

**SENATE BILL 884**

R5

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By: **Senator Mooney**  
Introduced and read first time: February 21, 2007  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Traffic Control Signal Monitoring Systems and Speed**  
3 **Monitoring Systems – Points and Insurance**

4 FOR the purpose of repealing a prohibition on certain violations recorded by a traffic  
5 control signal monitoring system or a speed monitoring system being considered  
6 moving violations for purposes of assessing certain points and being considered  
7 in the provision of motor vehicle insurance coverage; providing that certain  
8 points are to be assessed after imposition of a certain civil penalty; repealing a  
9 certain prohibition on an insurer considering a certain violation recorded by a  
10 traffic control signal monitoring system or a speed monitoring system for  
11 purposes of reclassifying an insured in a classification that entails a higher  
12 premium; and generally relating to violations recorded by traffic control signal  
13 monitoring systems and speed monitoring systems.

14 BY repealing and reenacting, with amendments,  
15 Article – Insurance  
16 Section 11–215(e) and 11–318(e)  
17 Annotated Code of Maryland  
18 (2003 Replacement Volume and 2006 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Transportation  
21 Section 16–402, 21–202.1(i), and 21–809(h)  
22 Annotated Code of Maryland  
23 (2006 Replacement Volume and 2006 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Transportation  
3 Section 21–202(h), 21–202.1(c), and 21–809(b)(1)  
4 Annotated Code of Maryland  
5 (2006 Replacement Volume and 2006 Supplement)

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

8 **Article – Insurance**

9 11–215.

10 (e) For purposes of reclassifying an insured in a classification that entails a  
11 higher premium, an insurer under an automobile insurance policy may not consider a  
12 probation before judgment disposition of a motor vehicle law offense[, a civil penalty  
13 imposed pursuant to § 21–202.1 or § 21–809 of the Transportation Article,] or a first  
14 offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the  
15 Transportation Article on record with the Motor Vehicle Administration, as provided  
16 in § 16–117(b) of the Transportation Article.

17 11–318.

18 (e) For purposes of reclassifying an insured in a classification that entails a  
19 higher premium, an insurer under an automobile insurance policy may not consider a  
20 probation before judgment disposition of a motor vehicle law offense[, a civil penalty  
21 imposed pursuant to § 21–202.1 or § 21–809 of the Transportation Article,] or a first  
22 offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the  
23 Transportation Article on record with the Motor Vehicle Administration, as provided  
24 in § 16–117(b) of the Transportation Article.

25 **Article – Transportation**

26 16–402.

27 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
28 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of  
29 this State or of any local authority, **OR AFTER IMPOSITION OF A CIVIL PENALTY ON**  
30 **AN INDIVIDUAL UNDER § 21–202.1 OR § 21–809 OF THIS ARTICLE**, points shall be  
31 assessed against the individual as of the date of violation and as follows:

- |    |      |  |          |
|----|------|--|----------|
| 1  | (1)  | Any moving violation not listed below and not contributing to an accident..... | 1 point  |
| 2  |      |  |          |
| 3  | (2)  | Following another vehicle too closely .....                                    | 2 points |
| 4  | (3)  | Speeding in excess of the posted speed limit by 10 miles an                    |          |
| 5  |      | hour or more .....   | 2 points |
| 6  | (4)  | Driving with an improper class of license .....                                | 2 points |
| 7  | (5)  | Failing to stop for a school vehicle with activated                            |          |
| 8  |      | alternately flashing red lights .....  | 3 points |
| 9  | (6)  | Any violation of § 21–1111 of this article .....                               | 2 points |
| 10 | (7)  | Passing an emergency or police vehicle under the                               |          |
| 11 |      | provisions of § 21–405(d) of this article.....                                 | 2 points |
| 12 | (8)  | A violation of § 21–511(a) of this article.....                                | 2 points |
| 13 | (9)  | Failure to stop a vehicle for a steady red traffic signal in                   |          |
| 14 |      | violation of § 21–202 of this article.....                                     | 2 points |
| 15 | (10) | Any moving violation contributing to an accident.....                          | 3 points |
| 16 | (11) | Driving after suspension of license under the provisions of                    |          |
| 17 |      | § 17–106, § 26–204, § 26–206, or § 27–103 of this article, or                  |          |
| 18 |      | under the traffic laws or regulations of another state as                      |          |
| 19 |      | described in § 16–303(i) of this title .....                                   | 3 points |
| 20 | (12) | Any violation, except violations committed on the John F.                      |          |
| 21 |      | Kennedy Memorial Highway, of § 21–1411 of this article....                     | 3 points |
| 22 | (13) | Speeding in excess of the posted speed limit by 30 miles an                    |          |
| 23 |      | hour or more .....   | 5 points |
| 24 | (14) | Driving while not licensed .....   | 5 points |
| 25 | (15) | Failure to report an accident .....  | 5 points |
| 26 | (16) | Driving on a learner’s permit unaccompanied.....                               | 5 points |
| 27 | (17) | Any violation of § 17–107 of this article .....                                | 5 points |
| 28 | (18) | Participating in a race or speed contest on a highway .....                    | 5 points |

