

SENATE BILL 63

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R4  
SB 527/02 - JPR

2003 Regular Session  
3lr0885

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By: **Senators Dyson, Astle, DeGrange, Della, Hooper, Kelley, Lawlah,  
Middleton, Stone, and Teitelbaum**

Introduced and read first time: January 20, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 5, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Provisional Driver's License Restriction for a Minor -**  
3 **Prohibition Against Minors as Passengers**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose a certain  
5 restriction on the original provisional driver's license of a minor that prohibits  
6 the minor from transporting individuals under a certain age as passengers;  
7 requiring the restriction to be in effect for a certain period of time; exempting  
8 certain passengers from the provisions of this Act; authorizing a police officer to  
9 enforce this Act only as a secondary violation; providing that a violation of this  
10 Act is a moving violation for the purpose of awarding points against a driver's  
11 license; and generally relating to a restriction on the original provisional driver's  
12 license of a minor.

13 ~~BY renumbering~~  
14 ~~Article—Transportation~~  
15 ~~Section 16-113(h), (i), and (j), respectively~~  
16 ~~to be Section 16-113(i), (j), and (k), respectively~~  
17 ~~Annotated Code of Maryland~~  
18 ~~(2002 Replacement Volume)~~

19 ~~BY repealing and reenacting, without amendments,~~  
20 ~~Article—Transportation~~  
21 ~~Section 16-113(a)~~  
22 ~~Annotated Code of Maryland~~  
23 ~~(2002 Replacement Volume)~~

1 BY adding to  
 2 Article - Transportation  
 3 Section ~~16-113(h)~~ 16-113(d-2)  
 4 Annotated Code of Maryland  
 5 (2002 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, ~~That Section(s) 16-113(h), (i), and (j), respectively, of Article-~~  
 8 ~~Transportation of the Annotated Code of Maryland be renumbered to be Section(s)~~  
 9 ~~16-113(i), (j), and (k), respectively.~~

10 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland  
 11 read as follows:

12 **Article - Transportation**

13 16-113.

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

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

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

22 (iii) ~~Any other restrictions applicable to the licensee that the~~  
 23 ~~Administration determines appropriate to assure the safe driving of a motor vehicle~~  
 24 ~~by the licensee.~~

25 (2) ~~An alcohol restriction that prohibits the licensee from driving or~~  
 26 ~~attempting to drive a motor vehicle while having alcohol in the licensee's blood may,~~  
 27 ~~as described in subsections (b) and (g) of this section, include a restriction that~~  
 28 ~~prohibits the licensee from driving or attempting to drive a motor vehicle unless the~~  
 29 ~~licensee is a participant in the Ignition Interlock System Program established under~~  
 30 ~~§ 16-404.1 of this title.~~

31 ~~(H)~~ ~~(D-2)~~ (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II)2 OF THIS  
 32 PARAGRAPH, THE ADMINISTRATION SHALL IMPOSE ON EACH PROVISIONAL DRIVER'S  
 33 LICENSE ISSUED TO A LICENSEE UNDER THE AGE OF 18 YEARS A RESTRICTION THAT  
 34 PROHIBITS THE LICENSEE FROM DRIVING A MOTOR VEHICLE WITH A PASSENGER  
 35 UNDER THE AGE OF 18 YEARS.

36 (II) THE RESTRICTION IMPOSED UNDER SUBPARAGRAPH (I) OF  
 37 THIS PARAGRAPH:

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1                               1.       SHALL BE IN EFFECT FROM THE DATE THE PROVISIONAL  
2 LICENSE IS ORIGINALLY ISSUED UNTIL THE 181ST DAY AFTER THE PROVISIONAL  
3 LICENSE WAS ISSUED; AND

4                               2.       DOES NOT APPLY TO A PASSENGER WHO IS A SPOUSE,  
5 DAUGHTER, SON, STEPDAUGHTER, STEPSON, SISTER, BROTHER, STEPSISTER, OR  
6 STEPBROTHER OF THE LICENSEE.

7                   (2)       A POLICE OFFICER MAY ENFORCE THE PROVISIONS OF THIS  
8 SUBSECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A  
9 DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

10                   (3)       A VIOLATION OF THIS SUBSECTION IS A MOVING VIOLATION FOR THE  
11 PURPOSES OF § 16-402 OF THIS TITLE.

12       SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take  
13 effect October 1, 2003.