

# HOUSE BILL 444

R4, R5

9lr2020

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By: **Delegate Malone**

Introduced and read first time: February 4, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Teen Driver Safety**

3 FOR the purpose of increasing the minimum ages at which an individual may obtain a  
4 learner's instructional permit, provisional license, and original driver's license;  
5 requiring the Motor Vehicle Administration to fingerprint an applicant for a  
6 driving instructor's license and obtain certain criminal history records of the  
7 applicant; requiring the Administration to keep certain criminal history records  
8 confidential and available only to certain persons for a certain purpose;  
9 authorizing the Administration to consider certain costs in determining the  
10 annual driving instructor's license fee; increasing the maximum age under  
11 which an applicant for a learner's instructional permit is required to provide to  
12 the Administration a school attendance record; authorizing an applicant for a  
13 learner's instructional permit to provide to the Administration certain records  
14 instead of a school attendance record; increasing the maximum age of an  
15 applicant for a learner's instructional permit for the purpose of a prohibition  
16 against issuance of the permit if the applicant's school attendance record  
17 indicates more than a certain number of unexcused absences; prohibiting the  
18 Administration from issuing a learner's instructional permit to certain  
19 applicants who no longer attend school; repealing a certain time limit on the  
20 application of the prohibition against a holder of a provisional license who is a  
21 minor transporting an individual under a certain age as a passenger; making  
22 certain stylistic changes; providing for the application of certain provisions of  
23 this Act; and generally relating to teen driver safety.

24 BY repealing and reenacting, with amendments,  
25 Article – Transportation  
26 Section 15–804, 15–805, 16–103, 16–105(a)(2) and (3), and 21–1123  
27 Annotated Code of Maryland  
28 (2006 Replacement Volume and 2008 Supplement)

29 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation  
2 Section 15–102 and 15–802  
3 Annotated Code of Maryland  
4 (2006 Replacement Volume and 2008 Supplement)

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

7 **Article – Transportation**

8 16–103.

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

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

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

18 (c) The Administration may not issue:

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

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

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

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

27 **Article – Transportation**

28 15–102.

29 (a) Each application for a license under this title shall be made on the form  
30 that the Administration requires.

31 (b) In addition to any other information required by this title, each  
32 application for a license under this title shall include:

1           (1)    The name and address of the applicant;

2           (2)    The address of the fixed location from which the licensed activity of  
3 the applicant will be conducted;

4           (3)    A statement of the maximum amount charged as a dealer  
5 processing charge under § 15–311.1 of this title; and

6           (4)    Any other information that the Administration requires.

7           (c)    Each application for a license under this title shall:

8           (1)    Contain a certification by the applicant that the information given  
9 in it is true; and

10          (2)    Be signed by:

11               (i)    The applicant, if the applicant is an individual;

12               (ii)   A partner or other authorized representative, if the  
13 application is made for a partnership; or

14               (iii)  An officer or other authorized representative, if the  
15 application is made for a corporation or any other business entity.

16          (d)    Except for an application for a drivers' school license, each application for  
17 a license under this title shall be accompanied by the annual fee required for that  
18 license.

19   15–802.

20          A person may not act as a driving instructor unless the person is licensed by the  
21 Administration under this subtitle.

22   15–804.

23          (A)    In addition to the information required under § 15–102 of this title, each  
24 application for a license shall include:

25               (1)    The name and business address of the drivers' school by whom the  
26 applicant is or will be employed; or

27               (2)    A statement that the applicant himself is licensed to conduct a  
28 drivers' school.

29          (B)    **THE ADMINISTRATION SHALL:**

1           **(1) (I) OBTAIN CRIMINAL HISTORY RECORDS OF AN**  
2 **APPLICANT FOR AN INITIAL LICENSE AND RENEWAL FROM THE CRIMINAL**  
3 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**  
4 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

5                   **(II) REQUIRE THE LICENSE APPLICANT TO BE**  
6 **FINGERPRINTED; AND**

7                   **(III) FORWARD THE FINGERPRINTS THROUGH THE CENTRAL**  
8 **REPOSITORY FOR TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION**  
9 **FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK;**

10           **(2) KEEP CONFIDENTIAL ALL CRIMINAL HISTORY RECORDS IN ITS**  
11 **POSSESSION UNDER THIS SUBSECTION; AND**

12           **(3) MAKE CRIMINAL HISTORY RECORDS IN ITS POSSESSION**  
13 **AVAILABLE ONLY WITHIN THE ADMINISTRATION TO DETERMINE THE FITNESS**  
14 **AND QUALIFICATIONS OF THE APPLICANT.**

15 15-805.

16           (a) Each licensee shall pay an annual fee to the Administration for each year  
17 for which the license is issued.

18           (b) **(1)** The annual fee shall be established by the Administration.

19                   **(2) THE ADMINISTRATION MAY CONSIDER THE COST OF**  
20 **FINGERPRINTING AND OBTAINING CRIMINAL HISTORY RECORDS CHECKS IN**  
21 **DETERMINING THE ANNUAL FEE.**

22 16-105.

23           (a) **(2) (I)** Except as provided in subsection (f) of this section, before  
24 issuing a driver's license, the Administration shall issue to each applicant a learner's  
25 instructional permit.

26                   **(II)** The learner's instructional permit shall identify clearly the  
27 class of license for which the applicant has applied.

28           **(3) (i)** Each applicant for a learner's instructional permit who is  
29 under the age of 16 [years] **YEARS, 3 MONTHS** shall present to the Administration  
30 [a]:

1                   1.    **A** certified copy of the applicant's school attendance  
2 record; **OR**

3                   2.    **RECORDS THAT INDICATE THAT THE APPLICANT**  
4 **NO LONGER ATTENDS SCHOOL.**

5                   (ii)   The Administration may not issue a learner's instructional  
6 permit to an applicant under the age of 16 [years] **YEARS, 3 MONTHS** if [the]:

7                   1.    **THE** applicant's school attendance record indicates  
8 more than 10 unexcused absences during the prior school semester; **OR**

9                   2.    **THE APPLICANT NO LONGER ATTENDS SCHOOL,**  
10 **UNLESS THE APPLICANT HAS GRADUATED FROM HIGH SCHOOL.**

11    21-1123.

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

15                   (i)   Is at least 21 years old;

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

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

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

23           (3)   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 after the provisional license was issued; and

26                   (ii)   Does] **DOES** not apply to a passenger who is:

27                   [1.] **(I)**    A spouse, daughter, son, stepdaughter, stepson,  
28 sister, brother, stepsister, or stepbrother of the licensee; or

29                   [2.] **(II)**   A relative of the licensee who resides at the  
30 same 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, 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 who obtained a learner's instructional  
14 permit, a provisional license, or an original driver's license before the effective date of  
15 this Act.

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