

HOUSE BILL 197

E1, R4

3lr1364
CF SB 271

By: **Delegate Anderson (By Request – Baltimore City Administration)**

Introduced and read first time: January 21, 2013

Assigned to: Environmental Matters

Reassigned: Judiciary, January 30, 2013

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Illegal Dumping and Litter Control Law – ~~Penalties~~ Driver’s**
3 **License – Points**

4 FOR the purpose of ~~requiring a court to notify a person who is convicted of a certain~~
5 ~~litter disposal offense that the person’s driver’s license may be suspended;~~
6 requiring a court to notify the Motor Vehicle Administration of a certain
7 violation ~~involving litter disposal~~ of the Illegal Dumping and Litter Control
8 Law; requiring the Chief Judge of the District Court and the Administrative
9 Office of the Courts, in conjunction with the Administration, to establish certain
10 procedures; ~~authorizing for a first offense, and requiring for a second or~~
11 ~~subsequent offense, the Administration to suspend, for a certain period of time,~~
12 ~~the driver’s license of a person who is convicted of a certain litter disposal~~
13 ~~offense; providing for a certain hearing on the request of a licensee under~~
14 ~~certain circumstances~~ requiring a certain number of driver’s license points to be
15 assessed against an individual who is convicted of a violation of the Illegal
16 Dumping and Litter Control Law under certain circumstances; making a certain
17 conforming change; and generally relating to illegal dumping and litter control.

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Law
20 Section 10–110(f)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY adding to~~
2 ~~Article – Transportation~~
3 ~~Section 16–206.2~~
4 ~~Annotated Code of Maryland~~
5 ~~(2012 Replacement Volume)~~

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 16–402(a) and 26–305(a)
9 Annotated Code of Maryland
10 (2012 Replacement Volume)

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

13 **Article – Criminal Law**

14 10–110.

15 (f) (1) A person who violates this section is subject to the penalties
16 provided in this subsection.

17 (2) (i) A person who disposes of litter in violation of this section in
18 an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is
19 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30
20 days or a fine not exceeding \$1,500 or both.

21 (ii) A person who disposes of litter in violation of this section in
22 an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
23 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
24 subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

25 (iii) A person who disposes of litter in violation of this section in
26 an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial
27 gain is guilty of a misdemeanor and on conviction is subject to imprisonment not
28 exceeding 5 years or a fine not exceeding \$30,000 or both.

29 (3) In addition to the penalties provided under paragraph (2) of this
30 subsection, a court may order the violator to:

31 (i) remove or render harmless the litter disposed of in violation
32 of this section;

33 (ii) repair or restore any property damaged by, or pay damages
34 for, the disposal of the litter in violation of this section;

1 (iii) perform public service relating to the removal of litter
 2 disposed of in violation of this section or to the restoration of an area polluted by litter
 3 disposed of in violation of this section; or

4 (iv) reimburse the State, county, municipal corporation, or
 5 bi-county unit for its costs incurred in removing the litter disposed of in violation of
 6 this section.

7 (4) (I) [In addition to, or instead of, the penalties provided in
 8 paragraphs (2) and (3) of this subsection,] **IF A PERSON IS CONVICTED OF A**
 9 **VIOLATION UNDER THIS SECTION AND THE PERSON USED A MOTOR VEHICLE IN**
 10 **THE COMMISSION OF THE VIOLATION**, the court [may suspend for up to 7 days the
 11 license of the person to operate the type of conveyance used in the violation who is
 12 presumed to be responsible for the violation under subsection (d) of this section]
 13 **SHALL:**

14 ~~1. NOTIFY THE PERSON THAT THE PERSON'S~~
 15 ~~DRIVER'S LICENSE MAY BE SUSPENDED UNDER § 16-206.2 OF THE~~
 16 ~~TRANSPORTATION ARTICLE; AND~~

17 ~~2.~~ NOTIFY THE MOTOR VEHICLE ADMINISTRATION
 18 OF THE VIOLATION.

19 (II) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE
 20 ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR
 21 VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR
 22 REPORTING A VIOLATION UNDER THIS PARAGRAPH.

23 Article – Transportation

24 ~~16-206.2.~~

25 ~~(A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS~~
 26 ~~SECTION, ON RECEIPT OF NOTICE DESCRIBED UNDER § 10-110(F) OF THE~~
 27 ~~CRIMINAL LAW ARTICLE THAT AN INDIVIDUAL LICENSED IN THE STATE HAS~~
 28 ~~BEEN CONVICTED OF A VIOLATION UNDER § 10-110 OF THE CRIMINAL LAW~~
 29 ~~ARTICLE FOR DISPOSAL OF LITTER AND THE INDIVIDUAL USED A MOTOR~~
 30 ~~VEHICLE IN THE COMMISSION OF THE VIOLATION, THE ADMINISTRATION:~~

31 ~~(1) FOR A FIRST VIOLATION, MAY SUSPEND THE INDIVIDUAL'S~~
 32 ~~LICENSE FOR UP TO 60 DAYS; AND~~

33 ~~(2) FOR A SECOND OR SUBSEQUENT VIOLATION, SHALL SUSPEND~~
 34 ~~THE INDIVIDUAL'S LICENSE FOR NO LESS THAN 60 DAYS AND NOT MORE THAN 1~~
 35 ~~YEAR.~~

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

4 16-402.

