

HOUSE BILL 563

R4

7lr0977

By: **Delegates Kramer, Chang, Cullison, Fennell, Fraser-Hidalgo, Valderrama, and A. Washington**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Provisional Drivers’ Licenses – Issuance**

3 FOR the purpose of establishing certain procedures that the Motor Vehicle Administration
4 is required to follow when issuing a provisional driver’s license to an individual who
5 is under a certain age at a certain time; requiring the Administration to forward
6 provisional licenses to the District Court under certain circumstances; requiring the
7 District Court to schedule a certain ceremony at which a judge shall present certain
8 provisional licenses to certain applicants and explain certain responsibilities of
9 licensure; requiring the District Court to provide certain notice of and conduct a
10 certain ceremony; authorizing the District Court to mail or otherwise deliver a
11 provisional license to an applicant without a formal ceremony under certain
12 circumstances; requiring the Administration and the District Court jointly to adopt
13 certain procedures; providing that this Act does not apply to the issuance of a
14 duplicate provisional license; and generally relating to the issuance of provisional
15 drivers’ licenses.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–111
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

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

23 **Article – Transportation**

24 16–111.

25 (a) This section applies to an applicant who:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (b) An applicant is entitled to receive a provisional license if the applicant:

5 (1) Meets the minimum age required under § 16–103(c)(2) of this subtitle;

6 (2) Satisfies the learner's instructional permit requirements under §
7 16–105(d)(2), (3), or (4) of this subtitle;

8 (3) Passes a driver skills or driver road examination administered under
9 this subtitle;

10 (4) Surrenders any learner's instructional permit issued to the applicant;
11 and

12 (5) Pays the fee established under this subtitle.

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

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

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

17 (ii) The date the individual is convicted of, or granted probation
18 before judgment under § 6–220 of the Criminal Procedure Article for:

19 1. A moving violation; or

20 2. A violation of a provisional driver's license restriction
21 under § 16–113(i) of this subtitle; or

22 (iii) The date of restoration of an individual's provisional driver's
23 license or driving privilege that has been suspended, revoked, or canceled for any reason.

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

27 (e) (1) Notwithstanding subsection (d) of this section or any other provision of
28 this subtitle, the Administration may issue a provisional license to an individual who has
29 been licensed to drive in another state or country, or by the armed forces of the United
30 States for less than 18 months.

(2) If an individual has been licensed for:

(i) Less than 6 months, the individual shall hold the provisional license for at least 18 months before being eligible for a license under § 16–111.1 of this subtitle;

(ii) 6 months, but less than 12 months, the individual shall hold the provisional license for at least 12 months before being eligible for a license under § 16–111.1 of this subtitle as long as the individual has not committed an offense as defined in § 16–213(a) of this title during that period; or

(iii) 12 months, but less than 18 months, the individual shall hold the provisional license for at least 6 months before being eligible for a license under § 16–111.1 of this subtitle as long as the individual has not committed an offense as defined in § 16–213(a) of this title during that period.

(3) An individual who commits an offense as defined in § 16–213(a) of this title while holding a provisional license issued under this subsection is subject to:

(i) The waiting periods under subsection (d)(1)(ii) of this section before qualifying for a license under § 16–111.1 of this subtitle; and

(ii) Other sanctions applicable to a holder of a provisional license under this article.

(4) Notwithstanding § 16–103(c)(3) of this subtitle, the Administration may issue a license under § 16–111.1 of this subtitle without issuing a learner’s instructional permit or a provisional license if the individual has been licensed to drive in another state or country, or by the armed forces of the United States, for at least 18 months.

(F) (1) FOR AN APPLICANT UNDER THE AGE OF 18 YEARS AT THE TIME OF APPLICATION, THE ADMINISTRATION SHALL ISSUE A PROVISIONAL LICENSE AS PROVIDED IN THIS SUBSECTION.

(2) THE ADMINISTRATION SHALL FORWARD THE PROVISIONAL LICENSE TO THE DISTRICT COURT THAT HAS JURISDICTION WHERE THE APPLICANT RESIDES.

(3) AFTER RECEIPT OF THE PROVISIONAL LICENSE, THE DISTRICT COURT SHALL:

(I) SCHEDULE A FORMAL CEREMONY AT WHICH A JUDGE OF THE DISTRICT COURT SHALL:

1 1. PRESENT THE PROVISIONAL LICENSE TO THE
2 APPLICANT; AND

3 2. EXPLAIN THE RESPONSIBILITIES ATTENDANT ON THE
4 PRIVILEGE OF DRIVING A MOTOR VEHICLE;

5 (II) PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF THE
6 DATE, TIME, AND LOCATION OF THE CEREMONY AT LEAST 15 DAYS BEFORE THE
7 DATE OF THE CEREMONY; AND

8 (III) CONDUCT THE CEREMONY.

9 (4) FOR GOOD CAUSE SHOWN, BUT WITHOUT THE REQUIREMENT OF A
10 FORMAL HEARING, THE DISTRICT COURT MAY MAIL OR OTHERWISE DELIVER THE
11 PROVISIONAL LICENSE TO THE APPLICANT WITHOUT A FORMAL CEREMONY IF THE
12 APPLICANT IS UNABLE TO ATTEND THE CEREMONY.

13 (5) THE ADMINISTRATION AND THE DISTRICT COURT JOINTLY
14 SHALL ADOPT PROCEDURES TO CARRY OUT THIS SUBSECTION.

15 (6) THIS SUBSECTION DOES NOT APPLY TO THE ISSUANCE OF A
16 DUPLICATE PROVISIONAL LICENSE.

17 [(f)] (G) A provisional license is subject to the expiration and renewal
18 requirements of § 16–115 of this subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2017.