

CHAPTER 185

(House Bill 303)

AN ACT concerning

Vehicle Laws - ~~Young Drivers - Driving Privileges~~ Teen Driver Safety

FOR the purpose of increasing the minimum ages at which an individual may obtain a ~~learner's instructional permit, provisional license, and full~~ provisional driver's license or original driver's license; ~~increasing the maximum age under which an applicant for a learner's instructional permit must provide to the Motor Vehicle Administration a school attendance record~~; ~~increasing the maximum age of an applicant for a learner's instructional permit for purposes of a prohibition against issuance of the permit if the applicant's school attendance record indicates more than a certain number of absences~~; altering the period after which the holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances; requiring the Administration to cancel the driver's license of a minor if the cosigner on the minor's application for the license makes a certain request; altering the period after which the holder of a provisional license may be issued ~~a full~~ an original driver's license under certain circumstances; ~~altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised~~ requiring the Administration to fingerprint an applicant for a driving instructor's license and apply for certain criminal history records information about the applicant in a certain manner; providing that certain criminal history records are confidential and available only for a certain purpose; authorizing the Administration to conduct a driver improvement program for young drivers; ~~requiring~~ authorizing the Administration to impose ~~certain restrictions~~ a certain restriction on a provisional driver's license and suspend or revoke the license under certain circumstances; ~~modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances~~; defining a certain term; altering a certain definition; providing for the application of a certain provision of this Act; clarifying language; making conforming and stylistic changes; and generally relating to ~~driving privileges for young drivers~~ teen driver safety.

BY repealing and reenacting, with amendments,

Article - Transportation

Section ~~15-804~~, 16-103, ~~16-105(a) and (d)~~ 16-105(d), 16-108, 16-111(d), ~~16-113(d)~~, 16-212, ~~16-213~~, and ~~21-1123~~ and 16-213

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section ~~15-102, 15-802, and 16-111(a), (b), and (c) and 16-113(d-1) and (i)~~

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 16-113(d-2)~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume and 2008 Supplement)~~

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

Article – Transportation

16-103.

(a) Except as provided in subsection (b) of this section, the Administration may not issue a driver's license to any individual who is not at least 18 years old.

(b) (1) Except as provided under paragraph (2) of this subsection, the Administration may issue a noncommercial Class B, C, or M license to an individual under the age of 18 if the individual otherwise qualifies for a driver's license under this subtitle.

(2) The Administration may not issue a Class M license to an individual under the age of 18 years unless the individual has also completed satisfactorily a motorcycle safety course approved under Subtitle 6 of this title.

(c) The Administration may not issue:

(1) A learner's instructional permit to any individual who has not reached the age of ~~15 years, 9 months~~ **16 YEARS**;

(2) A provisional license to any individual who has not reached the age of 16 years, ~~3~~ **6** months; or

(3) A license to any individual who has not reached the age of ~~17 years, 9 months~~ **18 YEARS**.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

15-102.

(a) Each application for a license under this title shall be made on the form that the Administration requires.

(b) In addition to any other information required by this title, each application for a license under this title shall include:

(1) The name and address of the applicant;

(2) The address of the fixed location from which the licensed activity of the applicant will be conducted;

(3) A statement of the maximum amount charged as a dealer processing charge under § 15-311.1 of this title; and

(4) Any other information that the Administration requires.

(c) Each application for a license under this title shall:

(1) Contain a certification by the applicant that the information given in it is true; and

(2) Be signed by:

(i) The applicant, if the applicant is an individual;

(ii) A partner or other authorized representative, if the application is made for a partnership; or

(iii) An officer or other authorized representative, if the application is made for a corporation or any other business entity.

(d) Except for an application for a drivers' school license, each application for a license under this title shall be accompanied by the annual fee required for that license.

15-802.

A person may not act as a driving instructor unless the person is licensed by the Administration under this subtitle.

15-804.

(A) In addition to the information required under § 15-102 of this title, each application for a license shall include:

(1) The name and business address of the drivers' school by whom the applicant is or will be employed; or

(2) A statement that the applicant himself is licensed to conduct a drivers' school.

(B) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) THE ADMINISTRATION SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATION SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;

AND

(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SUBSECTION.

(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

16-105.

