

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 206

(The President, *et al.*) (By Request – Administration)

Judicial Proceedings

Environmental Matters

Vehicle Laws - Provisional Drivers - Eligibility for License

This Administration bill expands the prohibition against a person receiving a nonprovisional driver's license. The existing 18-month waiting period for an unrestricted license starts anew from: (1) the date of a violation of provisional driver's night driving restrictions or safety restraint restrictions; or (2) the date of restoration of the person's provisional driver's license or driving privilege that has been revoked or suspended.

Fiscal Summary

State Effect: Potential increase in Transportation Trust Fund (TTF) expenditures in FY 2006 only for computer reprogramming costs. Revenues would not be affected.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Current Law: A provisional licensee may not receive a driver's license sooner than 18 months after the individual first obtains a provisional license; or if an individual has been convicted of a moving violation, 18 months after the date of the violation. A provisional licensee convicted of a moving violation must attend driver improvement classes for a first offense, may have the license suspended for up to 30 days for a second offense, and may have the license suspended or revoked for up to 180 days for a subsequent offense.

A provisional licensee may not drive between 12:00 midnight and 5:00 a.m. unless the licensee is 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.

A provisional licensee younger than 18 is prohibited from operating a vehicle unless the driver and all passengers are restrained by a seat belt or child safety seat.

Background: Teenagers, who hold the majority of provisional driver's licenses, have a higher risk of being in an accident than older drivers, primarily due to inexperience. According to the *Journal of Safety Research*, 20% of 16-year-old drivers will be involved in an accident in their first year of driving, with the highest accident rate in the first month.

Night driving is especially hazardous to teenage drivers. While only 15% of miles driven by 16-year-old and 17-year-old drivers occur between 9:00 p.m. and 6:00 a.m., approximately 40% of their fatal crashes occur during this time. Factors that account for this increase can be a greater likelihood of alcohol consumption during these hours, fatigue, and dim lighting conditions. However, a summary of existing research by National Safety Council researchers showed that nighttime provisional driver's license restrictions can significantly reduce crashes by teenagers during those time periods.

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 of Highway Safety, 40 states and the District of Columbia have a three-stage licensing system: a learner's permit, an intermediate or provisionary license, and a permanent license. The restrictions placed on the intermediate license and learner's permit differ from state to state. Such restrictions include passenger restriction, night driving restrictions, and requiring supervision while driving.

The Motor Vehicle Administration (MVA) advises there are 127,771 provisional drivers 19 and younger. Almost half are younger than 18, 28% are 18, and 24% are 19. Of that group, less than 1% of individuals younger than 18, 2.7% of 18-year olds, and 5% of 19-year olds have their provisional license currently suspended or revoked.

Other states also require a provisional licensee to be free of either vehicle crashes or moving violation convictions before qualifying for full licensure. For example:

- Arkansas requires holders of learner's permits and provisional licenses to have no history of serious accidents or moving violation convictions for six months before applying for the next stage of licensure.

- Washington prohibits teenagers with a crash or moving violation history from receiving a full driver's license until their eighteenth birthday.
- South Carolina allows conditional and restricted license holders to obtain a full license if the driver has had his/her license for a year and has had no traffic offenses or at-fault crashes.
- California issues a full driver's licenses to provisional license holders when they turn 18 once there are no outstanding motor vehicle or court order restrictions, suspensions, or probations.
- Learner's permit holders in Minnesota must have had no moving violation or alcohol/controlled substance violation for six months before applying for a provisional license. Applicants for a full license must have held a provisional license for at least 12 consecutive months with no convictions for alcohol/controlled substance violations or crash-related moving violations, and with not more than one conviction for a moving violation that is not crash-related.

State Expenditures: The MVA estimates that it would cost \$64,425 to make internal and vendor computer reprogramming changes. Legislative Services advises that, if other legislation is passed requiring computer programming changes, economies of scale could be realized and lower these reprogramming costs for the MVA system.

Additional Information

Prior Introductions: None.

Cross File: HB 244 (The Speaker, *et al.*) (By Request – Administration) – Environmental Matters.

Information Source(s): Maryland Department of Transportation, Insurance Institute for Highway Safety, National Conference of State Legislatures, *Journal of Safety Research*, National Traffic Safety Administration, Department of Legislative Services

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