

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 501

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Parker” and substitute “Parker, R. Baker, Klausmeier, C. Mitchell, Muse, Holt, DeCarlo, Hammen, Mohorovic, Gordon, and Finifter”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Enforcement of Graduated Licensing” and substitute “Driving Offenses by Minors”; in the same line, strike “of a Youth’s” and substitute “or Revocation of”; in line 4, strike “a juvenile court to order”; in line 5, strike “initiate proceedings to” and substitute “revoke or”; in line 7, strike “or the use of seat belts”; strike beginning with “, for” in line 9 down through “circumstances” in line 12 and substitute “; authorizing the Administration to modify a suspension imposed under this Act or issue a restrictive license; repealing a provision that prohibits the Administration, under certain circumstances, from assessing points against a child found to have committed certain drunk and drugged driving offenses; clarifying language”; in line 13, after “suspension” insert “or revocation”; in line 17, strike “3-820(d)(1)” and substitute “3-824(a)(3) and (4)”; in line 22, strike “and 22-412.3(k)”; in line 27, after “Section” insert “16-208(b) and”; and in the same line, strike “and 22-412.3(b)”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 4 through 35, inclusive, and substitute:

“3-824.

(a) (3) [However] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, an adjudication of a child as delinquent by reason of [his] THE CHILD’S violation of the State vehicle laws shall be reported by the clerk of the court to the Motor Vehicle Administration, which shall assess points against the child under Title 16, Subtitle 4 of the Transportation Article, in the same manner and to the same effect as if the child had been convicted of the offense.

(Over)

(4) (I) [A] AN ADJUDICATION OF A CHILD AS DELINQUENT BY REASON OF THE CHILD’S VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE OR A finding that a child has committed a delinquent act by reason of the child's violation of § 21-902 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration [; however, no points shall be assessed against the child] WHICH SHALL:

1. FOR A VIOLATION OF § 21-902(A) OR (D) OF THE TRANSPORTATION ARTICLE, REVOKE THE CHILD’S DRIVING PRIVILEGE IN THE SAME MANNER AND TO THE SAME EFFECT AS IF THE CHILD HAD BEEN CONVICTED OF THE OFFENSE;

2. FOR A FIRST VIOLATION OF § 21-902 (B) OR (C) OF THE TRANSPORTATION ARTICLE, SUSPEND THE CHILD’S DRIVING PRIVILEGE FOR 6 MONTHS; AND

3. FOR A SECOND OR SUBSEQUENT VIOLATION OF § 21-902(B) OR (C) OF THE TRANSPORTATION ARTICLE, SUSPEND THE CHILD’S DRIVING PRIVILEGE FOR 1 YEAR.

(II) [The] IN THE CASE OF A FINDING, WITHOUT AN ADJUDICATION, THAT A CHILD HAS VIOLATED § 21-902 OF THE TRANSPORTATION ARTICLE, THE Motor Vehicle Administration shall retain the report in accordance with § 16-117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.”.

On page 3, in lines 21 and 22, strike “: (I)”; in line 22, strike “THREE” and substitute “SIX”; strike beginning with the semicolon in line 23 down through “ARTICLE” in line 26; in lines 29 and 30, strike “: (I)”; strike beginning with the semicolon in line 31 down through “ARTICLE” in line 35; and after line 35, insert:

“(3) 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 OR REVOKE THE DRIVING

PRIVILEGE OF THE CHILD IN ACCORDANCE WITH § 3-824(A)(4)(I) OF THE COURTS ARTICLE.

(4) IF A CHILD SUBJECT TO A SUSPENSION OR REVOCATION UNDER THIS SUBSECTION DOES NOT HOLD A LICENSE TO OPERATE A MOTOR VEHICLE ON THE DATE OF THE DISPOSITION, THE SUSPENSION OR REVOCATION 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.'.

On page 4, in line 20, after "subsection" insert "OR SUBSECTION (B) OF THIS SECTION".

AMENDMENT NO. 4

On page 5, after line 13, insert:

"16-208.

(b) (1) Any individual whose license or privilege to drive has been revoked may apply for reinstatement of his license or privilege as provided in this subsection.

(2) If it is his first revocation, the individual may file a reinstatement application at any time after the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after the effective date of the revocation. On receipt of the application, the Administration may reinstate the license or privilege, but not before 6 months after the revoked license is received by the Administration or, in the case of an individual who does not have a license issued under this title, not before 6 months after the effective date of revocation.

(Over)

(3) If it is his second revocation, the individual may file a reinstatement application at any time after 1 year from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 1 year from the effective date of revocation. On receipt of the application, the Administration may reinstate the license or privilege.

(4) If it is his third or subsequent revocation, the individual may file a reinstatement application at any time after 18 months from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 18 months from the effective date of revocation. On receipt of the application, the Administration may reinstate the license or privilege.

(5) In any event, the Administration may reinstate a license or privilege to drive only if, after investigation of the character, habits, and driving ability of the individual, the Administration is satisfied that it will be safe to grant him the privilege of driving a motor vehicle on the highways. Except as otherwise provided in this title, before issuing a new license, the Administration shall require the applicant to submit to the examinations that it considers appropriate.”

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 34 on page 5 through line 6 on page 6, inclusive.