

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

**Revised**

Senate Bill 5 (Senator Middleton, *et al.*)

Judicial Proceedings

Commerce and Government Matters

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**Drivers' Licenses - Graduated Licensing System - Provisional Licenses -  
Restrictions**

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This bill expands the graduated license system (GLS) by prohibiting a provisional license holder under age 18 from driving a vehicle if the driver and each passenger are not restrained by a seat belt (unless a medical exception applies). Violators may have their license suspended or revoked by the Motor Vehicle Administration (MVA).

The bill does not apply to individuals who hold a provisional license on September 30, 2001 if the license is not revoked or invalidated.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in Transportation Trust Fund (TTF) expenditures for administrative hearings and computer programming. Potential minimal increase in general fund revenue from increased violations of a provisional license restriction (applicable under the Maryland Vehicle Law).

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the GLS, a licensee may not drive unsupervised between 12 midnight and 5:00 a.m. unless accompanied and supervised by a licensed driver who is at least 21 years old or is driving to or from: (1) employment; (2) a school class or official

school activity; (3) an organized volunteer activity; or (4) an athletic event or related training session.

All drivers and passengers are required to wear seat belts in the front seat of a vehicle. Additionally, any passenger under age 16, regardless of where seated, must be restrained by either a seat belt or child safety seat.

**Background:** The General Assembly established the provisional drivers' licensing system in 1998 (HB 527, Chapter 483) and the program became effective July 1, 1999. The proposed seat belt restrictions in this bill were recommended by the Graduated Licensing Initiative Work Group. However, the restrictions were not included in the final version of HB 527.

According to the National Conference of State Legislatures, 37 states have enacted some form of a graduated license. California was the first state to impose passenger restrictions as part of its graduated licensing system. Eight other states now impose some kind of passenger restriction and five states (Illinois, Minnesota, North Carolina, Ohio, and Rhode Island) limit the number of passengers to the number of seat belts in the car. Studies by the Insurance Institute for Highway Safety show that teenage drivers are at much greater risk of being involved in a fatal crash when teen passengers are present than when driving alone or with an adult.

**State Revenues:** The MVA advises that approximately 750 GLS violations occur each year. There is a \$50 fine (established by the District Court) for driving a vehicle in violation of a license restriction. General fund revenues could increase to the extent that more violations occur and more tickets are issued.

**State Expenditures:** The MVA advises that upon any violation of this restriction, it will notify violators that their license will be suspended unless the licensee requests an administrative hearing. Such hearings cost \$92 to administer. Other expenses include postage for notifying offenders of suspensions or referrals to the driver improvement program and \$50,000 to modify the computer system to reflect the new restriction on provisional licenses. The Department of Legislative Services (DLS) notes that other bills may also require computer programming changes and that economies of scale can be realized. To the extent that the number of hearing requests increases, TTF expenditures will increase. 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.

## **Additional Information**

**Prior Introductions:** An identical bill was introduced as SB 152 in the 2000 session and received an unfavorable report by the Judicial Proceedings Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader – January 24, 2001  
mld/jr Revised – Senate Third Reader – March 20, 2001

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