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

Introduced and read first time: January 26, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Driver Licensing - Examination of**
3 **Applicants**

4 FOR the purpose of authorizing the Motor Vehicle Administration to adopt
5 regulations allowing a third party contractor to conduct certain driver's license
6 examinations and charge fees; authorizing the Administration to waive certain
7 parts of a driver's license examination under certain circumstances; and
8 generally relating to examinations for driver licensing.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 16-110
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)

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

16 **Article - Transportation**

17 16-110.

18 (a) The Administration shall:

19 (1) Establish qualifications for the safe operation of the various classes,
20 types, sizes, or combinations of vehicles; and

21 (2) Examine each applicant to determine the applicant's qualifications
22 for the license class applied for.

23 (b) Except as otherwise provided in this title, the Administration shall
24 examine each applicant for an original driver's license or for a class of driver's license
25 higher than that which the applicant currently holds.

26 (c) The examination shall include:

- 1 (1) A test of the applicant's:
- 2 (i) Vision;
- 3 (ii) Ability to read and understand highway signs regulating,
4 warning, and directing traffic; and
- 5 (iii) Knowledge of the traffic laws of this State and safe driving
6 practices;
- 7 (2) A demonstration of the applicant's ability to exercise reasonable
8 control in driving a motor vehicle; and
- 9 (3) Any other additional physical or mental examination that the
10 Administration considers necessary to determine an applicant's fitness to drive a
11 motor vehicle safely.
- 12 (d) If an applicant is qualified to take the required examinations for the
13 license applied for, the applicant shall appear in person for examination at any one of
14 the places in this State that the Administration has designated for this purpose.
- 15 (e) (1) For a required driver skills examination or driver road examination,
16 each applicant shall provide a motor vehicle of a type appropriate to test the
17 applicant's ability to drive all vehicles that may be driven under the license class
18 applied for.
- 19 (2) Except as provided in paragraphs (3) and (4) of this subsection, when
20 the holder of a learner's instructional permit appears for the driving test, the permit
21 holder shall be accompanied by an individual qualified under § 16-105 of this subtitle
22 to accompany the holder of a learner's permit while driving on a highway. That
23 individual shall have his driver's license with him.
- 24 (3) The holder of a Class M (motorcycle) learner's instructional permit
25 may:
- 26 (i) Transport a motorcycle to the driving test by truck or other
27 vehicle unaccompanied by another individual, if the permit holder is licensed to drive
28 the truck or other vehicle; or
- 29 (ii) Be accompanied by a person transporting a motorcycle to the
30 test by truck or other vehicle, if that person is licensed to drive the truck or other
31 vehicle.
- 32 (4) The holder of a learner's instructional permit may be driven to the
33 examination station and to the starting point where the examiner begins the test by
34 any individual authorized to drive the class of vehicle in which the test is being given.
35 That individual shall have a valid driver's license in the individual's possession.

1 (f) If the applicant does not pass the examination for the license class applied
2 for, the Administration may issue the applicant any license of a lower class for which
3 the applicant qualifies.

4 (g) Except as provided in subsection (h) of this section, the Administration
5 may waive any driver's license examination OR ANY PORTION OF AN EXAMINATION
6 provided for under this title if the applicant:

7 (1) Holds a valid driver's license issued under this subtitle;

8 (2) Is applying for a Class M license and has successfully completed the
9 Administration approved basic motorcycle safety course; or

10 (3) Holds a valid license from:

11 (i) Another state;

12 (ii) A territory or possession of the United States, the District of
13 Columbia, or the Commonwealth of Puerto Rico; or

14 (iii) A province or territory of Canada.

15 (h) The Administration may not waive a vision examination required under
16 this section.

17 (I) THE ADMINISTRATION MAY ADOPT REGULATIONS CONSISTENT WITH THE
18 MARYLAND VEHICLE LAW ALLOWING INDEPENDENT THIRD PARTY CONTRACTORS
19 TO:

20 (1) ADMINISTER DRIVER'S LICENSE EXAMINATIONS OR ANY PORTION OF
21 A DRIVER'S LICENSE EXAMINATION TO QUALIFIED APPLICANTS; AND

22 (2) CHARGE A FEE FOR ANY EXAMINATION AUTHORIZED UNDER THIS
23 SUBSECTION.

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