
By: Delegates Mandel, Bronrott, G. Clagett, Cryor, Sossi, Anderson, Barkley, Barve, Benson, Bobo, Boschert, Boteler, Boutin, Bozman, Bromwell, Cane, V. Clagett, Conway, DeBoy, Donoghue, Dumais, Eckardt, Feldman, Franchot, Frank, Frush, Fulton, Gaines, Goldwater, Gutierrez, Haddaway, Hammen, Heller, Hixson, Hogan, Holmes, Howard, Hubbard, Hurson, James, Jones, Kach, Kelley, King, Krebs, Kullen, Lee, Leopold, Levy, Madaleno, Marriott, McComas, McConkey, McHale, McKee, Menes, Miller, Minnick, Montgomery, Murray, Nathan-Pulliam, Niemann, Paige, Parker, Patterson, Petzold, Ramirez, Ross, Shank, Shewell, Stull, Taylor, F. Turner, V. Turner, and Weldon

Introduced and read first time: January 31, 2005
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2005

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Minor Holding Provisional Driver's License ~~Restriction for a~~**
3 **Minor - Prohibition Against Minors as Passengers**

4 FOR the purpose of ~~requiring the Motor Vehicle Administration to impose a certain~~
5 ~~restriction on the original provisional driver's license of a minor that prohibits~~
6 ~~the prohibiting the holder of a provisional driver's license who is a minor from~~
7 ~~transporting individuals under a certain age as passengers except under certain~~
8 ~~circumstances; requiring the restriction prohibition to be in effect for a certain~~
9 ~~period of time; exempting certain passengers from the provisions of this Act;~~
10 ~~authorizing a police officer to enforce a violation of a restriction imposed under~~
11 ~~this Act only as a secondary violation; providing that a violation of a restriction~~
12 ~~imposed under this Act is a moving violation for the purpose of assessing points~~
13 ~~against a driver's license; authorizing the Motor Vehicle Administration to~~
14 ~~suspend or revoke an individual's driver's license under certain circumstances;~~
15 ~~and generally relating to a restriction on the original provisional driver's license~~
16 ~~of a minor prohibition imposed on a minor holding a provisional driver's license.~~

17 BY adding to
18 Article - Transportation

1 Section ~~46-113(d-2)~~ 21-1123
 2 Annotated Code of Maryland
 3 (2002 Replacement Volume and 2004 Supplement)

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

6 **Article - Transportation**

7 ~~46-113.~~

8 ~~(D-2) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II)2 OF THIS~~
 9 ~~PARAGRAPH, THE ADMINISTRATION SHALL IMPOSE ON EACH PROVISIONAL DRIVER'S~~
 10 ~~LICENSE ISSUED TO A LICENSEE UNDER THE AGE OF 18 YEARS A RESTRICTION THAT~~
 11 ~~PROHIBITS THE LICENSEE FROM DRIVING A MOTOR VEHICLE WITH A PASSENGER~~
 12 ~~UNDER THE AGE OF 18 YEARS.~~

13 ~~(II) THE RESTRICTION IMPOSED UNDER SUBPARAGRAPH (I) OF~~
 14 ~~THIS PARAGRAPH:~~

15 21-1123.

16 (A) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF THE
 17 HOLDER OF THE PROVISIONAL DRIVER'S LICENSE IS DRIVING WHILE ACCOMPANIED
 18 BY AND UNDER THE IMMEDIATE SUPERVISION OF AN INDIVIDUAL WHO:

19 (I) IS AT LEAST 21 YEARS OLD;

20 (II) HAS BEEN LICENSED FOR AT LEAST 3 YEARS IN THIS STATE OR
 21 IN ANOTHER STATE TO DRIVE VEHICLES OF THE CLASS THEN BEING DRIVEN BY THE
 22 HOLDER OF THE PROVISIONAL DRIVER'S LICENSE; AND

23 (III) IS SEATED BESIDE THE HOLDER OF THE PROVISIONAL
 24 DRIVER'S LICENSE.

25 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
 26 HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS UNDER THE AGE OF 18 YEARS
 27 MAY NOT DRIVE A MOTOR VEHICLE WITH A PASSENGER UNDER THE AGE OF 18
 28 YEARS.

29 (3) THE PROHIBITION UNDER PARAGRAPH (2) OF THIS SUBSECTION:

30 ~~1.~~ (I) SHALL BE IN EFFECT FROM THE DATE THE
 31 PROVISIONAL LICENSE IS ORIGINALLY ISSUED UNTIL THE ~~45TH~~ 151ST DAY AFTER
 32 THE PROVISIONAL LICENSE WAS ISSUED; AND

33 ~~2.~~ (II) DOES NOT APPLY TO A PASSENGER WHO IS:

34 ~~A.~~ 1. A SPOUSE, DAUGHTER, SON, STEPDAUGHTER,
 35 STEPSON, SISTER, BROTHER, STEPSISTER, OR STEPBROTHER OF THE LICENSEE; OR

