

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 207

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second “and” in line 2 down through “Revocation” in line 3; strike beginning with “altering” in line 4 down through “suspend” in line 5 and substitute “requiring the Motor Vehicle Administration to suspend for a certain period”; in lines 8 and 9, strike “Motor Vehicle Administration to revoke or” and substitute “Administration to”; in lines 9 and 10, strike “driver’s license or driving privilege” and substitute “license to drive”; in line 11, strike “motor vehicle violations” and substitute “driving offenses”; strike beginning with “prohibiting” in line 11 down through “change” in line 16 and substitute “requiring that a suspension imposed under this Act be concurrent with any other suspension or revocation that arises out of the same circumstances; providing that a person who requests a hearing for a certain proposed suspension under this Act may elect on the record that another hearing on certain license sanctions arising out of the same circumstances be consolidated with the hearing on the suspension under this Act under certain circumstances; providing that certain hearings may not be postponed at the request of a certain person due to a certain consolidation of hearings; requiring the Administration to consolidate certain hearings under certain circumstances; repealing the authority of the Administration to revoke a license to drive under certain circumstances; making corrective, conforming, and stylistic changes”; in lines 16 and 17, strike “and revocations”; and in line 17, strike “motor vehicle violations” and substitute “driving offenses”.

On page 2, in line 3, strike “and 16-208” and substitute “16-208, and 16-213”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 19 down through “YEARS” in line 29 and substitute “SUSPEND THE CHILD’S LICENSE TO DRIVE AS PROVIDED IN § 16-206(B) OF THE TRANSPORTATION ARTICLE UNTIL THE CHILD IS 21 YEARS OLD”.

AMENDMENT NO. 3

(Over)

On page 4, in line 12, after “(D-1)” insert “(1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,”; strike beginning with the colon in line 13 down through “SECTION,” in line 16; in line 17, strike “OR DRIVING PRIVILEGE” and substitute “TO DRIVE FOR THE LONGER OF”; and strike in their entirety lines 21 through 24, inclusive, and substitute:

“(I) THE PERIOD FROM THE DATE OF CONVICTION UNTIL THE PERSON REACHES THE AGE OF 21 YEARS; OR

(II) 3 YEARS.

(2) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

(I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION; AND

(II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(3) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON MAY ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR REVOCATION UNDER THIS SECTION OR § 16-206(C) OR § 16-213 OF THIS SUBTITLE OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

(II) A PERSON WHO ELECTS TO CONSOLIDATE HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH NOTICE REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR

REVOCATION.

(III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED AT THE REQUEST OF THE PERSON WHO ELECTS CONSOLIDATION OF HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE HEARINGS.

(IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS PARAGRAPH.”.

AMENDMENT NO. 4

On page 6, in line 37, strike “(D-1) OR”; and in the same line, strike “OR § 16-206(B) OF THIS SUBTITLE”.

On page 7, in lines 7, 12, 18, and 21, in each instance, strike the brackets; in line 10, strike “or revoke the driving privilege” and substitute “THE LICENSE TO DRIVE”; in lines 12 and 14, in each instance, strike “or revocation”; and after line 18, insert:

“(3) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

(I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION; AND

(II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(4) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON MAY ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER

THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR REVOCATION UNDER SUBSECTION (C) OF THIS SECTION OR § 16-213 OF THIS SUBTITLE OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

(II) A PERSON WHO ELECTS TO CONSOLIDATE HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH NOTICE REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.

(III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED AT THE REQUEST OF THE PERSON WHO ELECTS CONSOLIDATION OF HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE HEARINGS.

(IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS PARAGRAPH.”.

AMENDMENT NO. 5

On page 7, in lines 20 and 21, strike “§ 16-205(D-1) OF THIS SUBTITLE, §“ and substitute “§§ 16-205(D-1) AND”; in line 21, after “16-206(a)(4)” insert “, (B),”; and in line 22, strike “, AND § 3-8A-23 OF THE COURTS ARTICLE”.

AMENDMENT NO. 6

On page 9, after line 37, insert:

“16-213.

- (a) In this section, “offense” means a moving violation committed by an individual who:
- (1) Holds a provisional license under § 16-111 of this title;

(2) Was convicted of the violation; and

(3) Was not eligible for a license under § 16-111.1 of this title at the time of the violation.

(b) [The] EXCEPT AS PROVIDED IN § 16-205(D-1) OR § 16-206(B) OF THIS SUBTITLE, THE sanctions under this section are in addition to any other penalty or sanctions that might apply as a result of a moving violation.

(c) The Administration:

(1) For a first offense, shall require the offender to attend a driver improvement program under § 16-212 of this subtitle;

(2) For a second offense, may suspend the offender's provisional license for up to 30 days; and

(3) For a third or subsequent offense, may suspend or revoke the offender's provisional license for up to 180 days.”.