

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1221 (Delegate Bronrott)  
Environmental Matters

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Maryland Safe Roads For Teens Act

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This bill enhances restrictions on provisional driver's license holders younger than age 18 relating to their unsupervised nighttime driving, wireless communication device operation, and driving other teen passengers.

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**Fiscal Summary**

**State Effect:** General fund revenues may increase minimally due to penalties assessed for any additional violations of the Maryland Vehicle Law affecting provisional driver's license holders younger than age 18, and Transportation Trust Fund (TTF) revenues may increase from fees charged by the Motor Vehicle Administration (MVA) following actions taken against provisional driver's licenses or registrations. Expenditures are not materially affected as MVA can likely handle the additional printing and any necessary computer reprogramming, and the Department of State Police can enforce the bill with existing resources. District Court workloads may increase minimally.

**Local Effect:** The bill is not anticipated to materially affect local finances, and enforcement can be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill extends the unsupervised nighttime driving restriction to begin at 10 p.m. instead of midnight. In addition, the bill repeals the restriction that currently allows only secondary enforcement of the prohibition on driving while operating a

wireless communication device that applies to provisional driver's license holders. Thus, a police officer may stop and detain a driver for violating this prohibition.

Finally, the bill further restricts provisional driver's license holders younger than age 18 from carrying other young passengers by increasing the age of authorized passengers from 18 years to 21 years for the first 151 days following issuance of the provisional license. The driver is then restricted to carrying no more than one passenger younger than age 21 for the duration of the period in which the driver is a provisional license holder younger than age 18. The bill also repeals the secondary enforcement limitation on police officers for violations of this provision.

**Current Law:** Notwithstanding the driving record of a licensee, MVA is required to impose a restriction on a provisional driver's license that restricts driving to between the hours of 5 a.m. and midnight, except to or from certain specified activities, or unless accompanied by a licensed driver at least 21 years old.

Except under specified conditions, a provisional license holder younger than age 18 is prohibited from driving a motor vehicle with a passenger younger than age 18 until the one hundred and 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 police officer may only enforce this prohibition as a secondary action when the police officer detains the driver for a suspected violation of another law.

Except to contact a 9-1-1 system in an emergency, a learner's permit or provisional license holder who is younger than age 18 is prohibited from using a wireless communication device while operating a motor vehicle. A police officer may also only enforce this prohibition as a secondary action.

**Background:** Chapter 483 of 1998 established the provisional driver's licensing system, which became effective on July 1, 1999. Data from the National Conference of State Legislatures (NCSL) show that as of October 2009, 48 states and the District of Columbia have a three-stage licensing system consisting of a learner's permit, an intermediate or provisionary license, and a permanent license. According to a 2006 study conducted by the Johns Hopkins Bloomberg School of Public Health, graduated driver licensing (GDL) systems 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%.

NCSL data also show that 44 states and the District of Columbia impose restrictions on the number or age of passengers authorized to be driven by the holder of a provisional driver's license or learner's permit. A 2005 study of crash statistics by the Insurance Institute for Highway Safety (IIHS) indicates that 61% of teenage passenger fatalities nationwide 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.

Finally, the NCSL data also show that 48 states and the District of Columbia impose nighttime hour restrictions. Of the states that impose nighttime restrictions, 25 states restrict driving to midnight or later at least some of the time, 11 states restrict driving to 11 p.m. or 11:30 p.m. at least some of the time, and 9 states restrict driving to no later than 10 p.m. at any time.

The most recent assessment by the IIHS of Maryland's laws governing teen driving is that they qualify overall as "good," the highest rating given.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Caroline, Howard, and Montgomery counties; Baltimore City; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Insurance Institute for Highway Safety; National Conference of State Legislatures; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2010  
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