Unofficial Copy R4 2004 Regular Session 4lr0724

## (PRE-FILED)

By: Delegates Bronrott, Mandel, and Holmes

Requested: October 10, 2003

23 impose on the licensee:

26 that the licensee may drive;

(i)

24

Introduced and read first time: January 14, 2004

Assigned to: Environmental Matters

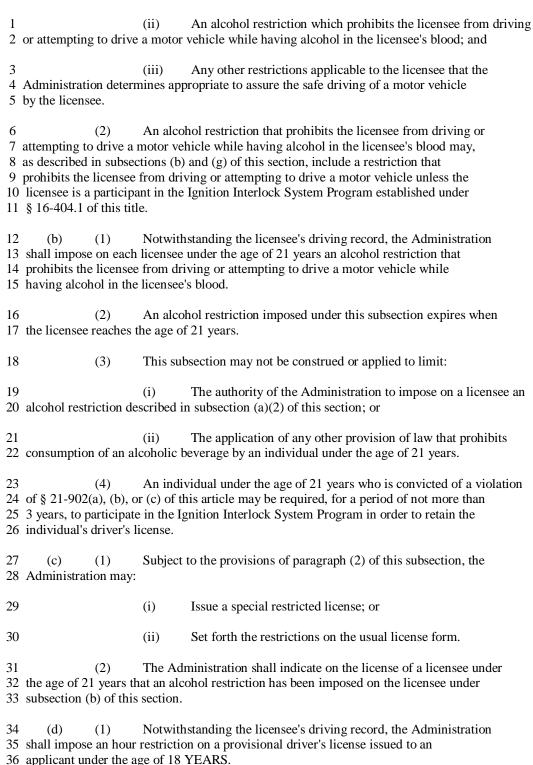
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	A BILL ENTITLED					
1	AN ACT concerning					
2 3	Motor Vehicles - Learners' Permits and Provisional Licenses - Restriction on Use of a Wireless Communication Device While Driving					
4 5 6 7 8 9 10	FOR the purpose of requiring the Motor Vehicle Administration to impose a restriction on learners' instructional permits and provisional drivers' licenses that prohibits permit holders or licensees from using certain types of wireless communication devices while operating a motor vehicle; providing for certain exceptions; defining certain terms; making a stylistic change; and generally relating to the use of certain wireless communication devices by holders of learners' instructional permits or provisional drivers' licenses under certain circumstances.					
12 13 14 15 16	Section 16-113 Annotated Code of Maryland					
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
19	Article - Transportation					
20	16-113.					
21	(a) (1) In addition to the vision and other restrictions provided for in this					

Any restrictions suitable to the licensee's driving ability with

22 subtitle, when it issues a driver's license, the Administration for good cause may

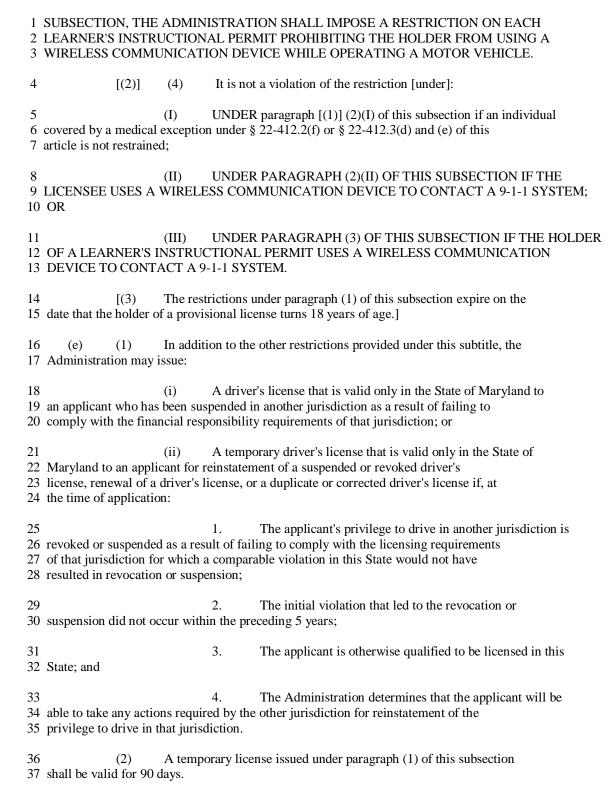
25 respect to the type of special mechanical control devices required on motor vehicles



