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Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Enforcement of Graduated Licensing - Suspension of a Youth's Driving**
3 **Privileges**

4 FOR the purpose of requiring a juvenile court to order the Motor Vehicle Administration
5 to initiate proceedings to suspend for a certain period the driving privilege of a child
6 under the age of 18 years found to have violated certain provisions of law relating to
7 drugged or drunk driving or the use of seat belts; requiring the Administration to
8 suspend for a certain period the driving privilege of a child under the age of 18 years
9 for accumulating a certain number of points against a driver's license, for drugged
10 or drunk driving, and for violating certain laws pertaining to the use of seat belts;
11 authorizing a police officer to enforce a certain law pertaining to the use of seat
12 belts as a primary violation under certain circumstances; making stylistic changes;
13 providing for the effective date of this Act; and generally relating to suspension of a
14 child's driving privilege for certain offenses.

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-820(d)(1)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1995 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 16-206 and 22-412.3(k)
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article - Transportation
27 Section 21-902 and 22-412.3(b)
28 Annotated Code of Maryland
29 (1992 Replacement Volume and 1995 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 3-820.

5 (d) (1) (i) [Subject to the provisions of item (iii)] EXCEPT AS PROVIDED IN
6 SUBPARAGRAPHS (III) AND (IV) of this paragraph, in making a disposition on a finding
7 that the child has committed the violation specified in a citation, the court may order the
8 Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to
9 suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor
10 Vehicle Administration for a specified period of not less than 30 days nor more than 90
11 days.

12 (ii) In this paragraph "driver's license" means a license or permit to
13 drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

14 (iii) In making a disposition on a finding that the child has committed a
15 violation under Article 27, § 400 of the Code specified in a citation that involved the use
16 of a driver's license or a document purporting to be a driver's license, the court may order
17 the Motor Vehicle Administration to initiate an action under the Maryland Vehicle Law
18 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
19 Motor Vehicle Administration:

- 20 1. For a first offense, for 6 months; and
21 2. For a second or subsequent offense, until the child is 21 years
22 old.

23 (IV) IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS
24 COMMITTED A VIOLATION OF § 21-902 OR § 22-412.3(K) OF THE TRANSPORTATION
25 ARTICLE, THE COURT SHALL ORDER THE MOTOR VEHICLE ADMINISTRATION TO
26 INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO SUSPEND THE
27 DRIVING PRIVILEGE OF A CHILD LICENSED TO OPERATE A MOTOR VEHICLE BY THE
28 MOTOR VEHICLE ADMINISTRATION:

- 29 1. FOR A FIRST OFFENSE, FOR 6 MONTHS; AND
30 2. FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1 YEAR.

31 [(iv)] (V) If a child subject to a suspension under this subsection does
32 not hold a license to operate a motor vehicle on the date of the disposition, the
33 suspension shall commence on the date that the license is issued, or after the child applies
34 and becomes qualified to receive a license, or on the child's eighteenth birthday,
35 whichever occurs first.

36 **Article - Transportation**

37 16-206.

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

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

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

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

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

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

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

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

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

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

20 (B) (1) THE ADMINISTRATION SHALL SUSPEND FOR 6 MONTHS THE
21 DRIVING PRIVILEGES OF A CHILD UNDER THE AGE OF 18 YEARS WHO:

22 (I) ACCUMULATES THREE POINTS UNDER § 16-402 OF THIS TITLE
23 AGAINST A DRIVER'S LICENSE ISSUED UNDER THIS TITLE;

24 (II) COMMITS A VIOLATION OF THE SEAT BELT REQUIREMENTS OF
25 § 22-412.3(B) OF THIS ARTICLE; OR

26 (III) COMMITS A VIOLATION OF § 21-902 OF THIS ARTICLE.

27 (2) THE ADMINISTRATION SHALL SUSPEND FOR 1 YEAR THE DRIVING
28 PRIVILEGES OF A CHILD UNDER THE AGE OF 18 YEARS WHO, SUBSEQUENT TO THE
29 IMPOSITION OF A SUSPENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION:

30 (I) ACCUMULATES TWO ADDITIONAL POINTS UNDER § 16-402 OF
31 THIS TITLE AGAINST A DRIVER'S LICENSE ISSUED UNDER THIS TITLE;

32 (II) COMMITS A SECOND OR SUBSEQUENT VIOLATION OF THE SEAT
33 BELT REQUIREMENTS OF § 22-412.3(B) OF THIS ARTICLE; OR

34 (III) COMMITS A SECOND OR SUBSEQUENT VIOLATION OF § 21-902
35 OF THIS ARTICLE.