5 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 6 2-209, [or] § 3-211, OR § 10-110 of the Criminal Law Article, or of the vehicle laws or
 7 regulations of this State or of any local authority, points shall be assessed against the
 8 individual as of the date of violation and as follows:

9 (1) Any moving violation not listed below and not contributing to an
 10 accident.....1 point

11 (2) Following another vehicle too closely 2 points

12 (3) Speeding in excess of the posted speed limit by 10 miles an hour or
 13 more..... 2 points

14 (4) Driving with an improper class of license 2 points

15 (5) Failing to stop for a school vehicle with activated alternately
 16 flashing red lights.....3 points

17 (6) Any violation of § 21-1111 of this article 2 points

18 (7) Passing an emergency or police vehicle under the provisions of §
 19 21-405(d) of this article..... 2 points

20 (8) A violation of § 21-511(a) of this article 2 points

21 (9) Failure to stop a vehicle for a steady red traffic signal in violation
 22 of § 21-202 of this article or a nonfunctioning traffic control signal in violation of §
 23 21-209 of this article 2 points

24 (10) Operating a limousine in violation of § 21-1127(a) of this
 25 article..... 2 points

26 (11) Any moving violation contributing to an accident 3 points

27 (12) Any violation of § 16-303(h) or (i) of this title 3 points

28 (13) Any violation, except violations committed on the John F. Kennedy
 29 Memorial Highway, of § 21-1411 of this article..... 3 points

- 1 (14) Speeding in excess of the posted speed limit by 30 miles an hour or
2 more..... 5 points
- 3 (15) Driving while not licensed..... 5 points
- 4 (16) Failure to report an accident..... 5 points
- 5 (17) Driving on a learner’s permit unaccompanied 5 points
- 6 (18) Any violation of § 17–107 of this article 5 points
- 7 (19) Participating in a race or speed contest on a highway 5 points
- 8 (20) Any violation of § 16–304 or § 16–305 of this title 5 points
- 9 (21) Any violation of § 22–404.5 of this article 5 points
- 10 (22) Speeding in excess of a posted speed limit of 65 miles an hour by 20
11 miles an hour or more.....5 points
- 12 (23) Aggressive driving in violation of § 21–901.2 of this
13 article..... 5 points
- 14 **(24) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**
15 **DUMPING AND LITTER CONTROL LAW UNDER § 10–110 OF THE CRIMINAL LAW**
16 **ARTICLE.....5 POINTS**
- 17 **[(24)] (25) Reckless driving 6 points**
- 18 **[(25)] (26) Driving while impaired by alcohol or while impaired by a**
19 **drug, combination of drugs, or a combination of one or more drugs and alcohol, or**
20 **driving within 12 hours after arrest under § 21–902.1 of this article..... 8 points**
- 21 **[(26)] (27) Turning off lights of a vehicle to avoid**
22 **identification.....8 points**
- 23 **[(27)] (28) Failing to stop after accident resulting in damage to**
24 **attended vehicle or property..... 8 points**
- 25 **[(28)] (29) Failing to stop after accident resulting in damage to**
26 **unattended vehicle or property..... 8 points**
- 27 **[(29)] (30) Any violation of § 16–815 or § 16–816 of this title 8 points**
- 28 **[(30)] (31) Failing to stop after an accident resulting in bodily injury or**
29 **death.....12 points**

1 [(31)] (32) Any violation of § 16-303 of this title, excluding § 16-303(h)
2 or (i)..... 12 points

3 [(32)] (33) Any violation of § 16-301, § 16-302, § 16-804, or §
4 16-808(a)(1) through (9) or (b) of this title 12 points

5 [(33)] (34) Homicide, life threatening injury under § 3-211 of the
6 Criminal Law Article, or assault committed by means of a vehicle 12 points

7 [(34)] (35) Driving while under the influence of alcohol, while under the
8 influence of alcohol per se, or while impaired by an illegally used controlled dangerous
9 substance.....12 points

10 [(35)] (36) Any felony involving use of a vehicle 12 points

11 [(36)] (37) Fleeing or attempting to elude a police officer 12 points

12 [(37)] (38) The making of a false affidavit or statement under oath, or
13 falsely certifying to the truth of any fact or information to the Administration under
14 the Maryland Vehicle Law or under any law relating to the ownership or operation of
15 motor vehicles..... 12 points

16 [(38)] (39) Any violation involving an unlawful taking or unauthorized
17 use of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article, or §
18 14-102 of this article.....12 points

19 26-305.

20 (a) The Administration may not register or transfer the registration of any
21 vehicle involved in a parking violation under this subtitle, a violation under any
22 federal parking regulation that applies to property in this State under the jurisdiction
23 of the U.S. government, a violation of § 21-202(h) of this article as determined under §
24 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
25 21-809 or § 21-810 of this article, or a violation of the ~~State ILLEGAL DUMPING AND~~
26 ~~litter control law~~ **ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER §**
27 **10-110 OF THE CRIMINAL LAW ARTICLE** or a local law or ordinance adopted by
28 Baltimore City relating to the unlawful disposal of litter as determined under §
29 10-112 of the Criminal Law Article, if:

30 (1) It is notified by a political subdivision or authorized State agency
31 that the person cited for the violation under this subtitle, § 21-202.1, § 21-809, or §
32 21-810 of this article, or § 10-112 of the Criminal Law Article has failed to either:

33 (i) Pay the fine for the violation by the date specified in the
34 citation; or

1 (ii) File a notice of his intention to stand trial for the violation;

2 (2) It is notified by the District Court that a person who has elected to
3 stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or §
4 21–810 of this article, or under § 10–112 of the Criminal Law Article has failed to
5 appear for trial; or

6 (3) It is notified by a U.S. District Court that a person cited for a
7 violation under a federal parking regulation:

8 (i) Has failed to pay the fine for the violation by the date
9 specified in the federal citation; or

10 (ii) Either has failed to file a notice of the person’s intention to
11 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.