
By: **Delegates Kagan and Bronrott**
Introduced and read first time: February 12, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - Seat Belt Restrictions**

3 FOR the purpose of requiring the Motor Vehicle Administration to impose on each
4 learner's instructional permit and provisional driver's license a restriction that
5 prohibits the holder of the license or permit from operating a motor vehicle
6 unless each occupant of the vehicle is restrained by a seat belt or child safety
7 seat; authorizing certain exemptions from the seat belt restrictions imposed
8 under this Act; providing for certain penalties; and generally relating to seat
9 belt restrictions placed upon certain drivers' licenses.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-105(d), 16-111(b) and (d), 16-113(d) and (f), and 16-213
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1998 Supplement)
15 (As enacted by Chapter 483 of the Acts of the General Assembly of 1998)

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

18 **Article - Transportation**

19 16-105.

20 (d) (1) This subsection applies to an individual who:

21 (i) Seeks to obtain an original driver's license under this subtitle;
22 and

23 (ii) Does not qualify for a learner's instructional permit under
24 subsection (e) of this section.

25 (2) (I) THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON A
26 LEARNER'S INSTRUCTIONAL PERMIT PROHIBITING THE HOLDER OF THE PERMIT
27 FROM OPERATING A MOTOR VEHICLE UNLESS THE PERMIT HOLDER AND EACH

1 PASSENGER IN THE MOTOR VEHICLE IS RESTRAINED BY A SEAT BELT OR BY A CHILD
2 SAFETY SEAT AS PROVIDED IN § 22-412.2 OF THIS ARTICLE.

3 (II) IT IS NOT A VIOLATION OF A RESTRICTION IMPOSED UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH IF AN INDIVIDUAL COVERED BY A MEDICAL
5 EXCEPTION UNDER § 22-412.2(F) OR § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT
6 RESTRAINED.

7 [(2)] (3) An individual who holds a learner's instructional permit may
8 not take a driver skills examination or driver road examination for a provisional
9 license:

10 (i) Sooner than 4 months:

11 1. After the individual first obtains the learner's
12 instructional permit; or

13 2. After the date on which the individual committed a
14 moving violation OR A VIOLATION OF A RESTRICTION IMPOSED UNDER PARAGRAPH
15 (2) OF THIS SUBSECTION for which the individual was convicted;

16 (ii) Until after successful completion of a driver education course
17 approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom
18 instruction and at least 6 hours of highway driving instruction; or

19 (iii) Unless the individual submits, in accordance with the
20 Administration's regulations, a completed skills log book signed by:

21 1. Each supervising driver who certifies that the individual
22 has satisfactorily demonstrated a required skill; and

23 2. If a signature of a parent, guardian, or other person is
24 required under § 16-107 of this subtitle, the parent, guardian, or other person who
25 signs the individual's application under that section.

26 [(3)] (4) A learner's instructional permit issued to an individual
27 described in paragraph (1) of this subsection expires one year after the date of
28 issuance.

29 16-111.

30 (b) An applicant is entitled to receive a provisional license if the applicant:

31 (1) Meets the minimum age required under § 16-103(c)(2) of this
32 subtitle;

33 (2) Satisfies the learner's instructional permit requirements under §
34 [16-105(d)(2)] 16-105(D)(3) of this subtitle;

35 (3) Passes a driver skills or driver road examination administered under
36 this subtitle;

1 (4) Surrenders any learner's instructional permit issued to the applicant;
2 and

3 (5) Pays the fee established under this subtitle.

4 (d) An individual who holds a provisional license may not receive a license
5 sooner than 18 months:

6 (1) After the individual first obtains the provisional license; or

7 (2) If the individual has been convicted of a moving violation OR A
8 VIOLATION OF A LICENSE RESTRICTION UNDER § 16-113(D)(2) OF THIS SUBTITLE,
9 after the date of the violation.

10 16-113.

11 (d) (1) (I) Notwithstanding the licensee's driving record, the
12 Administration shall impose an hour restriction on a provisional driver's license
13 issued to an applicant under the age of 18.

14 [(2)] (II) The restriction under this subsection shall limit the holder of a
15 provisional license to driving unsupervised only between the hours of 5 a.m. and 12
16 midnight.

17 [(3)] (III) This subsection does not preclude the holder of a provisional
18 license from driving between the hours of 12 midnight and 5 a.m. the following day if
19 the licensee is:

20 [(i)] 1. Accompanied and supervised by a licensed driver who is at
21 least 21 years old;

22 [(ii)] 2. Driving to or from or in the course of the licensee's
23 employment;

24 [(iii)] 3. Driving to or from a school class or official school activity;

25 [(iv)] 4. Driving to or from an organized volunteer program; or

26 [(v)] 5. Driving to or from an opportunity to participate in an
27 athletic event or related training session.

28 [(4)] (IV) The hour restriction and the supervision requirement under
29 this subsection expire on the date the holder of the provisional license turns 18 years
30 of age.

31 (2) (I) NOT WITHSTANDING THE LICENSEE'S DRIVING RECORD, THE
32 ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S
33 LICENSE PROHIBITING THE LICENSEE FROM OPERATING A MOTOR VEHICLE UNLESS
34 THE LICENSEE AND EACH PASSENGER IS RESTRAINED BY A SEAT BELT OR BY A
35 CHILD SAFETY SEAT AS PROVIDED IN § 22-412.2 OF THIS ARTICLE.

1 (II) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH IF AN INDIVIDUAL COVERED BY A MEDICAL
3 EXCEPTION UNDER § 22-412.2(F) OR § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT
4 RESTRAINED.

5 (f) (1) After receiving satisfactory evidence of any violation of a restricted or
6 provisional driver's license, the Administration may suspend or revoke the license.
7 However, the licensee may request a hearing as provided for a suspension or
8 revocation under Subtitle 2 of this title.

9 (2) AN INDIVIDUAL WHO VIOLATES THE RESTRICTION UNDER
10 SUBSECTION (D)(2) OF THIS SECTION IS SUBJECT TO THE SANCTIONS UNDER § 16-213
11 OF THIS TITLE.

12 16-213.

13 (a) In this section, "offense" means EITHER a moving violation OR A LICENSE
14 RESTRICTION VIOLATION UNDER § 16-113(D)(2) OF THIS TITLE committed by an
15 individual who:

16 (1) Holds a provisional license under § 16-111 of this title; and

17 (2) Was convicted of the violation.

18 (b) The sanctions under this section are in addition to any other penalty or
19 sanctions that might apply as a result of a moving violation.

20 (c) The Administration:

21 (1) For a first offense, shall require the offender to attend a driver
22 improvement program under § 16-212 of this subtitle;

23 (2) For a second offense, may suspend the offender's provisional license
24 for up to 30 days; and

25 (3) For a third or subsequent offense, may suspend or revoke the
26 offender's provisional license for up to 180 days.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 1999.