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**By: Delegates Muse and C. Mitchell**

Introduced and read first time: February 7, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Suspension of a Child's Driver's License - Alcohol and Drug Offenses**

3 FOR the purpose of requiring a juvenile court to order the Motor Vehicle Administration  
4 to suspend a child's driver's license for a certain period if the child is found to have  
5 violated certain provisions of law relating to drunk or drugged driving; requiring the  
6 Administration to suspend a child's driver's license for certain periods on receipt of  
7 a court order under this Act; requiring the clerk of the court in which certain orders  
8 are entered to immediately report the order to the Administration; requiring the  
9 Administration, except under certain circumstances, to return or issue a license or  
10 reinstate a child's driving privilege when the suspension period under this Act  
11 expires; and generally relating to the suspension of drivers' licenses for drunk or  
12 drugged driving offenses.

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

18 BY repealing and reenacting, with amendments,  
19 Article - Transportation  
20 Section 16-206(b)  
21 Annotated Code of Maryland  
22 (1992 Replacement Volume and 1995 Supplement)

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

25 **Article - Courts and Judicial Proceedings**

26 3-820.

27 (d) (1) (i) Subject to the provisions of [item (iii)] ITEMS (III) AND (IV) of  
28 this paragraph, in making a disposition on a finding that the child has committed the  
29 violation specified in a citation, the court may order the Motor Vehicle Administration to  
30 initiate an action, under the motor vehicle laws, to suspend the driving privilege of a child

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1 licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified  
2 period of not less than 30 days nor more than 90 days.

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

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

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

12 2. For a second or subsequent offense, until the child is 21 years  
13 old.

14 (IV) IN MAKING A DISPOSITION ON A FINDING THAT THE CHILD  
15 HAS COMMITTED A VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE, THE  
16 COURT SHALL ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN  
17 ACTION UNDER THE MARYLAND VEHICLE LAW TO SUSPEND THE DRIVING  
18 PRIVILEGE OF A CHILD LICENSED TO OPERATE A MOTOR VEHICLE BY THE MOTOR  
19 VEHICLE ADMINISTRATION:

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

21 2. FOR A SECOND OR SUBSEQUENT OFFENSE, UNTIL THE  
22 CHILD IS 21 YEARS OLD.

23 [(iv)] (V) If a child subject to a suspension under this subsection does  
24 not hold a license to operate a motor vehicle on the date of the disposition, the  
25 suspension shall commence on the date that the license is issued, or after the child applies  
26 and becomes qualified to receive a license[, or] OR, EXCEPT AS PROVIDED IN  
27 SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH, on the child's eighteenth birthday,  
28 whichever occurs first.

29 (VI) IF THE DRIVER'S LICENSE HELD BY A CHILD SUBJECT TO  
30 SUSPENSION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH WAS SUSPENDED  
31 FOR ANY REASON BEFORE THE DATE OF THE DISPOSITION UNDER THIS  
32 SUBSECTION, THE MOTOR VEHICLE ADMINISTRATION SHALL SUSPEND THE CHILD'S  
33 LICENSE:

34 1. FOR A FIRST OFFENSE, FOR AN ADDITIONAL 6 MONTHS;  
35 AND

36 2. FOR A SECOND OR SUBSEQUENT OFFENSE, UNTIL THE  
37 CHILD IS 21 YEARS OLD.

38 (VII) IF THE DRIVER'S LICENSE HELD BY A CHILD SUBJECT TO  
39 SUSPENSION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH WAS REVOKED OR  
40 CANCELED FOR ANY REASON, BEFORE THE DATE OF THE DISPOSITION UNDER THIS

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1 SUBSECTION, THE MOTOR VEHICLE ADMINISTRATION MAY NOT REINSTATE OR  
2 REISSUE THE LICENSE UNTIL:

3 1. FOR A FIRST OFFENSE, 6 MONTHS AFTER THE CHILD  
4 APPLIES FOR A REINSTATEMENT OR REISSUANCE AND OTHERWISE QUALIFIES TO  
5 RECEIVE THE LICENSE OR UNTIL 6 MONTHS AFTER THE DATE OF DISPOSITION,  
6 WHICHEVER OCCURS LATER; AND

7 2. FOR A SECOND OR SUBSEQUENT OFFENSE, THE CHILD IS  
8 AT LEAST 21 YEARS AND OTHERWISE QUALIFIES TO RECEIVE THE LICENSE.

