

---

**By: Senators Teitelbaum, Derr, Dorman, Collins, Hoffman, Kelley, Currie, Lawlah,  
Roesser, and Ruben**

Introduced and read first time: January 24, 1996

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Driving While License Suspended or Revoked - Revocation**  
3 **of Registration**

4 FOR the purpose of authorizing a police officer to confiscate and suspend the  
5 registration of a vehicle driven by an individual whose license was suspended or  
6 revoked for certain drunk or drugged driving offenses; requiring the officer to  
7 provide the driver with certain information; requiring the Motor Vehicle  
8 Administration to provide the owner of the vehicle with certain information;  
9 requiring the Administration to revoke the registration under certain circumstances;  
10 authorizing the registered owner of the vehicle to request a hearing within a certain  
11 time and by certain methods; requiring the Administration to issue a temporary  
12 registration to an owner who requests a hearing; altering conditions under which  
13 temporary registrations are issued; requiring the Administration to schedule a  
14 hearing for a certain time; establishing the issues that may be raised at a hearing;  
15 establishing the conditions under which a revocation may be stayed if the hearing is  
16 postponed; authorizing the owner of a vehicle with a revoked registration to  
17 reregister the vehicle at certain times; and generally relating to drunk and drugged  
18 driving offenses and the revocation of vehicle registration.

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 13-405  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1995 Supplement)

24 BY adding to  
25 Article - Transportation  
26 Section 13-705.2  
27 Annotated Code of Maryland  
28 (1992 Replacement Volume and 1995 Supplement)

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

2

1           **Article - Transportation**

2 13-405.

3           (a) If an application for registration and certificate of title of a vehicle is  
4 accompanied by the required fees, the Administration may issue a temporary registration  
5 card and a temporary registration plate to permit the vehicle to be driven pending action  
6 on the application by the Administration.

7           (b) Temporary registration may be issued for a period determined by the  
8 Administrator [but] BUT, EXCEPT AS PROVIDED IN § 13-705.2 OF THIS TITLE, may not  
9 exceed 15 days.

10          (c) The fee for each temporary registration plate issued shall be established by  
11 the Administration.

12          (d) Temporary registration plates issued under this section may only be issued in  
13 the case [of sales] OF:

14               (1) SALES between persons who are not licensed [dealers, and in the case  
15 of those] DEALERS;

16               (2) THOSE transfers set forth in § 23-106(b)(4) of this article; AND

17               (3) THE REQUEST BY A REGISTERED OWNER FOR A HEARING UNDER §  
18 13-705.2(C) OF THIS TITLE.

19 13-705.2.

20          (A) IF A POLICE OFFICER STOPS OR DETAINS AN INDIVIDUAL DRIVING OR  
21 ATTEMPTING TO DRIVE A MOTOR VEHICLE REGISTERED UNDER THIS ARTICLE AND  
22 THE INDIVIDUAL'S LICENSE TO DRIVE IS SUSPENDED OR REVOKED FOR A  
23 VIOLATION OF § 16-205.1 OF THIS ARTICLE, § 21-902 OF THIS ARTICLE, OR ARTICLE 27,  
24 § 388A OF THE CODE, THE POLICE OFFICER SHALL:

25               (1) CONFISCATE THE REGISTRATION CARD OF THE MOTOR VEHICLE;

26               (2) CONFISCATE THE REGISTRATION PLATES OF THE MOTOR VEHICLE;

27               (3) ISSUE A TEMPORARY REGISTRATION FOR THE MOTOR VEHICLE  
28 LASTING 2 DAYS FROM THE TIME OF ISSUE;

29               (4) INFORM THE INDIVIDUAL THAT THE REGISTRATION OF THE MOTOR  
30 VEHICLE IS SUSPENDED AND WILL BE REVOKED EXCEPT AS PROVIDED IN  
31 SUBSECTION (G)(1) OF THIS SECTION;

32               (5) ADVISE THE INDIVIDUAL THAT THE REGISTERED OWNER OF THE  
33 VEHICLE MAY REQUEST A HEARING, WITHIN 45 DAYS, TO SHOW CAUSE WHY THE  
34 REGISTRATION SHOULD NOT BE REVOKED;

35               (6) ADVISE THE INDIVIDUAL THAT THE ADMINISTRATION IS REQUIRED  
36 TO REVOKE THE REGISTRATION OF THE VEHICLE:

37                       (I) IF THE REGISTERED OWNER FAILS TO REQUEST A HEARING  
38 UNDER SUBSECTION (C) OF THIS SECTION;

3

1 (II) IF THE REGISTERED OWNER FAILS TO ATTEND A HEARING  
2 REQUESTED UNDER SUBSECTION (C) OF THIS SECTION; OR

3 (III) UPON AN ADVERSE FINDING BY THE HEARING OFFICER  
4 UNDER SUBSECTION (G)(2) OF THIS SECTION;

5 (7) ARRANGE TO HAVE THE MOTOR VEHICLE MOVED AT THE OWNER'S  
6 EXPENSE, FROM THE PLACE WHERE IT IS STOPPED; AND

7 (8) NO MORE THAN 72 HOURS AFTER CONFISCATION OF THE  
8 REGISTRATION CARD AND REGISTRATION PLATES UNDER THIS SUBSECTION, SEND  
9 TO THE ADMINISTRATION:

10 (I) THE REGISTRATION CARD AND REGISTRATION PLATES;

11 (II) A COPY OF THE TEMPORARY REGISTRATION ISSUED UNDER  
12 ITEM (3) OF THIS SUBSECTION;

