 (1) Establish qualifications for the safe operation of the various classes,  
15 types, sizes, or combinations of vehicles; and
- 16 (2) Examine each applicant to determine [his] THE APPLICANT'S  
17 qualifications for the license class applied for.
- 18 (b) Except as otherwise provided in this title, the Administration shall  
19 examine each applicant for an original driver's license or for a class of driver's license  
20 higher than that which the applicant currently holds.
- 21 (c) The examination shall include:
- 22 (1) A test of the applicant's:
- 23 (i) Vision;
- 24 (ii) Ability to read and understand highway signs regulating,  
25 warning, and directing traffic; and
- 26 (iii) Knowledge of the traffic laws of this State and safe driving  
27 practices;
- 28 (2) A demonstration of the applicant's ability to exercise reasonable  
29 control in driving a motor vehicle; and
- 30 (3) Any other additional physical or mental examination that the  
31 Administration considers necessary to determine an applicant's fitness to drive a  
32 motor vehicle safely.

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

4 (e) (1) For [the] A required [driving test] DRIVER SKILLS EXAMINATION  
5 OR DRIVER ROAD EXAMINATION, each applicant shall provide a motor vehicle of a  
6 type appropriate to test the applicant's ability to drive all vehicles that may be driven  
7 under the license class applied for.

8 (2) Except as provided in paragraphs (3) and (4) of this subsection, when  
9 the holder of a learner's instructional permit appears for the driving test, [he] THE  
10 PERMIT HOLDER shall be accompanied by an individual qualified under § 16-105 of  
11 this subtitle to accompany the holder of a learner's permit while driving on a highway.  
12 That individual shall have his driver's license with him.

13 (3) The holder of a Class [E or] M (motorcycle) learner's instructional  
14 permit may:

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

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

21 (4) The holder of a learner's instructional permit may be driven to the  
22 examination station and to the starting point where the examiner begins the test by  
23 any individual authorized to drive the class of vehicle in which the test is being given.  
24 That individual shall have [his] A VALID driver's license [with him] IN THE  
25 INDIVIDUAL'S POSSESSION.

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

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

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

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

35 (3) Holds a valid license from:

36 (i) Another state;

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

3 (iii) A province or territory of Canada.

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

6 (I) (1) THE ADMINISTRATION SHALL UNDERTAKE A REVIEW OF THE  
7 CONTENT OF THE DRIVER EXAMINATION GIVEN TO AN APPLICANT FOR A DRIVER'S  
8 LICENSE UNDER THIS SECTION AND SHALL EVALUATE THE EFFECTIVENESS OF THE  
9 EXAMINATION WITH RESPECT TO ITS ABILITY TO ADEQUATELY MEASURE THE  
10 APPLICANT'S SKILL IN DRIVING UNDER ACTUAL HIGHWAY CONDITIONS.

11 (2) AS PART OF THE REVIEW REQUIRED UNDER PARAGRAPH (1) OF THIS  
12 SUBSECTION, THE ADMINISTRATION SHALL DEVELOP A DRIVER ROAD EXAMINATION  
13 THAT:

14 (I) INCLUDES ACTUAL HIGHWAY DRIVING;

15 (II) PROVIDES OPPORTUNITIES TO EVALUATE THE APPLICANT'S  
16 ABILITY TO RESPOND TO COMMON HIGHWAY CONDITIONS THAT DEMAND THE  
17 APPLICATION OF THE GOOD JUDGMENT AND SAFE DRIVING SKILLS THAT A  
18 COMPETENT DRIVER SHOULD POSSESS; AND

19 (III) ENSURES STANDARDIZATION OF TESTING PROCEDURES AND  
20 OBJECTIVITY OF SCORING CRITERIA.

21 (3) (I) THE ADMINISTRATION SHALL IMPLEMENT THE DRIVER ROAD  
22 EXAMINATION DEVELOPED UNDER THIS SUBSECTION AS PART OF A DRIVER  
23 PERFORMANCE EVALUATION PILOT PROGRAM TO BE ESTABLISHED BY THE  
24 ADMINISTRATION IN AT LEAST ONE COUNTY.

25 (II) AS PART OF THE PILOT PROGRAM, THE ADMINISTRATION  
26 SHALL:

27 1. EVALUATE THE DRIVER ROAD EXAMINATION OFFERED  
28 UNDER THE PILOT PROGRAM WITH RESPECT TO ITS EFFECTIVENESS IN ENSURING  
29 THE COMPETENCY OF DRIVERS; AND

30 2. DETERMINE THE RELATIVE MERITS OF THE DRIVING  
31 ROAD EXAMINATION OFFERED UNDER THE PILOT PROGRAM IN COMPARISON WITH  
32 THE DRIVER SKILLS EXAMINATION OFFERED TO LICENSE APPLICANTS ELSEWHERE  
33 IN THE STATE.

34 (4) UNDER THE DRIVER PERFORMANCE EVALUATION PILOT PROGRAM,  
35 THE ADMINISTRATION MAY:

36 (I) CONDUCT DRIVER SKILLS EXAMINATIONS OR DRIVER ROAD  
37 EXAMINATIONS FOR INDIVIDUALS SEEKING A LICENSE; OR

1 (II) AUTHORIZE PERSONS UNDER CONTRACT WITH THE  
2 ADMINISTRATION TO PROVIDE DRIVER SKILLS EXAMINATIONS OR DRIVER ROAD  
3 EXAMINATIONS.

