

SENATE BILL 390

E1, R4

(4lr1227)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Baltimore City Senators (By Request – Baltimore City Administration)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring a court to notify the Motor Vehicle Administration of a
5 certain violation of the Illegal Dumping and Litter Control Law; requiring the
6 Chief Judge of the District Court and the Administrative Office of the Courts, in
7 conjunction with the Administration, to establish certain procedures; requiring
8 a certain number of driver’s license points to be assessed against an individual
9 who is convicted of a violation of the Illegal Dumping and Litter Control Law
10 under certain circumstances; making a certain conforming change; and
11 generally relating to illegal dumping and litter control.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 10–110(f)
2 Annotated Code of Maryland
3 (2012 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Transportation
6 Section 16–402(a) and 26–305(a)
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2013 Supplement)

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

11 **Article – Criminal Law**

12 10–110.

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

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

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

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

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

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

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

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

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

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

11 (II) **THE CHIEF JUDGE OF THE DISTRICT COURT AND THE**
12 **ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR**
13 **VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR**
14 **REPORTING A VIOLATION UNDER THIS PARAGRAPH.**

15 **Article – Transportation**

16 ~~16 402.~~

17 ~~(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §~~
18 ~~2-200, [or] § 3-211, OR § 10-110 of the Criminal Law Article, or of the vehicle laws or~~
19 ~~regulations of this State or of any local authority, points shall be assessed against the~~
20 ~~individual as of the date of violation and as follows:~~

21 ~~(1) Any moving violation not listed below and not contributing to an~~
22 ~~accident..... 1 point~~

23 ~~(2) Following another vehicle too closely 2 points~~

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

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

27 ~~(5) Failing to stop for a school vehicle with activated alternately~~
28 ~~flashing red lights..... 3 points~~

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

30 ~~(7) Passing an emergency or police vehicle under the provisions of §~~
31 ~~21-405(d) of this article..... 2 points~~

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

- 1 (9) ~~Failure to stop a vehicle for a steady red traffic signal in violation~~
2 ~~of § 21-202 of this article or a nonfunctioning traffic control signal in violation of §~~
3 ~~21-209 of this article.....~~2 points

- 4 (10) ~~Operating a limousine in violation of § 21-1127(a) of this~~
5 ~~article.....~~2 points

- 6 (11) ~~Any moving violation contributing to an accident.....~~ 3 points

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

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

- 10 **(14) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**
11 **DUMPING AND LITTER CONTROL LAW UNDER § 10-110 OF THE CRIMINAL LAW**
12 **ARTICLE.....**4 POINTS

- 13 (14) ~~(15)~~ ~~Speeding in excess of the posted speed limit by 30 miles an~~
14 ~~hour or more.....~~5 points

- 15 (15) ~~(16)~~ ~~Driving while not licensed.....~~ 5 points

- 16 (16) ~~(17)~~ ~~Failure to report an accident.....~~ 5 points

- 17 (17) ~~(18)~~ ~~Driving on a learner’s permit unaccompanied.....~~ 5 points

- 18 (18) ~~(19)~~ ~~Any violation of § 17-107 of this article.....~~ 5 points

- 19 (19) ~~(20)~~ ~~Participating in a race or speed contest on a~~
20 ~~highway.....~~5 points

- 21 (20) ~~(21)~~ ~~Any violation of § 16-304 or § 16-305 of this title.....~~ 5 points

- 22 (21) ~~(22)~~ ~~Any violation of § 22-404.5 of this article.....~~ 5 points

- 23 (22) ~~(23)~~ ~~Speeding in excess of a posted speed limit of 65 miles an~~
24 ~~hour by 20 miles an hour or more.....~~ 5 points

- 25 (23) ~~(24)~~ ~~Aggressive driving in violation of § 21-901.2 of this~~
26 ~~article.....~~ 5 points

- 27 (24) ~~(25)~~ ~~Reckless driving.....~~ 6 points

~~(25) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE.....8 POINTS~~

~~[(25)] (26) Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or driving within 12 hours after arrest under § 21-902.1 of this article..... 8 points~~

~~[(26)] (27) Turning off lights of a vehicle to avoid identification. 8 points~~

~~[(27)] (28) Failing to stop after accident resulting in damage to attended vehicle or property 8 points~~

~~[(28)] (29) Failing to stop after accident resulting in damage to unattended vehicle or property 8 points~~

~~[(29)] (30) Any violation of § 16-815 or § 16-816 of this title 8 points~~

~~[(30)] (31) Failing to stop after an accident resulting in bodily injury or death.....12 points~~

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

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

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

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

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

~~[(36)] (37) Fleecing or attempting to elude a police officer 12 points~~

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

1 ~~[(38)] (39)~~ ~~Any violation involving an unlawful taking or unauthorized~~
 2 ~~use of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article, or §~~
 3 ~~14-102 of this article.....12 points~~