~~(a) (1) Any individual who desires to obtain an original driver's license under this subtitle or to be licensed in a class for which the individual is not already licensed under this subtitle shall apply to the Administration for the desired driver's license.~~

~~(2) (I) Except as provided in subsection (f) of this section, before issuing a driver's license, the Administration shall issue to each applicant a learner's instructional permit.~~

~~(II) The learner's instructional permit shall identify clearly the class of license for which the applicant has applied.~~

~~(3) (i) Each applicant for a learner's instructional permit who is under the age of 16 years, **3 MONTHS** shall present to the Administration a certified copy of the applicant's school attendance record.~~

~~(ii) The Administration may not issue a learner's instructional permit to an applicant under the age of 16 years, **3 MONTHS** if the applicant's school attendance record indicates more than 10 unexcused absences during the prior school semester.~~

(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~~ **9** months **FOLLOWING THE LATER OF:**

1. [After the] **THE DATE THAT THE** individual first obtains the learner's instructional permit; or

2. [After the] **THE** date [on which the individual committed a moving violation for which] 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) A learner's instructional permit issued to an individual described in paragraph (1) of this subsection expires 2 years after the date of issuance.

16-108.

If, while the licensee is still a minor, the Administration receives from the individual who cosigned the license application of the minor a written request that the license of the minor be [suspended] **CANCELED**, the Administration:

(1) Shall [suspend] **CANCEL** the license; and

(2) May not [reinstate] **REISSUE** the license until:

(i) Another qualified adult cosigns and certifies an application as required by § 16–107 of this subtitle; or

(ii) The minor becomes an adult.

16–111.

(a) This section applies to an applicant who:

(1) Holds a learner’s instructional permit under § 16–105(d) of this subtitle; or

(2) Qualifies for a provisional license under subsection (e) of this section.

(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) 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.

(c) A provisional license shall be clearly identifiable as a provisional license.

(d) (1) An individual who holds a provisional license may not receive a license sooner than 18 months following the later of:

(i) The date the individual first obtains the provisional license;

(ii) The date the individual [has been] **IS** convicted of [a], **OR GRANTED PROBATION BEFORE JUDGMENT UNDER § 6–220 OF THE CRIMINAL PROCEDURE ARTICLE FOR:**

1. A moving violation[, or of violating]; OR

2. A VIOLATION OF a provisional driver's license restriction under [§ 16-113(d) or (d-1)] **§ 16-113(I)** of this subtitle; or

(iii) The date of restoration of an individual's provisional driver's license or driving privilege that has been suspended ~~or revoked~~, **REVOKED, OR CANCELLED** for any reason.

(2) Notwithstanding any other provision of this subtitle, the Administration may issue a license to an individual who was otherwise eligible to receive a license at the time a moving violation was committed.

~~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] 11 P.M.~~

~~(3) This subsection does not preclude the holder of a provisional license from driving between the hours of [12 midnight] 11 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-1) (1) Notwithstanding the licensee's driving record, and subject to paragraph (2) of this subsection, the Administration shall impose a restriction on each~~

~~provisional driver's license prohibiting the licensee from operating a motor vehicle if the driver and each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat.~~

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

~~(3) The restrictions under paragraph (1) of this subsection expire on the date that the holder of a provisional license turns 18 years of age.~~

~~**(D-2) (1) THE ADMINISTRATION SHALL IMPOSE AN "EDUCATION AND EMPLOYMENT ONLY" RESTRICTION ON A PROVISIONAL DRIVER'S LICENSE IF THE LICENSEE IS UNDER THE AGE OF 18 AND IS CONVICTED OF OR IS GRANTED PROBATION BEFORE JUDGMENT FOR A SECOND OR SUBSEQUENT MOVING VIOLATION.**~~

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

~~(i) An individual may not drive a vehicle in any manner that violates any restriction imposed in a provisional license issued to the individual.~~

16-212.

(a) The Administration may conduct:

(1) A driver improvement program, **INCLUDING A DRIVER IMPROVEMENT PROGRAM DESIGNED SPECIFICALLY FOR YOUNG DRIVERS;**

(2) An alcohol education program; and

(3) Point system conferences.

(b) (1) The purpose of the programs and conferences authorized under this section is to provide driver rehabilitation.

(2) The Administration shall determine the content of the programs and conferences.

(c) If an individual is convicted of [1] **ONE** or more moving violations:

(1) After a conference or a hearing as provided in Title 12, Subtitle 2 of this article, as a condition of reinstatement of a driver's license, or if an individual fails to attend a conference as required by § 16-404(a)(2) of this title, the Administration

may require an individual to attend a driver improvement program or alcohol education program; or

(2) A court may require an individual to attend a driver improvement program or alcohol education program.

