

---

**By: Delegates Montague, R. Baker, Muse, and Turner**

Introduced and read first time: February 23, 1996

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Delinquent Acts - Suspension of Driving Privileges**

3 FOR the purpose of prohibiting an intake officer from proceeding with an informal  
4 adjustment procedure in certain cases unless a child's parent or guardian agrees to  
5 withdraw the parent's or guardian's consent to the child's driver's license or if the  
6 child does not yet hold a license, the parent or guardian agrees to withhold consent  
7 to the child's license; requiring an intake officer to notify the Motor Vehicle  
8 Administration of the withdrawal or withholding of a parent's or guardian's consent  
9 to a child's driver's license; authorizing an intake officer to require a child's parent  
10 or guardian to withhold consent to a child's driver's license under a certain  
11 circumstance; providing that a condition of the parent or guardian agreeing to  
12 withdraw or withhold consent to the child's driver's license may be imposed without  
13 the consent of the child in certain cases; authorizing a court to order the Motor  
14 Vehicle Administration to suspend the driving privileges of a child found to have  
15 committed certain offenses and specifying the date the suspension shall begin if the  
16 child does not yet hold a license; establishing a certain suspension period for a first  
17 offense and another suspension period for a second or subsequent offense; defining  
18 a certain term; and generally relating to the suspension of the driving privileges of  
19 children alleged to have committed certain offenses or found to have committed  
20 those offenses.

21 BY renumbering

22 Article - Courts and Judicial Proceedings  
23 Section 3-801(o) through (v), respectively  
24 to be Section 3-801(p) through (w), respectively  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1995 Supplement)

27 BY adding to

28 Article - Courts and Judicial Proceedings  
29 Section 3-801(o)  
30 Annotated Code of Maryland  
31 (1995 Replacement Volume and 1995 Supplement)

32 BY repealing and reenacting, with amendments,

2

1 Article - Courts and Judicial Proceedings  
2 Section 3-810(e) and (l), and 3-820(d)  
3 Annotated Code of Maryland  
4 (1995 Replacement Volume and 1995 Supplement)

5 BY repealing and reenacting, without amendments,  
6 Article - Courts and Judicial Proceedings  
7 Section 3-810(f) and (k) and 3-820(a)(1)  
8 Annotated Code of Maryland  
9 (1995 Replacement Volume and 1995 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article - Transportation  
12 Section 16-206(b)(1) and (2)  
13 Annotated Code of Maryland  
14 (1992 Replacement Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That Section 3-801(o) through (v), respectively, of Article -Courts and  
17 Judicial Proceedings of the Annotated Code of Maryland be renumbered to be Section(s)  
18 3-801(p) through (w), respectively.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

21 **Article - Courts and Judicial Proceedings**

22 3-801.

23 (O) "DRIVER'S LICENSE" MEANS A DRIVER'S LICENSE AND ANY OTHER  
24 LICENSE OR PERMIT TO DRIVE A MOTOR VEHICLE THAT IS ISSUED UNDER OR  
25 GRANTED BY THE LAWS OF THIS STATE, INCLUDING:

26 (1) A TEMPORARY LICENSE OR LEARNER'S INSTRUCTIONAL PERMIT;

27 (2) THE PRIVILEGE OF AN INDIVIDUAL TO DRIVE A MOTOR VEHICLE,  
28 WHETHER OR NOT THAT INDIVIDUAL IS FORMALLY LICENSED BY THIS STATE OR  
29 ANOTHER JURISDICTION;

30 (3) A NONRESIDENT'S PRIVILEGE TO DRIVE AS DEFINED UNDER TITLE  
31 11, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE; AND

32 (4) A COMMERCIAL DRIVER'S LICENSE.

33 3-810.

34 (e) (1) The intake officer may propose an informal adjustment of the matter if  
35 based on the complaint and the inquiry, the intake officer concludes that the court has  
36 jurisdiction but that an informal adjustment, rather than judicial action, is in the best  
37 interests of the public and the child.

