

SENATE BILL 5

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R4  
SB 152/00 - JPR

2001 Regular Session  
11r0450

(PRE-FILED)

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By: **Senator Middleton**

Requested: September 11, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

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

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

12 BY repealing and reenacting, without amendments,  
13 Article - Transportation  
14 Section 16-113(d)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2000 Supplement)

17 BY adding to  
18 Article - Transportation  
19 Section 16-113(d-1)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Transportation  
24 Section 16-213  
25 Annotated Code of Maryland  
26 (1999 Replacement Volume and 2000 Supplement)

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

1

**Article - Transportation**

2 16-113.

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

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

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

12 (i) Accompanied and supervised by a licensed driver who is at least  
13 21 years old;

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

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

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

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

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

22 (D-1) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, THE  
23 ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S  
24 LICENSE PROHIBITING THE LICENSEE FROM OPERATING A MOTOR VEHICLE IF:

25 (I) THE MOTOR VEHICLE IS OCCUPIED BY MORE THAN TWO  
26 PASSENGERS UNDER THE AGE OF 21; OR

27 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DRIVER  
28 AND EACH PASSENGER IN THE MOTOR VEHICLE ARE NOT RESTRAINED BY A SEAT  
29 BELT OR, IN ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE, BY A CHILD SAFETY  
30 SEAT.

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

34 (3) THE RESTRICTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION  
35 EXPIRE ON THE DATE THAT THE HOLDER OF A PROVISIONAL LICENSE TURNS 18  
36 YEARS OF AGE.

1 16-213.

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

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

6 (2) Was convicted of the violation.

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

9 (c) The Administration:

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Section  
17 1 of this Act, any individual who holds a provisional driver's license on September 30,  
18 2001, is subject to the license restrictions in effect on that date as long as the  
19 provisional license remains in effect and is not affected by the changes in restrictions  
20 applicable to provisional licenses enacted under Section 1 of this Act.

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