

# HOUSE BILL 1426

R4

8lr0078

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By: **Chair, Environmental Matters Committee (By Request - Departmental - Transportation)**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - ~~Young Drivers - Driving Privileges~~ Learner's Instructional**  
3 **Permits**

4 FOR the purpose of ~~altering the period after which the holder of a learner's~~  
5 ~~instructional permit may take certain examinations for a provisional license~~  
6 ~~under certain circumstances;~~ altering the period for which a learner's  
7 instructional permit is valid; repealing exceptions in law allowing an individual  
8 who is at least a certain age to drive on Maryland highways without obtaining a  
9 learner's instructional permit; ~~altering the hours during which a holder of a~~  
10 ~~provisional driver's license under a certain age may drive unsupervised;~~  
11 ~~requiring the Motor Vehicle Administration to impose certain restrictions on a~~  
12 ~~provisional driver's license and suspend or revoke the license under certain~~  
13 ~~circumstances; altering a certain definition; modifying a certain license~~  
14 ~~restriction prohibiting a holder of a provisional driver's license from driving a~~  
15 ~~vehicle carrying certain passengers under certain circumstances; and generally~~  
16 relating to ~~driving privileges for young drivers~~ learner's instructional permits.

17 BY repealing and reenacting, with amendments,  
18 Article - Transportation  
19 Section ~~16-105(d), 16-113(d), 16-213, and 21-1123~~  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2007 Supplement)

22 BY repealing  
23 Article - Transportation

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 16-105.1  
 2 Annotated Code of Maryland  
 3 (2006 Replacement Volume and 2007 Supplement)

4 ~~BY adding to~~  
 5 ~~Article – Transportation~~  
 6 ~~Section 16-113(d-2)~~  
 7 ~~Annotated Code of Maryland~~  
 8 ~~(2006 Replacement Volume and 2007 Supplement)~~

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

11 **Article – Transportation**

12 16-105.

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

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

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

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

20 (i) Sooner than 6 months:

21 1. After the individual first obtains the learner's  
 22 instructional permit; or

23 2. After the date on which the individual committed a  
 24 moving violation for which the individual was convicted ~~OR GRANTED PROBATION~~  
 25 ~~BEFORE JUDGMENT;~~

26 (ii) Until after successful completion of:

27 1. The driver education program approved under  
 28 Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at  
 29 least 6 hours of highway driving instruction; and

30 2. At least 60 hours, 10 hours of which must occur  
 31 during the period beginning 30 minutes before sunset and ending 30 minutes after  
 32 sunrise, of behind-the-wheel driving practice supervised by an individual who:

- 1                   A.    Holds a valid driver's license;
- 2                   B.    Is at least 21 years old; and
- 3                   C.    Has been licensed to drive for at least 3 years; and

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

6                   1.    Each supervising driver who certifies that the  
7 individual has satisfactorily demonstrated a required skill and has completed the  
8 driving practice requirements of item (ii)2 of this paragraph; and

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

12                   (3)   A learner's instructional permit issued to an individual described  
13 in paragraph (1) of this subsection expires [one year] **2 YEARS** after the date of  
14 issuance.

15 [16–105.1.

16                   Any individual who is at least 15 years old may drive a motor vehicle on  
17 highways in this State, without obtaining a learner's instructional permit, if:

18                   (1)   The individual is a student enrolled in a driver education course  
19 approved under this article;

20                   (2)   The motor vehicle is equipped with a dual brake control and any  
21 other equipment specified by regulations adopted under this article; and

22                   (3)   While driving the motor vehicle, the individual is under the control  
23 of:

24                   (i)   An instructor certified under Subtitle 5 of this title;

25                   (ii)   A qualified student instructor participating in an instructor  
26 preparation program sanctioned by the Administration in consultation with the State  
27 Department of Education; or

28                   (iii)  A driving instructor licensed under Title 15, Subtitle 8 of  
29 this article.]