4 (5) ON OR BEFORE JANUARY 1, 2001, THE ADMINISTRATION SHALL  
5 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
6 GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SUBSECTION,  
7 INCLUDING:

8 (I) THE RESULTS OF THE DRIVER ROAD EXAMINATION REVIEW  
9 AND EVALUATION UNDERTAKEN BY THE ADMINISTRATION;

10 (II) THE CONCLUSIONS OF THE ADMINISTRATION REGARDING THE  
11 COMPARISON OF THE EXAMINATIONS OFFERED UNDER THE DRIVER PERFORMANCE  
12 EVALUATION PILOT PROGRAM AND THE EXAMINATIONS OFFERED ELSEWHERE IN  
13 THE STATE; AND

14 (III) THE ADMINISTRATION'S RECOMMENDATIONS REGARDING THE  
15 FUTURE OF DRIVER EXAMINATIONS IN THE STATE.

16 16-111.

17 (A) THIS SECTION APPLIES TO AN APPLICANT WHO:

18 (1) HOLDS A LEARNER'S INSTRUCTIONAL PERMIT UNDER § 16-105(D) OF  
19 THIS SUBTITLE; OR

20 (2) QUALIFIES FOR A PROVISIONAL LICENSE UNDER SUBSECTION (E) OF  
21 THIS SECTION.

22 (B) AN APPLICANT IS ENTITLED TO RECEIVE A PROVISIONAL LICENSE IF THE  
23 APPLICANT:

24 (1) MEETS THE MINIMUM AGE REQUIRED UNDER § 16-103(C)(2) OF THIS  
25 SUBTITLE;

26 (2) SATISFIES THE LEARNER'S INSTRUCTIONAL PERMIT  
27 REQUIREMENTS UNDER § ~~16-105(D)(3)~~ 16-105(D)(2) OF THIS SUBTITLE;

28 (3) PASSES A DRIVER SKILLS OR DRIVER ROAD EXAMINATION  
29 ADMINISTERED UNDER THIS SUBTITLE;

30 (4) SURRENDERS ANY LEARNER'S INSTRUCTIONAL PERMIT ISSUED TO  
31 THE APPLICANT; AND

32 (5) PAYS THE FEE ESTABLISHED UNDER THIS SUBTITLE.

33 (C) ~~(1)~~ A PROVISIONAL LICENSE SHALL BE CLEARLY IDENTIFIABLE AS A  
34 PROVISIONAL LICENSE.

35 ~~(2) THE HOLDER OF A PROVISIONAL LICENSE IS SUBJECT TO:~~

- 1                   (+)     ~~THE HOUR LIMITATIONS UNDER § 16-113(D) OF THIS SUBTITLE;~~
- 2                   (II)    ~~THE SEAT BELT REQUIREMENTS UNDER § 16-113(D-1) OF THIS~~  
3 ~~SUBTITLE; AND~~
- 4                   (III)   ~~THE MOVING VIOLATION AND SEAT BELT SANCTIONS UNDER §~~  
5 ~~16-213 OF THIS TITLE.~~
- 6       (D)     AN INDIVIDUAL WHO HOLDS A PROVISIONAL LICENSE MAY NOT RECEIVE  
7 A LICENSE:
- 8               (+)     SOONER THAN 18 MONTHS:
- 9                   (+)     (1)     AFTER THE INDIVIDUAL FIRST OBTAINS THE  
10 PROVISIONAL LICENSE; OR
- 11                   (II)    (2)     IF THE INDIVIDUAL HAS BEEN CONVICTED OF ~~OR~~  
12 ~~RECEIVED PROBATION BEFORE JUDGMENT FOR A MOVING VIOLATION OR FOR A~~  
13 ~~VIOLATION OF A LICENSE RESTRICTION UNDER § 16-113(D-1) OF THIS SUBTITLE,~~  
14 ~~AFTER THE DATE OF THE VIOLATION; OR~~
- 15                   (2)     ~~IF, AT THE TIME THE INDIVIDUAL OTHERWISE WOULD QUALIFY TO~~  
16 ~~RECEIVE A LICENSE, THE INDIVIDUAL HAS BEEN CHARGED WITH A MOVING~~  
17 ~~VIOLATION OR A LICENSE RESTRICTION VIOLATION UNDER § 16-113(D-1) OF THIS~~  
18 ~~SUBTITLE THAT HAS NOT BEEN ADJUDICATED.~~
- 19       (E)     (1)     NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION OR ANY  
20 OTHER PROVISION OF THIS SUBTITLE, THE ADMINISTRATION MAY ISSUE A  
21 PROVISIONAL LICENSE TO AN INDIVIDUAL WHO HAS BEEN LICENSED TO DRIVE IN  
22 ANOTHER STATE OR COUNTRY, OR BY THE ARMED FORCES OF THE UNITED STATES,  
23 FOR LESS THAN 18 MONTHS.
- 24               (2)     IF AN INDIVIDUAL HAS BEEN LICENSED FOR:
- 25                   (I)     LESS THAN 6 MONTHS, THE INDIVIDUAL SHALL HOLD THE  
26 PROVISIONAL LICENSE FOR AT LEAST 18 MONTHS BEFORE BEING ELIGIBLE FOR A  
27 LICENSE UNDER § 16-111.1 OF THIS SUBTITLE;
- 28                   (II)    6 MONTHS, BUT LESS THAN 12 MONTHS, THE INDIVIDUAL  
29 SHALL HOLD THE PROVISIONAL LICENSE FOR AT LEAST 12 MONTHS BEFORE BEING  
30 ELIGIBLE FOR A LICENSE UNDER § 16-111.1 OF THIS SUBTITLE AS LONG AS THE  
31 INDIVIDUAL HAS NOT COMMITTED AN OFFENSE AS DEFINED IN § 16-213(A) OF THIS  
32 TITLE DURING THAT PERIOD; OR
- 33                   (III)   12 MONTHS, BUT LESS THAN 18 MONTHS, THE INDIVIDUAL  
34 SHALL HOLD THE PROVISIONAL LICENSE FOR AT LEAST 6 MONTHS BEFORE BEING  
35 ELIGIBLE FOR A LICENSE UNDER § 16-111.1 OF THIS SUBTITLE AS LONG AS THE  
36 INDIVIDUAL HAS NOT COMMITTED AN OFFENSE AS DEFINED IN § 16-213(A) OF THIS  
37 TITLE DURING THAT PERIOD.

