

# SENATE BILL 265

R4

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CF 9lr0231

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By: **The President (By Request – Administration) and Senators Frosh, Robey, Forehand, and Dyson**  
Introduced and read first time: January 23, 2009  
Assigned to: Judicial Proceedings

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## 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  
28 Section 16–103, 16–105(a) and (d), 16–108, 16–111(d), 16–113(d), 16–212,  
29 16–213, and 21–1123

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2008 Supplement)

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

8 BY adding to  
9 Article – Transportation  
10 Section 16–113(d–2)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2008 Supplement)

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

15 **Article – Transportation**

16 16–103.

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

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

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

26 (c) The Administration may not issue:

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

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

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

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

1 **Article – Transportation**

2 16–105.

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

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

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

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

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

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

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

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

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

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

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

29 2. [After the] **THE** date [on which the individual  
30 committed a moving violation for which] the individual was convicted **OF, OR**  
31 **GRANTED PROBATION BEFORE JUDGMENT UNDER § 6–220 OF THE CRIMINAL**  
32 **PROCEDURE ARTICLE FOR, A MOVING VIOLATION;**

1 (ii) Until after successful completion of:

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

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

8 A. Holds a valid driver's license;

9 B. Is at least 21 years old; and

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

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

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

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

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

21 16-108.

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

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

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

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

29 (ii) The minor becomes an adult.

30 16-111.

- 1           (a)    This section applies to an applicant who:
- 2                   (1)    Holds a learner’s instructional permit under § 16–105(d) of this  
3 subtitle; or
- 4                   (2)    Qualifies for a provisional license under subsection (e) of this  
5 section.
- 6           (b)    An applicant is entitled to receive a provisional license if the applicant:
- 7                   (1)    Meets the minimum age required under § 16–103(c)(2) of this  
8 subtitle;
- 9                   (2)    Satisfies the learner’s instructional permit requirements under §  
10 16–105(d)(2) of this subtitle;
- 11                  (3)    Passes a driver skills or driver road examination administered  
12 under this subtitle;
- 13                  (4)    Surrenders any learner’s instructional permit issued to the  
14 applicant; and
- 15                  (5)    Pays the fee established under this subtitle.
- 16           (c)    A provisional license shall be clearly identifiable as a provisional license.
- 17           (d)    (1)    An individual who holds a provisional license may not receive a  
18 license sooner than 18 months following the later of:
- 19                   (i)    The date the individual first obtains the provisional license;
- 20                   (ii)   The date the individual [has been] **IS** convicted of [a], **OR**  
21 **GRANTED PROBATION BEFORE JUDGMENT UNDER § 6–220 OF THE CRIMINAL**  
22 **PROCEDURE ARTICLE FOR:**
- 23                               **1.    A moving violation[, or of violating]; OR**
- 24                               **2.    A VIOLATION OF** a provisional driver’s license  
25 restriction under [§ 16–113(d) or (d–1)] **§ 16–113(I)** of this subtitle; or
- 26                   (iii)   The date of restoration of an individual’s provisional driver’s  
27 license or driving privilege that has been suspended or revoked for any reason.
- 28                  (2)    Notwithstanding any other provision of this subtitle, the  
29 Administration may issue a license to an individual who was otherwise eligible to  
30 receive a license at the time a moving violation was committed.

1 16-113.

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

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

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

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

13 (ii) Driving to or from or in the course of the licensee's  
14 employment;

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

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

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

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

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

27 (2) It is not a violation of the restriction under paragraph (1) of this  
28 subsection if an individual covered by a medical exception under § 22-412.2(f) or §  
29 22-412.3(d) and (e) of this article is not restrained.

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

32 **(D-2) (1) THE ADMINISTRATION SHALL IMPOSE AN "EDUCATION AND**  
33 **EMPLOYMENT ONLY" RESTRICTION ON A PROVISIONAL DRIVER'S LICENSE IF**  
34 **THE LICENSEE IS UNDER THE AGE OF 18 AND IS CONVICTED OF OR IS GRANTED**

1 **PROBATION BEFORE JUDGMENT FOR A SECOND OR SUBSEQUENT MOVING**  
2 **VIOLATION.**

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

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

8 16-212.

9 (a) The Administration may conduct:

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

12 (2) An alcohol education program; and

13 (3) Point system conferences.

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

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

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

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

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

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

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

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

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

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

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

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

16           (4) The Administration shall establish criteria for approving private  
17 providers of point system conferences and alcohol education or driver improvement  
18 programs and alcohol education or driver improvement programs provided by a  
19 political subdivision of the State.

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

23 16–213.

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

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

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

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

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



1 (c) The Administration:

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

4 (2) For a second offense:

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

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

9 1. **SUSPEND THE OFFENDER’S LICENSE FOR 30**  
10 **DAYS;**

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

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

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

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

18 1. **SUSPEND THE OFFENDER’S LICENSE FOR 180**  
19 **DAYS;**

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

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

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

27 (I) **FOR AN ADULT, MAY SUSPEND OR REVOKE THE**  
28 **OFFENDER’S LICENSE FOR UP TO 180 DAYS; AND**

1 (ii) FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,  
2 SHALL:

3 1. REVOKE THE OFFENDER'S LICENSE; AND

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

8 21-1123.

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

12 (i) Is at least 21 years old;

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

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

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

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

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

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

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

29 2. A relative of the licensee who resides at the same  
30 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.