

Article - Transportation

§16–206.

(a) (1) The Administration may suspend, revoke, or refuse to issue or renew the license of any resident or the privilege to drive of any nonresident on a showing by its records or other sufficient evidence that the applicant or licensee:

(i) Has been convicted of moving violations so often as to indicate an intent to disregard the traffic laws and the safety of other persons on the highways;

(ii) Is an unfit, unsafe, or habitually reckless or negligent driver of a motor vehicle;

(iii) Has permitted an unlawful or fraudulent use of a license, identification card, or a facsimile of a license or identification card;

(iv) Has used a license, identification card, or a facsimile of a license or identification card in an unlawful or fraudulent manner, unless the applicant or licensee is subject to the provisions of subsection (c) of this section;

(v) Has committed an offense in another state that, if committed in this State, would be grounds for suspension or revocation; or

(vi) Has knowingly made a false certification of required security in any application for a certificate of title or for the registration of a vehicle.

(2) The Administration may suspend a license to drive of an individual who fails to attend:

(i) A driver improvement program or an alcohol education program required under § 16–212 of this subtitle; or

(ii) A private alternative program or an alternative program that is provided by a political subdivision of this State under § 16–212 of this subtitle.

(3) The Administration may suspend or revoke a provisional license under § 16–213 of this subtitle.

(4) (i) Pursuant to a court order under § 4–503, § 9–504, or § 9–505 of the Criminal Law Article, the Administration:

1. Shall initiate an action to suspend the driver's license or driving privilege of an individual for a time specified by the court; and

2. May issue a restricted license that is limited to driving a motor vehicle:

A. For the purpose of attending an alcohol education or

alcoholic prevention or treatment program;

B. That is required in the course of employment;

C. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

D. For the purposes of driving to or from school or any other place of educational instruction if the individual's education would be adversely affected because the individual has no reasonable alternative means of transportation for educational purposes.

(ii) If an individual subject to a suspension under subparagraph (i) of this paragraph does not possess the privilege to drive on the date of the disposition, the suspension shall commence:

1. If the individual is at an age that is eligible to obtain the privilege to drive on the date of the disposition, on the date of the disposition; or

2. If the individual is younger than an age that is eligible to obtain the privilege to drive on the date of the disposition, on the date the individual is eligible to obtain driving privileges.

(5) (i) The Administration may suspend the license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of another person.

(ii) A suspension under this paragraph may not exceed 6 months.

(iii) This paragraph does not limit the authority of the Administration to suspend, revoke, or refuse to issue or renew a license under any other provision of law.

(b) (1) Upon notification by the clerk of the court that a child has been adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has been made that a child violated § 21-902 of this article, the Administration shall suspend the license to drive of the child in accordance with § 3-8A-23(a)(4)(i) of the Courts Article.

(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.

(5) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under subsection (c) of this section, § 16-213 of this subtitle, or § 16-404 of this title that arises out of the circumstances of the conviction for a violation of § 21-902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(c) (1) Pursuant to a court order under § 3-8A-19(e) of the Courts Article, the Administration shall initiate an action to suspend the driving privilege of a child for the time specified by the court.

(2) If a child subject to a suspension under § 3-8A-19(e) of the Courts Article does not hold a license to operate a motor vehicle on the date of the court order,

the suspension shall commence:

(i) If the child is at least 16 years of age 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.

(3) (i) On receipt of a notice described under § 10–119(k) of the Criminal Law Article, the Administration shall suspend the license of an individual described under § 10–119(k) of the Criminal Law Article:

1. For a first offense, for 6 months; and

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 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.

(d) (1) After the Administration refuses to issue a license under this section, determines that a suspension should be imposed under subsection (a)(2) of this section, or determines that a suspension or revocation should be imposed under subsection (a)(3) of this section, the Administration immediately shall give written notice to the applicant or licensee, and the applicant or licensee may request a hearing as provided in Title 12, Subtitle 2 of this article.

(2) After the Administration suspends the driver's license or driving privilege of an individual under subsection (a)(4) of this section, the Administration shall send written notice to the individual, including notice of the individual's right to contest the accuracy of the information.

(3) Any contest under this subsection shall be limited to:

(i) Whether the Administration has mistaken the identity of the individual whose license or privilege to drive has been suspended; and

(ii) Whether the individual may be issued a restricted license that is limited to driving a motor vehicle:

1. For the purpose of attending an alcohol education or alcoholic prevention or treatment program;

2. That is required in the course of employment;

3. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

4. For the purposes of driving to or from school or any other place of educational instruction if the individual's education would be adversely affected because the individual has no reasonable alternative means of transportation for educational purposes.

(4) Except as otherwise provided in this section, the Administration may suspend or revoke a license under this section only after a hearing under Title 12, Subtitle 2 of this article.

(5) If the Administration determines that there is a likelihood of substantial and immediate danger and harm to the licensee or others if the license is continued pending a hearing, the Administration:

(i) Immediately may suspend the license;

(ii) Within 7 days of a request for a hearing, shall grant the licensee a hearing as provided in Title 12, Subtitle 2 of this article; and

(iii) After the hearing, render an immediate decision as to whether or not it should continue the suspension or revoke the license.

(e) (1) If a licensee fails to appear for a hearing after receiving the written notice under subsection (d)(1) of this section, the Administration may suspend the license until the licensee appears for a hearing.

(2) A rescheduled hearing shall be held within 30 days of the date of the request.

(f) In accordance with Title 12, Subtitle 2 of this article, the Administration shall provide notice of a suspension under subsection (a)(5) of this section and the licensee may request a hearing.