

SENATE BILL 265

R4

(91r0088)

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:

Proofreader.

Proofreader.

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

_____ day of _____ at _____ o'clock, _____ M.

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

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.



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

18 BY repealing and reenacting, with amendments,
 19 Article – Transportation
 20 Section ~~15-804~~, 16-103, ~~16-105(a) and (d)~~ 16-105(d), 16-108, 16-111(d),
 21 ~~16-113(d)~~, 16-212, ~~16-213, and 21-1123~~ and 16-213
 22 Annotated Code of Maryland
 23 (2006 Replacement Volume and 2008 Supplement)

24 BY repealing and reenacting, without amendments,
 25 Article – Transportation
 26 Section ~~15-102, 15-802, and 16-111(a), (b), and (c)~~ and 16-113(d-1) and (i)
 27 Annotated Code of Maryland
 28 (2006 Replacement Volume and 2008 Supplement)

29 ~~BY adding to~~
 30 ~~Article – Transportation~~
 31 ~~Section 16-113(d-2)~~
 32 ~~Annotated Code of Maryland~~
 33 ~~(2006 Replacement Volume and 2008 Supplement)~~

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

36 **Article – Transportation**

37 16-103.

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

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

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

8 (c) The Administration may not issue:

9 (1) A learner's instructional permit to any individual who has not
10 reached the age of ~~15 years, 9 months~~ **16 YEARS**;

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

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

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

17 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;

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

26 (3) A statement of the maximum amount charged as a dealer
27 processing charge under § 15-311.1 of this title; and

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

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

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

3 (2) Be signed by:

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

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

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

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:

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

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

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.

25 (2) THE ADMINISTRATION SHALL APPLY TO THE CENTRAL
26 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK
27 FOR EACH APPLICANT.

28 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
29 RECORDS CHECK, THE ADMINISTRATION SHALL SUBMIT TO THE CENTRAL
30 REPOSITORY:

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

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

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

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

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

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

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

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

25 16-105.

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

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

33 ~~(II) The learner's instructional permit shall identify clearly the~~
34 ~~class of license for which the applicant has applied.~~

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

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

11 (ii) Does not qualify for a learner's instructional permit under
 12 subsection (e) of this section.

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

18 2. [After the] **THE** date [on which the individual
 19 committed a moving violation for which] the individual was convicted **OF, OR**
 20 **GRANTED PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL**
 21 **PROCEDURE ARTICLE FOR, A MOVING VIOLATION;**

22 (ii) Until after successful completion of:

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

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

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

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

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

6 2. If a signature of a parent, guardian, or other person is
7 required under § 16–107 of this subtitle, the parent, guardian, or other person who
8 signs the individual's application under that section.

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

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:

17 (i) Another qualified adult cosigns and certifies an application
18 as required by § 16–107 of this subtitle; or

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;

29 (2) Satisfies the learner's instructional permit requirements under §
30 16–105(d)(2) of this subtitle;

1 (3) Passes a driver skills or driver road examination administered
2 under this 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:**

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

14 2. **A VIOLATION OF** a provisional driver's license
15 restriction under [§ 16-113(d) or (d-1)] **§ 16-113(I)** of this subtitle; or

16 (iii) The date of restoration of an individual's provisional driver's
17 license or driving privilege that has been suspended ~~or revoked~~, **REVOKED, OR**
18 **CANCELED** for any reason.

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.~~

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

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

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

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

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

17 (2) ~~It is not a violation of the restriction under paragraph (1) of this~~
18 ~~subsection if an individual covered by a medical exception under § 22-412.2(f) or §~~
19 ~~22-412.3(d) and (e) of this article is not restrained.~~

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

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

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

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

32 16-212.

1 (a) The Administration may conduct:

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

4 (2) An alcohol education program; and

5 (3) Point system conferences.

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

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

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

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

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

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

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

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

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

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

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

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

8 (4) The Administration shall establish criteria for approving private
 9 providers of point system conferences and alcohol education or driver improvement
 10 programs and alcohol education or driver improvement programs provided by a
 11 political subdivision of the State.

12 (5) Upon application for approval to provide the programs and
 13 conferences allowed under this section, a private provider shall pay an application fee
 14 established by 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.**

18 **(2) “EDUCATION AND EMPLOYMENT ONLY RESTRICTION” MEANS**
 19 **A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:**

20 **(I) TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL**
 21 **ACTIVITY; OR**

22 **(II) TO OR FROM, OR IN THE COURSE OF, THE LICENSEE’S**
 23 **EMPLOYMENT.**

24 **(3) “OFFENSE” MEANS A MOVING VIOLATION COMMITTED BY AN**
 25 **INDIVIDUAL** who:

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 ~~(3)~~ **(III)** Was not eligible for a license under § 16–111.1 of this title at
 31 the 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:~~ MAY:

12 ~~1. SUSPEND SUSPEND THE OFFENDER'S LICENSE~~
 13 ~~FOR UP TO 30 DAYS;~~

14 ~~2. RESTRICT THE OFFENDER'S LICENSE AS~~
 15 ~~PROVIDED IN § 16-113(D-2) OF THIS TITLE;~~

16 1. SUSPEND THE OFFENDER'S LICENSE FOR 30 DAYS;
 17 AND

18 2. IMPOSE, ON COMPLETION OF THE SUSPENSION,
 19 AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S
 20 LICENSE EFFECTIVE FOR 90 DAYS;

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

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

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

26 1. SUSPEND THE OFFENDER'S LICENSE FOR UP TO
 27 180 DAYS;

28 2. REQUIRE THE OFFENDER TO ATTEND A DRIVER
 29 IMPROVEMENT PROGRAM DESIGNED FOR ~~YOUNGER~~ YOUNG DRIVERS UNDER §
 30 16-212 OF THIS SUBTITLE; AND

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

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

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

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

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

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

10 2. ~~(II) A relative of the licensee who resides at the same~~
 11 ~~address as the licensee.~~

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 ~~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.~~

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

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.