(d) In carrying out an order of the court, a probation officer or health department officer may assign an individual to attend a driver improvement program or alcohol education program.

(e) (1) An individual who attends a program or conference under this section shall pay, in advance, a fee as provided in this subsection.

(2) The Administration shall set a reasonable fee based on the costs of operating the programs and conferences authorized by this section.

(3) The funds collected by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(f) (1) The Administration may waive attendance at an alcohol education program conducted by the Administration if an individual attends a private alcohol education program or an alcohol education program provided by a political subdivision of the State that is approved by the Alcohol and Drug Abuse Administration and the Administration.

(2) The Administration may waive attendance at a driver improvement program conducted by the Administration if an individual attends a private driver improvement program or a driver improvement program provided by a political subdivision of the State that is approved by the Administration.

(3) The Administration may waive attendance at a point system conference conducted by the Administration if an individual attends a point system conference conducted by a private provider that is approved by the Administration.

(4) The Administration shall establish criteria for approving private providers of point system conferences and alcohol education or driver improvement programs and alcohol education or driver improvement programs provided by a political subdivision of the State.

(5) Upon application for approval to provide the programs and conferences allowed under this section, a private provider shall pay an application fee established by the Administration.

(a) ~~(1)~~ In this ~~section, "offense" means a moving violation committed by an individual~~ **SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

~~(2)~~ **"EDUCATION AND EMPLOYMENT ONLY RESTRICTION" MEANS A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:**

~~(I)~~ **TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL ACTIVITY; OR**

~~(II)~~ **TO OR FROM, OR IN THE COURSE OF, THE LICENSEE'S EMPLOYMENT.**

~~(3)~~ **"OFFENSE" MEANS A MOVING VIOLATION COMMITTED BY AN INDIVIDUAL** who:

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

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

~~(3)~~ ~~(III)~~ 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.

(c) The Administration:

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

(2) For a second offense:

~~(I)~~ **FOR AN ADULT**, may suspend the offender's ~~provisional~~ license for up to 30 days; and

~~(II)~~ **FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,** ~~SHALL~~ **MAY:**

1. **SUSPEND THE OFFENDER'S LICENSE FOR UP TO 30 DAYS; AND**

2. ~~RESTRICT THE OFFENDER'S LICENSE AS PROVIDED IN § 16-113(D-2) OF THIS TITLE~~ IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 90 DAYS;

(3) For a third [or subsequent] offense:

(I) **FOR AN ADULT**, may suspend [or revoke] the offender's [provisional] license for up to 180 days; AND

(II) **FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS**, ~~SHALL~~ MAY:

1. **SUSPEND THE OFFENDER'S LICENSE FOR UP TO 180 DAYS;**

2. **REQUIRE THE OFFENDER TO ATTEND A DRIVER IMPROVEMENT PROGRAM DESIGNED FOR ~~YOUNGER~~ YOUNG DRIVERS UNDER § 16-212 OF THIS SUBTITLE; AND**

3. ~~RESTRICT THE OFFENDER FROM DRIVING WITH A PASSENGER UNDER THE AGE OF 18 YEARS UNTIL THE OFFENDER OBTAINS A DRIVER'S LICENSE ISSUED UNDER § 16-111.1 OF THIS TITLE~~ **IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS; AND**

(4) **FOR A FOURTH OR SUBSEQUENT OFFENSE:**

(I) **FOR AN ADULT**, MAY SUSPEND OR REVOKE THE OFFENDER'S LICENSE FOR UP TO 180 DAYS; AND

(II) **FOR AN INDIVIDUAL UNDER THE AGE OF 18 YEARS**, ~~SHALL~~ MAY:

1. **REVOKE THE OFFENDER'S LICENSE FOR NOT LESS THAN 180 DAYS; AND**

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.**

~~(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;~~

~~**(I) FOR THE FIRST 9 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS** under the age of 18 years; **AND**~~

~~**(II) AFTER THE EXPIRATION OF THE 9 MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS.**~~

~~(3) [The] **EXCEPT AS PROVIDED IN § 16-213 OF THIS ARTICLE,** 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] **1 YEAR** after the provisional license was issued, **OR THE HOLDER OF THE PROVISIONAL LICENSE REACHES THE AGE OF 18 YEARS, WHICHEVER OCCURS FIRST;** and~~

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

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

~~2. **(II)** 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] 12, Subtitle 2 of this article.~~

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any individual ~~under the age of 16 years~~ who obtained a provisional or an original driver's license before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.