1 (2) The intake officer shall propose an informal adjustment by informing the  
2 victim, the child, and the child's parent or guardian of the nature of the complaint, the  
3 objectives of the adjustment process, the conditions and procedures under which it will be  
4 conducted, and the fact that it is not obligatory.

5 (3) The intake officer shall not proceed with an informal adjustment unless  
6 the victim, the child, and the child's parent or guardian consent to the informal  
7 adjustment procedure.

8 (4) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
9 SUBSECTION, AN INTAKE OFFICER MAY NOT PROCEED WITH AN INFORMAL  
10 ADJUSTMENT PROCEDURE IN A CASE IN WHICH A COMPLAINT ALLEGES THE CHILD  
11 COMMITTED A DELINQUENT ACT UNLESS:

12 1. THE CHILD'S PARENT OR GUARDIAN AGREES TO  
13 WITHDRAW THE PARENT'S OR GUARDIAN'S CONSENT TO THE CHILD'S DRIVER'S  
14 LICENSE; OR

15 2. IF THE CHILD DOES NOT YET HOLD A LICENSE TO  
16 OPERATE A MOTOR VEHICLE, THE CHILD'S PARENT OR GUARDIAN AGREES TO  
17 WITHHOLD CONSENT TO THE CHILD'S DRIVER'S LICENSE.

18 (II) IF THE PARENT OR GUARDIAN WHO COSIGNED THE CHILD'S  
19 DRIVER'S LICENSE AGREES TO WITHDRAW CONSENT TO THE CHILD'S DRIVER'S  
20 LICENSE OR IN THE CASE OF A CHILD WHO DOES NOT YET HOLD A LICENSE, THE  
21 CHILD'S PARENT OR GUARDIAN AGREES TO WITHHOLD CONSENT TO THE CHILD'S  
22 DRIVER'S LICENSE, THE INTAKE OFFICER SHALL ADVISE THE MOTOR VEHICLE  
23 ADMINISTRATION OF THE WITHDRAWAL OR THE WITHHOLDING OF CONSENT.

24 (III) FOR AN INFORMAL ADJUSTMENT UNDER THIS PARAGRAPH, A  
25 CONDITION OF THE PARENT OR GUARDIAN AGREEING TO WITHDRAW OR  
26 WITHHOLD CONSENT TO THE CHILD'S DRIVER'S LICENSE MAY BE IMPOSED  
27 WITHOUT THE CONSENT OF THE CHILD.

28 (f) (1) During the informal adjustment process, the child shall be subject to  
29 such supervision as the intake officer deems appropriate; however, no person is  
30 compelled to appear at any conference, produce any paper, or visit any place.

31 (2) The informal adjustment process shall not exceed 90 days unless that  
32 time is extended by the court.

33 (3) If the victim, the child, and the child's parent or guardian do not consent  
34 to an informal adjustment, the intake officer shall authorize the filing of a petition or  
35 deny authorization to file a petition under subsection (g) of this section.

36 (4) If at any time before the completion of an agreed upon informal  
37 adjustment the intake officer believes that the informal adjustment cannot be completed  
38 successfully, the intake officer shall authorize the filing of a petition or deny authorization  
39 to file a petition under subsection (g) of this section.

40 (k) (1) If the complaint alleges that a minor 16 years of age or older has  
41 committed an act in violation of any provision of the Maryland Vehicle Law or other

4

1 traffic law or ordinance under the jurisdiction of the juvenile court, the complaint shall be  
2 filed directly with the State's Attorney of the jurisdiction in which the alleged violation  
3 occurred.

4 (2) If the State's Attorney elects to proceed with the case, the State's  
5 Attorney may prepare a petition for filing with the court of proper jurisdiction.

