

SB465 - Vehicle Laws and Permits - Prohibited Acts

Uploaded by: Doyle Niemann

Position: FAV

To: Members of The Senate Judicial Proceedings Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 10, 2022

Subject: **SB465 – Vehicle Laws – Licenses and Permits – Prohibited Acts**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB465 – Vehicle Laws – Licenses and Permits – Prohibited Acts.**

This bill removes an overly broad provision in the current statute that has led to confusion and abuse.

The provision to be removed encompasses any action or failure to act forbidden by any other section of the Transportation Article. Almost by definition, it duplicates other parts of the code, each of which carries its own penalty. Its inclusion here, however, in Section 16-301 can leave someone who commits some other action facing a much more severe penalty, including the imposition of 12 points, an amount that can imperil their license status.

We believe that statutes should be clear and well-defined. The current statute does not satisfy this test.

For the reasons stated, we **Support SB465 - Vehicle Laws – Licenses and Permits – Prohibited Acts.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

MOPD Statement of Support SB 465.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: SB 465 - Criminal Law –Vehicle Laws–Licenses and Permits – Prohibited Acts

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/16/2022

The Maryland Office of the Public Defender respectfully requests that the Judiciary Committee issue a favorable report on Senate Bill 465. This bill removes an overly broad provision in the current statute that has led to confusion and abuse.

That provision encompasses any action or failure to act forbidden by any other section of the Transportation Article. Almost by definition, it duplicates other parts of the code, each of which carries its own penalty. Its inclusion here, however, in Section 16-301 can leave someone who commits some other action facing a more severe penalty, including the imposition of 12 points, an amount that can imperil their license status.

The Maryland Office of the Public Defender appreciates and supports efforts that will better define and clarify Maryland's traffic laws. Senate Bill 465 does that.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 465.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Testimony_JPC_SB0465_LR1353.pdf

Uploaded by: Elizabeth Vigna

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB465
- Vehicle Laws - Licenses and Permits - Prohibited Acts -
Before the Judicial Committee
On February 17, 2022**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

Senate Bill 465 is another attempt to modernize the state's Transportation Article by closing a vaguely written loophole that allows for the incarceration or fining of individuals who violate a potential universe of undefined acts under Title 16 of the Article.

Currently, Section 16-301 of the Article, which governs driver's licenses and moped operator permits, provides that a person, upon conviction of certain identified acts in the title, can be imprisoned for up to two (2) months or fined up to \$500, and assessed 12 points against their driver's license, if they "do any act forbidden or fail to perform any act required by this title."

Not only is this language vague and ambiguous, leaving it ripe for abuse by law enforcement, it also contradicts a bill that I sponsored last year, which the Senate passed unanimously, and the House passed with all but four votes. Senate Bill 20, enacted in May 2021, explicitly eliminated imprisonment and fines for individuals convicted of displaying a canceled, revoked, or suspended license. But this

catch-all provision, which allows for the arrest, prosecution, imprisonment, and fining of *any* act or omission that violates the title, effectively acts as a loophole to current law, and is still being enforced. According to the fiscal note, there were 1,882 violations of this provision in fiscal year 2021. However, only one (1) of the nearly 2,000 violations - or 0.0005 percent - ended in a guilty disposition. Further, according to the MVA, there were only 112 convictions on record over a period of 45 years, from 1977 through 2021.

Senate Bill 465 closes this vague loophole and removes the requirement that persons charged with violating this provision appear in court to defend themselves, which can be costly in both money and time. This is a common sense bill that builds on what we did last year, and it will have a negligible impact on fine revenue.

As such, I ask you to give a favorable report on Senate Bill 465.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is fluid and cursive, with the first name "Jill" being the most prominent.

Jill P. Carter

Testimony_JPC_SB0465_LR1353.pdf

Uploaded by: Jill Carter

Position: FAV



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Jill P. Carter

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Uploaded by: Shaoli Katana

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