

HOUSE BILL 232

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R4
HB 127/00 - CGM

2001 Regular Session
1r1025
CF 1r1013

By: **Delegates Mandel, Bronrott, Arnick, Benson, Brinkley, Bobo, Clagett,
DeCarlo, Dobson, Dypski, Glassman, Malone, McIntosh, Paige, Parrott,
Riley, Shank, Snodgrass, Sophocleus, Swain, and Goldwater**

Introduced and read first time: January 24, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses - Graduated Licensing System - Provisional License**
3 **Restrictions**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose certain
5 restrictions on provisional drivers' licenses pertaining to seat belt and child
6 safety seat use; providing a certain exception relating to certain individuals
7 covered by medical exceptions; providing for the prospective application of this
8 Act; and generally relating to license restrictions applicable to drivers who hold
9 provisional drivers' licenses.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-113
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - Transportation**

18 16-113.

19 (a) (1) In addition to the vision and other restrictions provided for in this
20 subtitle, when it issues a driver's license, the Administration for good cause may
21 impose on the licensee:

22 (i) Any restrictions suitable to the licensee's driving ability with
23 respect to the type of special mechanical control devices required on motor vehicles
24 that the licensee may drive;

25 (ii) An alcohol restriction which prohibits the licensee from driving
26 or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

1 (iii) Any other restrictions applicable to the licensee that the
2 Administration determines appropriate to assure the safe driving of a motor vehicle
3 by the licensee.

4 (2) An alcohol restriction that prohibits the licensee from driving or
5 attempting to drive a motor vehicle while having alcohol in the licensee's blood may,
6 as described in subsections (b) and [(g)] (H) of this section, include a restriction that
7 prohibits the licensee from driving or attempting to drive a motor vehicle unless the
8 licensee is a participant in the Ignition Interlock System Program established under
9 § 16-404.1 of this title.

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

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

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

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

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

22 (4) An individual under the age of 21 years who is convicted of a violation
23 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than
24 3 years, to participate in the Ignition Interlock System Program in order to retain the
25 individual's driver's license.

26 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the
27 Administration may:

28 (i) Issue a special restricted license; or

29 (ii) Set forth the restrictions on the usual license form.

30 (2) The Administration shall indicate on the license of a licensee under
31 the age of 21 years that an alcohol restriction has been imposed on the licensee under
32 subsection (b) of this section.

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

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

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

7 (i) Accompanied and supervised by a licensed driver who is at least
8 21 years old;

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

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

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

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

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

17 (E) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, AND
18 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ADMINISTRATION SHALL
19 IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S LICENSE PROHIBITING
20 THE LICENSEE FROM OPERATING A MOTOR VEHICLE IF THE DRIVER AND EACH
21 PASSENGER IN THE MOTOR VEHICLE ARE NOT RESTRAINED BY A SEAT BELT OR, IN
22 ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE, BY A CHILD SAFETY SEAT.

23 (2) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)
24 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER
25 § 22-412.2(F) OR § 22-413.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.

26 [(e)] (F) (1) In addition to the other restrictions provided under this
27 subtitle, the Administration may issue:

28 (i) A driver's license that is valid only in the State of Maryland to
29 an applicant who has been suspended in another jurisdiction as a result of failing to
30 comply with the financial responsibility requirements of that jurisdiction; or

31 (ii) A temporary driver's license that is valid only in the State of
32 Maryland to an applicant for reinstatement of a suspended or revoked driver's
33 license, renewal of a driver's license, or a duplicate or corrected driver's license if, at
34 the time of application:

35 1. The applicant's privilege to drive in another jurisdiction is
36 revoked or suspended as a result of failing to comply with the licensing requirements

1 on or application to any provisional driver's license issued before the effective date of
2 this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2001.