

HOUSE BILL 127

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R4

2000 Regular Session
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CF 0lr1226

By: **Delegates Mandel and Malone (Task Force on Driver's Education Programs in Maryland) and Delegates Bronrott, Pitkin, and Riley**

Introduced and read first time: January 17, 2000
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2000

CHAPTER _____

1 AN ACT concerning

2 **Drivers' Licenses - Graduated Licensing System - Provisional Licenses--**
3 **Occupant License Restrictions Applicable to Minors**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose certain
5 restrictions ~~applicable to individuals who are under a certain age and who hold~~
6 on provisional drivers' licenses pertaining to occupants of a motor vehicle;
7 ~~extending certain sanctions to violations of certain license restrictions resulting~~
8 ~~in convictions~~ seat belt and child safety seat use; providing a certain exception
9 relating to certain individuals covered by medical exceptions; limiting the
10 application of this Act to certain drivers who hold provisional licenses as of a
11 specified date; and generally relating to license restrictions applicable to drivers
12 who ~~are under a certain age and who~~ hold provisional drivers' licenses.

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 16-113(d)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article - Transportation
20 Section 16-113(d-1)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 1999 Supplement)

23 ~~BY repealing and reenacting, with amendments,~~

1 ~~Article - Transportation~~
 2 ~~Section 16-213~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(1999 Replacement Volume and 1999 Supplement)~~

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

7 **Article - Transportation**

8 16-113.

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

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

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

18 (i) Accompanied and supervised by a licensed driver who is at least
 19 21 years old;

20 (ii) Driving to or from or in the course of the licensee's employment;

21 (iii) Driving to or from a school class or official school activity;

22 (iv) Driving to or from an organized volunteer program; or

23 (v) Driving to or from an opportunity to participate in an athletic
 24 event or related training session.

25 (4) The hour restriction and the supervision requirement under this
 26 subsection expire on the date the holder of the provisional license turns 18 years of
 27 age.

28 (D-1) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, AND
 29 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ADMINISTRATION SHALL
 30 IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S LICENSE PROHIBITING
 31 THE LICENSEE FROM OPERATING A MOTOR VEHICLE IF:

32 ~~(I) THE MOTOR VEHICLE IS OCCUPIED BY MORE THAN 2~~
 33 ~~PASSENGERS UNDER THE AGE OF 21; OR~~

34 ~~(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DRIVER~~
 35 ~~AND EACH PASSENGER IN THE MOTOR VEHICLE ARE NOT RESTRAINED BY A SEAT~~

1 BELT OR, IN ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE, BY A CHILD SAFETY
2 SEAT.

3 (2) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH
4 ~~(1)(H)~~ (1) OF THIS SUBSECTION 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 ~~(3) THE RESTRICTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION
8 EXPIRE ON THE DATE THAT THE HOLDER OF A PROVISIONAL LICENSE TURNS 18
9 YEARS OF AGE.~~

10 ~~16-213.~~

11 (a) In this section, "offense" means ~~A LICENSE RESTRICTION VIOLATION
12 UNDER § 16-113(D) OR (D-1) OF THIS TITLE OR a moving violation committed by an
13 individual who:~~

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

15 (2) ~~Was convicted of the violation.~~

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

18 (c) ~~The Administration:~~

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Section
26 1 of this Act, any individual who holds a provisional driver's license on September 30,
27 2000, is subject to the license restrictions in effect on that date as long as the
28 provisional license remains in effect and is not affected by the changes in restrictions
29 applicable to provisional licenses enacted under Section 1 of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2000.

