

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 659

(Senator Kasemeyer)

Judicial Proceedings

Vehicle Laws - License Restriction for a Minor - Passenger Restriction

This bill prohibits a licensed driver under the age of 18 from driving with more than one passenger under the age of 21. The restriction, which would be imposed on the licensee, does not apply to a passenger who is a spouse, daughter, son, or sibling of the licensee. A police officer may only enforce this provision as a secondary violation (i.e., it cannot be the primary cause for stopping a motorist). The bill provides that a violation of the restriction is a moving violation for which an individual may be assessed one point upon conviction.

Fiscal Summary

State Effect: Potentially minimal increase in general fund revenues due to the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Transportation Trust Fund (TTF) expenditures would increase by \$6,600 in FY 2004 due to one-time printing costs. Potential increase in TTF expenditures for computer programming costs if a license restriction is required for each affected licensee.

Local Effect: None. Enforcement could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: The Motor Vehicle Administration (MVA) may not issue a driver's license to any individual who has not reached the age of 17 years, 7 months; exemptions are allowed for the issuance of noncommercial Class B, Class C, or Class M licenses.

An applicant is entitled to receive a provisional license if the applicant meets the minimum age required (16 years and 1 month) and satisfies the learner's instructional permit requirements. The applicant must also pass a driver skills or driver road examination, surrender any learner's permit, and pay the fee.

Under the Graduated Licensing System (GLS), a provisional licensee may not drive unsupervised between 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. Chapter 456 of 2001 requires the MVA to place a restriction on each provisional driver's license that prohibits licensees under the age of 18 from driving a vehicle if the driver and each passenger are not restrained by a seatbelt unless a medical exception applies. For a first offense of a provisional license, a driver may have to take a driver improvement course. The MVA may suspend the offender's provisional license for up to 30 days for the second offense, and may suspend or revoke the offender's provisional license for up to 180 days for a third or subsequent offense.

Background: Chapter 483 of 1998 established the provisional drivers' licensing system, which became effective on July 1, 1999. The National Traffic Safety Administration rates the program as acceptable. According to the National Conference of State Legislatures, 19 states, including Delaware, New Jersey, South Carolina, Virginia, and the District of Columbia, now impose passenger restrictions on novice drivers.

Restrictions vary from allowing no passengers without the supervision of a 21-year old driver for the first 90 days that the license is issued (Indiana) to allowing no more than three passengers younger than 19 (West Virginia). In California, drivers are prohibited from transporting passengers under age 20 unless accompanied by a parent or an adult over 25 for the first six months of their provisional license. A family exemption allows teens unaccompanied by an adult to drive immediate family members under age 20 during the first six months with parental authorization.

State Revenues: General fund revenues may increase minimally due to the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Because the violation can only be enforced as a secondary violation and the number of drivers under 18 is a small percentage of the driving population, any such increase is assumed to be minimal.

State Expenditures: TTF expenditures would increase by \$6,600 in fiscal 2004 to pay for one-time printing costs for GLS forms and brochures. The Department of Legislative Services observes that funding for the driver's handbook will require updating regardless of any legislation that may be enacted, and could be handled with existing resources. The

MVA advises that the bill requires a restriction on a licensee that could be enforced as a matter of State law and would not require a restriction on each individual driver's provisional license. Computer programming costs associated with imposing a restriction on each provisional license would be \$72,820. Additional computer expenditures may be needed for processing removal of the restriction.

Additional Information

Prior Introductions: A similar bill that prohibited a driver under the age of 18 from driving with a passenger under the age of 18 has been introduced in several previous sessions. Most recently, SB 527 of 2002 was given an unfavorable report by the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Department of Transportation (Motor Vehicle Administration), National Conference of State Legislatures, National Traffic Safety Administration, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2003
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