1 (3) AN INDIVIDUAL WHO COMMITS AN OFFENSE AS DEFINED IN §  
2 16-213(A) OF THIS TITLE WHILE HOLDING A PROVISIONAL LICENSE ISSUED UNDER  
3 THIS SUBSECTION IS SUBJECT TO:

4 (I) THE WAITING PERIODS UNDER SUBSECTION ~~(D)(1)(II) OR (D)(2)~~  
5 OF THIS SECTION BEFORE QUALIFYING FOR A LICENSE UNDER § 16-111.1 OF THIS  
6 SUBTITLE; AND

7 (II) OTHER SANCTIONS APPLICABLE TO A HOLDER OF A  
8 PROVISIONAL LICENSE UNDER THIS ARTICLE.

9 (5) NOTWITHSTANDING § 16-103(C)(3) OF THIS SUBTITLE, THE  
10 ADMINISTRATION MAY ISSUE A LICENSE UNDER § 16-111.1 OF THIS SUBTITLE  
11 WITHOUT ISSUING A LEARNER'S INSTRUCTIONAL PERMIT OR A PROVISIONAL  
12 LICENSE IF THE INDIVIDUAL HAS BEEN LICENSED TO DRIVE IN ANOTHER STATE OR  
13 COUNTRY, OR BY THE ARMED FORCES OF THE UNITED STATES, FOR AT LEAST 18  
14 MONTHS.

15 (F) A PROVISIONAL LICENSE IS SUBJECT TO THE EXPIRATION AND RENEWAL  
16 REQUIREMENTS OF § 16-115 OF THIS SUBTITLE.

17 16-111.1.

18 (a) An applicant is entitled to receive the driver's license applied for if the  
19 applicant:

20 (1) Passes the examination provided for in this subtitle;

21 (2) Surrenders the last learner's instructional permit issued to him, if  
22 any; and

23 (3) Pays the fees provided for by this subtitle.

24 (b) (1) THIS SUBSECTION APPLIES TO AN APPLICANT WHO HOLDS A  
25 PROVISIONAL LICENSE UNDER § 16-111 OF THIS SUBTITLE.

26 (2) AN APPLICANT IS ENTITLED TO RECEIVE A LICENSE IF THE  
27 APPLICANT:

28 (I) MEETS THE MINIMUM AGE REQUIRED UNDER § 16-103(C)(3) OF  
29 THIS SUBTITLE;

30 (II) SATISFIES THE PROVISIONAL LICENSE REQUIREMENTS UNDER  
31 § 16-111(D) OR (E) OF THIS SUBTITLE;

32 (III) SURRENDERS ANY PROVISIONAL LICENSE ISSUED TO THE  
33 APPLICANT; AND

34 (IV) PAYS THE FEE ESTABLISHED UNDER THIS SUBTITLE.

1 (C) (1) Each license issued by the Administration shall be identified clearly  
2 as to its specific class. A Class M license may be issued in combination with any one  
3 of the other classes.

4 (2) The Administration shall assign an identifying number to each  
5 license it issues.

6 (3) To the extent provided by federal law, the Administration may use a  
7 driver's social security number as an identifying number for a driver's license.

8 [(c)] (D) Each noncommercial Class A, B, C, or M license issued by the  
9 Administration:

10 (1) Shall be of the size, design, and content that the Administration  
11 specifies;

12 (2) Shall include:

13 (i) The name and residence address of the licensee;

14 (ii) The date of birth of the licensee;

15 (iii) A description of the licensee, which shall include the height,  
16 weight, and sex of the licensee;

17 (iv) The type or class of vehicles that the license authorizes the  
18 licensee to drive;

19 (v) The signature and seal of the issuing agent; and

20 (vi) A space for the signature of the licensee; and

21 (3) Shall include:

22 (i) If the licensee is under the age of 21 years, a profile photograph  
23 of the licensee; or

24 (ii) If the licensee is at least 21 years old, a frontal photograph of  
25 the licensee.

