

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 393

(Delegate Mandel, *et al.*)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Minor Holding Provisional Driver's License - Prohibition Against
Minors as Passengers

This bill prohibits, except under specified conditions, provisional license holders younger than 18 from driving a motor vehicle with a passenger younger than 18 until the 151st (five months) after the provisional driver's license was issued.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Potential increase in Transportation Trust Fund (TTF) expenditures from processing sanctions and suspensions for violations of this prohibition. Potential increase in reimbursable revenues from payments from the Motor Vehicle Administration (MVA) to the Office of Administrative Hearings (OAH) for hearings associated with a violation of this prohibition. Otherwise, enforcement could be handled with existing resources.

Local Effect: None. Enforcement could be handled with existing resources.

Small Business Effect: Driver's schools would see increased attendance at driver improvement classes. Depending on the number of individuals convicted of violating this prohibition, this could be significant.

Analysis

Bill Summary: The prohibition does not apply to a passenger who is legally related to the licensee (spouse, child, stepchild, sibling, or stepsibling) or a relative residing at the

same address. The prohibition also does not apply if the provisional license holder is accompanied by and under the supervision of a driver who:

- is at least 21 years old;
- has possessed a driver's license for at least three years; and
- is sitting in the front passenger's seat.

A police officer may only enforce this provision as a secondary violation (*i.e.*, it cannot be the primary cause for stopping a motorist). A violation of the restriction is a moving violation for which an individual may be fined up to \$500 and assessed one point upon conviction.

If the MVA receives satisfactory evidence that an individual has violated this prohibition, the MVA may suspend or revoke the individual's driver's license. An individual may request a hearing for a suspension or revocation.

Current Law: The MVA may not issue a driver's license to any individual who has not reached the age of 17 years, 7 months; exemptions are allowed for the issuance of noncommercial Class B, Class C, or Class M licenses. An applicant is entitled to receive a provisional license if the applicant meets the minimum required age (16 years and 1 month) and satisfies the learner's instructional permit requirements. The applicant must also pass a driver skills or driver road examination, surrender any learner's permit, and pay the fee.

Under the Graduated Licensing System (GLS), a provisional licensee may not drive between 12:00 midnight and 5:00 a.m. unless accompanied and supervised by a licensed driver who is at least 21 years old or the licensee is driving to or from: (1) employment; (2) a school class or official school activity; (3) an organized volunteer activity; or (4) an athletic event or related training session.

Chapter 456 of 2001 requires the MVA to place a restriction on each provisional driver's license that prohibits licensees younger than 18 from driving a vehicle if the driver and each passenger are not restrained by a seatbelt unless a medical exception applies. For a first offense on a provisional license, a driver may have to take a driver improvement course. The MVA may suspend the offender's provisional license for up to 30 days for the second offense and may suspend or revoke the offender's provisional license for up to 180 days for a third or subsequent offense.

The MVA currently requires a holder of a provisional license, upon conviction of a moving violation, to attend a driver improvement program. If a holder of a provisional license is convicted of a second offense, the MVA may suspend the license for 30 days,

and for a third offense, the MVA may suspend or revoke the offender's provisional license for up to 180 days. The offender has the right to an administrative hearing.

Background: Chapter 483 of 1998 established the provisional driver's licensing system, which became effective on July 1, 1999. The National Traffic Safety Administration rates the Maryland program as acceptable. According to the Insurance Institute for Highway Safety, 40 states and the District of Columbia have a three-stage licensing system: a learner's permit, an intermediate or provisional license, and a permanent license. The restrictions placed on the intermediate license and learner's permit differ from state to state. According to the National Conference of State Legislatures, the District of Columbia and 26 states, including Delaware, New Jersey, South Carolina, and Virginia, now impose passenger restrictions on novice drivers.

Restrictions vary from allowing no passengers without the supervision of a driver 21 or older for the first 90 days that the license is issued (Indiana) to allowing no more than three passengers younger than 19 (West Virginia). In California, drivers are prohibited from transporting passengers younger than 20 unless accompanied by a parent or an adult older than 25 for the first six months of their provisional license. A family exemption allows teens unaccompanied by an adult to drive immediate family members younger than 20 during the first six months with parental authorization. A preliminary study on the effect of the California law indicates that, in 1999, teenage passenger deaths and injuries when traveling with 16-year-old drivers declined 23% compared with the five prior years.

Research shows that teenage drivers have an increased risk of crashing, especially when accompanied by passengers. According to a 1999 Highway Loss Data Institute study, insurance injury claim frequencies and overall collision losses for cars insured for teenagers to drive are more than double those of cars insured for use by adults only. Crash risk for teenage drivers increases incrementally with the number of passengers. For teenage drivers transporting two, three, or more passengers, the risk of crashing is three to five times greater. Older drivers with passengers have a decreased risk of crashing. According to 2000 Fatality Analysis Reporting System data, 63% of the deaths of teenage passengers in motor vehicle accidents occurred when other teenagers were driving.

State Revenues: General fund revenues could increase minimally due to the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine.) Because the violation can only be enforced as a secondary violation and the number of drivers younger than 18 is a small percentage of the driving population, any such increase is assumed to be minimal.

State Expenditures: TTF expenditures would increase by \$7,070 in fiscal 2006 to pay for one-time printing costs to various law books and brochures. However, because the MVA must revise its forms annually to include various law changes, reprinting is simply a part of doing business and can be handled with the MVA's existing resources.

The MVA pays OAH \$92 per hearing to adjudicate hearings for the MVA. Therefore, TTF expenditures would increase due to costs to mail notices to license holders as to suspensions and revocations and the expense of related administrative hearings. As there are no statistics on the number of provisional license holders who will violate the restrictions on passengers, the amount by which TTF expenditures would increase cannot be reliably estimated. The MVA advises that for every 2,000 suspensions, it would require two additional employees to process the suspensions. In addition, a significant increase in the number of hearings held by OAH could result in additional personnel needed by OAH.

Additional Information

Prior Introductions: An identical bill, HB 462 of 2004, received an unfavorable report from the House Environmental Matters Committee. A similar bill, HB 658 of 2003, was amended and reported favorably out of the House Environmental Matters Committee, was subsequently recommitted to that committee, and no further action took place. A similar bill passed the Senate in both the 2004 and 2003 sessions (SB 233 in 2004, SB 63 as amended in 2003), was referred to the House Environmental Matters Committee and given an unfavorable report by that committee. A similar Senate bill has been introduced every session since 1996.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts,) Department of State Police, Maryland Department of Transportation, National Conference of State Legislatures, American Automobile Association, National Traffic Safety Administration, Insurance Institute for Highway Safety, Department of Legislative Services

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