
By: Delegates Genn, W. Baker, Beck, Benson, Bobo, Bozman, Brinkley, Conway, Cryor, C. Davis, Dewberry, Dypski, Faulkner, Fulton, Goldwater, Grosfeld, Harkins, Heller, Hubbard, B. Hughes, Hurson, Kopp, McKee, Mandel, Morgan, Petzold, Pitkin, Redmer, Shriver, Walkup, and Parker ~~Parker, R. Baker, Klausmeier, C. Mitchell, Muse, Holt, DeCarlo, Hammen, Mohorovic, Gordon, and Finifter~~

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1996

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - ~~Enforcement of Graduated Licensing~~ Driving Offenses by Minors -**
3 **Suspension of a Youth's or Revocation of Driving Privileges**

4 [TAG ftpo]FOR the purpose of requiring a ~~juvenile court to order~~ the Motor Vehicle Administration
5 to ~~initiate proceedings to~~ revoke or suspend for a certain period the driving
6 privilege of a child under the age of 18 years found to have violated certain
7 provisions of law relating to drugged or drunk driving ~~or the use of seat belts;~~
8 requiring the Administration to suspend for a certain period the driving privilege of
9 a child under the age of 18 years for accumulating a certain number of points
10 against a driver's license, ~~for drugged or drunk driving, and for violating certain laws~~
11 ~~pertaining to the use of seat belts; authorizing a police officer to enforce a certain~~
12 ~~law pertaining to the use of seat belts as a primary violation under certain~~
13 ~~circumstances; authorizing the Administration to modify a suspension imposed~~
14 ~~under this Act or issue a restrictive license; repealing a provision that prohibits the~~
15 ~~Administration, under certain circumstances, from assessing points against a child~~
16 ~~found to have committed certain drunk and drugged driving offenses; clarifying~~
17 ~~language; making stylistic changes; providing for the effective date of this Act; and~~
18 generally relating to suspension or revocation of a child's driving privilege for
19 certain offenses.

20 BY repealing and reenacting, with amendments,
21 Article - Courts and Judicial Proceedings
22 Section ~~3-820(d)(1)~~ 3-824(a)(3) and (4)
23 Annotated Code of Maryland

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1 (1995 Replacement Volume and 1995 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Transportation

4 Section 16-206 and ~~22-412.3(k)~~

5 Annotated Code of Maryland

6 (1992 Replacement Volume and 1995 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - Transportation

9 Section ~~16-208(b) and 21-902 and 22-412.3(b)~~

10 Annotated Code of Maryland

11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 ~~3-820.~~

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

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

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

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

32 2. ~~For a second or subsequent offense, until the child is 21 years~~

33 ~~old.~~

34 (IV) ~~IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS~~
35 ~~COMMITTED A VIOLATION OF § 21-902 OR § 22-412.3(K) OF THE TRANSPORTATION~~
36 ~~ARTICLE, THE COURT SHALL ORDER THE MOTOR VEHICLE ADMINISTRATION TO~~
37 ~~INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO SUSPEND THE~~
38 ~~DRIVING PRIVILEGE OF A CHILD LICENSED TO OPERATE A MOTOR VEHICLE BY THE~~
39 ~~MOTOR VEHICLE ADMINISTRATION:~~

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1 ~~1. FOR A FIRST OFFENSE, FOR 6 MONTHS; AND~~

2 ~~2. FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1 YEAR.~~

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

8 3-824.

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

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

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

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

28 3. FOR A SECOND OR SUBSEQUENT VIOLATION OF §
29 21-902(B) OR (C) OF THE TRANSPORTATION ARTICLE, SUSPEND THE CHILD'S DRIVING
30 PRIVILEGE FOR 1 YEAR.

31 (II) [The] IN THE CASE OF A FINDING, WITHOUT AN
32 ADJUDICATION, THAT A CHILD HAS VIOLATED § 21-902 OF THE TRANSPORTATION
33 ARTICLE, THE Motor Vehicle Administration shall retain the report in accordance with §
34 16-117(b)(2) of the Transportation Article pertaining to records of licensees who receive
35 a disposition of probation before judgment.

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 SIX POINTS UNDER § 16-402 OF THIS~~
23 ~~TITLE 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.~~

36 (3) UPON NOTIFICATION BY THE CLERK OF THE COURT THAT A CHILD
37 HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 21-902 OF THIS

1 ARTICLE, OR THAT A FINDING HAS BEEN MADE THAT A CHILD VIOLATED § 21-902OF
2 THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND OR REVOKE THE DRIVING
3 PRIVILEGE OF THE CHILD IN ACCORDANCE WITH § 3-824(A)(4)(I) OF THE COURTS
4 ARTICLE.

5 (4) IF A CHILD SUBJECT TO A SUSPENSION OR REVOCATION UNDER
6 THIS SUBSECTION DOES NOT HOLD A LICENSE TO OPERATE A MOTOR VEHICLE ON
7 THE DATE OF THE DISPOSITION, THE SUSPENSION OR REVOCATION SHALL
8 COMMENCE:

9 (I) IF THE CHILD IS AT LEAST 16 YEARS OLD ON THE DATE OF THE
10 DISPOSITION, ON THE DATE OF THE DISPOSITION; OR

11 (II) IF THE CHILD IS YOUNGER THAN 16 YEARS OF AGE ON THE
12 DATE OF THE DISPOSITION, ON THE DATE THE CHILD REACHES THE CHILD'S 16TH
13 BIRTHDAY.

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

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

22 (3) On receipt of a notice described under Article 27, § 403(f)of the Code,
23 the Administration shall suspend the license of an individual describedunder Article 27,
24 § 403(f) of the Code:

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

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

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

33 (5) The Administration may modify a suspension under this subsection OR
34 SUBSECTION (B) OF THIS SECTION or issue a restricted license if:

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

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

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

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

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

12 (2) Except as otherwise provided in this section, the Administration may
13 suspend or revoke a license under this section only after a hearing under Title 12, Subtitle
14 2 of this article.

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

18 (i) Immediately may suspend the license;

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

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

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

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

28 16-208.

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

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

39 (3) If it is his second revocation, the individual may file a reinstatement
40 application at any time after 1 year from the day the revoked license is surrendered to and

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1 received by the Administration or, in the case of an individual who does not have a license
2 issued under this title, after 1 year from the effective date of revocation. On receipt of the
3 application, the Administration may reinstate the license or privilege.

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

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

16 21-902.

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

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

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

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

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

32 (d) A person may not drive or attempt to drive any vehicle while he is under the
33 influence of any controlled dangerous substance, as that term is defined in Article 27, §
34 279 of the Code, if the person is not entitled to use the controlled dangerous substance
35 under the laws of this State.

36 ~~22-412.3.~~

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

40 ~~(c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
41 ~~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.