26 [(d)] (E) (1) A license is not valid unless the licensee signs [his name on it]  
27 THE LICENSE in [his] THE LICENSEE'S usual signature.

28 (2) When issued and signed, a driver's license authorizes the licensee to  
29 drive any vehicle of the type or class specified on it, subject to any restrictions  
30 endorsed on the license.

31 [(e)] (F) (1) Only one current driver's license may be issued by the  
32 Administration to and held by any individual at any one time.

1 (2) Before issuing a license, the Administration shall require the  
2 applicant to surrender any other license issued to [him] THE APPLICANT by any  
3 jurisdiction.

4 [16-111.1.] 16-111.2.

5 (a) (1) When an applicant applies for an initial driver's license or for a class  
6 of driver's license other than that which the applicant currently holds, the applicant  
7 shall pay the Administration a license fee established by the Administration. This fee  
8 covers issuance of a learner's instructional permit and, if the applicant qualifies  
9 before the learner's instructional permit expires, issuance of a driver's license OR  
10 PROVISIONAL LICENSE.

11 (2) If a learner's instructional permit is not required, the applicant shall  
12 pay the Administration, when the driver's license is issued, a license fee established  
13 by the Administration.

14 (b) For the renewal of a noncommercial Class A, B, C, D, E, or M driver's  
15 license, a licensee shall pay the Administration a renewal fee established by the  
16 Administration.

17 (c) For issuance of a duplicate or corrected noncommercial Class A, B, C, D, E,  
18 or M driver's license, a licensee shall pay the Administration a duplicate or corrected  
19 driver's license fee established by the Administration.

20 (d) For conversion of a provisional license to a driver's license issued under §  
21 [16-111] 16-111.1 of this subtitle, a licensee shall pay the Administration a fee  
22 established by the Administration.

23 (e) A licensee shall pay a fee established by the Administration if:

24 (1) The license is issued or renewed under § 16-104.1 of this subtitle;  
25 and

26 (2) The licensee presents proof to the Administration that immediately  
27 before the conversion of the license under § 16-104 of this subtitle, the licensee was  
28 qualified to operate vehicles of the same class.

29 [16-111.2.]

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

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

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

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

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

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

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

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

8 (2) Has not been convicted of a traffic violation that was committed  
9 during this period and for which points may be assessed under § 16-402 of this title.]  
10 16-113.

11 (b) (1) Notwithstanding the licensee's driving record, the Administration  
12 shall impose on each licensee under the age of 21 years an alcohol restriction that  
13 prohibits the licensee from driving or attempting to drive a motor vehicle with an  
14 alcohol concentration of 0.02 or more as determined by an analysis of the [person's]  
15 LICENSEE'S blood or breath.

16 (2) An alcohol restriction imposed under this subsection expires when  
17 the licensee reaches the age of 21 years.

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

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

21 (ii) The application of any other provision of law that prohibits  
22 consumption of an alcoholic beverage by an individual under the age of 21 years.

23 (d) (1) [In addition to the other restrictions provided in this subtitle]  
24 NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, the Administration [may  
25 issue] SHALL IMPOSE AN HOUR RESTRICTION ON a provisional driver's license  
26 ISSUED to [applicants who are] AN APPLICANT under the age of 18.

27 (2) [The license may be restricted by requiring that] THE RESTRICTION  
28 UNDER THIS SUBSECTION SHALL LIMIT THE HOLDER OF A PROVISIONAL LICENSE TO  
29 DRIVING UNSUPERVISED ONLY BETWEEN THE HOURS OF 5 A.M. AND ~~10 P.M.~~ 12  
30 MIDNIGHT.

31 (3) THIS SUBSECTION DOES NOT PRECLUDE THE HOLDER OF A  
32 PROVISIONAL LICENSE FROM DRIVING BETWEEN THE HOURS OF ~~10 P.M.~~ 12  
33 MIDNIGHT AND 5 A.M. THE FOLLOWING DAY IF the licensee [be accompanied] IS:

34 (I) ACCOMPANIED and supervised [at certain times] by a licensed  
35 driver who is at least 21 years old[.];

1           [(3)     The Administrator may modify or waive the restriction if the  
2 restriction would affect adversely:

3                   (i)     ](II)    [The] DRIVING TO OR FROM OR IN THE COURSE OF THE  
4 LICENSEE'S employment [or opportunity for employment of the licensee];

5                   (III)    DRIVING TO OR FROM A SCHOOL CLASS OR OFFICIAL SCHOOL  
6 ACTIVITY;

7                   [(ii)]   (IV)    [The participation of the licensee in] DRIVING TO OR  
8 FROM an organized volunteer program [approved by the Administration and  
9 designed to provide transportation to prevent alcohol- or drug-related driving  
10 offenses and promote highway safety]; or

11                   [(iii)]   (V)     [The] DRIVING TO OR FROM AN opportunity [of the  
12 licensee] to participate in AN athletic [events and] EVENT OR related training  
13 [sessions] SESSION.

