

## Chapter 641

(House Bill 801)

AN ACT concerning

### **Vehicle Laws – Unlawful Use of Off-Highway Recreational Vehicles – Administrative Penalties**

FOR the purpose of requiring the clerk of the court to report to the Motor Vehicle Administration the adjudication of a minor as delinquent or a finding that a minor has committed a delinquent act for a certain highway violation involving the use of an off-highway recreational vehicle; requiring the Administration to suspend the driver's license of a minor for certain time periods if it receives a certain report from the clerk of the court; requiring the Administration to maintain certain records under certain circumstances; requiring a court to notify the Administration if a person is convicted of a certain highway violation involving the use of an off-highway recreational vehicle; requiring the Chief Judge of the District Court, in conjunction with the Administration, to adopt certain reporting procedures; requiring the Administration to suspend the driver's license of a person for certain time periods if it receives certain notice from a court; requiring the Administration to assess points against a minor if the minor is adjudicated as delinquent or has committed a delinquent act for a certain highway violation; and generally relating to administrative penalties for the unlawful use of off-highway recreational vehicles.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3-8A-23(a)(3) and (5)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 13-401(b) and 16-206(b)(2) and (4) and (c)(3) and (4)  
Annotated Code of Maryland  
(2012 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 16-206(b)(3) and (c)(5)  
Annotated Code of Maryland  
(2012 Replacement Volume)

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

**Article – Courts and Judicial Proceedings**

3–8A–23.

(a) (3) Subject to paragraph (4) of this subsection, an adjudication of a child as delinquent by reason of the child's violation of the State vehicle laws, including a violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law Article or § 14–102 of the Transportation Article **OR DRIVING AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY UNDER § 13–401(B)(2) OF THE TRANSPORTATION ARTICLE** shall be reported by the clerk of the court to the Motor Vehicle Administration, which shall assess points against the child under Title 16, Subtitle 4 of the Transportation Article, in the same manner and to the same effect as if the child had been convicted of the offense.

(5) (i) An adjudication of a child as delinquent by reason of the child's violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration that shall suspend the child's license to drive as provided in § 16–206(b) of the Transportation Article:

1. For 6 months for a first adjudication as delinquent or finding of a delinquent act for a violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the Transportation Article; and

2. For 1 year for a second or subsequent adjudication as delinquent or finding of a delinquent act for a violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the Transportation Article.

(ii) In the case of a finding, without an adjudication, that a child has violated **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the Transportation Article, the Motor Vehicle Administration shall retain the report in accordance with § 16–117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.

**Article – Transportation**

13–401.

(b) (1) If a vehicle is not registered, a person may not drive the vehicle on a highway in this State.

(2) (I) IF A PERSON IS CONVICTED OF A VIOLATION OF THIS SUBSECTION THAT INVOLVED THE USE OF AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, THE COURT SHALL NOTIFY THE ADMINISTRATION OF THE VIOLATION.

(II) THE CHIEF JUDGE OF THE DISTRICT COURT, IN CONJUNCTION WITH THE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR REPORTING CONVICTIONS DESCRIBED IN THIS PARAGRAPH.

16-206.

(b) (2) On notification by the clerk of the court that a child has been adjudicated delinquent for a violation of ~~§ 13-401(B)(2)~~, § 20-102, § 20-103, or § 21-904 of this article, or that a finding has been made that a child violated ~~§ 13-401(B)(2)~~, § 20-102, § 20-103, or § 21-904 of this article, the Administration shall suspend the child's license to drive in accordance with § 3-8A-23(a)(5) of the Courts Article.

(3) If a child subject to a suspension under this subsection does not hold a license to operate a motor vehicle on the date of the disposition, the suspension shall commence:

(i) If the child is at least 16 years old on the date of the disposition, on the date of the disposition; or

(ii) If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(4) 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 adjudication of delinquency or finding that the child is in violation of ~~§ 13-401(B)(2)~~, § 20-102, § 20-103, § 21-902, or § 21-904 of this article as 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 violation of § 21-902 of this article described in this subsection.

(c) (3) (I) On receipt of a notice described under ~~§ 13-401(B)(2) OF THIS ARTICLE OR~~ § 10-119(k) of the Criminal Law Article, the Administration shall

suspend the license of an individual described under ~~§ 13-401(B)(2) OF THIS ARTICLE OR~~ § 10-119(k) of the Criminal Law Article:

- ~~(i)~~ **1.** For a first offense, for 6 months; and
- ~~(ii)~~ **2.** For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer.

**(II) ON RECEIPT OF A NOTICE DESCRIBED UNDER § 13-401(B)(2) OF THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND THE LICENSE OF AN INDIVIDUAL DESCRIBED UNDER § 13-401(B)(2) OF THIS ARTICLE:**

- 1. FOR A FIRST OFFENSE, FOR 6 MONTHS; AND**
- 2. FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1 YEAR.**

(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] **THE** 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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 16, 2013.**