

## Chapter 246

(House Bill 292)

AN ACT concerning

### **Vehicle Laws – Provisional Driver's Licenses – Driver Education Requirements**

FOR the purpose of reducing the period of time that certain individuals at least a certain age who hold a learner's instructional permit are required to wait before taking certain examinations for a provisional driver's license; ~~establishing that altering certain driving practice requirements and a requirement to complete a certain driver skills log book~~ before taking certain examinations for a provisional driver's license ~~do not that~~ apply to an individual at least a certain age; and generally relating to driver education requirements for obtaining a provisional driver's license.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–105(d) and 16–111(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

### **Article – Transportation**

16–105.

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

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

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

(2) An individual **UNDER THE AGE OF 25 YEARS** who holds a learner's instructional permit may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the later of:

1. The date that the individual first obtains the learner's instructional permit; or

2. The date the individual was convicted of, or granted probation before judgment under § 6-220 of the Criminal Procedure Article for, a moving violation;

(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

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

A. Holds a valid driver's license;

B. Is at least 21 years old; and

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:

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

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

**(3) AN INDIVIDUAL AT LEAST 25 YEARS OLD WHO HOLDS A LEARNER'S INSTRUCTIONAL PERMIT AND HAS NOT BEEN CONVICTED OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, A MOVING VIOLATION MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR A PROVISIONAL LICENSE:**

**(I) SOONER THAN 45 DAYS FOLLOWING THE DATE THAT THE INDIVIDUAL FIRST OBTAINS THE LEARNER'S INSTRUCTIONAL PERMIT; ~~AND~~**

**(II) UNTIL AFTER SUCCESSFUL COMPLETION OF ~~A~~:**

1. A STANDARD 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

2. AT LEAST ~~19~~ 14 HOURS, 3 HOURS OF WHICH MUST OCCUR DURING THE PERIOD BEGINNING 30 MINUTES BEFORE SUNSET AND ENDING 30 MINUTES AFTER SUNRISE, OF BEHIND-THE-WHEEL DRIVING PRACTICE SUPERVISED BY AN INDIVIDUAL WHO:

A. HOLDS A VALID DRIVER'S LICENSE;

B. IS AT LEAST 21 YEARS OLD; AND

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 EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE INDIVIDUAL HAS SATISFACTORILY DEMONSTRATED A REQUIRED SKILL AND HAS COMPLETED THE DRIVING PRACTICE REQUIREMENTS UNDER THIS PARAGRAPH.

(4) AN INDIVIDUAL AT LEAST 25 YEARS OLD WHO HOLDS A LEARNER'S INSTRUCTIONAL PERMIT AND HAS BEEN CONVICTED OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, AT LEAST ONE MOVING VIOLATION MAY NOT TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR A PROVISIONAL LICENSE:

(I) SOONER THAN 9 MONTHS FOLLOWING THE MOST RECENT DATE THE INDIVIDUAL WAS CONVICTED OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, A MOVING VIOLATION; ~~AND~~

(II) UNTIL AFTER SUCCESSFUL COMPLETION OF ~~A~~:

1. A STANDARD 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

2. AT LEAST ~~19~~ 14 HOURS, 3 HOURS OF WHICH MUST OCCUR DURING THE PERIOD BEGINNING 30 MINUTES BEFORE SUNSET AND ENDING 30 MINUTES AFTER SUNRISE, OF BEHIND-THE-WHEEL DRIVING PRACTICE SUPERVISED BY AN INDIVIDUAL WHO:

- A.    HOLDS A VALID DRIVER’S LICENSE;**
- B.    IS AT LEAST 21 YEARS OLD; AND**
- 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 EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE INDIVIDUAL HAS SATISFACTORILY DEMONSTRATED A REQUIRED SKILL AND HAS COMPLETED THE DRIVING PRACTICE REQUIREMENTS UNDER THIS PARAGRAPH.**

**[(3)] (5)**    A learner’s instructional permit issued to an individual described in paragraph (1) of this subsection expires 2 years after the date of issuance.

16–111.

- (b)    An applicant is entitled to receive a provisional license if the applicant:
  - (1)    Meets the minimum age required under § 16–103(c)(2) of this subtitle;
  - (2)    Satisfies the learner’s instructional permit requirements under § 16–105(d)(2), **(3), OR (4)** of this subtitle;
  - (3)    Passes a driver skills or driver road examination administered under this subtitle;
  - (4)    Surrenders any learner’s instructional permit issued to the applicant; and
  - (5)    Pays the fee established under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

**Approved by the Governor, May 2, 2012.**