

HOUSE BILL 1281

R4, R5

8lr2538

By: **Delegates Waldstreicher, Bronrott, Carr, Hecht, Kramer, Montgomery, Ross, and Taylor**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Teen Driving Safety Act of 2008**

3 FOR the purpose of extending the period of time during which certain driving
4 restrictions apply to certain holders of learner's instructional permits or
5 provisional driver's licenses; making a stylistic change; and generally relating to
6 learner's instructional permits, provisional driver's licenses, and driver's
7 licenses.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 16–113(d) and (d–1), 21–1123, and 21–1124
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2007 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 16–113.

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

20 (2) The restriction under this subsection shall limit the holder of a
21 provisional license to driving unsupervised only between the hours of 5 a.m. and 12
22 midnight.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) This subsection does not preclude the holder of a provisional
2 license from driving between the hours of 12 midnight and 5 a.m. the following day if
3 the licensee is:

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

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

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

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

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

12 (4) The hour restriction and the supervision requirement under this
13 subsection expire [on the date the holder of the provisional license turns 18 years of
14 age] **18 MONTHS AFTER THE PROVISIONAL LICENSE WAS INITIALLY ISSUED.**

15 (d-1) (1) Notwithstanding the licensee's driving record, and subject to
16 paragraph (2) of this subsection, the Administration shall impose a restriction on each
17 provisional driver's license **ISSUED WHEN THE HOLDER OF THE LICENSE IS UNDER**
18 **THE AGE OF 18 YEARS** prohibiting the licensee from operating a motor vehicle if the
19 driver and each passenger in the motor vehicle are not restrained by a seat belt or, in
20 accordance with § 22-412.2 of this article, by a child safety seat.

21 (2) It is not a violation of the restriction under paragraph (1) of this
22 subsection if an individual covered by a medical exception under § 22-412.2(f) or §
23 22-412.3(d) and (e) of this article is not restrained.

24 (3) The restrictions under paragraph (1) of this subsection expire [on
25 the date that the holder of a provisional license turns 18 years of age] **18 MONTHS**
26 **AFTER THE PROVISIONAL LICENSE WAS INITIALLY ISSUED.**

27 21-1123.

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

31 (i) Is at least 21 years old;

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

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

2 (2) Except as provided in paragraph (3) of this subsection, a holder of a
3 provisional driver's license who **IS ISSUED THE PROVISIONAL LICENSE WHEN THE**
4 **HOLDER** is under the age of 18 years may not drive a motor vehicle with a passenger
5 under the age of 18 years.

6 (3) The prohibition under paragraph (2) of this subsection:

7 (i) Shall be in effect from the date the provisional license is
8 originally issued until the 151st day after the provisional license was issued; and

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

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

12 2. A relative of the licensee who resides at the same
13 address as the licensee.

14 (b) A police officer may enforce this section only as a secondary action when
15 the police officer detains a driver for a suspected violation of another provision of the
16 Code.

17 (c) A violation of this section is a moving violation for the purposes of §
18 16-402 of this article.

19 (d) (1) If the Administration receives satisfactory evidence that an
20 individual has violated this section, the Administration may suspend or revoke the
21 individual's driver's license.

22 (2) An individual may request a hearing as provided for a suspension
23 or revocation under Title 16, Subtitle 2 of this article.

24 21-1124.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "9-1-1 system" has the meaning stated in § 1-301 of the Public
27 Safety Article.

28 (3) "Wireless communication device" means:

29 (i) A handheld or hands-free device used to access a wireless
30 telephone service; or

1 (ii) A text messaging device.

2 (b) This section does not apply to the use of a wireless communication device
3 to contact a 9-1-1 system.

4 (c) **(1)** A holder of [a learner's instructional permit or] a provisional
5 driver's license who **IS ISSUED THE PROVISIONAL LICENSE WHEN THE HOLDER** is
6 under the age of 18 years may not use a wireless communication device while
7 operating a motor vehicle **FOR 18 MONTHS AFTER THE PROVISIONAL LICENSE WAS**
8 **INITIALLY ISSUED.**

9 **(2) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT WHO IS**
10 **ISSUED THE PERMIT WHEN THE HOLDER IS UNDER THE AGE OF 18 YEARS MAY**
11 **NOT USE A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR**
12 **VEHICLE UNDER THE PERMIT.**

13 (d) A police officer may enforce this section only as a secondary action when
14 the police officer detains a driver for a suspected violation of another provision of the
15 Code.

16 (e) (1) If the Administration receives satisfactory evidence that an
17 individual has violated this section, the Administration:

18 (i) May suspend the individual's driver's license for not more
19 than 90 days; and

20 (ii) May issue a restricted license for the period of suspension
21 that is limited to driving a motor vehicle:

22 1. In the course of the individual's employment;

23 2. For the purpose of driving to or from a place of
24 employment; or

25 3. For the purpose of driving to or from school.

26 (2) An individual may request a hearing as provided for a suspension
27 or revocation under Title 12, Subtitle 2 of this article.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2008.