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By: **The President (By Request - Administration) and Senators Colburn, Della, Garagiola, Giannetti, Greenip, Hafer, Haines, Harris, Hooper, Jacobs, Kasemeyer, Klausmeier, Kramer, Lawlah, Munson, Schrader, and Stoltzfus**

Introduced and read first time: January 21, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 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:

16 (1) Holds a learner's instructional permit under § 16-105(d) of this  
17 subtitle; or

18 (2) Qualifies for a provisional license under subsection (e) of this section.

1 (b) An applicant is entitled to receive a provisional license if the applicant:

2 (1) Meets the minimum age required under § 16-103(c)(2) of this  
3 subtitle;

4 (2) Satisfies the learner's instructional permit requirements under §  
5 16-105(d)(2) of this subtitle;

6 (3) Passes a driver skills or driver road examination administered under  
7 this subtitle;

8 (4) Surrenders any learner's instructional permit issued to the applicant;  
9 and

10 (5) Pays the fee established under this subtitle.

11 (c) A provisional license shall be clearly identifiable as a provisional license.

12 (d) (1) An individual who holds a provisional license may not receive a  
13 license sooner than 18 months FOLLOWING THE LATER OF:

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

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

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

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

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

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

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

34 (ii) 6 months, but less than 12 months, the individual shall hold the  
35 provisional license for at least 12 months before being eligible for a license under §

1 16-111.1 of this subtitle as long as the individual has not committed an offense as  
2 defined in § 16-213(a) of this title during that period; or

3 (iii) 12 months, but less than 18 months, the individual shall hold  
4 the provisional license for at least 6 months before being eligible for a license under §  
5 16-111.1 of this subtitle as long as the individual has not committed an offense as  
6 defined in § 16-213(a) of this title during that period.

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

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

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

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

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

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