6 (1) If the intake officer receives a citation other than a citation authorized under  
7 Article 27, § 405A of the Code, the intake officer may:

8 (1) Refer the child to an alcohol education or rehabilitation program;

9 (2) Assign the child to a supervised work program for not more than 20  
10 hours for the first violation and not more than 40 hours for the second or subsequent  
11 violation;

12 (3) Require the parent or guardian of the child to withdraw the parent's or  
13 guardian's consent to the child's license to drive OR IF THE CHILD DOES NOT YET HOLD  
14 A LICENSE TO DRIVE, REQUIRE THE PARENT OR GUARDIAN TO WITHHOLD  
15 CONSENT TO THE CHILD'S LICENSE TO DRIVE, and advise the Motor Vehicle  
16 Administration of the withdrawal OR THE WITHHOLDING of consent; or

17 (4) Forward the citation to the State's Attorney.

18 3-820.

19 (a) (1) After an adjudicatory hearing the court shall hold a separate disposition  
20 hearing, unless the petition or citation is dismissed or unless such hearing is waived in  
21 writing by all of the parties.

22 (d) (1) (i) Subject to the provisions of item (iii) of this paragraph, in making  
23 a disposition on a finding that the child has committed the violation specified in a  
24 citation, the court may order the Motor Vehicle Administration to initiate an action,  
25 under the motor vehicle laws, to suspend the driving privilege of a child licensed to  
26 operate a motor vehicle by the Motor Vehicle Administration for a specified period of not  
27 less than 30 days nor more than 90 days.

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

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

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

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

39 (iv) If a child subject to a suspension under this subsection does not  
40 hold a license to operate a motor vehicle on the date of the disposition, the suspension

5

1 shall commence on the date that the license is issued, or after the child applies and  
2 becomes qualified to receive a license, or on the child's eighteenth birthday, whichever  
3 occurs first.

4 (2) In addition to the dispositions under paragraph (1) of this subsection,  
5 the court also may:

6 (i) Counsel the child or the parent or both, or order the child to  
7 participate in an alcohol education or rehabilitation program that is in the best interest of  
8 the child;

9 (ii) Impose a civil fine of not more than \$25 for the first violation and  
10 a civil fine of not more than \$100 for the second and subsequent violations; or

11 (iii) Order the child to participate in a supervised work program for not  
12 more than 20 hours for the first violation and not more than 40 hours for the second and  
13 subsequent violations.

14 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do not  
15 apply to a child found to have committed a violation under Article 27, § 405A of the  
16 Code.

17 (ii) In making a disposition on a finding that the child has committed a  
18 violation under Article 27, § 405A of the Code, the court may:

19 1. Counsel the child or the parent or both, or order the child to  
20 participate in a smoking cessation clinic, or other suitable presentation of the hazards  
21 associated with tobacco use that is in the best interest of the child;

22 2. Impose a civil fine of not more than \$25 for the first violation  
23 and a civil fine of not more than \$100 for a second or subsequent violation; or

24 3. Order the child to participate in a supervised work program  
25 for not more than 20 hours for the first violation and not more than 40 hours for a second  
26 or subsequent violation.

27 (4) (I) IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS  
28 COMMITTED A DELINQUENT ACT, THE COURT MAY ORDER THE MOTOR VEHICLE  
29 ADMINISTRATION TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW  
30 TO SUSPEND THE DRIVING PRIVILEGES OF A CHILD LICENSED TO OPERATE A  
31 MOTOR VEHICLE BY THE MOTOR VEHICLE ADMINISTRATION:

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

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

35 (II) IF A CHILD SUBJECT TO A SUSPENSION UNDER THIS  
36 SUBSECTION DOES NOT HOLD A LICENSE TO OPERATE A MOTOR VEHICLE ON THE  
37 DATE OF DISPOSITION, THE SUSPENSION SHALL COMMENCE ON THE DATE THAT  
38 THE LICENSE IS ISSUED, OR AFTER THE CHILD APPLIES AND BECOMES QUALIFIED  
39 TO RECEIVE A LICENSE, OR ON THE CHILD'S EIGHTEENTH BIRTHDAY, WHICHEVER  
40 OCCURS FIRST.

6

1                   **Article - Transportation**

2 16-206.

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

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

11                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 1996.