

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 661 (Senators Middleton and Dyson)
Judicial Proceedings

Vehicle Laws - Prohibition Against Minors with Provisional License
Transporting Minors - Enforcement

This bill repeals the limitation that a police officer enforce, only as a secondary action when the police officer detains a driver for another suspected violation, the prohibition against a minor holding a provisional license or learner's permit from transporting other minors as passengers, unless the passenger is related to the minor as specified in the law.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from additional citations. Potential minimal increase in Transportation Trust Fund revenues to the extent that suspended drivers purchase restricted licenses. Potential minimal increase in TTF expenditures due to additional notification of suspensions and hearings, to the extent requested. Any such increases cannot be reliably estimated at this time. Enforcement could be handled with existing resources.

Local Effect: Enforcement could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: Except under specified conditions, a provisional license holder younger than age 18 is prohibited from driving a motor vehicle with a passenger younger than age 18 until the one hundred fifty-first day (five months) after the provisional driver's license was issued. The prohibition does not apply to a passenger who is legally related to the

licensee (spouse, child, stepchild, sibling, or stepsibling) or a relative residing at the same address. The prohibition also does not apply if the provisional license holder is accompanied by and under the supervision of a driver who:

- is at least age 21;
- has possessed a driver's license for at least three years; and
- is sitting in the front passenger's seat.

A police officer may only enforce this provision as a secondary violation (*i.e.*, it cannot be the primary cause for stopping a motorist). A violation of the restriction is a moving violation for which an individual may be fined up to \$500 and assessed one point upon conviction.

If MVA receives satisfactory evidence that an individual has violated this prohibition, MVA may suspend or revoke the individual's driver's license. An individual may request a hearing for a suspension or revocation.

Under the Graduated Licensing System, a provisional licensee may not drive between 12:00 midnight and 5:00 a.m. unless accompanied and supervised by a licensed driver who is at least age 21 or the licensee is driving to or from: • employment; • a school class or official school activity; • an organized volunteer activity; or • an athletic event or related training session.

MVA currently requires a holder of a provisional license, upon conviction of a moving violation, to attend a driver improvement program. If a holder of a provisional license is convicted of a second offense, MVA may suspend the license for 30 days; for a third offense, MVA may suspend or revoke the offender's provisional license for up to 180 days. The offender has the right to an administrative hearing.

Background: According to the Insurance Institute for Highway Safety, the District of Columbia and 39 states, including Delaware, New Jersey, South Carolina, and Virginia, impose passenger restrictions on novice drivers. In addition to Maryland, 12 other states (Arizona, California, Colorado, Georgia, Kentucky, Massachusetts, Nebraska, Nevada, Texas, Utah, Virginia, and Washington) allow enforcement of young driver passenger restrictions only as a secondary action.

Restrictions vary from allowing no passengers without the supervision of a driver age 21 or older for the first 90 days that the license is issued (Indiana) to allowing no more than three passengers under age 19 (West Virginia). In California, drivers are prohibited from transporting passengers under age 20 unless accompanied by a parent or an adult over

age 25 for the first 6 months of their provisional license. A family exemption allows teens unaccompanied by an adult to drive immediate family members under age 20 during the first 6 months with parental authorization.

Chapter 483 of 1998 established the provisional driver's licensing system, which became effective on July 1, 1999. The Insurance Institute for Highway Safety rates the Maryland program as good. Forty-six states and the District of Columbia have a three-stage licensing system: a learner's permit, an intermediate or provisional license, and a permanent license. The restrictions placed on the intermediate license and learner's permit differ from state to state.

State Fiscal Effect: General fund revenues could increase to the extent that additional drivers are cited for violating the prohibition in the bill. Any such increase is expected to be minimal. TTF revenues could increase to the extent that suspended drivers purchase a corrected license with the driving restriction required by the bill. MVA charges \$20 for each corrected license issued. TTF expenditures could potentially increase due to notifications for suspensions and hearings. Any such increase is expected to be minimal. The prepayment penalty assessed by the District Court is \$70 and one point assessed against the license. If the violation contributes to an accident, the prepayment penalty is \$110 and three points must be assessed against the license.

Additional Information

Prior Introductions: None.

Cross File: HB 874 (Charles County Delegation) – Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Insurance Institute for Highway Safety, Department of Legislative Services

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mcp/ljm

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