

SENATE BILL 668

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2000 Regular Session  
0lr2448  
CF 0lr0996

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By: **Senators Jacobs, Harris, and Conway**  
Introduced and read first time: February 4, 2000  
Assigned to: Judicial Proceedings

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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,  
29 Article - Courts and Judicial Proceedings  
30 Section 3-801(a), (d), and (g) and 3-820(a)(1)  
31 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Courts and Judicial Proceedings

4 Section 3-801(u) and 3-820(d)(1)

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 1999 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Transportation

9 Section 16-206(c)

10 Annotated Code of Maryland

11 (1999 Replacement Volume and 1999 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 400.

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

21 400A.

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

28 403.

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

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

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

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

4                               (ii)    This paragraph applies only to:

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

6                                       2.       A minor if the minor is subject to the jurisdiction of the  
7 court.

8                               (iii)    If a person is found guilty of a Code violation under § 400 OR §  
9 400A of this subheading [that involved the use of a driver's license or a document  
10 purporting to be a driver's license, a], THE court shall notify the Motor Vehicle  
11 Administration of the violation.

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

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

18                                       **Article - Courts and Judicial Proceedings**

19 3-801.

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

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

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

26           (u)    "Violation" means a violation of ARTICLE 2B, TITLE 19 OF THE CODE FOR  
27 WHICH A PETITION ALLEGING DELINQUENCY IS FILED, OR § 400, § 400A, § 400B, §  
28 401, or § [405A] 406 of Article 27 of the Code [and], § 26-103 of the Education  
29 Article, OR § 21-903 OF THE TRANSPORTATION ARTICLE for which a citation is issued.

30 3-820.

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

34           (d)    (1)    (i)    Subject to the provisions of subparagraphs (iii) and (iv) of this  
35 paragraph, in making a disposition on a finding that the child has committed the

1 violation specified in a citation, the court may order the Motor Vehicle Administration  
2 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of  
3 a child [licensed to operate a motor vehicle by the Motor Vehicle Administration] for  
4 a specified period of not less than 30 days nor more than 90 days.

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

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

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

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

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

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

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

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

#### 35 **Article - Transportation**

36 16-206.

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

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

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

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

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

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

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

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

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

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

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

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

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

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