

# SENATE BILL 265

R4

(9lr0088)

## ***ENROLLED BILL***

—*Judicial Proceedings/Environmental Matters*—

Introduced by **The President (By Request – Administration) and Senators Frosh, Robey, Forehand, and Dyson** **Dyson, Gladden, Jacobs, and Muse**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

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President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – ~~Young Drivers – Driving Privileges~~ 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 full provisional driver's~~  
5 ~~license or original~~ driver's license; ~~increasing the maximum age under which~~  
6 ~~an applicant for a learner's instructional permit must provide to the Motor~~  
7 ~~Vehicle Administration a school attendance record; increasing the maximum~~  
8 ~~age of an applicant for a learner's instructional permit for purposes of a~~  
9 ~~prohibition against issuance of the permit if the applicant's school attendance~~  
10 ~~record indicates more than a certain number of absences; requiring the~~  
11 ~~Administration to fingerprint an applicant for a driving instructor's license and~~  
12 ~~apply for certain criminal history records information about the applicant in a~~  
13 ~~certain manner; providing that certain criminal history records are confidential~~  
14 ~~and available only for a certain purpose; altering the period after which the~~

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances; requiring the Administration to cancel the driver's license of a minor if the cosigner on the minor's application for the license makes a certain request; altering the period after which the holder of a provisional license may be issued ~~a full an original driver's license~~ under certain circumstances; ~~altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised~~; authorizing the Administration to conduct a driver improvement program for young drivers; ~~requiring authorizing~~ the Administration to impose ~~certain restrictions~~ a certain restriction on a provisional driver's license and suspend or revoke the license under certain circumstances; ~~modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances; defining a certain term; altering a certain definition~~; providing for the application of a certain provision of this Act; clarifying language; making conforming and stylistic changes; and generally relating to ~~driving privileges for young drivers~~ teen driving driver safety.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 15-804, 16-103, ~~16-105(a) and (d)~~ 16-105(d), 16-108, 16-111(d), ~~16-113(d)~~, 16-212, ~~16-213~~, and ~~21-1123 and 16-213~~

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 15-102, 15-802, and 16-111(a), (b), and (c) ~~and 16-113(d-1) and (i)~~

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 16-113(d-2)~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume and 2008 Supplement)~~

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

### Article – Transportation

16-103.

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

8 (c) The Administration may not issue:

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

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

## Article - Transportation

18 15-102.

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

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

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

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

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

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

(2) Be signed by:

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

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

12 15-802.

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

15 15-804.

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

22                   **(B) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE**  
23                   **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**  
24                   **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

**(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE  
CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL  
HISTORY RECORDS; AND**

**(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
RECORDS CHECK.**

(4) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.

**(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**  
**UNDER THIS SUBSECTION:**

**(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**  
**AND**

**(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SUBSECTION.**

**(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK  
UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED  
STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223  
OF THE CRIMINAL PROCEDURE ARTICLE.**

25 16-105.

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

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

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

9 (i) Seeks to obtain an original driver's license under this  
10 subtitle; and

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

15 (i) Sooner than 6 9 months FOLLOWING THE LATER OF:

16                                   1. [After the] **THE DATE THAT THE** individual first  
17 obtains the learner's instructional permit; or

22 (ii) Until after successful completion of:

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

29 A. Holds a valid driver's license;

30 B. Is at least 21 years old; and

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

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

11 16-108.

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

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

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

19 (ii) The minor becomes an adult.

20 16-111.

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

22 (1) Holds a learner's instructional permit under § 16–105(d) of this  
23 subtitle; or

24 (2) Qualifies for a provisional license under subsection (e) of this  
25 section.

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

27 (1) Meets the minimum age required under § 16-103(c)(2) of this  
28 subtitle;

3 (4) Surrenders any learner's instructional permit issued to the  
4 applicant; and

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

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

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

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

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

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

22 ~~16-113.~~

23                   (d)    (1)    Notwithstanding the licensee's driving record, the Administration  
24 shall impose an hour restriction on a provisional driver's license issued to an applicant  
25 under the age of 18.

- (i) ~~Accompanied and supervised by a licensed driver who is at least 21 years old;~~
- (ii) ~~Driving to or from or in the course of the licensee's employment;~~
- (iii) ~~Driving to or from a school class or official school activity;~~
- (iv) ~~Driving to or from an organized volunteer program; or~~
- (v) ~~Driving to or from an opportunity to participate in an athletic event or related training session.~~

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

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

(2) It is not a violation of the restriction under paragraph (1) of this subsection if an individual covered by a medical exception under § 22.412.2(f) or § 22.412.3(d) and (e) of this article is not restrained.

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

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

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

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

(a) The Administration may conduct:

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

(2) An alcohol education program; and

(3) Point system conferences.

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

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

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

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

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

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

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

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

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

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

15 16-213.

16 (a) **(1)** In this section, "offense" means a moving violation committed by  
17 an individual. **SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

26                    ~~(1)~~    **(I)**    [Holds] **HELD** a provisional license under § 16-111 of this  
27 title **ON THE DATE THE VIOLATION WAS COMMITTED**;

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

30                    (2)    (III) Was not eligible for a license under § 16–111.1 of this title at  
31    the time of the 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:

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

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

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

24 (II) FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,  
25 ~~SHALL~~ MAY:

1                   3. ~~RESTRICT THE OFFENDER FROM DRIVING WITH A~~  
2 ~~PASSENGER UNDER THE AGE OF 18 YEARS UNTIL THE OFFENDER OBTAINS A~~  
3 ~~DRIVER'S LICENSE ISSUED UNDER § 16-111.1 OF THIS TITLE IMPOSE, ON~~  
4 ~~COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY~~  
5 ~~RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS; AND~~

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

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

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

11                   1. **REVOKE THE OFFENDER'S LICENSE FOR NOT LESS**  
12 **THAN 180 DAYS; AND**

13                   2. **REQUIRE THE OFFENDER, IN ADDITION TO**  
14 **APPLYING FOR REINSTATEMENT AS REQUIRED UNDER § 16-208(B) OF THIS**  
15 **SUBTITLE, TO PASS THE EXAMINATIONS REQUIRED UNDER § 16-110 OF THIS**  
16 **TITLE.**

17 ~~21-1123.~~

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

21                   (i) ~~Is at least 21 years old;~~

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

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

26                   (2) ~~Except as provided in paragraph (3) of this subsection, a holder of a~~  
27 ~~provisional driver's license who is under the age of 18 years may not drive a motor~~  
28 ~~vehicle with a passenger; a passenger~~

29                   (H) ~~FOR THE FIRST 5 MONTHS AFTER THE PROVISIONAL~~  
30 ~~LICENSE IS ISSUED, A PASSENGER WHO IS under the age of 18 years; AND~~

31                   (H) ~~AFTER THE EXPIRATION OF THE 5 MONTH PERIOD,~~  
32 ~~MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS.~~

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

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

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

1. (1) A spouse, daughter, son, stepdaughter, stepson, sister, brother, stepsister, or stepbrother, OR COUSIN of the licensee; or

12           **(b)**    A police officer may enforce this section only as a secondary action when  
13 the police officer detains a driver for a suspected violation of another provision of the  
14 Code.

15 (e) ~~A violation of this section is a moving violation for the purposes of §~~  
16 ~~402 of this article.~~

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

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

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