30 ~~16–113.~~

1           ~~(d) (1) Notwithstanding the licensee's driving record, the Administration~~  
 2 ~~shall impose an hour restriction on a provisional driver's license issued to an applicant~~  
 3 ~~under the age of 18.~~

4           ~~(2) The restriction under this subsection shall limit the holder of a~~  
 5 ~~provisional license to driving unsupervised only between the hours of [5 a.m. and 12~~  
 6 ~~midnight].~~

7                   ~~(i) 5 A.M. AND 10 P.M. IF THE HOLDER OF THE~~  
 8 ~~PROVISIONAL LICENSE IS UNDER THE AGE OF 17; AND~~

9                   ~~(ii) 5 A.M. AND 12 MIDNIGHT IF THE HOLDER OF THE~~  
 10 ~~PROVISIONAL LICENSE IS AT LEAST 17 YEARS OLD BUT UNDER THE AGE OF 18.~~

11           ~~(3) This subsection does not preclude the holder of a provisional~~  
 12 ~~license from driving between the hours of [12 midnight] 10 P.M. and 5 a.m. the~~  
 13 ~~following day if the licensee is:~~

14                   ~~(i) Accompanied and supervised by a licensed driver who is at~~  
 15 ~~least 21 years old;~~

16                   ~~(ii) Driving to or from or in the course of the licensee's~~  
 17 ~~employment;~~

18                   ~~(iii) Driving to or from a school class or official school activity;~~

19                   ~~(iv) Driving to or from an organized volunteer program; or~~

20                   ~~(v) Driving to or from an opportunity to participate in an~~  
 21 ~~athletic event or related training session.~~

22           ~~(4) The hour restriction and the supervision requirement under this~~  
 23 ~~subsection expire on the date the holder of the provisional license turns 18 years of~~  
 24 ~~age.~~

25           ~~(D-2) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, THE~~  
 26 ~~ADMINISTRATION SHALL IMPOSE AN EDUCATION AND EMPLOYMENT ONLY~~  
 27 ~~RESTRICTION ON A PROVISIONAL DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL~~  
 28 ~~UNDER THE AGE OF 18 IF THE PROVISIONAL LICENSE HOLDER IS CONVICTED OF~~  
 29 ~~OR RECEIVES PROBATION BEFORE JUDGMENT FOR A MOVING VIOLATION.~~

30           ~~(2) THE ADMINISTRATION MAY NOT REMOVE A RESTRICTION~~  
 31 ~~IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNTIL THE~~  
 32 ~~PROVISIONAL LICENSE HOLDER OBTAINS A DRIVER'S LICENSE ISSUED UNDER §~~  
 33 ~~16-111.1 OF THIS SUBTITLE.~~

1 ~~16-213.~~

2 (a) ~~In this section, "offense" means a moving violation committed by an~~  
3 ~~individual who:~~

4 (1) ~~[Holds] HELD a provisional license under § 16-111 of this title AT~~  
5 ~~THE TIME THE VIOLATION WAS COMMITTED;~~

6 (2) ~~Was convicted of, or granted a probation before judgement under §~~  
7 ~~6-220 of the Criminal Procedure Article for, the violation; and~~

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

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

13 (c) ~~The Administration:~~

14 (1) ~~FOR ANY INDIVIDUAL 18 YEARS OLD OR OLDER WHO HOLDS A~~  
15 ~~PROVISIONAL DRIVER'S LICENSE;~~

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

18 ~~[(2)] (II) For a second offense, may suspend the offender's~~  
19 ~~[provisional] license for [up to] 30 days; and~~

20 ~~[(3)] (III) For a third or subsequent offense, may suspend [or revoke]~~  
21 ~~the offender's [provisional] license for [up to] 180 days[.];~~

22 (2) ~~FOR ANY INDIVIDUAL UNDER THE AGE OF 18 WHO HOLDS A~~  
23 ~~PROVISIONAL DRIVER'S LICENSE;~~

24 (I) ~~FOR A FIRST OFFENSE, SHALL IMPOSE A LICENSE~~  
25 ~~RESTRICTION ON THE OFFENDER'S PROVISIONAL DRIVER'S LICENSE UNDER §~~  
26 ~~16-113(D-2) OF THIS TITLE;~~

