

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 1281 (Delegate Waldstreicher, *et al.*)  
Environmental Matters

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Teen Driving Safety Act of 2008

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This bill modifies the period during which certain restrictions on a provisional driver's license holder apply to 18 months after license issuance for those provisional licenses issued to individuals younger than age 18. This modification applies to the restrictions on • the hours during which a provisional licensee may drive; • driving with passengers not restrained by seat belts or safety seats; • driving passengers younger than age 18 who are not relatives; and • the use of a wireless communication device. The bill prohibits use of a wireless communication device by a holder of a learner's permit if issued the permit when younger than age 18.

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Fiscal Summary

**State Effect:** Transportation Trust Fund expenditures could increase minimally in FY 2009 due to the one-time cost of reprogramming computers. Enforcement could be handled with existing resources.

**Local Effect:** Enforcement could be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**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 and 9 months old.

Upon issuance of the learner's permit, the holder may drive under the immediate supervision of an adult older than age 21 who has held a driver's license for at least 3 years. The holder of a learner's permit is then required to wait 6 months from the date of issuance of the permit or from the date of the last moving violation to take a driver examination.

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 and 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 and 9 months old.

Notwithstanding the driving record of a licensee, MVA is required to impose a restriction on a provisional driver license that restricts driving:

- between the hours of 5 a.m. and 12 midnight, except to or from certain specified activities, or unless accompanied by a licensed driver at least 21 years old;
- while any passenger not exempted due to a medical condition is not restrained by a seat belt or child safety seat; and
- with another passenger younger than age 18 unless the passenger is a spouse, daughter, son, stepdaughter, stepson, sibling, or step-sibling, or other relative of the licensee residing at the same address, or unless accompanied by a driver at least 21 years old who has been licensed for at least 3 years.

There are no restrictions applicable to adults in the Maryland Vehicle Law governing the use of hand-held telephones or electronic devices while driving. However, except to contact a 9-1-1 system in an emergency, a minor holding a learner's permit or provisional license is prohibited from using a wireless communication device while operating a motor vehicle. A police officer may enforce the prohibition only as a secondary action when the officer detains a driver for another suspected violation. On notification of a violation, the Motor Vehicle Administration may suspend the driver's license for up to 90 days and issue a restricted license. The restricted license would limit the violator to driving only for purposes of employment or school. The District Court prepayment penalty is \$70, with one point assessed on the driver's license. If the violation contributes to an accident the prepayment penalty is \$110, and three points must be assessed against the license.

A person is deemed guilty of negligent driving if the person drives in a careless or

imprudent manner that endangers property or human life. A negligent driving violation requires the assessment of one point against the driving record and is a misdemeanor subject to a maximum fine of \$500. The fine currently assessed by the District Court for this offense is \$140. If the negligent driving offense contributes to an accident, the fine increases to \$280.

**Background:** The use of telephones while driving and the impact of other distractions on drivers has been a major traffic safety issue for the past several years. In addition to telephones, cars are equipped with on-board navigation systems, DVD players, and television monitors, all competing to divert the driver's attention away from the road.

A persistent issue with the use of wireless communication devices in motor vehicles has been the mixed results of published studies; however, more recent studies have indicated a stronger connection between cell phone use and risky driving behavior. A 2006 study of real world driver behavior, completed by the National Highway Traffic Safety Administration and the Virginia Tech Transportation Institute, concluded that the most common distraction for drivers is cell phone use. Also, the number of crashes and near crashes resulting from dialing a cell phone was nearly identical to the number of accidents resulting from listening or talking; although dialing is more dangerous, it occurs less often than listening or talking.

A 2005 study published in the *British Medical Journal* concluded that drivers who use cell phones are four times more likely to be involved in a vehicle crash. A study of young drivers conducted at the University of Utah in 2004 found that their response time slowed significantly when using cell phones so much so, that drivers younger than age 21 were found to have the reaction times of drivers ages 65 to 74.

States have been very active in this area. According to the National Conference of State Legislatures, 28 states and the District of Columbia have laws restricting the use of wireless communication devices in motor vehicles. Seventeen states and the District of Columbia have laws restricting or prohibiting the use of wireless communication devices by young or novice drivers. Provisions in California, Connecticut, New Jersey, New York, Washington, and the District of Columbia prohibit the use of hand-held phones by all drivers while operating a motor vehicle. Every state and the District of Columbia has considered legislation in the area of driving and cell phone use during the last three years.

**State Fiscal Effect:** In addition to reprinting costs, MVA advises that computer reprogramming would be necessary to implement the requirements of this bill. If MVA is unable to accomplish this with existing staff and resources, it may need to contract with an outside computer services vendor at a cost of between \$9,000 and \$36,000. The

Department of Legislative Services advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce the costs associated with this bill and the other legislation affecting MVA.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, National Conference of State Legislatures, National Highway Traffic Safety Administration, Virginia Tech Transportation Institute, *British Medical Journal*, Department of Legislative Services

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