

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

Senate Bill 233

(Senator Dyson, *et al.*)

Judicial Proceedings

Environmental Matters

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

This bill requires the Motor Vehicle Administration (MVA) to impose a restriction on the licenses of provisional license holders under the age of 18 that prohibits the licensee from driving a motor vehicle with a passenger under the age of 18 until the 181st day (six months) after the provisional driver's license is issued. The restriction, which would be imposed on each provisional driver's license, does not apply to a passenger who is a spouse, daughter, son, stepdaughter, stepson, stepsister, stepbrother, 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 fined up to \$500 and 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 \$5,500 in FY 2005 due to one-time printing costs.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
GF Revenue	-	-	-	-	-
SF Expenditure	5,500	0	0	0	0
Net Effect	(\$5,500)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

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

Small Business Effect: None.

Analysis

Current Law: The 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 required age (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 12 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 on 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 driver's licensing system, which became effective on July 1, 1999. The National Traffic Safety Administration rates the Maryland program as acceptable. Thirty-six states and the District of Columbia have a three-stage GLS for young drivers. The other states require at least a mandatory learner's permit or an intermediate license with restrictions. According to the National Conference of State Legislatures, the District of Columbia and 25 states, including Delaware, New Jersey, South Carolina, and Virginia, now impose passenger restrictions on novice drivers. In 2003, Connecticut, Illinois, and Maine added passenger restrictions to provisional licenses.

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 \$5,500 in fiscal 2005 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 specific notation on each driver's provisional license.

Additional Information

Prior Introductions: An identical bill (SB 63 as amended) was passed by the Senate in the 2003 session, and referred to the Environmental Matters Committee, which gave it an unfavorable report. Similar bills have been introduced in four sessions preceding 2003. A similar bill in the 2003 session, HB 658, was amended and reported favorably out of the Environmental Matters Committee, but was then recommitted to the Environmental Matters Committee, and no further action took place.

Cross File: None.

Information Source(s): Maryland Department of Transportation, National Conference of State Legislatures, American Automobile Association, National Traffic Safety Administration, Department of Legislative Services

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n/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510