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	(2) provisional license to midnight.	visional license to driving unsupervised only between the hours of 5 a.m. and 12					
	(3) from driving between licensee is:	ng between the hours of 12 midnight and 5 a.m. the following day if the					
7 8	21 years old;	(i)	Accompa	anied and supervised by a licensed driver who is at least			
9		(ii)	Driving t	to or from or in the course of the licensee's employment;			
10		(iii)	Driving t	to or from a school class or official school activity;			
11		(iv)	Driving t	to or from an organized volunteer program; or			
12 13	(v) Driving to or from an opportunity to participate in an athletic event or related training session.						
	(4) The hour restriction and the supervision requirement under this subsection expire on the date the holder of the provisional license turns 18 years of age.						
17 18	(d-1) (1) MEANINGS INDICA	(I) ATED.	IN THIS	SUBSECTION THE FOLLOWING WORDS HAVE THE			
19 20	(II) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE.						
21		(III)	"WIREL	ESS COMMUNICATION DEVICE" MEANS:			
22 23	1. A HANDHELD OR HANDS-FREE DEVICE USED TO ACCESS A WIRELESS TELEPHONE SERVICE; OR						
24			2.	A TEXT MESSAGING DEVICE.			
	(2) Notwithstanding the licensee's driving record, and subject to paragraph [(2)] (4) of this subsection, the Administration shall impose a restriction on each provisional driver's license prohibiting the licensee from:						
30	motor vehicle if the d		each pas	LICENSEE IS UNDER 18 YEARS OF AGE, operating a senger in the motor vehicle are not restrained 2-412.2 of this article, by a child safety seat;			
32 33	OPERATING A MO	(II) TOR VE		A WIRELESS COMMUNICATION DEVICE WHILE			
34 35	(- /			DING THE DRIVING RECORD OF A HOLDER OF A			

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- 1 (3) The Administration shall adopt regulations for the issuance of 2 temporary licenses under paragraph (1) of this subsection.
- 3 (f) After receiving satisfactory evidence of any violation of a restricted or 4 provisional driver's license, the Administration may suspend or revoke the license.
- 5 However, the licensee may request a hearing as provided for a suspension or
- 6 revocation under Subtitle 2 of this title.
- 7 (g) (1) The Administration shall impose an alcohol restriction under
- 8 subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years
- 9 from driving or attempting to drive with alcohol in the individual's blood on any
- 10 licensee who is convicted within 5 years of any combination of two or more violations
- 11 under § 21-902(a), (b), or (c) of this article.
- 12 (2) If a circuit court or the District Court orders a licensee not to drive or
- 13 attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under §
- 14 27-107 of this article, the licensee to participate in the Ignition Interlock System
- 15 Program established under § 16-404.1 of this title, the Administration shall have the
- 16 licensee's driving record and driver's license reflect that the court ordered restriction
- 17 was imposed, and shall keep records of the order.
- 18 (h) An individual may not drive a vehicle in any manner that violates any
- 19 restriction imposed by the Administration in a restricted license issued to the
- 20 individual.
- 21 (i) An individual may not drive a vehicle in any manner that violates any
- 22 restriction imposed in a provisional license issued to the individual.
- 23 (j) An individual may not drive or attempt to drive a motor vehicle with
- 24 alcohol in the individual's blood in violation of a restriction imposed by a court.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 26 effect October 1, 2004.