

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 865 (Senator Dyson)
Judicial Proceedings

Vehicle Laws - Drivers' Licenses and Learners' Instructional Permits - Minors

This bill • increases the age limit for issuance of a learner's instructional permit, provisional driver's license, and driver's license; • enhances the nighttime hours restriction on provisional license holders younger than age 18; and • lengthens the period during which a provisional license holder younger than age 18 is prohibited from carrying other passengers younger than age 18.

Fiscal Summary

State Effect: Transportation Trust Fund expenditures could increase minimally due to the cost of reprogramming Motor Vehicle Administration computers and reprinting MVA forms. TTF revenues could decrease slightly in FY 2009 only due to a delay in the collection of fees for issuance of learner's permits, provisional driver's licenses, and driver's licenses. Enforcement of the new restrictions could be handled with existing resources.

Local Effect: Local enforcement could be handled with existing resources.

Small Business Effect: Potential minimal impact on small businesses that currently rely on the use of drivers younger than age 18.

Analysis

Bill Summary: MVA is prohibited from issuing:

- a learner's permit to anyone younger than age 16;

- a provisional license to anyone younger than 16 years, 6 months; and
- a driver's license to anyone younger than age 18.

MVA is also required to impose an hours restriction on a provisional driver's license holder younger than age 18, that prohibits driving from 11 p.m. until 5 a.m. the following day. Exempted from these hours restrictions are drivers who are accompanied and supervised by a licensed driver at least 21 years old, or are driving to or from:

- or in the course of, the licensee's employment;
- a school class or official school activity;
- an organized volunteer program; or
- an opportunity to participate in an athletic event or related training session.

The bill also extends the period during which a provisional licensee must remain subject to the prohibition against driving other passengers younger than age 18 without the required supervision. This period is extended from 151 days (about 5 months) from the date of issuance of the provisional driver's license to 9 months from the date of issuance.

Current Law: Prior to issuing a driver's license, MVA is required to issue to an applicant a learner's instructional permit unless otherwise permitted by MVA by virtue of being already licensed in another state or country, or by the armed forces. A learner's permit may only be issued to an individual who is at least 15 years and 9 months old. Upon issuance of the learner's permit, the holder may drive under the immediate supervision of an adult 21 or older who has held a driver's license for at least three years. The holder of a learner's permit is then required to wait six months from the date of issuance of the permit or from the date of the last moving violation to take a driver examination.

Upon successful completion of a driver's examination, an applicant who held a learner's permit or who held another state's or country's driver's license for less than 18 months is entitled to receive a provisional driver's license, as long as the applicant is at least 16 years and 3 months old. Once a provisional license is granted, the licensee must wait 18 months from the date of issuance, the date of the last moving violation or provisional license restriction offense, or the date of restoration of a suspended or revoked license, before a full driver's license may be obtained. In any event, MVA may not issue a full license to an applicant who is younger than 17 years and 9 months old.

Notwithstanding the driving record of a licensee, MVA is required to impose a restriction on a provisional driver's license that restricts driving:

- between the hours of 12 midnight and 5 a.m., except to or from certain specified activities, or unless accompanied by a licensed driver at least 21 years old;
- with a passenger not restrained by a seat belt or child safety seat, unless that passenger is exempted due to a medical condition; and
- with another passenger younger than age 18 unless the passenger is a spouse, daughter, son, stepdaughter, stepson, sibling, or step-sibling, or other relative of the licensee residing at the same address, or unless accompanied by a driver at least 21 years old who has been licensed for at least three years.

The holder of a provisional license may have his license suspended or revoked upon conviction or the granting of probation before judgment for a moving violation.

Background: A 2005 study of crash statistics by the Insurance Institute for Highway Safety indicates that nationally 61% of teenage passenger fatalities occurred while another teenager was driving. Further information by IIHS indicates that the crash rate of drivers age 16 and 17 significantly increase when carrying passengers. In Maryland, passengers between the ages of 10 and 19 represent approximately 65% of the total number of passengers involved in young driver (20 and younger) crashes.

In Maryland, over the last two years, more 16- and 17-year-old drivers died between the hours of 10 p.m. and 12 midnight than during the five hours from 12 a.m. to 5 a.m. The restriction on nighttime driving is a component of the model graduated driver's licensing systems issued by the National Committee on Traffic Laws and Ordinances, National Transportation Safety Board, and the American Automobile Association. Forty-six states have some form of nighttime driving restrictions, six of which meet the 10 p.m. to 5 a.m. threshold. Currently, Maryland's GDL system is the least restrictive in the Mid-Atlantic region, where most others are from 11 p.m. to 5 a.m.

According to IIHS, the District of Columbia and 39 states, including Delaware, New Jersey, 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 younger than age 19 (West Virginia). In California, drivers are prohibited from transporting passengers younger than age 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 age 20 during the first six months with parental authorization.

Chapter 483 of 1998 established the provisional driver's licensing system, which became effective on July 1, 1999. IIHS 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.

Additional Information

Prior Introductions: None.

Cross File: HB 1313 (Delegate Bronrott, *et al.*) – 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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