14           (4)     THE HOUR RESTRICTION AND THE SUPERVISION REQUIREMENT  
15 UNDER THIS SUBSECTION EXPIRE ON THE DATE THE HOLDER OF THE PROVISIONAL  
16 LICENSE TURNS 18 YEARS OF AGE.

17   ~~(D-1) (1)     NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, THE  
18 ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S  
19 LICENSE PROHIBITING THE LICENSEE FROM OPERATING A MOTOR VEHICLE UNLESS  
20 THE LICENSEE AND EACH PASSENGER IS RESTRAINED BY A SEAT BELT OR BY A  
21 CHILD SAFETY SEAT AS PROVIDED IN § 22-412.2 OF THIS ARTICLE.~~

22           ~~(2)     IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)  
23 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER  
24 § 22-412.2(F) OR § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.~~

25   ~~(f)     (1)     {After} SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AFTER  
26 receiving satisfactory evidence of any violation of a restricted or provisional driver's  
27 license, the Administration may suspend or revoke the license. However, the licensee  
28 may request a hearing as provided for a suspension or revocation under Subtitle 2 of  
29 this title.~~

30           ~~(2)     AN INDIVIDUAL WHO VIOLATES THE RESTRICTION UNDER  
31 SUBSECTION (D-1) OF THIS SECTION IS SUBJECT TO THE SANCTIONS UNDER § 16-213  
32 OF THIS TITLE.~~

33   (i)     An individual may not drive a vehicle in any manner that violates any  
34 restriction imposed in a provisional license issued to the individual.

35 [16-113.1.

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

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

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

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

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

12 ~~16-117.~~

13 (a) ~~The Administration shall keep a record of:~~

14 (1) ~~Each driver's license application that it receives;~~

15 (2) ~~Each driver's license that it issues; and~~

16 (3) ~~Each licensee whose license to drive the Administration has~~  
17 ~~suspended or revoked, and the reasons for the action.~~

18 (b) (1) ~~The Administration shall file each accident report and abstract of~~  
19 ~~court disposition records that it receives under the laws of this State.~~

20 (2) ~~The Administration shall keep convenient records or make suitable~~  
21 ~~notations showing the convictions or traffic accidents in which each licensee has been~~  
22 ~~involved [and], every probation before judgment disposition of any violation of §~~  
23 ~~21-902 of this article, AND EVERY PROBATION BEFORE JUDGMENT DISPOSITION OF A~~  
24 ~~MOVING VIOLATION BY A HOLDER OF A LEARNER'S PERMIT ISSUED UNDER §~~  
25 ~~16-105(D) OF THIS SUBTITLE OR BY A HOLDER OF A PROVISIONAL LICENSE ISSUED~~  
26 ~~UNDER § 16-111 OF THIS SUBTITLE. A record or notation of a probation before~~  
27 ~~judgment disposition, or a first offense of driving with an alcohol concentration of 0.10~~  
28 ~~or more under § 16-205.1 of this article, shall be segregated by the Administration~~  
29 ~~and shall be available only to the Administration, the courts, criminal justice~~  
30 ~~agencies, and the defendant or [his] THE DEFENDANT'S attorney. However, a record~~  
31 ~~or notation of a probation before judgment, or a first offense of driving with an alcohol~~  
32 ~~concentration of 0.10 or more under § 16-205.1 of this article, may not be received or~~  
33 ~~considered by the courts until a plea of guilty or nolo contendere is made by the~~  
34 ~~defendant or a finding of guilty is made by the court.~~

35 (3) ~~These records or notations shall be made so that they are readily~~  
36 ~~available for consideration by the Administration of any license renewal application~~  
37 ~~and at any other suitable time.~~

1           (4)     ~~Accident reports and abstracts of court convictions pertaining to~~  
 2 ~~driving an emergency vehicle, if received by a person who was driving an emergency~~  
 3 ~~vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by~~  
 4 ~~the Administration and shall be available only to the Administration.~~

5           (5)     ~~Except as provided in this section, an employee of the Administration~~  
 6 ~~may not disclose any records or information regarding probation before judgment, or~~  
 7 ~~a first offense of driving with an alcohol concentration of 0.10 or more under §~~  
 8 ~~16-205.1 of this article.~~

9           (e)     ~~If a charge of a Maryland Vehicle Law violation against any individual is~~  
 10 ~~dismissed by a court of competent jurisdiction, a record of the charge and dismissal~~  
 11 ~~may not be included in his driving record.~~

12 16-117.1.

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

14                   (2)     "Criminal], "CRIMINAL offense" does not include any violation of the  
 15 Maryland Vehicle Law.

16                   [(3)     "Moving violation" means a moving violation as defined in  
 17 regulations adopted by the Administration for the purpose of assessing points under §  
 18 16-402 of this article or a violation of a substantially similar nature reported from  
 19 another jurisdiction, other than a violation of any of its size, weight, load, equipment,  
 20 or inspection provisions.]

21 16-201.