9 (VIII) UNLESS THE CHILD'S LICENSE OR DRIVING PRIVILEGE HAS  
10 BEEN REFUSED, REVOKED, SUSPENDED, OR CANCELED UNDER ANY OTHER  
11 PROVISION OF LAW THE MOTOR VEHICLE ADMINISTRATION SHALL IMMEDIATELY  
12 RETURN OR ISSUE THE CHILD'S LICENSE OR REINSTATE THE CHILD'S DRIVING  
13 PRIVILEGE WHEN THE PERIOD OF SUSPENSION OR DELAY EXPIRES.

14 (IX) WHEN AN ORDER ISSUED UNDER THIS SUBSECTION IS  
15 ENTERED, THE CLERK OF THE COURT SHALL IMMEDIATELY REPORT THE ORDER TO  
16 THE MOTOR VEHICLE ADMINISTRATION.

17 **Article - Transportation**

18 16-206.

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

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

27 (3) IF THE DRIVER'S LICENSE HELD BY A CHILD SUBJECT TO  
28 SUSPENSION UNDER § 3-820(D) OF THE COURTS ARTICLE WAS SUSPENDED FOR ANY  
29 REASON BEFORE THE DATE OF THE DISPOSITION UNDER TITLE 3, SUBTITLE 8 OF  
30 THE COURTS ARTICLE, THE ADMINISTRATION SHALL SUSPEND THE CHILD'S  
31 LICENSE:

32 (I) FOR A FIRST OFFENSE, FOR AN ADDITIONAL 6 MONTHS; AND

33 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, UNTIL THE CHILD IS  
34 21 YEARS OLD.

35 (4) IF THE DRIVER'S LICENSE HELD BY A CHILD SUBJECT TO  
36 SUSPENSION UNDER § 3-820(D) OF THE COURTS ARTICLE WAS REVOKED OR  
37 CANCELED FOR ANY REASON BEFORE THE DATE OF THE DISPOSITION UNDER TITLE  
38 3, SUBTITLE 8 OF THE COURTS ARTICLE, THE ADMINISTRATION MAY NOT  
39 REINSTATE OR REISSUE THE LICENSE UNTIL:

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1 (I) FOR A FIRST OFFENSE, 6 MONTHS AFTER THE CHILD APPLIES  
2 FOR A REINSTATEMENT OR REISSUANCE AND OTHERWISE QUALIFIES TO RECEIVE  
3 THE LICENSE OR UNTIL 6 MONTHS AFTER THE DATE OF DISPOSITION, WHICHEVER  
4 OCCURS LATER; AND

5 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, THE CHILD IS AT  
6 LEAST 21 YEARS OLD AND OTHERWISE QUALIFIES TO RECEIVE THE LICENSE.

7 (5) UNLESS THE CHILD'S LICENSE OR DRIVING PRIVILEGE HAS BEEN  
8 REFUSED, REVOKED, SUSPENDED, OR CANCELED UNDER ANY OTHER PROVISION OF  
9 LAW THE ADMINISTRATION SHALL IMMEDIATELY RETURN OR ISSUE THE CHILD'S  
10 LICENSE OR REINSTATE THE CHILD'S DRIVING PRIVILEGE WHEN THE PERIOD OF  
11 SUSPENSION OR DELAY EXPIRES.

12 [(3)] (6) On receipt of a notice described under Article 27, § 403(f) of the  
13 Code, the Administration shall suspend the license of an individual described under  
14 Article 27, § 403(f) of the Code:

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

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

18 [(4)] (7) If an individual subject to a suspension under [paragraph (3)]  
19 PARAGRAPH (6) of this subsection does not hold a license to operate a motor vehicle on  
20 the date that the individual is found guilty of a Code violation, the suspension shall begin  
21 on the date that the license is issued, or after the individual applies and becomes qualified  
22 to receive a license, or on the individual's twenty-first birthday, whichever occurs first.

23 [(5)] (8) The Administration may modify a suspension under this subsection  
24 or issue a restricted license if:

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

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

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 1996.