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1	(19) Any violation of § 16–304 or § 16–305 of this title.....	5 points
2	(20) Any violation of § 22–404.5 of this article .....	5 points
3	(21) Speeding in excess of a posted speed limit of 65 miles an	
4	hour by 20 miles an hour or more.....	5 points
5	(22) Aggressive driving in violation of § 21–901.2 of this article.	5 points
6	(23) Reckless driving.....	6 points
7	(24) Driving while impaired by alcohol or while impaired by a	
8	drug, combination of drugs, or a combination of one or	
9	more drugs and alcohol, or driving within 12 hours after	
10	arrest under § 21–902.1 of this article .....	8 points
11	(25) Turning off lights of a vehicle to avoid identification .....	8 points
12	(26) Failing to stop after accident resulting in damage to	
13	attended vehicle or property .....	8 points
14	(27) Failing to stop after accident resulting in damage to	
15	unattended vehicle or property.....	8 points
16	(28) Any violation of § 16–815 or § 16–816 of this title.....	8 points
17	(29) Failing to stop after an accident resulting in bodily injury	
18	or death.....	12 points
19	(30) Driving after refusal, suspension, cancellation, or	
20	revocation of license except for suspensions of license	
21	under the provisions of § 17–106, § 26–204, § 26–206, or §	
22	27–103 of this article, or under the traffic laws or	
23	regulations of another state as described in § 16–303(i) of	
24	this title.....	12 points
25	(31) Any violation of § 16–301, § 16–302, § 16–804, or §	
26	16–808(a)(1) through (9) of this title .....	12 points

- 1           (32) Homicide, life threatening injury under § 3–211 of the  
2           Criminal Law Article, or assault committed by means of a  
3           vehicle ..... 12 points
- 4           (33) Driving while under the influence of alcohol, while under  
5           the influence of alcohol per se, or while impaired by an  
6           illegally used controlled dangerous substance..... 12 points
- 7           (34) Any felony involving use of a vehicle..... 12 points
- 8           (35) Fleeing or attempting to elude a police officer..... 12 points
- 9           (36) The making of a false affidavit or statement under oath, or  
10          falsely certifying to the truth of any fact or information to  
11          the Administration under the Maryland Vehicle Law or  
12          under any law relating to the ownership or operation of  
13          motor vehicles..... 12 points
- 14          (37) Any violation involving an unlawful taking or  
15          unauthorized use of a motor vehicle under § 7–105 or §  
16          7–203 of the Criminal Law Article, or § 14–102 of this  
17          article ..... 12 points

18           (b) If a conviction occurs, **OR A CIVIL PENALTY IS IMPOSED**, on multiple  
19 charges based on offenses alleged to have been committed at the same time or arising  
20 out of circumstances simultaneous in time and place, the Administration:

21                   (1) Shall assess points against the individual convicted, **OR ASSESSED**  
22 **A CIVIL PENALTY**, only on the charge that has the highest point assessment; and

23                   (2) May not assess points on the remainder of the multiple charges.

24           (c) (1) On receiving a record of conviction [of] **OR IMPOSITION OF A**  
25 **CIVIL PENALTY FOR** any moving violation by an individual whose license is currently  
26 revoked, the Administration may extend the date before which the individual is  
27 eligible for reinstatement and, if the date is extended, shall issue to the individual a  
28 notice that:

1 (i) States the duration of the extension of the license  
2 revocation, dating from the date of the violation, during which the individual's license  
3 may not be reinstated; and

4 (ii) Advises the individual of the right to request a hearing.

5 (2) A notice issued under this subsection, and a hearing requested by  
6 the individual, shall meet the requirements of Title 12, Subtitle 2 of this article.

7 (3) The Administration may extend the period of a license revocation  
8 under this subsection for not more than the period of time specified in paragraph (4) of  
9 this subsection:

10 (i) If the individual does not request a hearing as provided by  
11 Title 12, Subtitle 2 of this article;

12 (ii) After a hearing, if the individual is determined to have been  
13 convicted of a violation described in this subsection while the individual's license to  
14 drive was revoked; or

15 (iii) If the individual fails to appear for a hearing requested by  
16 the individual under this subsection.

17 (4) The Administration may extend the period of license revocation for  
18 not more than:

19 (i) 1 year if it is the individual's first violation;

20 (ii) 18 months if it is the individual's second violation; or

21 (iii) 2 years if it is the individual's third or subsequent violation.

22 (d) Notwithstanding any other provision of this title, the Administration may  
23 not revoke a license that is currently revoked.

24 21–202.

25 (h) (1) Vehicular traffic facing a steady circular red signal alone:

26 (i) Shall stop at the near side of the intersection:

27 1. At a clearly marked stop line;



1                   (3)    May not be considered in the provision of motor vehicle insurance  
2 coverage].

3 21–809.

4           (b)    (1)    This section applies to a violation of this subtitle that occurs in  
5 Montgomery County recorded by a speed monitoring system that meets the  
6 requirements of this subsection and has been placed:

7                   (i)    On a highway in a residential district as defined in § 21–101  
8 of this title:

9                               1.    With a maximum posted speed limit of 35 miles per  
10 hour; and

11                              2.    That has a speed limit that was established using  
12 generally accepted traffic engineering practices; or

13                   (ii)   In a school zone established under § 21–803.1 of this  
14 subtitle.

15           (h)    A violation for which a civil penalty is imposed under this section:

16                   (1)    [Is not a moving violation for the purpose of assessing points under  
17 § 16–402 of this article;

18                   (2)]   May not be recorded by the Administration on the driving record of  
19 the owner or driver of the vehicle; **AND**

20                   [(3)] (2)   May be treated as a parking violation for purposes of §  
21 26–305 of this article[; and

22                   (4)    May not be considered in the provision of motor vehicle insurance  
23 coverage].

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2007.