22           (a)     The Administration may cancel a driver's license issued under this title if  
 23 it determines that the licensee:

24                   (1)     Was not entitled to be issued the license;

25                   (2)     Failed to give the required or correct information in his application;  
 26 or

27                   (3)     Committed fraud in making the application or in obtaining the  
 28 license.

29           (b)     On cancellation, the licensee immediately shall surrender the canceled  
 30 license to the Administration.

31 16-206.

32           (a)     (3)     THE ADMINISTRATION MAY SUSPEND OR REVOKE A PROVISIONAL  
 33 LICENSE UNDER § 16-213 OF THIS SUBTITLE.

34           (d)     (1)     After the Administration refuses to issue a license under this section  
 35 [or after the Administration], determines that a suspension should be imposed under  
 36 subsection (a)(2) of this section, OR DETERMINES THAT A SUSPENSION OR

1 REVOCATION SHOULD BE IMPOSED UNDER SUBSECTION (A)(3) OF THIS SECTION, the  
 2 Administration immediately shall give written notice to the applicant or licensee, and  
 3 the applicant or licensee may request a hearing as provided in Title 12, Subtitle 2 of  
 4 this article.

5 (2) Except as otherwise provided in this section, the Administration may  
 6 suspend or revoke a license under this section only after a hearing under Title 12,  
 7 Subtitle 2 of this article.

8 (3) If the Administration determines that there is a likelihood of  
 9 substantial and immediate danger and harm to the licensee or others if the license is  
 10 continued pending a hearing, the Administration:

11 (i) Immediately may suspend the license;

12 (ii) Within 7 days of a request for a hearing, shall grant the licensee  
 13 a hearing as provided in Title 12, Subtitle 2 of this article; and

14 (iii) After the hearing, render an immediate decision as to whether  
 15 or not it should continue the suspension or revoke the license.

16 (e) (1) If a licensee fails to appear for a hearing after receiving the written  
 17 notice under subsection (d)(1) of this section, the Administration may suspend the  
 18 license until the licensee appears for a hearing.

19 (2) A rescheduled hearing shall be held within 30 days of the date of the  
 20 request.

21 16-212.1.

22 (a) The Administration, in cooperation with the Alcohol and Drug Abuse  
 23 Administration, shall establish an alcohol and drug education [course] PROGRAM to  
 24 educate driver's license applicants who are subject to the provisions of § ~~16-103.1(10)~~  
 25 16-105(F)(3) of this subtitle } TITLE. THIS PROGRAM TO ALSO SHALL BE INCLUDED AS  
 26 PART OF THE DRIVER EDUCATION COURSE ESTABLISHED UNDER SUBTITLE 5 OF  
 27 THIS TITLE.

28 (b) The [course] PROGRAM shall provide 3 hours of instruction in:

29 (1) The hazards of driving while impaired or intoxicated;

30 (2) The criminal penalties and administrative sanctions for alcohol and  
 31 drug related motor vehicle violations;

32 (3) The medical, biological, and psychological effects of the consumption  
 33 of alcohol and drugs and their impact on the operation of a motor vehicle; and

34 (4) Any other drug and alcohol related information that the  
 35 Administration determines would be beneficial to applicants for a driver's license.

1 (c) [The Administration shall establish and collect a fee not to exceed \$35  
2 designed to recover the cost of operating the alcohol and drug education course  
3 established under this section.

4 (d)] The Administration shall adopt regulations establishing criteria for  
5 certifying a private entity to offer the alcohol and drug education [course] PROGRAM  
6 established under this section.

7 16-213.

8 (A) IN THIS SECTION, "OFFENSE" MEANS ~~EITHER A MOVING VIOLATION OR A~~  
9 ~~LICENSE RESTRICTION VIOLATION UNDER § 16-113(D-1) OF THIS TITLE COMMITTED~~  
10 BY AN INDIVIDUAL WHO:

11 (1) HOLDS A PROVISIONAL LICENSE UNDER § 16-111 OF THIS TITLE; AND

12 (2) WAS CONVICTED ~~OR RECEIVED PROBATION BEFORE JUDGMENT FOR~~  
13 OF THE VIOLATION.

14 (B) THE SANCTIONS UNDER THIS SECTION ARE IN ADDITION TO ANY OTHER  
15 PENALTY OR SANCTIONS THAT MIGHT APPLY AS A RESULT OF A MOVING VIOLATION.

16 (C) THE ADMINISTRATION:

17 (1) FOR A FIRST OFFENSE, SHALL REQUIRE THE OFFENDER TO ATTEND  
18 A DRIVER IMPROVEMENT PROGRAM UNDER § 16-212 OF THIS SUBTITLE;

19 (2) FOR A SECOND OFFENSE, ~~SHALL~~ MAY SUSPEND THE OFFENDER'S  
20 PROVISIONAL LICENSE FOR UP TO 30 DAYS; AND

21 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, ~~SHALL~~ MAY SUSPEND OR  
22 REVOKE THE OFFENDER'S PROVISIONAL LICENSE FOR UP TO 180 DAYS.

23 16-301.

24 (a) A person may not knowingly or fraudulently obtain or attempt to obtain a  
25 driver's license by misrepresentation.

