

HOUSE BILL 801

R4, E3

3lr2183

By: **Delegates Tarrant, Anderson, Branch, Clippinger, Hammen, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Stukes, and M. Washington**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

20 BY repealing and reenacting, with amendments,
21 Article – Courts and Judicial Proceedings
22 Section 3–8A–23(a)(3) and (5)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Transportation
27 Section 13–401(b) and 16–206(b)(2) and (4) and (c)(3) and (4)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume)

3 BY repealing and reenacting, without amendments,
4 Article – Transportation
5 Section 16–206(b)(3) and (c)(5)
6 Annotated Code of Maryland
7 (2012 Replacement Volume)

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

10 **Article – Courts and Judicial Proceedings**

11 3–8A–23.

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

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

30 1. For 6 months for a first adjudication as delinquent or
31 finding of a delinquent act for a violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or §
32 21–904 of the Transportation Article; and

33 2. For 1 year for a second or subsequent adjudication as
34 delinquent or finding of a delinquent act for a violation of **§ 13–401(B)(2)**, § 20–102, §
35 20–103, or § 21–904 of the Transportation Article.

36 (ii) In the case of a finding, without an adjudication, that a child
37 has violated **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the Transportation

1 Article, the Motor Vehicle Administration shall retain the report in accordance with §
2 16-117(b)(2) of the Transportation Article pertaining to records of licensees who
3 receive a disposition of probation before judgment.

4 **Article – Transportation**

5 13-401.

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

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

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

15 16-206.

16 (b) (2) On notification by the clerk of the court that a child has been
17 adjudicated delinquent for a violation of § 13-401(B)(2), § 20-102, § 20-103, or §
18 21-904 of this article, or that a finding has been made that a child violated §
19 13-401(B)(2), § 20-102, § 20-103, or § 21-904 of this article, the Administration
20 shall suspend the child's license to drive in accordance with § 3-8A-23(a)(5) of the
21 Courts Article.

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

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

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

29 (4) A suspension imposed under this subsection shall:

30 (i) Be concurrent with any other suspension or revocation
31 imposed by the Administration that arises out of the circumstances of the adjudication
32 of delinquency or finding that the child is in violation of § 13-401(B)(2), § 20-102, §
33 20-103, § 21-902, or § 21-904 of this article as described in this subsection; and

1 (ii) Receive credit for any suspension period imposed under §
2 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances
3 of the violation of § 21–902 of this article described in this subsection.

4 (c) (3) On receipt of a notice described under **§ 13–401(B)(2) OF THIS**
5 **ARTICLE OR** § 10–119(k) of the Criminal Law Article, the Administration shall
6 suspend the license of an individual described under **§ 13–401(B)(2) OF THIS**
7 **ARTICLE OR** § 10–119(k) of the Criminal Law Article:

8 (i) For a first offense, for 6 months; and

9 (ii) For a second or subsequent offense, until the individual is 21
10 years old or for a period of 1 year, whichever is longer.

11 (4) If an individual subject to a suspension under paragraph (3) of this
12 subsection does not hold a license to operate a motor vehicle on the date that the
13 individual is found guilty of [a Code] **THE** violation, the suspension shall begin on the
14 date that the license is issued, or after the individual applies and becomes qualified to
15 receive a license, or on the individual’s twenty–first birthday, whichever occurs first.

16 (5) The Administration may modify a suspension under this
17 subsection or subsection (b) of this section or issue a restricted license if:

18 (i) The license is required for the purpose of attending an
19 alcohol education or alcoholic prevention or treatment program;

20 (ii) The child or individual is required to drive a motor vehicle in
21 the course of employment;

22 (iii) It finds that the individual’s or child’s employment would be
23 adversely affected because the individual or child has no reasonable alternative means
24 of transportation to or from a place of employment; or

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

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