

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Transportation)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 27, 2004

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration - Provisional Licenses - Issuance of Drivers'**
3 **Licenses and License Sanctions**

4 FOR the purpose of authorizing the Motor Vehicle Administration to issue a driver's
5 license to a holder of a provisional driver's license who is convicted of a moving
6 violation but was eligible to receive a driver's license at the time the violation
7 occurred; altering a certain definition of "offense" to make certain
8 administrative penalties inapplicable to certain holders of provisional drivers'
9 licenses; and generally relating to the issuance of drivers' licenses.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-111 and 16-213
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

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

17 **Article - Transportation**

18 16-111.

19 (a) This section applies to an applicant who:

1 (1) Holds a learner's instructional permit under § 16-105(d) of this
2 subtitle; or

3 (2) Qualifies for a provisional license under subsection (e) of this section.

4 (b) An applicant is entitled to receive a provisional license if the applicant:

5 (1) Meets the minimum age required under § 16-103(c)(2) of this
6 subtitle;

7 (2) Satisfies the learner's instructional permit requirements under §
8 16-105(d)(2) of this subtitle;

9 (3) Passes a driver skills or driver road examination administered under
10 this subtitle;

11 (4) Surrenders any learner's instructional permit issued to the applicant;
12 and

13 (5) Pays the fee established under this subtitle.

14 (c) A provisional license shall be clearly identifiable as a provisional license.

15 (d) (1) An individual who holds a provisional license may not receive a
16 license sooner than 18 months:

17 [(1)] (I) After the individual first obtains the provisional license; or

18 [(2)] (II) If the individual has been convicted of a moving violation, after
19 the date of the violation.

20 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE
21 ADMINISTRATION MAY ISSUE A LICENSE TO AN INDIVIDUAL WHO WAS OTHERWISE
22 ELIGIBLE TO RECEIVE A LICENSE AT THE TIME A MOVING VIOLATION WAS
23 COMMITTED.

24 (e) (1) Notwithstanding subsection (d) of this section or any other provision
25 of this subtitle, the Administration may issue a provisional license to an individual
26 who has been licensed to drive in another state or country, or by the armed forces of
27 the United States, for less than 18 months.

28 (2) If an individual has been licensed for:

29 (i) Less than 6 months, the individual shall hold the provisional
30 license for at least 18 months before being eligible for a license under § 16-111.1 of
31 this subtitle;

32 (ii) 6 months, but less than 12 months, the individual shall hold the
33 provisional license for at least 12 months before being eligible for a license under §
34 16-111.1 of this subtitle as long as the individual has not committed an offense as
35 defined in § 16-213(a) of this title during that period; or

1 (iii) 12 months, but less than 18 months, the individual shall hold
2 the provisional license for at least 6 months before being eligible for a license under §
3 16-111.1 of this subtitle as long as the individual has not committed an offense as
4 defined in § 16-213(a) of this title during that period.

5 (3) An individual who commits an offense as defined in § 16-213(a) of
6 this title while holding a provisional license issued under this subsection is subject to:

7 (i) The waiting periods under subsection (d)(2) of this section
8 before qualifying for a license under § 16-111.1 of this subtitle; and

9 (ii) Other sanctions applicable to a holder of a provisional license
10 under this article.

11 (4) Notwithstanding § 16-103(c)(3) of this subtitle, the Administration
12 may issue a license under § 16-111.1 of this subtitle without issuing a learner's
13 instructional permit or a provisional license if the individual has been licensed to
14 drive in another state or country, or by the armed forces of the United States, for at
15 least 18 months.

16 (f) A provisional license is subject to the expiration and renewal requirements
17 of § 16-115 of this subtitle.

18 16-213.

19 (a) In this section, "offense" means a moving violation committed by an
20 individual who:

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

22 (2) Was convicted of the violation; AND

23 (3) WAS NOT ELIGIBLE FOR A LICENSE UNDER § 16-111.1 OF THIS TITLE
24 AT THE TIME OF THE VIOLATION.

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

27 (c) The Administration:

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2004.