26 (b) A person may not in any application for a driver's license:

27 (1) Use a false or fictitious name;

28 (2) Knowingly make a false statement;

29 (3) Knowingly conceal a material fact; or

30 (4) Otherwise commit a fraud.

31 16-501.

32 (a) In this subtitle the following words have the meanings indicated.

1 [(b) "Classroom instructor" means an individual who gives classroom,  
2 simulator, multiple-car range, and on-road behind-the-wheel instruction in a driver  
3 education program approved by either the State Department of Education or the  
4 Administration.

5 (c) "Laboratory instructor" means an individual who gives simulator,  
6 multiple-car range, and on-road behind-the-wheel instruction in a driver education  
7 program approved by either the State Department of Education or the  
8 Administration.]

9 (B) "DRIVER EDUCATION COURSE" MEANS A STANDARDIZED COURSE OF  
10 INSTRUCTION UNDER A DRIVER EDUCATION PROGRAM, ADOPTED OR APPROVED BY  
11 THE ADMINISTRATION IN CONSULTATION WITH THE STATE DEPARTMENT OF  
12 EDUCATION, INTENDED TO TEACH INDIVIDUALS TO SAFELY DRIVE A  
13 NONCOMMERCIAL MOTOR VEHICLE.

14 (C) "DRIVER EDUCATION INSTRUCTOR" MEANS AN INDIVIDUAL WHO HAS  
15 COMPLETED REQUIRED CERTIFICATION COURSES AND IS CERTIFIED BY THE  
16 ADMINISTRATION TO TEACH A DRIVER EDUCATION COURSE, WHETHER OR NOT THE  
17 INDIVIDUAL IS REQUIRED TO BE LICENSED UNDER TITLE 15, SUBTITLE 8 OF THIS  
18 ARTICLE.

19 (D) "DRIVER EDUCATION PROGRAM" MEANS THE COURSES AND LEARNING  
20 ACTIVITIES DESIGNATED BY THE ADMINISTRATION IN CONSULTATION WITH THE  
21 STATE DEPARTMENT OF EDUCATION THAT AN INDIVIDUAL MAY BE REQUIRED TO  
22 COMPLETE BEFORE OBTAINING A NONCOMMERCIAL DRIVER'S LICENSE UNDER THIS  
23 TITLE.

24 (E) "DRIVERS' SCHOOL" MEANS A SCHOOL APPROVED BY THE  
25 ADMINISTRATION TO CONDUCT DRIVER EDUCATION COURSES IN ACCORDANCE  
26 WITH THIS SUBTITLE AND TITLE 15, SUBTITLE 7 OF THIS ARTICLE.

27 16-502.

28 (a) There is a driver education program, established as part of the highway  
29 safety program of this State.

30 (b) The purpose of the driver education program is to provide a complete  
31 program of driver education to eligible individuals [who are 15, 16, or 17 years old].  
32 16-503.

33 (a) Subject to the regulations adopted under § [16-506(b)(5)] 16-505(B) of this  
34 subtitle on the required offering of the program:

35 (1) The complete program shall be offered to all eligible individuals  
36 before [their initial licensing age] THEY MAY OBTAIN A PROVISIONAL LICENSE  
37 UNDER § 16-111 OF THIS TITLE; and

1           (2)     Any individual to whom the program initially is offered remains  
2 eligible to enroll in the program until [he] THE INDIVIDUAL becomes [18 years old]  
3 ELIGIBLE TO QUALIFY FOR A PROVISIONAL LICENSE.

4           (b)     Once enrolled in the program, an individual is considered eligible until  
5 [he] THE INDIVIDUAL completes the course.

6 [16-504.

7           (a)     Laboratory instruction under the driver education program shall be given  
8 by:

9           (1)     A certified classroom instructor; or

10          (2)     A certified laboratory instructor under the supervision of a certified  
11 classroom instructor.

12          (b)     All other instruction under the driver education program shall be given by  
13 a certified classroom instructor.]

14 [16-505.] 16-504.

15          [(a)]    To qualify as a certified [classroom] DRIVER EDUCATION instructor, [a  
16 classroom instructor] AN INDIVIDUAL shall:

17               (1)     [Have an appropriate college degree; and] MEET THE  
18 QUALIFICATIONS ESTABLISHED BY THE ADMINISTRATION IN CONSULTATION WITH  
19 THE STATE DEPARTMENT OF EDUCATION;

20               (2)     [Meet the standards adopted under § 16-506 of this subtitle]  
21 SUCCESSFULLY COMPLETE THE ADMINISTRATION APPROVED CERTIFICATION  
22 COURSES; AND

23               (3)     DEMONSTRATE A PROFICIENCY IN TEACHING THE ADOPTED OR  
24 APPROVED DRIVER EDUCATION COURSE.

25          [(b)]    To qualify as a certified laboratory instructor, a laboratory instructor shall:

26               (1)     Have a high school graduation certificate or its equivalent; and

27               (2)     Meet the standards adopted under § 16-506 of this subtitle.

