

(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:

1. (I) SHALL BE IN EFFECT FROM THE DATE THE PROVISIONAL LICENSE IS ORIGINALLY ISSUED UNTIL THE 151ST DAY AFTER THE PROVISIONAL LICENSE WAS ISSUED; AND

2. (II) DOES NOT APPLY TO A PASSENGER WHO IS:

A. 1. A SPOUSE, DAUGHTER, SON, STEPDAUGHTER, STEPSON, SISTER, BROTHER, STEPSISTER, OR STEPBROTHER OF THE LICENSEE; OR

B. 2. A RELATIVE OF THE LICENSEE WHO RESIDES AT THE SAME ADDRESS AS THE LICENSEE.

~~(2) (B) A POLICE OFFICER MAY ENFORCE A RESTRICTION IMPOSED UNDER THIS SUBSECTION~~ THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

~~(3) (C) A VIOLATION OF A RESTRICTION IMPOSED UNDER THIS SUBSECTION~~ THIS SECTION IS A MOVING VIOLATION FOR THE PURPOSES OF § 16-402 OF THIS TITLE.

(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, 2005.

Approved May 26, 2005.