

# HOUSE BILL 191

R4

8lr0472

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By: **Delegate Holmes**

Introduced and read first time: January 21, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driver’s Licenses – Alcohol and Drug Test for Underage**  
3 **Applicants**

4 FOR the purpose of requiring the Motor Vehicle Administration to test each applicant  
5 for certain driver’s licenses who is under a certain age for the presence of  
6 alcohol or an unlawful controlled dangerous substance; requiring the  
7 Administration to suspend for a certain period of time the driver’s license or  
8 privilege to drive of an applicant who receives a positive test result; requiring  
9 that an applicant who is under a certain age receive a negative test result to be  
10 eligible for certain driver’s licenses; prohibiting the Administration from  
11 waiving a test; including the test as part of the State’s driver’s license  
12 examination; requiring the Administration to adopt certain regulations,  
13 including regulations establishing a certain hearing process; defining a certain  
14 term; and generally relating to an alcohol and drug test for an underage  
15 applicant for a driver’s license.

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 16–110, 16–111(b), 16–111.1(b), and 16–213  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2007 Supplement)

21 BY adding to  
22 Article – Transportation  
23 Section 16–110.4  
24 Annotated Code of Maryland  
25 (2006 Replacement Volume and 2007 Supplement)

26 BY repealing and reenacting, without amendments,  
27 Article – Transportation  
28 Section 16–111(a), 16–111.1(a), and 16–205.1(a)(1)(iv)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2007 Supplement)

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

5 **Article – Transportation**

6 16–110.

7 (a) The Administration shall:

8 (1) Establish qualifications for the safe operation of the various  
9 classes, types, sizes, or combinations of vehicles; and

10 (2) Examine each applicant to determine the applicant's qualifications  
11 for the license class applied for.

12 (b) Except as otherwise provided in this title, the Administration shall  
13 examine each applicant for an original driver's license or for a class of driver's license  
14 higher than that which the applicant currently holds.

15 (c) The examination shall include:

16 (1) A test of the applicant's:

17 (i) Vision;

18 (ii) Ability to read and understand highway signs regulating,  
19 warning, and directing traffic; and

20 (iii) Knowledge of the traffic laws of this State and safe driving  
21 practices;

22 (2) A demonstration of the applicant's ability to exercise reasonable  
23 control in driving a motor vehicle; [and]

24 (3) **FOR AN APPLICANT WHO IS UNDER THE AGE OF 21 YEARS, A**  
25 **TEST UNDER § 16–110.4 OF THIS SUBTITLE FOR THE PRESENCE OF ALCOHOL OR**  
26 **AN UNLAWFUL CONTROLLED DANGEROUS SUBSTANCE; AND**

27 (4) Any other additional physical or mental examination that the  
28 Administration considers necessary to determine an applicant's fitness to drive a  
29 motor vehicle safely.

1 (d) If an applicant is qualified to take the required examinations for the  
2 license applied for, the applicant shall appear in person for examination at any one of  
3 the places in this State that the Administration has designated for this purpose.

4 (e) (1) For a required driver skills examination or driver road  
5 examination, each applicant shall provide a motor vehicle of a type appropriate to test  
6 the applicant's ability to drive all vehicles that may be driven under the license class  
7 applied for.

8 (2) Except as provided in paragraphs (3) and (4) of this subsection,  
9 when the holder of a learner's instructional permit appears for the driving test, the  
10 permit holder shall be accompanied by an individual qualified under § 16-105 of this  
11 subtitle to accompany the holder of a learner's permit while driving on a highway.  
12 That individual shall have his driver's license with him.

13 (3) The holder of a Class M (motorcycle) learner's instructional permit  
14 may:

15 (i) Transport a motorcycle to the driving test by truck or other  
16 vehicle unaccompanied by another individual, if the permit holder is licensed to drive  
17 the truck or other vehicle; or

18 (ii) Be accompanied by a person transporting a motorcycle to the  
19 test by truck or other vehicle, if that person is licensed to drive the truck or other  
20 vehicle.

21 (4) The holder of a learner's instructional permit may be driven to the  
22 examination station and to the starting point where the examiner begins the test by  
23 any individual authorized to drive the class of vehicle in which the test is being given.  
24 That individual shall have a valid driver's license in the individual's possession.

25 (f) If the applicant does not pass the examination for the license class  
26 applied for, the Administration may issue the applicant any license of a lower class for  
27 which the applicant qualifies.

28 (g) Except as provided in subsection (h) of this section, the Administration  
29 may waive any driver's license examination provided for under this title if the  
30 applicant:

31 (1) Holds a valid driver's license issued under this subtitle;

32 (2) Is applying for a Class M license and has successfully completed  
33 the Administration approved basic motorcycle safety course; or

34 (3) Holds a valid license from:

35 (i) Another state;

1 (ii) A territory or possession of the United States, the District of  
2 Columbia, or the Commonwealth of Puerto Rico; or

3 (iii) A province or territory of Canada.

4 (h) The Administration may not waive [a]:

5 (1) A vision examination required under this section; OR

6 (2) A TEST FOR THE PRESENCE OF ALCOHOL OR AN UNLAWFUL  
7 CONTROLLED DANGEROUS SUBSTANCE UNDER § 16-110.4 OF THIS SUBTITLE.