28          (c)     Notwithstanding the requirements of this section, but subject to the other  
29 provisions of this subtitle:

30               (1)     Any individual who was certified by the Administration as a  
31 classroom or a laboratory instructor for a licensed drivers' school on or before July 1,  
32 1974, may renew his or her certification periodically; and

1 (2) Any individual who was certified by the State Department of  
2 Education as a driver education instructor for a public or a nonpublic school on or  
3 before July 1, 1974, may:

4 (i) Keep his or her certification; and

5 (ii) Be allowed to continue serving in any school day driver  
6 education capacity for which he or she was employed during the school year 1973-74;  
7 or

8 (iii) Be required to serve in a similar school day teaching capacity in  
9 another subject area for which he or she is certified.]

10 [16-506.] 16-505.

11 (a) Subject to the prior endorsement of the regulations by the State  
12 Superintendent of Schools, the Administration shall adopt and enforce regulations  
13 not inconsistent with this subtitle to implement A STANDARDIZED driver education  
14 [programs] PROGRAM conducted by licensed drivers' schools under its jurisdiction.

15 (b) Regulations adopted under this section shall be administered by the  
16 Administration and shall include:

17 (1) Curriculum, equipment, and facility standards for [both] classroom  
18 [and], laboratory, AND ON-ROAD INSTRUCTION phases;

19 (2) Minimum student performance standards for [successful completion  
20 of] an approved driver education program, consisting of at least 30 hours of classroom  
21 instruction AND AT LEAST 6 HOURS OF HIGHWAY DRIVING INSTRUCTION;

22 (3) Standards for the certification of schools[, classroom instructors, and  
23 laboratory] AND instructors;

24 (4) A system to evaluate the effectiveness of the driver education  
25 program;

26 (5) Standards governing the required offering of the driver education  
27 program, based on the capacity, enrollment, staff, and facilities of the schools; and

28 (6) Standards for the eligibility of individuals to enroll in the program.

29 [16-507.] 16-506.

30 (a) The Administration may suspend, revoke, or refuse to grant or renew  
31 certification under the driver education program of any drivers' school or of any  
32 classroom or laboratory instructor of a drivers' school, if it finds that the school or  
33 instructor has failed to comply with any of the provisions of or any rule or regulation  
34 adopted under:

35 (1) This subtitle;

1 (2) Title 15, Subtitle 7 of this article, as to drivers' schools; or

2 (3) Title 15, Subtitle 8 of this article, as to driving instructors.

3 (b) (1) If the Administration refuses to grant or renew a certification under  
4 this subtitle, the applicant may request a hearing under Title 12, Subtitle 2 of this  
5 article.

6 (2) The Administration may suspend or revoke a certification under this  
7 subtitle only after a hearing under Title 12, Subtitle 2 of this article.

8 [16-509.] 16-507.

9 This subtitle may be cited as the Maryland Driver Education Program Act.

10 SECTION 2. AND BE IT FURTHER ENACTED, That, the Motor Vehicle  
11 Administration:

12 (1) prior to July 1, 1999, after consultation with members of the driver  
13 education community and with adequate time for driver schools operating under Title  
14 15, Subtitle 7 of the Transportation Article and driver education programs operated  
15 under Title 16, Subtitle 5 of the Transportation Article to offer the required course by  
16 that date, shall adopt the driver education curriculum required by Section 1 of this  
17 Act;

18 (2) prior to July 1, 1999, in conjunction with the State Department of  
19 Education, shall adopt regulations governing the qualifications of driver instructors  
20 under Title 15, Subtitle 8 and Title 16, Subtitle 5 of the Transportation Article;

21 (3) shall develop a system for adequate monitoring of entities providing  
22 driving instruction; and

23 (4) shall take any other actions necessary for implementation of Section  
24 1 of this Act by July 1, 1999.

25 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Section  
26 1 of this Act, any individual who has a learner's permit on June 30, 1999 may qualify  
27 for a license based on provisions in effect on June 30, 1999 as long as the individual:

28 (1) obtains a driver's license before the learner's permit expires; or

29 (2) renews the learner's permit in accordance with Motor Vehicle  
30 Administration regulations by the date that the learner's permit would otherwise  
31 expire.

32 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding Section  
33 1 of this Act, any individual who has a provisional license on June 30, 1999, is entitled  
34 to retain that license and obtain a driver's license based on provisions in effect on  
35 June 30, 1999, as long as the individual otherwise is entitled to a driver's license  
36 under provisions in effect on that date.

1     SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding Section  
2 1 of this Act, the Motor Vehicle Administration may allow any driver's education  
3 program that uses simulator training on or before October 1, 1998, to satisfy part of  
4 the highway driving instruction requirements under Section 1 of this Act to the extent  
5 simulator use is authorized for driver education under regulations of the Motor  
6 Vehicle Administration in effect on October 1, 1998.

7     SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act  
8 shall take effect July 1, 1999. Section 16-110(i) of the Transportation Article, as  
9 enacted by Section 1 of this Act, shall remain effective for a period of 2 years and, at  
10 the end of June 30, 2001, with no further action required by the General Assembly, §  
11 16-110(i) of the Transportation Article, as enacted by Section 1 of this Act shall be  
12 abrogated and of no further force and effect.

13     SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That, subject to Section ~~5~~ 6  
14 of this Act, this Act shall take effect October 1, 1998.