

CHAPTER 542

(House Bill 1426)

AN ACT concerning

Vehicle Laws - ~~Young Drivers - Driving Privileges~~ Learner's Instructional Permits

FOR the purpose of ~~altering the period after which the holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances;~~ altering the period for which a learner's instructional permit is valid; repealing exceptions in law allowing an individual who is at least a certain age to drive on Maryland highways without obtaining a learner's instructional permit; ~~altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised;~~ ~~requiring the Motor Vehicle Administration to impose certain restrictions on a provisional driver's license and suspend or revoke the license under certain circumstances;~~ ~~altering a certain definition;~~ ~~modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances;~~ and generally relating to ~~driving privileges for young drivers~~ learner's instructional permits.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16-105(d), ~~16-113(d), 16-213, and 21-1123~~
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Transportation
Section 16-105.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Transportation~~
~~Section 16-113(d-2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 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 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 6 months:
 - 1. After the individual first obtains the learner's instructional permit; or
 - 2. After the date on which the individual committed a moving violation for which the individual was convicted ~~OR GRANTED PROBATION BEFORE JUDGMENT~~;
 - (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) A learner’s instructional permit issued to an individual described in paragraph (1) of this subsection expires [one year] **2 YEARS** after the date of issuance.

[16–105.1.

Any individual who is at least 15 years old may drive a motor vehicle on highways in this State, without obtaining a learner’s instructional permit, if:

(1) The individual is a student enrolled in a driver education course approved under this article;

(2) The motor vehicle is equipped with a dual brake control and any other equipment specified by regulations adopted under this article; and

(3) While driving the motor vehicle, the individual is under the control of:

(i) An instructor certified under Subtitle 5 of this title;

(ii) A qualified student instructor participating in an instructor preparation program sanctioned by the Administration in consultation with the State Department of Education; or

(iii) A driving instructor licensed under Title 15, Subtitle 8 of this article.]

~~16–113.~~

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

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

~~(I) 5 A.M. AND 10 P.M. IF THE HOLDER OF THE PROVISIONAL LICENSE IS UNDER THE AGE OF 17; AND~~

~~(II) 5 A.M. AND 12 MIDNIGHT IF THE HOLDER OF THE PROVISIONAL LICENSE IS AT LEAST 17 YEARS OLD BUT UNDER THE AGE OF 18.~~

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

- ~~(i) Accompanied and supervised by a licensed driver who is at least 21 years old;~~
- ~~(ii) Driving to or from or in the course of the licensee's employment;~~
- ~~(iii) Driving to or from a school class or official school activity;~~
- ~~(iv) Driving to or from an organized volunteer program; or~~
- ~~(v) Driving to or from an opportunity to participate in an athletic event or related training session.~~

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

~~**(D-2) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, THE ADMINISTRATION SHALL IMPOSE AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON A PROVISIONAL DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL UNDER THE AGE OF 18 IF THE PROVISIONAL LICENSE HOLDER IS CONVICTED OF OR RECEIVES PROBATION BEFORE JUDGMENT FOR A MOVING VIOLATION.**~~

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

~~16-213.~~

~~(a) In this section, "offense" means a moving violation committed by an individual who:~~

~~(1) [Holds] HELD a provisional license under § 16-111 of this title AT THE TIME THE VIOLATION WAS COMMITTED;~~

~~(2) Was convicted of, or granted a probation before judgement under § 6-220 of the Criminal Procedure Article for, the violation; and~~

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

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

~~(e) The Administration:~~

~~(1) **FOR ANY INDIVIDUAL 18 YEARS OLD OR OLDER WHO HOLDS A PROVISIONAL DRIVER'S LICENSE:**~~

~~(i) For a first offense, shall require the offender to attend a driver improvement program under § 16-212 of this subtitle;~~

~~[(2)] (ii) For a second offense, may suspend the offender's [provisional] license for [up to] 30 days; and~~

~~[(3)] (iii) For a third or subsequent offense, may suspend [or revoke] the offender's [provisional] license for [up to] 180 days[.];~~

~~(2) **FOR ANY INDIVIDUAL UNDER THE AGE OF 18 WHO HOLDS A PROVISIONAL DRIVER'S LICENSE:**~~

~~(i) **FOR A FIRST OFFENSE, SHALL IMPOSE A LICENSE RESTRICTION ON THE OFFENDER'S PROVISIONAL DRIVER'S LICENSE UNDER § 16-113(D-2) OF THIS TITLE;**~~

~~(ii) **FOR A SECOND OFFENSE, SHALL:**~~

~~1. **REQUIRE THE OFFENDER TO ATTEND A DRIVER IMPROVEMENT PROGRAM UNDER § 16-212 OF THIS SUBTITLE;**~~

~~2. **RESTRICT THE OFFENDER FROM DRIVING WITH A PASSENGER UNDER THE AGE OF 18 UNTIL THE OFFENDER OBTAINS A DRIVER'S LICENSE ISSUED UNDER § 16-111.1 OF THIS TITLE; AND**~~

~~3. **SUSPEND THE OFFENDER'S LICENSE FOR 30 DAYS;**~~

~~(iii) **FOR A THIRD OFFENSE, SHALL:**~~

~~1. **REQUIRE THE OFFENDER TO ATTEND A DRIVER REHABILITATION PROGRAM UNDER § 16-213 OF THIS SUBTITLE;**~~

~~2. SUSPEND THE OFFENDER'S LICENSE FOR 180 DAYS; AND~~

~~3. RESTRICT THE OFFENDER AS DESCRIBED IN ITEM (H)2 OF THIS ITEM; AND~~

~~(IV) FOR A FOURTH OR SUBSEQUENT OFFENSE, SHALL:~~

~~1. REVOKE THE OFFENDER'S LICENSE;~~

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

~~3. RESTRICT THE OFFENDER'S LICENSE AS DESCRIBED IN ITEM (H)2 OF THIS ITEM.~~

~~21-1123.~~

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

~~(i) Is at least 21 years old;~~

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

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

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

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

~~(i) Shall be in effect from the date the provisional license is originally issued until the [151st day after the provisional license was issued] PROVISIONAL LICENSEE REACHES THE AGE OF 18; and~~

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.