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1 [(b)] (C) (1) Pursuant to a court order under § 3-820(d) of the Courts Article,
2 the Administration shall initiate an action to suspend the driving privileges of a child for
3 the time specified by the court.

4 (2) If a child subject to a suspension under § 3-820(d) of the Courts Article
5 does not hold a license to operate a motor vehicle on the date of the court order, the
6 suspension shall commence on the date that the license is issued, or after the child applies
7 and becomes qualified to receive a license, or on the child's eighteenth birthday,
8 whichever occurs first.

9 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
10 the Administration shall suspend the license of an individual described under Article 27,
11 § 403(f) of the Code:

12 (i) For a first offense, for 6 months; and

13 (ii) For a second or subsequent offense, until the individual is 21 years
14 old or for a period of 1 year, whichever is longer.

15 (4) If an individual subject to a suspension under paragraph (3) of this
16 subsection does not hold a license to operate a motor vehicle on the date that the
17 individual is found guilty of a Code violation, the suspension shall begin on the date that
18 the license is issued, or after the individual applies and becomes qualified to receive a
19 license, or on the individual's twenty-first birthday, whichever occurs first.

20 (5) The Administration may modify a suspension under this subsection or
21 issue a restricted license if:

22 (i) The license is required for the purpose of attending an alcohol
23 education or alcoholic prevention or treatment program;

24 (ii) The child or individual is required to drive a motor vehicle in the
25 course of employment;

26 (iii) It finds that the individual's or child's employment would be
27 adversely affected because the individual or child has no reasonable alternative means of
28 transportation to or from a place of employment; or

29 (iv) It finds that the individual's or child's education would be
30 adversely affected because the individual or child has no reasonable alternative means of
31 transportation for educational purposes.

32 [(c)] (D) (1) After the Administration refuses to issue a license under this
33 section or after the Administration determines that a suspension should be imposed
34 under subsection (a)(2) of this section, the Administration immediately shall give written
35 notice to the applicant or licensee, and the applicant or licensee may request a hearing as
36 provided in Title 12, Subtitle 2 of this article.

37 (2) Except as otherwise provided in this section, the Administration may
38 suspend or revoke a license under this section only after a hearing under Title 12, Subtitle
39 2 of this article.

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

4 (i) Immediately may suspend the license;

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

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

9 [(d)] (E) (1) If a licensee fails to appear for a hearing after receiving the written
10 notice under subsection [(c)(1)] (D)(1) of this section, the Administration may suspend
11 the license until the licensee appears for a hearing.

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

14 21-902.

15 (a) (1) A person may not drive or attempt to drive any vehicle while intoxicated.

16 (2) A person may not drive or attempt to drive any vehicle while the person
17 has an alcohol concentration of 0.10 or more as measured by grams of alcohol per 100
18 milliliters of blood or grams of alcohol per 210 liters of breath as determined at the time
19 of testing.

20 (b) A person may not drive or attempt to drive any vehicle while under the
21 influence of alcohol.

22 (c) (1) A person may not drive or attempt to drive any vehicle while he is so far
23 under the influence of any drug, any combination of drugs, or a combination of one or
24 more drugs and alcohol that he cannot drive a vehicle safely.

25 (2) It is not a defense to any charge of violating this subsection that the
26 person charged is or was entitled under the laws of this State to use the drug, combination
27 of drugs, or combination of one or more drugs and alcohol, unless the person was
28 unaware that the drug or combination would make him incapable of safely driving a
29 vehicle.

30 (d) A person may not drive or attempt to drive any vehicle while he is under the
31 influence of any controlled dangerous substance, as that term is defined in Article 27, §
32 279 of the Code, if the person is not entitled to use the controlled dangerous substance
33 under the laws of this State.

34 22-412.3.

35 (b) A person may not operate a motor vehicle unless the person and each
36 outboard front seat occupant under 16 years old are restrained by a seat belt or a child
37 safety seat as provided in § 22-412.2 of this article.

38 (k) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
39 A police officer may enforce the provisions of this section only as a secondary action when

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1 the police officer detains a driver of a motor vehicle for a suspected violation of another
2 provision of the Code.

3 (2) WHEN THE DRIVER OF A MOTOR VEHICLE IS UNDER THE AGE OF 18
4 YEARS, A POLICE OFFICER MAY ENFORCE THIS SECTION AS A PRIMARY VIOLATION.

5 [(2)] (3) Nothing contained in paragraph (1) of this subsection may be
6 construed to limit the enforcement of a violation under § 22-412.2 of this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1996.