
By: **The President (By Request - Administration) and Senators Colburn,
Currie, Della, Garagiola, Giannetti, Hafer, Haines, Hooper, Jacobs,
Kittleman, Lawlah, Munson, Schrader, and Stoltzfus**

Introduced and read first time: January 21, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Learner's Instructional Permits - Requirements**

3 FOR the purpose of altering the time an individual is required to hold a learner's
4 instructional permit before taking a driver skills examination or driver road
5 examination to obtain a provisional driver's license; and generally relating to
6 learner's instructional permits.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 16-105
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2004 Supplement)

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

14 **Article - Transportation**

15 16-105.

16 (a) (1) Any individual who desires to obtain an original driver's license
17 under this subtitle or to be licensed in a class for which the individual is not already
18 licensed under this subtitle shall apply to the Administration for the desired driver's
19 license.

20 (2) Except as provided in subsection (f) of this section, before issuing a
21 driver's license, the Administration shall issue to each applicant a learner's
22 instructional permit. The learner's instructional permit shall identify clearly the class
23 of license for which the applicant has applied.

24 (b) (1) The holder of a learner's instructional permit may drive the same
25 vehicle and combinations of vehicles as may a holder of the class of driver's license for

1 which the permit holder has applied, but only while accompanied by and under the
2 immediate supervision of an individual who:

3 (i) Is at least 21 years old;

4 (ii) Has been licensed for at least 3 years in this State or in another
5 state to drive vehicles of the class then being driven by the holder of the learner's
6 instructional permit; and

7 (iii) Unless the vehicle is a motorcycle, is seated beside the holder of
8 the learner's instructional permit.

9 (2) The individual supervising the holder of the learner's instructional
10 permit under paragraph (1) of this subsection is the only individual allowed in the
11 front seat of a motor vehicle with the permit holder while the permit holder is driving.

12 (c) The holder of a learner's instructional permit for a motorcycle may drive
13 the motorcycle with another individual on it only if the other individual is one
14 described in subsection (b)(1)(i) and (ii) of this section.

15 (d) (1) This subsection applies to an individual who:

16 (i) Seeks to obtain an original driver's license under this subtitle;
17 and

18 (ii) Does not qualify for a learner's instructional permit under
19 subsection (e) of this section.

20 (2) An individual who holds a learner's instructional permit may not
21 take a driver skills examination or driver road examination for a provisional license:

22 (i) Sooner than [4] 6 months:

23 1. After the individual first obtains the learner's
24 instructional permit; or

25 2. After the date on which the individual committed a
26 moving violation for which the individual was convicted;

27 (ii) Until after successful completion of the driver education
28 program approved under Subtitle 5 of this title, consisting of at least 30 hours of
29 classroom instruction and at least 6 hours of highway driving instruction; and

30 (iii) Unless the individual submits, in accordance with the
31 Administration's regulations, a completed skills log book signed by:

32 1. Each supervising driver who certifies that the individual
33 has satisfactorily demonstrated a required skill; and

1 2. If a signature of a parent, guardian, or other person is
2 required under § 16-107 of this subtitle, the parent, guardian, or other person who
3 signs the individual's application under that section.

4 (3) A learner's instructional permit issued to an individual described in
5 paragraph (1) of this subsection expires one year after the date of issuance.

6 (e) (1) This subsection only applies to an individual who holds a license and
7 who seeks a different class license to drive a motor vehicle that, under the individual's
8 current license, the individual is not authorized to drive.

9 (2) The holder of a learner's instructional permit may not take the
10 driver's license examination sooner than 14 days after the permit is issued.

11 (3) The 14 days' requirement may be waived if a subsequent learner's
12 instructional permit is issued or applied for.

13 (4) A learner's instructional permit issued to an individual described in
14 paragraph (1) of this subsection expires 180 days after date of issuance.

15 (f) (1) Subject to paragraph (3) of this subsection, the Administration may
16 issue a driver's license, without first issuing a learner's instructional permit and
17 without a waiting period, to any individual who:

18 (i) Has been licensed regularly to drive in this State, in another
19 state or country, or by the armed forces of the United States, if the Administration is
20 satisfied that the applicant's experience in driving vehicles of the type that would be
21 authorized by the license class applied for is sufficient to justify issuance of the
22 license without further training; or

23 (ii) Has successfully completed the Administration approved basic
24 motorcycle safety course.

25 (2) The Administration may:

26 (i) Examine the applicant's driving as provided in § 16-110 of this
27 subtitle; or

28 (ii) Issue a provisional license, if appropriate, under § 16-111(e) of
29 this subtitle.

30 (3) An individual who never held a driver's license issued by the
31 Administration or by another state, but who otherwise may obtain a license under
32 paragraph (1)(i) of this subsection without first obtaining a learner's instructional
33 permit, shall successfully complete a 3-hour alcohol and drug education program
34 established by the Administration under § 16-212.1 of this title before qualifying for
35 a driver's license.

1 (g) An individual holding a learner's instructional permit issued under this
2 section may not drive or attempt to drive a motor vehicle on any highway in this State
3 in violation of any of the provisions of this section.

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