

# SENATE BILL 390

E1, R4  
SB 271/13 – JPR

4r1227  
CF HB 386

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By: **Baltimore City Senators (By Request – Baltimore City Administration)**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2014

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## 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  
14 Section 10–110(f)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Transportation  
19 Section 16–402(a) and 26–305(a)  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2013 Supplement)

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

3 **Article – Criminal Law**

4 10–110.

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

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

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

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

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

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

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

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

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

31 (4) **(I)** [In addition to, or instead of, the penalties provided in  
32 paragraphs (2) and (3) of this subsection,] **IF A PERSON IS CONVICTED OF A**  
33 **VIOLATION UNDER THIS SECTION AND THE PERSON USED A MOTOR VEHICLE IN**  
34 **THE COMMISSION OF THE VIOLATION**, the court [may suspend for up to 7 days the  
35 license of the person to operate the type of conveyance used in the violation who is

1 presumed to be responsible for the violation under subsection (d) of this section]  
2 SHALL NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE VIOLATION.

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

7 Article – Transportation

8 16–402.

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

- 13 (1) Any moving violation not listed below and not contributing to an  
14 accident.....1 point
- 15 (2) Following another vehicle too closely ..... 2 points
- 16 (3) Speeding in excess of the posted speed limit by 10 miles an hour or  
17 more.....2 points
- 18 (4) Driving with an improper class of license ..... 2 points
- 19 (5) Failing to stop for a school vehicle with activated alternately  
20 flashing red lights ..... 3 points
- 21 (6) Any violation of § 21–1111 of this article ..... 2 points
- 22 (7) Passing an emergency or police vehicle under the provisions of §  
23 21–405(d) of this article ..... 2 points
- 24 (8) A violation of § 21–511(a) of this article ..... 2 points
- 25 (9) Failure to stop a vehicle for a steady red traffic signal in violation  
26 of § 21–202 of this article or a nonfunctioning traffic control signal in violation of §  
27 21–209 of this article ..... 2 points
- 28 (10) Operating a limousine in violation of § 21–1127(a) of this  
29 article.....2 points
- 30 (11) Any moving violation contributing to an accident ..... 3 points

1 (12) Any violation of § 16–303(h) or (i) of this title..... 3 points

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

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

7 ~~(14)~~ **(15)** Speeding in excess of the posted speed limit by 30 miles an  
8 hour or more.....5 points

9 ~~(15)~~ **(16)** Driving while not licensed ..... 5 points

10 ~~(16)~~ **(17)** Failure to report an accident ..... 5 points

11 ~~(17)~~ **(18)** Driving on a learner’s permit unaccompanied..... 5 points

12 ~~(18)~~ **(19)** Any violation of § 17–107 of this article..... 5 points

13 ~~(19)~~ **(20)** Participating in a race or speed contest on a  
14 highway.....5 points

15 ~~(20)~~ **(21)** Any violation of § 16–304 or § 16–305 of this title .... 5 points

16 ~~(21)~~ **(22)** Any violation of § 22–404.5 of this article..... 5 points

17 ~~(22)~~ **(23)** Speeding in excess of a posted speed limit of 65 miles an  
18 hour by 20 miles an hour or more ..... 5 points

19 ~~(23)~~ **(24)** Aggressive driving in violation of § 21–901.2 of this  
20 article.....5 points

21 ~~(24)~~ **(25)** Reckless driving ..... 6 points

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

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

28 **[(26)] (27)** Turning off lights of a vehicle to avoid identification. 8 points

- 1            [(27)] **(28)** Failing to stop after accident resulting in damage to  
2 attended vehicle or property ..... 8 points
  
- 3            [(28)] **(29)** Failing to stop after accident resulting in damage to  
4 unattended vehicle or property ..... 8 points
  
- 5            [(29)] **(30)** Any violation of § 16–815 or § 16–816 of this title ..... 8 points
  
- 6            [(30)] **(31)** Failing to stop after an accident resulting in bodily injury or  
7 death.....12 points
  
- 8            [(31)] **(32)** Any violation of § 16–303 of this title, excluding § 16–303(h)  
9 or (i).....12 points
  
- 10           [(32)] **(33)** 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)] **(34)** 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)] **(35)** 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)] **(36)** Any felony involving use of a vehicle ..... 12 points
  
- 18           [(36)] **(37)** Fleeing or attempting to elude a police officer ..... 12 points
  
- 19           [(37)] **(38)** 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  
21 the Maryland Vehicle Law or under any law relating to the ownership or operation of  
22 motor vehicles.....12 points
  
- 23           [(38)] **(39)** 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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.