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By: **The Speaker (By Request - Administration) and Delegates Aumann, Bartlett, Benson, Boschert, Boteler, Boutin, Bromwell, Bronrott, Cluster, Costa, Cryor, DeBoy, Donoghue, Eckardt, Edwards, Elliott, Elmore, Frank, Fulton, Haddaway, Hogan, James, Kelly, Krebs, Leopold, Mandel, Marriott, McComas, McHale, McKee, McMillan, Miller, Murray, Myers, Nathan-Pulliam, O'Donnell, Paige, Parrott, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, Taylor, Walkup, and Weldon**

Introduced and read first time: January 25, 2005

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Provisional Drivers - Eligibility for License**

3 FOR the purpose of prohibiting an individual who holds a provisional driver's license  
4 from receiving a driver's license sooner than a certain period after the later of  
5 certain dates; and generally relating to driver licensing.

6 BY repealing and reenacting, with amendments,  
7 Article - Transportation  
8 Section 16-111  
9 Annotated Code of Maryland  
10 (2002 Replacement Volume and 2004 Supplement)

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

13 **Article - Transportation**

14 16-111.

15 (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 FOLLOWING THE LATER OF:

17 (i) [After] THE DATE the individual first obtains the provisional  
18 license; [or]

19 (ii) [If] THE DATE the individual has been convicted of a moving  
20 violation, OR OF VIOLATING A PROVISIONAL DRIVER'S LICENSE RESTRICTION AS  
21 ~~DEFINED IN § 16-113(D)~~ UNDER § 16-113(D) OR (D-1) OF THIS SUBTITLE[, after the date  
22 of the violation]; OR

23 (III) THE DATE OF RESTORATION OF AN INDIVIDUAL'S PROVISIONAL  
24 DRIVER'S LICENSE OR DRIVING PRIVILEGE THAT HAS BEEN SUSPENDED OR  
25 REVOKED FOR ANY REASON.

26 (2) Notwithstanding any other provision of this subtitle, the  
27 Administration may issue a license to an individual who was otherwise eligible to  
28 receive a license at the time a moving violation was committed.

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

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

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

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

8 (iii) 12 months, but less than 18 months, the individual shall hold  
9 the provisional license for at least 6 months before being eligible for a license under §  
10 16-111.1 of this subtitle as long as the individual has not committed an offense as  
11 defined in § 16-213(a) of this title during that period.

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2005.