

HOUSE BILL 303

R4

9lr0231
CF SB 265

By: **The Speaker (By Request – Administration) and Delegates McIntosh, Malone, Bronrott, Ali, Frank, George, Hucker, Lafferty, Montgomery, and Waldstreicher**

Introduced and read first time: January 29, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Young Drivers – Driving Privileges**

3 FOR the purpose of increasing the minimum ages at which an individual may obtain a
4 learner's instructional permit, provisional license, and full driver's license;
5 increasing the maximum age under which an applicant for a learner's
6 instructional permit must provide to the Motor Vehicle Administration a school
7 attendance record; increasing the maximum age of an applicant for a learner's
8 instructional permit for purposes of a prohibition against issuance of the permit
9 if the applicant's school attendance record indicates more than a certain number
10 of absences; altering the period after which the holder of a learner's
11 instructional permit may take certain examinations for a provisional license
12 under certain circumstances; requiring the Administration to cancel the driver's
13 license of a minor if the cosigner on the minor's application for the license
14 makes a certain request; altering the period after which the holder of a
15 provisional license may be issued a full license under certain circumstances;
16 altering the hours during which a holder of a provisional driver's license under
17 a certain age may drive unsupervised; authorizing the Administration to
18 conduct a driver improvement program for young drivers; requiring the
19 Administration to impose certain restrictions on a provisional driver's license
20 and suspend or revoke the license under certain circumstances; modifying a
21 certain license restriction prohibiting a holder of a provisional driver's license
22 from driving a vehicle carrying certain passengers under certain circumstances;
23 providing for the application of a certain provision of this Act; clarifying
24 language; making conforming and stylistic changes; and generally relating to
25 driving privileges for young drivers.

26 BY repealing and reenacting, with amendments,
27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–103, 16–105(a) and (d), 16–108, 16–111(d), 16–113(d), 16–212,
2 16–213, and 21–1123
3 Annotated Code of Maryland
4 (2006 Replacement Volume and 2008 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Transportation
7 Section 16–111(a), (b), and (c) and 16–113(d–1) and (i)
8 Annotated Code of Maryland
9 (2006 Replacement Volume and 2008 Supplement)

10 BY adding to
11 Article – Transportation
12 Section 16–113(d–2)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2008 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 16–103.

19 (a) Except as provided in subsection (b) of this section, the Administration
20 may not issue a driver’s license to any individual who is not at least 18 years old.

21 (b) (1) Except as provided under paragraph (2) of this subsection, the
22 Administration may issue a noncommercial Class B, C, or M license to an individual
23 under the age of 18 if the individual otherwise qualifies for a driver’s license under
24 this subtitle.

25 (2) The Administration may not issue a Class M license to an
26 individual under the age of 18 years unless the individual has also completed
27 satisfactorily a motorcycle safety course approved under Subtitle 6 of this title.

28 (c) The Administration may not issue:

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Transportation**

4 16–105.

5 (a) (1) Any individual who desires to obtain an original driver’s license
6 under this subtitle or to be licensed in a class for which the individual is not already
7 licensed under this subtitle shall apply to the Administration for the desired driver’s
8 license.

9 (2) (I) Except as provided in subsection (f) of this section, before
10 issuing a driver’s license, the Administration shall issue to each applicant a learner’s
11 instructional permit.

12 (II) The learner’s instructional permit shall identify clearly the
13 class of license for which the applicant has applied.

14 (3) (i) Each applicant for a learner’s instructional permit who is
15 under the age of 16 years, **3 MONTHS** shall present to the Administration a certified
16 copy of the applicant’s school attendance record.

17 (ii) The Administration may not issue a learner’s instructional
18 permit to an applicant under the age of 16 years, **3 MONTHS** if the applicant’s school
19 attendance record indicates more than 10 unexcused absences during the prior school
20 semester.

21 (d) (1) This subsection applies to an individual who:

22 (i) Seeks to obtain an original driver’s license under this
23 subtitle; and

24 (ii) Does not qualify for a learner’s instructional permit under
25 subsection (e) of this section.