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 of
 22 § 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) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL
 27 DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(I) OF THE
 28 CRIMINAL LAW ARTICLE2 POINTS

29 (12) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL
 30 DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(II) OF THE
 31 CRIMINAL LAW ARTICLE3 POINTS

- 1 [(11)] (13) Any moving violation contributing to an accident 3 points
- 2 [(12)] (14) Any violation of § 16-303(h) or (i) of this title..... 3 points
- 3 [(13)] (15) Any violation, except violations committed on the John F.
 4 Kennedy Memorial Highway, of § 21-1411 of this article 3 points
- 5 [(14)] (16) Speeding in excess of the posted speed limit by 30 miles an
 6 hour or more.....5 points
- 7 [(15)] (17) Driving while not licensed 5 points
- 8 [(16)] (18) Failure to report an accident 5 points
- 9 [(17)] (19) Driving on a learner’s permit unaccompanied..... 5 points
- 10 [(18)] (20) Any violation of § 17-107 of this article 5 points
- 11 [(19)] (21) Participating in a race or speed contest on a
 12 highway.....5 points
- 13 [(20)] (22) Any violation of § 16-304 or § 16-305 of this title 5 points
- 14 [(21)] (23) Any violation of § 22-404.5 of this article 5 points
- 15 [(22)] (24) Speeding in excess of a posted speed limit of 65 miles an hour
 16 by 20 miles an hour or more 5 points
- 17 [(23)] (25) Aggressive driving in violation of § 21-901.2 of this
 18 article.....5 points
- 19 **(26) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**
 20 **DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(III) OF THE**
 21 **CRIMINAL LAW ARTICLE5 POINTS**
- 22 [(24)] (27) Reckless driving 6 points
- 23 [(25)] (28) Driving while impaired by alcohol or while impaired by a
 24 drug, combination of drugs, or a combination of one or more drugs and alcohol, or
 25 driving within 12 hours after arrest under § 21-902.1 of this article..... 8 points
- 26 [(26)] (29) Turning off lights of a vehicle to avoid
 27 identification.....8 points

1 [(27)] (30) Failing to stop after accident resulting in damage to attended
2 vehicle or property.....8 points

3 [(28)] (31) Failing to stop after accident resulting in damage to
4 unattended vehicle or property 8 points

5 [(29)] (32) Any violation of § 16-815 or § 16-816 of this title 8 points

6 [(30)] (33) Failing to stop after an accident resulting in bodily injury or
7 death.....12 points

8 [(31)] (34) Any violation of § 16-303 of this title, excluding § 16- 303(h)
9 or (i).....12 points

10 [(32)] (35) Any violation of § 16-301, § 16-302, § 16-804, or §
11 16-808(a)(1) through (9) or (b) of this title..... 12 points

12 [(33)] (36) Homicide, life threatening injury under § 3-211 of the
13 Criminal Law Article, or assault committed by means of a vehicle..... 12 points

14 [(34)] (37) Driving while under the influence of alcohol, while under the
15 influence of alcohol per se, or while impaired by an illegally used controlled dangerous
16 substance.....12 points

17 [(35)] (38) Any felony involving use of a vehicle 12 points

18 [(36)] (39) Fleeing or attempting to elude a police officer..... 12 points

19 [(37)] (40) The making of a false affidavit or statement under oath, or
20 falsely certifying to the truth of any fact or information to the Administration under the
21 Maryland Vehicle Law or under any law relating to the ownership or operation of
22 motor vehicles.....12 points

23 [(38)] (41) Any violation involving an unlawful taking or unauthorized
24 use of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article, or §
25 14-102 of this article.....12 points

26 26-305.

27 (a) The Administration may not register or transfer the registration of any
28 vehicle involved in a parking violation under this subtitle, a violation under any
29 federal parking regulation that applies to property in this State under the jurisdiction
30 of the U.S. government, a violation of § 21-202(h) of this article as determined under §
31 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
32 21-809 or § 21-810 of this article, or a violation of the [State litter control law]
33 **ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10-110 OF THE**

1 **CRIMINAL LAW ARTICLE** or a local law or ordinance adopted by Baltimore City
2 relating to the unlawful disposal of litter as determined under § 10–112 of the
3 Criminal Law Article, if:

4 (1) It is notified by a political subdivision or authorized State agency
5 that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or §
6 21–810 of this article, **OR § 10–110** or § 10–112 of the Criminal Law Article has failed
7 to either:

8 (i) Pay the fine for the violation by the date specified in the
9 citation; or

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

11 (2) It is notified by the District Court that a person who has elected to
12 stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or §
13 21–810 of this article, or under **§ 10–110 OR** § 10–112 of the Criminal Law Article has
14 failed to appear for trial; or

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.