

SENATE BILL 661

R5

8lr1976
CF 8lr1981

By: **Senators Middleton and Dyson**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Prohibition Against Minors with Provisional License**
3 **Transporting Minors – Enforcement**

4 FOR the purpose of repealing a provision of law that limits a police officer to enforcing
5 a certain prohibition, only as a secondary action, against a holder of a
6 provisional driver's license who is a minor transporting certain other minors
7 when the police officer detains the driver on suspicion of violating another
8 provision of law; and generally relating to the enforcement of laws prohibiting
9 the transportation of minors by minors who hold provisional drivers' licenses.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1123
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2007 Supplement)

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

17 **Article – Transportation**

18 21–1123.

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

22 (i) Is at least 21 years old;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9 (i) Shall be in effect from the date the provisional license is
10 originally issued until the 151st day after the provisional license was issued; and

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

12 1. A spouse, daughter, son, stepdaughter, stepson, sister,
13 brother, stepsister, or stepbrother of the licensee; or

14 2. A relative of the licensee who resides at the same
15 address as the licensee.

16 (b) [A police officer may enforce this section only as a secondary action when
17 the police officer detains a driver for a suspected violation of another provision of the
18 Code.

19 (c) A violation of this section is a moving violation for the purposes of §
20 16-402 of this article.

21 [(d)] (C) (1) If the Administration receives satisfactory evidence that an
22 individual has violated this section, the Administration may suspend or revoke the
23 individual's driver's license.

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

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