8 **16-110.4.**

9 (A) IN THIS SECTION, "TEST" HAS THE MEANING STATED IN § 16-205.1  
10 OF THIS TITLE.

11 (B) THE ADMINISTRATION SHALL:

12 (1) REQUIRE EACH APPLICANT FOR AN ORIGINAL OR  
13 PROVISIONAL DRIVER'S LICENSE WHO IS UNDER THE AGE OF 21 YEARS TO TAKE  
14 A TEST FOR THE PRESENCE OF ALCOHOL OR AN UNLAWFUL CONTROLLED  
15 DANGEROUS SUBSTANCE; AND

16 (2) SUSPEND FOR 6 MONTHS THE DRIVER'S LICENSE OR  
17 PRIVILEGE TO DRIVE OF AN APPLICANT WHO RECEIVES A POSITIVE RESULT ON  
18 THE TEST.

19 (C) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT  
20 THIS SECTION, INCLUDING REGULATIONS ESTABLISHING A HEARING PROCESS  
21 FOR AN APPLICANT WHOSE LICENSE OR PRIVILEGE TO DRIVE IS SUSPENDED  
22 UNDER THIS SECTION.

23 16-111.

24 (a) This section applies to an applicant who:

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

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

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

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

3 (2) Satisfies the learner’s instructional permit requirements under §  
4 16–105(d)(2) of this subtitle;

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

7 (4) **FOR AN APPLICANT WHO IS UNDER THE AGE OF 21 YEARS,**  
8 **RECEIVES A NEGATIVE RESULT ON A TEST FOR THE PRESENCE OF ALCOHOL OR**  
9 **AN UNLAWFUL CONTROLLED DANGEROUS SUBSTANCE UNDER § 16–110.4 OF**  
10 **THIS SUBTITLE;**

11 (5) Surrenders any learner’s instructional permit issued to the  
12 applicant; and

13 [(5)] (6) Pays the fee established under this subtitle.

14 16–111.1.

15 (a) An applicant is entitled to receive the driver’s license applied for if the  
16 applicant:

17 (1) Passes the examination provided for in this subtitle;

18 (2) Surrenders the last learner’s instructional permit issued to him, if  
19 any; and

20 (3) Pays the fees provided for by this subtitle.

21 (b) (1) This subsection applies to an applicant who holds a provisional  
22 license under § 16–111 of this subtitle.

23 (2) An applicant is entitled to receive a license if the applicant:

24 (i) Meets the minimum age required under § 16–103(c)(3) of  
25 this subtitle;

26 (ii) Satisfies the provisional license requirements under §  
27 16–111(d) or (e) of this subtitle;

28 (iii) Surrenders any provisional license issued to the applicant;  
29 [and]

30 (iv) **FOR AN APPLICANT WHO IS UNDER THE AGE OF 21**  
31 **YEARS, RECEIVES A NEGATIVE RESULT ON A TEST FOR THE PRESENCE OF**

1 **ALCOHOL OR AN UNLAWFUL CONTROLLED DANGEROUS SUBSTANCE UNDER §**  
2 **16-110.4 OF THIS SUBTITLE; AND**

3 (v) Pays the fee established under this subtitle.

4 16-205.1.

5 (a) (1) (iv) "Test" means, unless the context requires otherwise:

6 1. A test of a person's breath or of 1 specimen of a  
7 person's blood to determine alcohol concentration;

8 2. A test or tests of 1 specimen of a person's blood to  
9 determine the drug or controlled dangerous substance content of the person's blood; or

10 3. Both:

11 A. A test of a person's breath or a test of 1 specimen of a  
12 person's blood, to determine alcohol concentration; and

13 B. A test or tests of 1 specimen of a person's blood to  
14 determine the drug or controlled dangerous substance content of the person's blood.

15 16-213.

16 (a) In this section, "offense" means a moving violation committed by an  
17 individual who:

18 (1) Holds a provisional license under § 16-111 of this title;

19 (2) Was convicted of, or granted a probation before judgment under §  
20 6-220 of the Criminal Procedure Article for, the violation; and

21 (3) Was not eligible for a license under § 16-111.1 of this title at the  
22 time of the violation.

23 (b) Except as provided in § 16-205(d-1) or § 16-206(b) of this subtitle, the  
24 sanctions under this section are in addition to any other penalty or sanctions that  
25 might apply as a result of a moving violation.

26 (c) The Administration:

27 (1) For a first offense, shall require the offender to attend a driver  
28 improvement program under § 16-212 of this subtitle;

29 (2) For a second offense, may suspend the offender's provisional  
30 license for up to 30 days; and

1                   (3) For a third or subsequent offense, may suspend or revoke the  
2 offender's provisional license for up to 180 days.

3                   **(D) THE ADMINISTRATION SHALL SUSPEND FOR 6 MONTHS THE**  
4 **LICENSE OR PRIVILEGE TO DRIVE OF A PERSON WHO RECEIVES A POSITIVE**  
5 **RESULT ON A TEST FOR THE PRESENCE OF ALCOHOL OR AN UNLAWFUL**  
6 **CONTROLLED DANGEROUS SUBSTANCE UNDER § 16-110.4 OF THIS TITLE.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2008.