27 (II) ~~FOR A SECOND OFFENSE, SHALL:~~

28 1. ~~REQUIRE THE OFFENDER TO ATTEND A DRIVER~~  
29 ~~IMPROVEMENT PROGRAM UNDER § 16-212 OF THIS SUBTITLE;~~

1                   ~~2. RESTRICT THE OFFENDER FROM DRIVING WITH A~~  
 2 ~~PASSENGER UNDER THE AGE OF 18 UNTIL THE OFFENDER OBTAINS A DRIVER'S~~  
 3 ~~LICENSE ISSUED UNDER § 16-111.1 OF THIS TITLE; AND~~

4                   ~~3. SUSPEND THE OFFENDER'S LICENSE FOR 30~~  
 5 ~~DAYS;~~

6                   ~~(III) FOR A THIRD OFFENSE, SHALL:~~

7                   ~~1. REQUIRE THE OFFENDER TO ATTEND A DRIVER~~  
 8 ~~REHABILITATION PROGRAM UNDER § 16-213 OF THIS SUBTITLE;~~

9                   ~~2. SUSPEND THE OFFENDER'S LICENSE FOR 180~~  
 10 ~~DAYS; AND~~

11                   ~~3. RESTRICT THE OFFENDER AS DESCRIBED IN ITEM~~  
 12 ~~(II)2 OF THIS ITEM; AND~~

13                   ~~(IV) FOR A FOURTH OR SUBSEQUENT OFFENSE, SHALL:~~

14                   ~~1. REVOKE THE OFFENDER'S LICENSE;~~

15                   ~~2. REQUIRE THE OFFENDER, IN ADDITION TO~~  
 16 ~~APPLYING FOR REINSTATEMENT AS REQUIRED UNDER § 16-208(B) OF THIS~~  
 17 ~~SUBTITLE, TO PASS THE EXAMINATIONS REQUIRED UNDER § 16-110 OF THIS~~  
 18 ~~TITLE; AND~~

19                   ~~3. RESTRICT THE OFFENDER'S LICENSE AS~~  
 20 ~~DESCRIBED IN ITEM (II)2 OF THIS ITEM.~~

21 ~~21-1123.~~

22           (a) (1) ~~The provisions of this subsection do not apply if the holder of the~~  
 23 ~~provisional driver's license is driving while accompanied by and under the immediate~~  
 24 ~~supervision of an individual who:~~

25                   ~~(i) Is at least 21 years old;~~

26                   ~~(ii) Has been licensed for at least 3 years in this State or in~~  
 27 ~~another state to drive vehicles of the class then being driven by the holder of the~~  
 28 ~~provisional driver's license; and~~

29                   ~~(iii) Is seated beside the holder of the provisional driver's license.~~

1           ~~(2) Except as provided in paragraph (3) of this subsection, a holder of a~~  
2 ~~provisional driver's license who is under the age of 18 years may not drive a motor~~  
3 ~~vehicle with a passenger under the age of 18 years.~~

4           ~~(3) The prohibition under paragraph (2) of this subsection:~~

5                   ~~(i) Shall be in effect from the date the provisional license is~~  
6 ~~originally issued until the [151st day after the provisional license was issued]~~  
7 ~~PROVISIONAL LICENSEE REACHES THE AGE OF 18; and~~

8                   ~~(ii) Does not apply to a passenger who is:~~

9                           ~~1. A spouse, daughter, son, stepdaughter, stepson, sister,~~  
10 ~~brother, stepsister, or stepbrother of the licensee; or~~

11                           ~~2. A relative of the licensee who resides at the same~~  
12 ~~address as the licensee.~~

13           ~~(b) A police officer may enforce this section only as a secondary action when~~  
14 ~~the police officer detains a driver for a suspected violation of another provision of the~~  
15 ~~Code.~~

16           ~~(c) A violation of this section is a moving violation for the purposes of §~~  
17 ~~16-402 of this article.~~

18           ~~(d) (1) If the Administration receives satisfactory evidence that an~~  
19 ~~individual has violated this section, the Administration may suspend or revoke the~~  
20 ~~individual's driver's license.~~

21                   ~~(2) An individual may request a hearing as provided for a suspension~~  
22 ~~or revocation under Title 16, Subtitle 2 of this article.~~

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.