26 (2) An individual who holds a learner’s instructional permit may not
27 take a driver skills examination or driver road examination for a provisional license:

28 (i) Sooner than 6 months **FOLLOWING THE LATER OF:**

29 1. [After the] **THE DATE THAT THE** individual first
30 obtains the learner’s instructional permit; or

31 2. [After the] **THE** date [on which the individual
32 committed a moving violation for which] the individual was convicted **OF, OR**

1 **GRANTED PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL**
2 **PROCEDURE ARTICLE FOR, A MOVING VIOLATION;**

3 (ii) Until after successful completion of:

4 1. The driver education program approved under
5 Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at
6 least 6 hours of highway driving instruction; and

7 2. At least 60 hours, 10 hours of which must occur
8 during the period beginning 30 minutes before sunset and ending 30 minutes after
9 sunrise, of behind-the-wheel driving practice supervised by an individual who:

10 A. Holds a valid driver's license;

11 B. Is at least 21 years old; and

12 C. Has been licensed to drive for at least 3 years; and

13 (iii) Unless the individual submits, in accordance with the
14 Administration's regulations, a completed skills log book signed by:

15 1. Each supervising driver who certifies that the
16 individual has satisfactorily demonstrated a required skill and has completed the
17 driving practice requirements of item (ii)2 of this paragraph; and

18 2. If a signature of a parent, guardian, or other person is
19 required under § 16-107 of this subtitle, the parent, guardian, or other person who
20 signs the individual's application under that section.

21 (3) A learner's instructional permit issued to an individual described
22 in paragraph (1) of this subsection expires 2 years after the date of issuance.

23 16-108.

24 If, while the licensee is still a minor, the Administration receives from the
25 individual who cosigned the license application of the minor a written request that the
26 license of the minor be [suspended] **CANCELED**, the Administration:

27 (1) Shall [suspend] **CANCEL** the license; and

28 (2) May not [reinstate] **REISSUE** the license until:

29 (i) Another qualified adult cosigns and certifies an application
30 as required by § 16-107 of this subtitle; or

31 (ii) The minor becomes an adult.

1 16–111.

2 (a) This section applies to an applicant who:

3 (1) Holds a learner’s instructional permit under § 16–105(d) of this
4 subtitle; or

5 (2) Qualifies for a provisional license under subsection (e) of this
6 section.

7 (b) An applicant is entitled to receive a provisional license if the applicant:

8 (1) Meets the minimum age required under § 16–103(c)(2) of this
9 subtitle;

10 (2) Satisfies the learner’s instructional permit requirements under §
11 16–105(d)(2) of this subtitle;

12 (3) Passes a driver skills or driver road examination administered
13 under this subtitle;

14 (4) Surrenders any learner’s instructional permit issued to the
15 applicant; and

16 (5) Pays the fee established under this subtitle.

17 (c) A provisional license shall be clearly identifiable as a provisional license.

18 (d) (1) An individual who holds a provisional license may not receive a
19 license sooner than 18 months following the later of:

20 (i) The date the individual first obtains the provisional license;

21 (ii) The date the individual [has been] **IS** convicted of [a], **OR**
22 **GRANTED PROBATION BEFORE JUDGMENT UNDER § 6–220 OF THE CRIMINAL**
23 **PROCEDURE ARTICLE FOR:**

24 **1. A moving violation[, or of violating]; OR**

25 **2. A VIOLATION OF** a provisional driver’s license
26 restriction under [§ 16–113(d) or (d–1)] **§ 16–113(I)** of this subtitle; or

27 (iii) The date of restoration of an individual’s provisional driver’s
28 license or driving privilege that has been suspended or revoked for any reason.

1 (2) Notwithstanding any other provision of this subtitle, the
2 Administration may issue a license to an individual who was otherwise eligible to
3 receive a license at the time a moving violation was committed.

4 16–113.

