

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 345 (Senator Dyson)
Judicial Proceedings

**Vehicle Laws - Minor Holding Provisional Driver's License - Passenger
Restrictions**

This bill extends, from 150 days to 1 year, the period during which a holder of a provisional license who is younger than age 18 is prohibited from carrying certain other passengers younger than 18.

Fiscal Summary

State Effect: The requirements imposed by this bill could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, a holder of a provisional license who is younger than 18 may not drive a motor vehicle with a passenger younger than 18 for the first 150 days that license is held. This rule does not apply when the holder of the provisional license is under the immediate supervision of an individual who is at least 21 and has been licensed for three years. Additionally, the rule does not apply if the passenger younger than 18 is a spouse, child or step-child, sibling or step-sibling of the driver, or any other relative that resides with the licensee.

A violation of this rule is a moving violation subject to suspension or revocation of the license, enforceable only as a secondary action when the police officer has already detained the driver for a separate suspected violation.

Background: Chapter 483 of 1998 established the provisional driver's licensing system, which took effect on July 1, 1999. The National Traffic Safety Administration has rated the Maryland program as acceptable. According to the American Automobile Association, 44 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. According to the National Conference of State Legislatures, 39 states and the District of Columbia now impose passenger restrictions on novice drivers.

Restrictions vary from allowing no passengers without the supervision of a driver 21 or older for the first 90 days that the license is issued (Indiana) to allowing no more than three passengers younger than 19 (West Virginia). In California, drivers are prohibited from transporting passengers younger than 20 unless accompanied by a parent or an adult older than 25 for the first six months of their provisional license. A family exemption allows teens unaccompanied by an adult to drive immediate family members younger than 20 during the first six months with parental authorization. A preliminary study on the effect of the California law indicates that, in 1999, teenage passenger deaths and injuries when traveling with 16-year-old drivers declined 23% compared with the five prior years.

According to a 2006 study conducted by the Johns Hopkins Bloomberg School of Public Health, graduated driver licensing programs reduce the incidence of fatal crashes by 16-year-old drivers by 11%. Analyzing various components of state graduated licensing laws, the researchers found that, for each additional component of the seven standard ones identified, the incidence of fatalities decreased. Thus, states with a five-component program reduced fatalities by 18% as compared with states with no graduated licensing laws, and states with a six- or seven-component program were able to reduce fatalities by 21%.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): American Automobile Association, Johns Hopkins University, National Conference of State Legislatures, National Traffic Safety Administration, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510