

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

Senate Bill 152 (Senator Middleton. *et al.*)  
(Task Force on Driver's Education Programs in Maryland)

Judicial Proceedings

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

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This bill requires the Motor Vehicle Administration (MVA) to impose on each provisional drivers' license a restriction that prohibits the licensee who is under the age of 18 from operating a motor vehicle if: (1) the vehicle is occupied by more than two passengers who are under the age of 21; or (2) each occupant is not restrained by a seat belt or child safety seat. Holders of provisional licenses who violate this restriction are subject to the administrative penalties applied to provisional licensees who commit moving violations.

Those individuals holding a provisional license that was issued before the effective date of the bill are not subject to the provisions of the bill as long as the provisional license remains in effect.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenue from the penalty provision applicable to this offense under the Maryland Vehicle Law. Minimal increase in Transportation Trust Fund (TTF) expenditures for administrative hearings and computer programming.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** All drivers and passengers are required to wear seat belts in the front seat of a vehicle. Additionally, any passenger under 16 years of age, regardless of where seated, must be restrained by either a seat belt or child safety seat. Currently, there are no restrictions on the number of passengers in a vehicle except in cases where the passengers obstruct the view of the driver or interfere with the control of the driver over the vehicle.

**Background:** During the 1998 session, the General Assembly established a new graduated licensing system to address the high accident rate involving new drivers attributable to immaturity and inexperience. The new graduated licensing system took effect July 1, 1999. The seat belt restrictions proposed under this bill were initially recommended by the Graduated Licensing Initiative Work Group, which developed a proposed Graduated Licensed System in 1997. However, the General Assembly eliminated the seat belt restrictions, along with other changes, prior to enactment of the Graduated Licensing System during the 1998 session.

**State Revenues:** There are approximately 41,000 provisional driver's licenses issued each year, and there is a \$50 fine for driving a vehicle in violation of a license restriction. To the extent that provisional licensees violate the seat belt and passenger restrictions, general fund revenue could increase. Any such increase is assumed to be minimal.

**State Expenditures:** In fiscal 1999 there were 764 provisional license restriction violations. Such violations could include driving unsupervised after midnight or violating the alcohol restriction. It is likely that the bill will increase the number of license restriction violations, although the magnitude of the increase cannot be reliably estimated.

The MVA refers first-time offenders of the provisional license restriction to a driver improvement program. The MVA may suspend the provisional licenses of those drivers who commit second and subsequent license restriction violations. Those suspended may seek an administrative hearing to protest the suspension. It costs the MVA approximately \$92 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. To the extent that individuals with suspended provisional licenses request hearings, TTF expenditures could increase.

The MVA advises that computer programming expenditures could increase by an estimated \$50,000 to modify the computer programs to reflect new restrictions on provisional licenses. The Department of Legislative Services (DLS) advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation

affecting the MVA system. Further, DLS advises that the increased computer expenditure is simply an estimate and the MVA may be able to handle the changes with either less money than it estimates or with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 127 (Delegates Mandel and Malone) - Commerce and Government Matters.

**Information Source(s):** Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

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