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

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

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

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

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

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

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

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

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

25 (d–1) (1) Notwithstanding the licensee’s driving record, and subject to
26 paragraph (2) of this subsection, the Administration shall impose a restriction on each
27 provisional driver’s license prohibiting the licensee from operating a motor vehicle if
28 the driver and each passenger in the motor vehicle are not restrained by a seat belt or,
29 in accordance with § 22–412.2 of this article, by a child safety seat.

30 (2) It is not a violation of the restriction under paragraph (1) of this
31 subsection if an individual covered by a medical exception under § 22–412.2(f) or §
32 22–412.3(d) and (e) of this article is not restrained.

33 (3) The restrictions under paragraph (1) of this subsection expire on
34 the date that the holder of a provisional license turns 18 years of age.

1 **(D-2) (1) THE ADMINISTRATION SHALL IMPOSE AN “EDUCATION AND**
2 **EMPLOYMENT ONLY” RESTRICTION ON A PROVISIONAL DRIVER’S LICENSE IF**
3 **THE LICENSEE IS UNDER THE AGE OF 18 AND IS CONVICTED OF OR IS GRANTED**
4 **PROBATION BEFORE JUDGMENT FOR A SECOND OR SUBSEQUENT MOVING**
5 **VIOLATION.**

6 **(2) THE ADMINISTRATION MAY NOT REMOVE THE RESTRICTION**
7 **IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNTIL THE LICENSEE**
8 **OBTAINS A DRIVER’S LICENSE ISSUED UNDER § 16-111.1 OF THIS SUBTITLE.**

9 (i) An individual may not drive a vehicle in any manner that violates any
10 restriction imposed in a provisional license issued to the individual.

11 16-212.

12 (a) The Administration may conduct:

13 (1) A driver improvement program, **INCLUDING A DRIVER**
14 **IMPROVEMENT PROGRAM DESIGNED SPECIFICALLY FOR YOUNG DRIVERS;**

15 (2) An alcohol education program; and

16 (3) Point system conferences.

17 (b) (1) The purpose of the programs and conferences authorized under
18 this section is to provide driver rehabilitation.

19 (2) The Administration shall determine the content of the programs
20 and conferences.

21 (c) If an individual is convicted of [1] **ONE** or more moving violations:

22 (1) After a conference or a hearing as provided in Title 12, Subtitle 2 of
23 this article, as a condition of reinstatement of a driver’s license, or if an individual fails
24 to attend a conference as required by § 16-404(a)(2) of this title, the Administration
25 may require an individual to attend a driver improvement program or alcohol
26 education program; or

27 (2) A court may require an individual to attend a driver improvement
28 program or alcohol education program.

29 (d) In carrying out an order of the court, a probation officer or health
30 department officer may assign an individual to attend a driver improvement program
31 or alcohol education program.

1 (e) (1) An individual who attends a program or conference under this
2 section shall pay, in advance, a fee as provided in this subsection.

3 (2) The Administration shall set a reasonable fee based on the costs of
4 operating the programs and conferences authorized by this section.

5 (3) The funds collected by the Administration under this subsection
6 may not be credited to the Gasoline and Motor Vehicle Revenue Account for
7 distribution under § 8–403 or § 8–404 of this article.

8 (f) (1) The Administration may waive attendance at an alcohol education
9 program conducted by the Administration if an individual attends a private alcohol
10 education program or an alcohol education program provided by a political subdivision
11 of the State that is approved by the Alcohol and Drug Abuse Administration and the
12 Administration.

13 (2) The Administration may waive attendance at a driver
14 improvement program conducted by the Administration if an individual attends a
15 private driver improvement program or a driver improvement program provided by a
16 political subdivision of the State that is approved by the Administration.

17 (3) The Administration may waive attendance at a point system
18 conference conducted by the Administration if an individual attends a point system
19 conference conducted by a private provider that is approved by the Administration.

20 (4) The Administration shall establish criteria for approving private
21 providers of point system conferences and alcohol education or driver improvement
22 programs and alcohol education or driver improvement programs provided by a
23 political subdivision of the State.

24 (5) Upon application for approval to provide the programs and
25 conferences allowed under this section, a private provider shall pay an application fee
26 established by the Administration.

