

# SENATE BILL 865

R4, R5

8lr3316  
CF HB 1313

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By: **Senator Dyson**

Introduced and read first time: February 13, 2008

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Drivers’ Licenses and Learners’ Instructional Permits –**  
3 **Minors**

4 FOR the purpose of altering the minimum ages required for eligibility for a learner’s  
5 instructional permit, a provisional driver’s license, and a driver’s license;  
6 altering the hour restriction that limits when a holder of a provisional driver’s  
7 license who is under a certain age may drive; extending the period of time from  
8 the date a provisional driver’s license is issued to a minor during which the  
9 minor is prohibited from transporting certain individuals under a certain age as  
10 passengers except under certain circumstances; and generally relating to  
11 drivers’ licenses and learners’ permits for minors.

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 16–103(c), 16–113(d), and 21–1123  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2007 Supplement)

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

19 **Article – Transportation**

20 16–103.

21 (c) The Administration may not issue:

22 (1) A learner’s instructional permit to any individual who has not  
23 reached the age of [15 years, 9 months] **16 YEARS**;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A provisional license to any individual who has not reached the age  
2 of 16 years, [3 months] **6 MONTHS**; or

3 (3) A license to any individual who has not reached the age of [17  
4 years, 9 months] **18 YEARS**.

5 16–113.

6 (d) (1) Notwithstanding the licensee’s driving record, the Administration  
7 shall impose an hour restriction on a provisional driver’s license issued to an applicant  
8 under the age of 18.

9 (2) The restriction under this subsection shall limit the holder of a  
10 provisional license to driving unsupervised only between the hours of 5 a.m. and [12  
11 midnight] **11 P.M. THE SAME DAY**.

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

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

17 (ii) Driving to or from or in the course of the licensee’s  
18 employment;

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

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

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

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

26 21–1123.

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

30 (i) Is at least 21 years old;

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] **9 MONTHS** after the provisional license was  
11 issued; and

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

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

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

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

20 (c) A violation of this section is a moving violation for the purposes of §  
21 16-402 of this article.

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

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

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