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By: **Senator Giannetti**

Introduced and read first time: February 14, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Provisional Driver's License Restriction for a Minor -**  
3 **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 minor from transporting individuals under a certain age as passengers;  
7 requiring the restriction to be in effect for a certain period of time; exempting  
8 certain passengers from the provisions of this Act; authorizing a police officer to  
9 enforce a violation of a restriction imposed under this Act only as a secondary  
10 violation; providing that a violation of a restriction imposed under this Act is a  
11 moving violation for the purpose of assessing points against a driver's license;  
12 and generally relating to a restriction on the original provisional driver's license  
13 of a minor.

14 BY adding to  
15 Article - Transportation  
16 Section 16-113(d-2)  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume and 2004 Supplement)

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

21 **Article - Transportation**

22 16-113.

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

28 (II) THE RESTRICTION IMPOSED UNDER SUBPARAGRAPH (I) OF  
29 THIS PARAGRAPH:

1                                   1.       SHALL BE IN EFFECT FROM THE DATE THE PROVISIONAL  
2 LICENSE IS ORIGINALLY ISSUED UNTIL THE 181ST DAY AFTER THE PROVISIONAL  
3 LICENSE WAS ISSUED; AND

4                                   2.       DOES NOT APPLY TO A PASSENGER WHO IS:

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

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

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

13                                  (3)       A VIOLATION OF A RESTRICTION IMPOSED UNDER THIS SUBSECTION  
14 IS A MOVING VIOLATION FOR THE PURPOSES OF § 16-402 OF THIS TITLE.

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