27 16–213.

28 (a) In this section, “offense” means a moving violation committed by an
29 individual who:

30 (1) [Holds] **HELD** a provisional license under § 16–111 of this title **ON**
31 **THE DATE THE VIOLATION WAS COMMITTED;**

32 (2) Was convicted of, or granted a probation before judgment under §
33 6–220 of the Criminal Procedure Article for, the violation; and

34 (3) Was not eligible for a license under § 16–111.1 of this title at the
35 time of the violation.

1 (b) Except as provided in § 16–205(d–1) or § 16–206(b) of this subtitle, the
2 sanctions under this section are in addition to any other penalty or sanctions that
3 might apply as a result of a moving violation.

4 (c) The Administration:

5 (1) For a first offense, shall require the offender to attend a driver
6 improvement program under § 16–212 of this subtitle;

7 (2) For a second offense:

8 (I) **FOR AN ADULT**, may suspend the offender’s provisional
9 license for up to 30 days; and

10 (II) **FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,**
11 **SHALL:**

12 1. **SUSPEND THE OFFENDER’S LICENSE FOR 30**
13 **DAYS;**

14 2. **RESTRICT THE OFFENDER’S LICENSE AS**
15 **PROVIDED IN § 16–113(D–2) OF THIS TITLE;**

16 (3) For a third [or subsequent] offense:

17 (I) **FOR AN ADULT**, may suspend [or revoke] the offender’s
18 [provisional] license for up to 180 days; **AND**

19 (II) **FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,**
20 **SHALL:**

21 1. **SUSPEND THE OFFENDER’S LICENSE FOR 180**
22 **DAYS;**

23 2. **REQUIRE THE OFFENDER TO ATTEND A DRIVER**
24 **IMPROVEMENT PROGRAM DESIGNED FOR YOUNGER DRIVERS UNDER § 16–212**
25 **OF THIS SUBTITLE; AND**

26 3. **RESTRICT THE OFFENDER FROM DRIVING WITH A**
27 **PASSENGER UNDER THE AGE OF 18 YEARS UNTIL THE OFFENDER OBTAINS A**
28 **DRIVER’S LICENSE ISSUED UNDER § 16–111.1 OF THIS TITLE; AND**

29 (4) **FOR A FOURTH OR SUBSEQUENT OFFENSE:**

1 (I) FOR AN ADULT, MAY SUSPEND OR REVOKE THE
2 OFFENDER'S LICENSE FOR UP TO 180 DAYS; AND

3 (II) FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,
4 SHALL:

5 1. REVOKE THE OFFENDER'S LICENSE; AND

6 2. REQUIRE THE OFFENDER, IN ADDITION TO
7 APPLYING FOR REINSTATEMENT AS REQUIRED UNDER § 16-208(B) OF THIS
8 SUBTITLE, TO PASS THE EXAMINATIONS REQUIRED UNDER § 16-110 OF THIS
9 TITLE.

10 21-1123.

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

14 (i) Is at least 21 years old;

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

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

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

22 (3) [The] **EXCEPT AS PROVIDED IN § 16-213 OF THIS ARTICLE,**
23 **THE** prohibition under paragraph (2) of this subsection:

24 (i) Shall be in effect from the date the provisional license is
25 originally issued until [the 151st day] **1 YEAR** after the provisional license was issued,
26 **OR THE HOLDER OF THE PROVISIONAL LICENSE REACHES THE AGE OF 18**
27 **YEARS, WHICHEVER OCCURS FIRST;** and

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

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

31 2. A relative of the licensee who resides at the same
32 address as the licensee.

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

4 (c) A violation of this section is a moving violation for the purposes of §
5 16-402 of this article.

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

9 (2) An individual may request a hearing as provided for a suspension
10 or revocation under Title [16] **12**, Subtitle 2 of this article.

11 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
12 be construed to apply only prospectively and may not be applied or interpreted to have
13 any effect on or application to any individual under the age of 16 years who obtained a
14 driver's license before the effective date of this Act.

15 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.