

HOUSE BILL 732

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2000 Regular Session
0lr0996
CF 0lr2448

By: **Delegates Bronrott, Menes, W. Baker, Barkley, Bobo, Burns, Eckardt,
Finifter, Franchot, Frush, Goldwater, Grosfeld, Heller, Hutchins, Kach,
Kopp, Mandel, Marriott, McKee, Parrott, Petzold, Pitkin, Rzepkowski,
Sher, Shriver, Stern, and Swain**

Introduced and read first time: February 10, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages Violations - Drivers' Licenses and Driving Privileges -**
3 **Suspensions**

4 FOR the purpose of requiring a court to notify the Motor Vehicle Administration when
5 a person under the age of 21 years is found guilty of certain alcoholic beverages
6 violations; requiring the Administration, after receiving a certain notice, to
7 suspend for a certain period the driver's license or driving privilege of a person
8 under the age of 21 years who is found guilty of unlawful possession of alcoholic
9 beverages; authorizing the juvenile court to order the Administration to suspend
10 the driving privilege of a child who has committed certain types of violations
11 involving alcoholic beverages; requiring the juvenile court to order the
12 Administration to suspend for a certain period the driver's license or driving
13 privilege of a child who has committed certain types of violations involving
14 alcoholic beverages; requiring the Chief Judge of the Court of Appeals to
15 participate in the establishment of certain procedures; altering a definition;
16 making certain stylistic changes; and generally relating to driver's license and
17 driving privilege suspensions for alcoholic beverages violations.

18 BY repealing and reenacting, without amendments,
19 Article 27 - Crimes and Punishments
20 Section 400 and 403(a)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1999 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 27 - Crimes and Punishments
25 Section 400A and 403(f)
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 1999 Supplement)

28 BY repealing and reenacting, without amendments,

1 Article - Courts and Judicial Proceedings
2 Section 3-801(a), (d), and (g) and 3-820(a)(1)
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 1999 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Courts and Judicial Proceedings
7 Section 3-801(u) and 3-820(d)(1)
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 1999 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-206(c)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 1999 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 400.

19 It is unlawful for a person to knowingly and willfully make a misrepresentation
20 or false statement as to the age of that person or another to any person licensed to sell
21 alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of
22 unlawfully obtaining, procuring, having unlawfully furnished to a person, or inducing
23 to unlawfully furnish to a person an alcoholic beverage.

24 400A.

25 It is unlawful for any person under the age of 21 years to have in [his] THE
26 PERSON'S possession, or under [his] THE PERSON'S charge or control, any alcoholic
27 beverage unless the person is a bona fide employee of the license holder, as defined in
28 Article 2B, and has in [his] THE PERSON'S possession, or under [his] THE PERSON'S
29 charge or control, alcoholic beverages during regular working hours and in the course
30 of [his] THE PERSON'S employment.

31 403.

32 (a) For purposes of this section, a violation of the provisions of this subheading
33 is deemed a Code violation and is a civil offense.

34 (f) (1) If a person is found by [the District Court] A COURT to have
35 committed a Code violation, that person shall be required to pay a fine in an amount
36 not to exceed \$500.

1 (2) If the violation is a repeat offense, that person shall be required to
2 pay a fine in an amount not to exceed \$1,000.

3 (3) (i) In this paragraph "driver's license" means a license or permit to
4 drive a motor vehicle that is issued under the laws of this State or any other
5 jurisdiction.

6 (ii) This paragraph applies only to:

7 1. A person who is at least 18 but under 21 years of age; or

8 2. A minor if the minor is subject to the jurisdiction of the
9 court.

10 (iii) If a person is found guilty of a Code violation under § 400 OR §
11 400A of this subheading [that involved the use of a driver's license or a document
12 purporting to be a driver's license, a], THE court shall notify the Motor Vehicle
13 Administration of the violation.

14 (iv) The Chief Judge of the District Court, in conjunction with the
15 Motor Vehicle Administrator AND THE CHIEF JUDGE OF THE COURT OF APPEALS,
16 shall establish uniform procedures for reporting Code violations described in this
17 paragraph.

18 (4) The person shall be liable for the costs of the proceedings in the
19 [District Court] COURT.

20 **Article - Courts and Judicial Proceedings**

21 3-801.

22 (a) In this subtitle, the following words have the meanings indicated, unless
23 the context of their use indicates otherwise.

24 (d) "Child" means a person under the age of 18 years.

25 (g) "Citation" means the written form issued by a police officer which serves
26 as the initial pleading against a child for a violation and which is adequate process to
27 give the court jurisdiction over the person cited.

28 (u) "Violation" means a violation of ARTICLE 2B, TITLE 19 OF THE CODE FOR
29 WHICH A PETITION ALLEGING DELINQUENCY IS FILED, OR § 400, § 400A, § 400B, §
30 401, or § 406 of Article 27 of the Code [and], § 26-103 of the Education Article, OR §
31 21-903 OF THE TRANSPORTATION ARTICLE for which a citation is issued.

