

ENROLLED BILL

-- Judicial Proceedings/Environmental Matters --

Introduced by **Senators Dyson, Frosh, Middleton, Hollinger, Miller, Forehand, Britt, Colburn, Della, Garagiola, Grosfeld, Hafer, Hogan, Hooper, Kelley, Klausmeier, Lawlah, Munson, Stone, Teitelbaum, Conway, and DeGrange DeGrange, Green, Schrader, and Giannetti**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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 this Act only as a secondary~~
11 ~~violation; providing that a violation of this Act is a moving violation for the~~
12 ~~purpose of ~~awarding~~ assessing points against a driver's license; authorizing the~~
13 ~~Motor Vehicle Administration to suspend or revoke an individual's driver's~~
14 ~~license under certain circumstances; and generally relating to a ~~restriction on~~~~

1 ~~the original provisional driver's license of a minor~~ *prohibition imposed on a*
 2 *minor holding a provisional driver's license.*

3 BY adding to
 4 Article - Transportation
 5 Section ~~16-113(d-2)~~ *21-1123*
 6 Annotated Code of Maryland
 7 (2002 Replacement Volume and 2004 Supplement)

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

10 **Article - Transportation**

11 ~~16-113.~~

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

17 ~~(H) THE RESTRICTION IMPOSED UNDER SUBPARAGRAPH (I) OF~~
 18 ~~THIS PARAGRAPH:~~

19 ~~21-1123.~~

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

23 ~~(I) IS AT LEAST 21 YEARS OLD;~~

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

27 ~~(III) IS SEATED BESIDE THE HOLDER OF THE PROVISIONAL~~
 28 ~~DRIVER'S LICENSE.~~

29 ~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A~~
 30 ~~HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS UNDER THE AGE OF 18 YEARS~~
 31 ~~MAY NOT DRIVE A MOTOR VEHICLE WITH A PASSENGER UNDER THE AGE OF 18~~
 32 ~~YEARS.~~

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

1 ~~1.~~ (I) SHALL BE IN EFFECT FROM THE DATE THE
2 PROVISIONAL LICENSE IS ORIGINALLY ISSUED UNTIL THE ~~18TH~~ 15TH DAY AFTER
3 THE PROVISIONAL LICENSE WAS ISSUED; AND

4 ~~2.~~ (II) DOES NOT APPLY TO A PASSENGER WHO IS;

5 1. A SPOUSE, DAUGHTER, SON, STEPDAUGHTER, STEPSON,
6 SISTER, BROTHER, STEPSISTER, OR STEPBROTHER OF THE LICENSEE; OR

7 2. A RELATIVE OF THE LICENSEE WHO RESIDES AT THE
8 SAME ADDRESS AS THE LICENSEE.

9 ~~(2)~~ (B) A POLICE OFFICER MAY ENFORCE ~~THE PROVISIONS OF THIS~~
10 ~~SUBSECTION~~ THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE
11 OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION
12 OF THE CODE.

13 ~~(3)~~ (C) A VIOLATION OF THIS ~~SUBSECTION~~ SECTION IS A MOVING
14 VIOLATION FOR THE PURPOSES OF § 16-402 OF THIS TITLE.

15 (D) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE THAT
16 AN INDIVIDUAL HAS VIOLATED THIS SECTION, THE ADMINISTRATION MAY SUSPEND
17 OR REVOKE THE INDIVIDUAL'S DRIVER'S LICENSE.

18 (2) AN INDIVIDUAL MAY REQUEST A HEARING AS PROVIDED FOR A
19 SUSPENSION OR REVOCATION UNDER TITLE 16, SUBTITLE 2 OF THIS ARTICLE.

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