

HOUSE BILL 232

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2001 Regular Session  
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By: **Delegates Mandel, Bronrott, Arnick, Benson, Brinkley, Bobo, Clagett,  
DeCarlo, Dobson, Dypski, Glassman, Malone, McIntosh, Paige, Parrott,  
Riley, Shank, Snodgrass, Sophocleus, Swain, and Goldwater**

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Assigned to: Commerce and Government Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 13, 2001

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CHAPTER \_\_\_\_\_

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:

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

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

6 (iii) Any other restrictions applicable to the licensee that the  
7 Administration determines appropriate to assure the safe driving of a motor vehicle  
8 by the licensee.

9 (2) An alcohol restriction that prohibits the licensee from driving or  
10 attempting to drive a motor vehicle while having alcohol in the licensee's blood may,  
11 as described in subsections (b) and [(g)] (H) of this section, include a restriction that  
12 prohibits the licensee from driving or attempting to drive a motor vehicle unless the  
13 licensee is a participant in the Ignition Interlock System Program established under  
14 § 16-404.1 of this title.

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

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

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

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

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

27 (4) An individual under the age of 21 years who is convicted of a violation  
28 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than  
29 3 years, to participate in the Ignition Interlock System Program in order to retain the  
30 individual's driver's license.

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

33 (i) Issue a special restricted license; or

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

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

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

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

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

10 (i) Accompanied and supervised by a licensed driver who is at least  
11 21 years old;

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

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

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

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

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

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

26 (2) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)  
27 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER  
28 § 22-412.2(F) OR § 22-413.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.

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

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

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

1                                   1.       The applicant's privilege to drive in another jurisdiction is  
2 revoked or suspended as a result of failing to comply with the licensing requirements  
3 of that jurisdiction for which a comparable violation in this State would not have  
4 resulted in revocation or suspension;

5                                   2.       The initial violation that led to the revocation or  
6 suspension did not occur within the preceding 5 years;

7                                   3.       The applicant is otherwise qualified to be licensed in this  
8 State; and

9                                   4.       The Administration determines that the applicant will be  
10 able to take any actions required by the other jurisdiction for reinstatement of the  
11 privilege to drive in that jurisdiction.

12                   (2)       A temporary license issued under paragraph (1) of this subsection  
13 shall be valid for 90 days.

14                   (3)       The Administration shall adopt regulations for the issuance of  
15 temporary licenses under paragraph (1) of this subsection.

16   [(f)]       (G)       After receiving satisfactory evidence of any violation of a restricted or  
17 provisional driver's license, the Administration may suspend or revoke the license.  
18 However, the licensee may request a hearing as provided for a suspension or  
19 revocation under Subtitle 2 of this title.

20   [(g)]       (H)       (1)       The Administration shall impose an alcohol restriction under  
21 subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years  
22 from driving or attempting to drive with alcohol in the individual's blood on any  
23 licensee who is convicted within 5 years of any combination of two or more violations  
24 under § 21-902(a), (b), or (c) of this article.

25                   (2)       If a circuit court or the District Court orders a licensee not to drive or  
26 attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under §  
27 27-107 of this article, the licensee to participate in the Ignition Interlock System  
28 Program established under § 16-404.1 of this title, the Administration shall have the  
29 licensee's driving record and driver's license reflect that the court ordered restriction  
30 was imposed, and shall keep records of the order.

31   [(h)]       (I)       An individual may not drive a vehicle in any manner that violates  
32 any restriction imposed by the Administration in a restricted license issued to the  
33 individual.

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

36   [(j)]       (K)       An individual may not drive or attempt to drive a motor vehicle with  
37 alcohol in the individual's blood in violation of a restriction imposed by a court.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed only prospectively and may not be applied or interpreted to have any effect  
3 on or application to any provisional driver's license issued before the effective date of  
4 this Act.

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