32 3-820.

33 (a) (1) After an adjudicatory hearing the court shall hold a separate
34 disposition hearing, unless the petition or citation is dismissed or unless such hearing
35 is waived in writing by all of the parties.

1 (d) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
2 paragraph, in making a disposition on a finding that the child has committed the
3 violation specified in a citation, the court may order the Motor Vehicle Administration
4 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of
5 a child [licensed to operate a motor vehicle by the Motor Vehicle Administration] for
6 a specified period of not less than 30 days nor more than 90 days.

7 (ii) In this paragraph "driver's license" means a license or permit to
8 drive a motor vehicle that is issued under the laws of this State or any other
9 jurisdiction.

10 (iii) In making a disposition on a finding that the child has
11 committed a violation under Article 27, § 400 OR § 400A of the Code [specified in a
12 citation that involved the use of a driver's license or a document purporting to be a
13 driver's license], the court [may] SHALL order the Motor Vehicle Administration to
14 initiate an action under the Maryland Vehicle Law to suspend the driving privilege of
15 a child [licensed to operate a motor vehicle by the Motor Vehicle Administration]:

16 1. For a first offense, for NOT LESS THAN 60 DAYS NOR MORE
17 THAN 6 months; and

18 2. For a second or subsequent offense, FOR NOT LESS THAN 6
19 MONTHS NOR BEYOND THE DATE THE CHILD REACHES THE CHILD'S 21ST BIRTHDAY
20 [until the child is 21 years old].

21 (iv) In making a disposition on a finding that the child has
22 committed a violation under § 26-103 of the Education Article, the court shall order
23 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
24 to suspend the driving privilege of a child [licensed to operate a motor vehicle by the
25 Motor Vehicle Administration] for a specified period of not less than 30 days nor more
26 than 90 days.

27 (v) If a child subject to a suspension under this subsection does not
28 hold a DRIVER'S license [to operate a motor vehicle] on the date of the disposition, the
29 suspension shall commence:

30 1. If the child is at [least 16 years of age] AN AGE THAT
31 MAKES THE CHILD ELIGIBLE TO OBTAIN A DRIVER'S LICENSE on the date of the
32 disposition, on the date of the disposition; or

33 2. If the child is younger than [16 years of age] THE AGE AT
34 WHICH THE CHILD WOULD BE ELIGIBLE TO OBTAIN A DRIVER'S LICENSE on the date
35 of the disposition, on the date the child [reaches the child's 16th birthday] IS
36 ELIGIBLE, WITH RESPECT TO THE CHILD'S AGE, TO OBTAIN A DRIVER'S LICENSE.

Article - Transportation

16-206.

(c) (1) Pursuant to a court order under § 3-820(d) of the Courts Article, the Administration shall initiate an action to suspend the driving privilege of a child for the time specified by the court.

(2) If a child subject to a suspension under § 3-820(d) of the Courts Article does not hold a license to operate a motor vehicle on the date of the court order, the suspension shall commence:

(i) If the child is at [least 16 years of age] AN AGE THAT MAKES THE CHILD ELIGIBLE TO OBTAIN A DRIVER'S LICENSE on the date of the disposition, on the date of the disposition; or

(ii) If the child is younger than [16 years of age] THE AGE AT WHICH THE CHILD WOULD BE ELIGIBLE TO OBTAIN A DRIVER'S LICENSE on the date of the disposition, on the date the child [reaches the child's 16th birthday] IS ELIGIBLE, WITH RESPECT TO THE CHILD'S AGE, TO OBTAIN A DRIVER'S LICENSE.

(3) On receipt of a notice described under Article 27, § 403(f) of the Code, the Administration shall suspend the [license] DRIVING PRIVILEGE of an individual described under Article 27, § 403(f) of the Code[:

(i) For a first offense, for 6 months; and

(ii) For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer] FOR THE PERIOD OF TIME ORDERED BY THE COURT.

(4) If an individual subject to a suspension under paragraph (3) of this subsection does not hold a license to operate a motor vehicle on the date that the individual is found guilty of a Code violation, the suspension shall begin on the date that the license is issued, or after the individual applies and becomes qualified to receive a license, or on the individual's twenty-first birthday, whichever occurs first.

(5) The Administration may modify a suspension under this subsection or subsection (b) of this section or issue a restricted license if:

(i) The license is required for the purpose of attending an alcohol education or alcoholic prevention or treatment program;

(ii) The child or individual is required to drive a motor vehicle in the course of employment;

(iii) It finds that the individual's or child's employment would be adversely affected because the individual or child has no reasonable alternative means of transportation to or from a place of employment; or

1 (iv) It finds that the individual's or child's education would be
2 adversely affected because the individual or child has no reasonable alternative
3 means of transportation for educational purposes.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2000.