

(3) The motor vehicle is used as a common carrier or vehicle for hire and the owner or other person in charge of the vehicle was not a consenting party or privy to the unlawful action of the operator of the motor vehicle; or

(4) The motor vehicle was operated after being obtained by the violator through duress or coercion from an owner or coowner who is a member of the immediate family of the violator.

(c) The Administration shall bear the burden of proving that the registered owner knew or should have known that the driver's license of the operator of the vehicle was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or [§ 388A of] Article 27, § 388A OF THE CODE.

DRAFTER'S NOTE:

Error: Stylistic error in § 13-705.1 of the Transportation Article.

Occurred: Ch. 288, Acts of 1983.

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 he is not already licensed under this subtitle shall apply to the Administration for the desired driver's license.

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

(b) The holder of a learner's INSTRUCTIONAL permit may drive the same vehicle and combinations of vehicles as may a holder of the class of driver's license for which he has applied, but only while he is accompanied by and under the immediate supervision of an individual who:

(1) Is at least 21 years old;

(2) 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 learner's INSTRUCTIONAL permit; and

(3) Unless the vehicle is a motorcycle, is seated beside the holder of the learner's INSTRUCTIONAL permit.

(c) The holder of a learner's INSTRUCTIONAL permit for a motorcycle may drive the motorcycle with another individual on it only if the other individual is one described in subsection (b)(1) and (2) of this section.

(d) (1) The holder of a learner's INSTRUCTIONAL permit may take the driver's license examination no sooner than 14 days after the permit is issued.