

HOUSE BILL 49

Unofficial Copy  
R4  
HB 398/02 - JUD

2003 Regular Session  
3lr0378  
CF 3lr0816

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By: **Delegates Kelly, Boschert, Boutin, Bromwell, Cadden, Cane, Edwards,  
Fulton, Glassman, Hubbard, Love, McHale, Minnick, Moe, O'Donnell,  
Owings, Redmer, Shank, and Zirkin**

Introduced and read first time: January 20, 2003

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Suspension of Driver's License - Theft of Motor Fuel**

3 FOR the purpose of authorizing for a first offense, and requiring for a second or  
4 subsequent offense, the Motor Vehicle Administration to suspend, for a certain  
5 period of time, the driver's license of a person who is convicted of a theft offense  
6 involving the failure to pay for motor fuel after the motor fuel was dispensed  
7 into a vehicle; requiring a court to notify the Motor Vehicle Administration of  
8 certain violations involving the theft of motor fuel; requiring a court to notify a  
9 person who is convicted of a certain theft offense that the person's driver's  
10 license may be suspended; requiring the Chief Judge of the District Court and  
11 the Administrative Office of the Courts, in conjunction with the Motor Vehicle  
12 Administration, to establish certain procedures; providing for a certain hearing  
13 on the request of a licensee under certain circumstances; and generally relating  
14 to the suspension of the driver's license of a person who is convicted of a theft  
15 offense involving the failure to pay for motor fuel after the motor fuel was  
16 dispensed into a vehicle.

17 BY renumbering

18 Article - Criminal Law

19 Section 7-104(h)

20 to be Section 7-104(i)

21 Annotated Code of Maryland

22 (2002 Volume)

23 BY repealing and reenacting, without amendments,

1 Article - Criminal Law  
2 Section 7-104(a) and (b)  
3 Annotated Code of Maryland  
4 (2002 Volume)

5 BY adding to  
6 Article - Criminal Law  
7 Section 7-104(h)  
8 Annotated Code of Maryland  
9 (2002 Volume)

10 BY adding to  
11 Article - Transportation  
12 Section 16-206.1  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That Section(s) 7-104(h) of Article - Criminal Law of the Annotated  
17 Code of Maryland be renumbered to be Section(s) 7-104(i).

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
19 read as follows:

20 **Article - Criminal Law**

21 7-104.

22 (a) A person may not willfully or knowingly obtain or exert unauthorized  
23 control over property, if the person:

24 (1) intends to deprive the owner of the property;

25 (2) willfully or knowingly uses, conceals, or abandons the property in a  
26 manner that deprives the owner of the property; or

27 (3) uses, conceals, or abandons the property knowing the use,  
28 concealment, or abandonment probably will deprive the owner of the property.

29 (b) A person may not obtain control over property by willfully or knowingly  
30 using deception, if the person:

31 (1) intends to deprive the owner of the property;

32 (2) willfully or knowingly uses, conceals, or abandons the property in a  
33 manner that deprives the owner of the property; or

1 (3) uses, conceals, or abandons the property knowing the use,  
2 concealment, or abandonment probably will deprive the owner of the property.

3 (H) (1) IF A PERSON IS CONVICTED OF A VIOLATION UNDER THIS SECTION  
4 FOR FAILURE TO PAY FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS DISPENSED  
5 INTO A VEHICLE, THE COURT SHALL:

6 (I) NOTIFY THE PERSON THAT THE PERSON'S DRIVER'S LICENSE  
7 MAY BE SUSPENDED UNDER § 16-206.1 OF THE TRANSPORTATION ARTICLE; AND

8 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE  
9 VIOLATION.

10 (2) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE  
11 ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR  
12 VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR  
13 REPORTING A VIOLATION UNDER THIS SUBSECTION.

14 **Article - Transportation**

15 16-206.1.

16 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, ON  
17 RECEIPT OF NOTICE DESCRIBED UNDER § 7-104(H) OF THE CRIMINAL LAW ARTICLE  
18 THAT AN INDIVIDUAL LICENSED IN THE STATE HAS BEEN CONVICTED OF A  
19 VIOLATION UNDER § 7-104 OF THE CRIMINAL LAW ARTICLE FOR A FAILURE TO PAY  
20 FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS DISPENSED INTO A VEHICLE, THE  
21 ADMINISTRATION:

22 (1) FOR A FIRST VIOLATION, MAY SUSPEND THE INDIVIDUAL'S LICENSE  
23 FOR UP TO 30 DAYS; AND

24 (2) FOR A SECOND OR SUBSEQUENT VIOLATION, SHALL SUSPEND THE  
25 INDIVIDUAL'S LICENSE FOR 30 DAYS.

26 (B) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS ARTICLE,  
27 A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER THIS SECTION.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2003.

