

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 444 (Delegate Malone)
Environmental Matters

Vehicle Laws - Teen Driver Safety

This bill (1) increases by three months the age limit for issuance of a learner's instructional permit, provisional driver's license, and driver's license; (2) prohibits a provisional license holder younger than 18 from carrying other passengers younger than 18 with certain exceptions; (3) prohibits the Motor Vehicle Administration (MVA) from issuing a learner's permit to an applicant younger than 16 years 3 months who has 10 unexcused absences from school or who no longer attends high school unless he or she has graduated; and (4) requires MVA to obtain criminal history records and fingerprints from driving instructor applicants.

The provisions of the bill regarding age of eligibility for licenses and permits apply prospectively and do not apply to those who have already obtained a license or permit.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues decrease in FY 2010 only due to the delayed collection of fees for the issuance of learner's permits, provisional driver's licenses, and driver's licenses. TTF expenditures may increase in FY 2010 only for the cost of computer reprogramming and printing costs at MVA.

Local Effect: None. Enforcement can be handled with existing resources.

Small Business Effect: Minimal impact on small business driving instructor applicants due to the increased cost of obtaining a national criminal history record.

Analysis

Bill Summary: MVA is prohibited from issuing:

- a learner's permit to anyone younger than 16;
- a learner's permit to anyone younger than 16 years 3 months whose school attendance record indicates more than 10 unexcused absences, or who no longer attends school, unless the applicant has graduated from high school;
- a provisional license to anyone younger than 16 years 6 months; and
- a driver's license to anyone younger than 18.

The bill makes permanent the prohibition against a provisional driver's license holder younger than 18 carrying certain other passengers younger than 18. However, the bill retains the current exemptions for a passenger who is a relative.

MVA is required to obtain criminal history records of a driving instructor applicant from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services. Additionally, MVA must require the applicant to be fingerprinted and forward the fingerprint cards to the Central Repository for transmission to the Federal Bureau of Investigation for a National Criminal History Records Check. Any criminal records obtained are confidential and may only be used by MVA to determine the fitness and qualifications of the applicant.

Current Law: Prior to issuing a driver's license, MVA is required to issue to an applicant a learner's instructional permit unless otherwise permitted by MVA by virtue of being already licensed in another state or country or by the armed forces. A learner's permit may only be issued to an individual who is at least 15 years 9 months old. An applicant younger than 16 must present a certified copy of his or her school attendance record with no more than 10 unexcused absences. Upon issuance of the learner's permit, the holder may drive under the immediate supervision of an adult age 21 or older who has held a driver's license for at least three years. The holder of a learner's permit is then required to wait six months from the date of issuance of the permit or from the date of the last moving violation to take a driver examination. A learner's permit expires two year after the date of issuance.

Upon successful completion of a driver's examination, an applicant who held a learner's permit or who held another state's or country's driver's license for less than 18 months is entitled to receive a provisional driver's license, as long as the applicant is at least 16 years 3 months old. Once a provisional license is granted, the licensee must wait 18 months from the date of issuance, the date of the last moving violation or provisional license restriction offense, or the date of restoration of a suspended or revoked license,

before a full driver's license may be obtained. In any event, MVA may not issue a full license to an applicant who is younger than 17 years 9 months.

Except under specified conditions, a provisional license holder younger than 18 is prohibited from driving a motor vehicle with a passenger younger than 18 until the one hundred fifty-first day (five months) after the provisional driver's license was issued. The prohibition does not apply to a passenger who is legally related to the licensee (spouse, child, stepchild, sibling, or stepsibling) or a relative residing at the same address. The prohibition also does not apply if the provisional license holder is accompanied by and under the supervision of a driver who:

- is at least age 21;
- has possessed a driver's license for at least three years; and
- is sitting in the front passenger's seat.

A person may not act as a driving instructor unless the person is licensed by MVA after completion of the application required by MVA. MVA advises that it currently requires driving instructor applicants to be fingerprinted in order to obtain State criminal history records.

Background: Chapter 483 of 1998 established the provisional driver's licensing system, which became effective on July 1, 1999. Forty-six states and the District of Columbia have a three-stage licensing system: a learner's permit, an intermediate or provisional license, and a permanent license. The restrictions placed on the intermediate license and learner's permit differ from state to state. As of February 2009, the Insurance Institute for Highway Safety rates the Maryland program as good (the best rating it gives).

According to a 2006 study conducted by the Johns Hopkins Bloomberg School of Public Health, graduated driver licensing (GDL) programs reduce the incidence of fatal crashes by 16-year-old drivers by 11%. Analyzing various components of state graduated licensing laws, the researchers found that, the greater the number of components, the fewer the fatalities. Thus, states with a five-component program reduced fatalities by 18% as compared with states with no graduated licensing laws, and states with a six- or seven-component program were able to reduce fatalities by 21%.

According to the Insurance Institute for Highway Safety (IIHS), as of February 2008, the District of Columbia and 39 states, including Delaware, New Jersey, South Carolina, and Virginia, impose passenger restrictions on novice drivers. In addition to Maryland, 12 other states (Arizona, California, Colorado, Georgia, Kentucky, Massachusetts, Nebraska, Nevada, Texas, Utah, Virginia, and Washington) allow enforcement of young driver passenger restrictions only as a secondary action.

A 2005 study of crash statistics by IIHS indicates that nationally 61% of teenage passenger fatalities occurred while another teenager was driving. Further information by IIHS indicates that the crash rate of drivers age 16 and 17 significantly increase when carrying passengers. In Maryland, passengers between the ages of 10 and 19 represent approximately 65% of the total number of passengers involved in young driver (20 and younger) crashes.

State Fiscal Effect: TTF revenues decrease in fiscal 2010 only due to the adjusted age limit and the associated delay in the collection of fees for the issuance of learner's permits, provisional driver's licenses, and driver's licenses – including three months delayed collection of fees for the issuance of learner's permits to individuals younger than 16 years 3 months who have more than 10 unexcused school absences or no longer attend school.

MVA advises that computer reprogramming is necessary to implement the requirements of this bill. If MVA is unable to accomplish this computer reprogramming with existing staff and resources, it may be necessary to contract with an outside computer services vendor at a cost of between \$12,500 and \$50,000. Legislative Services advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale may be realized should it be necessary to retain outside contractual services; this reduces the costs associated with this bill and the other legislation affecting MVA. Additional MVA costs for reprinting MVA forms and providing supplements for driver's handbooks are minimal and may be handled with existing budgeted resources.

The Department of Public Safety and Correctional Services advises that the fingerprinting and criminal history checks required under the bill are services that are already being provided for numerous other purposes; the increased workload can be handled with existing resources. The cost of these services is passed on to the applicant, resulting in no fiscal impact.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Conference of State Legislatures, Insurance Institute for Highway Safety, Maryland State Department of Education, Department of Public Safety and Correctional Services, Maryland Department of Transportation, Department of Legislative Services

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