13 (III) NOTICE, IF APPROPRIATE, THAT THE REGISTERED OWNER  
14 REQUESTED A HEARING AS PROVIDED UNDER SUBSECTION (C)(1)(I) OF THIS  
15 SECTION; AND

16 (IV) A SWORN STATEMENT STATING THAT THE INDIVIDUAL:

17 1. PRODUCED A DRIVER'S LICENSE THAT IS SUSPENDED OR  
18 REVOKED OR, IF THE DRIVER FAILED TO PRODUCE A DRIVER'S LICENSE, THE  
19 OFFICER DISCOVERED THAT THE DRIVER'S LICENSE IS SUSPENDED OR REVOKED  
20 AND THE METHOD BY WHICH THAT FACT WAS DISCOVERED; AND

21 2. WAS FULLY ADVISED OF:

22 A. THE REGISTERED OWNER'S RIGHTS AND  
23 RESPONSIBILITIES AS DESCRIBED UNDER THIS SECTION; AND

24 B. THE ADMINISTRATIVE SANCTIONS THAT MAY BE  
25 IMPOSED UNDER SUBSECTIONS (C)(4), (G)(2), AND (H) OF THIS SECTION.

26 (B) WITHIN 3 DAYS OF RECEIVING THE ITEMS FROM THE POLICE OFFICER AS  
27 PROVIDED UNDER SUBSECTION (A)(8) OF THIS SECTION, THE ADMINISTRATION  
28 SHALL SEND A LETTER TO THE REGISTERED OWNER OF THE MOTOR VEHICLE  
29 WHICH INCLUDES ALL OF THE INFORMATION PROVIDED TO THE DRIVER OF THE  
30 MOTOR VEHICLE AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

31 (C) (1) A REGISTERED OWNER MAY REQUEST A HEARING TO SHOW CAUSE  
32 WHY THE REGISTRATION OF THE MOTOR VEHICLE SHOULD NOT BE REVOKED:

33 (I) AT THE TIME THE REGISTRATION IS SUSPENDED UNDER  
34 SUBSECTION (A) OF THIS SECTION; OR

35 (II) NO MORE THAN 45 DAYS AFTER THE DATE THE REGISTRATION  
36 IS SUSPENDED UNDER SUBSECTION (A) OF THIS SECTION.

37 (2) IF THE REGISTERED OWNER REQUESTS A HEARING AS PROVIDED IN  
38 PARAGRAPH (1)(I) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:

4

1 (I) WHEN IT SENDS THE MATERIAL TO THE REGISTERED OWNER  
2 UNDER SUBSECTION (B) OF THIS SECTION, ISSUE TO THE REGISTERED OWNER A  
3 TEMPORARY REGISTRATION AND REGISTRATION PLATE FOR THE MOTOR VEHICLE  
4 THAT IS IN EFFECT FOR 45 DAYS FROM THE DATE OF THE REQUEST; AND

5 (II) SET A HEARING FOR A DATE WITHIN 45 DAYS OF RECEIPT OF  
6 THE REQUEST.

7 (3) IF THE REGISTERED OWNER REQUESTS A HEARING AS PROVIDED IN  
8 PARAGRAPH (1)(II) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:

9 (I) ISSUE TO THE REGISTERED OWNER A TEMPORARY  
10 REGISTRATION AND REGISTRATION PLATE FOR THE MOTOR VEHICLE THAT IS IN  
11 EFFECT FOR 45 DAYS FROM THE DATE OF THE REQUEST; AND

12 (II) SET A HEARING FOR A DATE WITHIN 45 DAYS OF RECEIPT OF  
13 THE REQUEST.

14 (4) (I) IF THE REGISTERED OWNER FAILS TO REQUEST A HEARING AS  
15 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON THE 46TH DAY AFTER  
16 SUSPENSION OF THE REGISTRATION UNDER SUBSECTION (A) OF THIS SECTION, THE  
17 REGISTRATION SHALL BE REVOKED.

18 (II) A REGISTRATION THAT IS REVOKED UNDER THIS PARAGRAPH  
19 MAY BE RENEWED ONLY AS PROVIDED IN SUBSECTION (I) OF THIS SECTION.

20 (5) A REGISTERED OWNER REQUESTING A HEARING UNDER  
21 PARAGRAPH (1)(II) OF THIS SUBSECTION MAY DO SO BY:

22 (I) SENDING A REQUEST BY MAIL TO AN ADDRESS PRINTED ON  
23 THE TEMPORARY REGISTRATION ISSUED UNDER SUBSECTION (A) OF THIS SECTION;  
24 OR

25 (II) MAKING A REQUEST IN PERSON AT ANY OFFICE OF THE  
26 ADMINISTRATION.

27 (6) (I) THE ADMINISTRATION SHALL ISSUE A TEMPORARY  
28 REGISTRATION UNDER THIS SUBSECTION IN ACCORDANCE WITH § 13-405 OF THIS  
29 SUBTITLE.

30 (II) IF THE REGISTERED OWNER REQUESTS A HEARING IN PERSON  
31 AT AN OFFICE OF THE ADMINISTRATION, THE ADMINISTRATION SHALL ISSUE THE  
32 TEMPORARY REGISTRATION AT THAT TIME.

33 (III) IF THE REGISTERED OWNER REQUESTS A HEARING BY MAIL,  
34 THE ADMINISTRATION SHALL ISSUE THE TEMPORARY REGISTRATION BY MAIL.

35 (D) (1) A POSTPONEMENT OF A HEARING SCHEDULED UNDER SUBSECTION  
36 (C) OF THIS SECTION MAY STAY THE REVOCATION OF A REGISTRATION ONLY IF:

37 (I) BOTH THE REGISTERED OWNER AND THE ADMINISTRATION  
38 AGREE TO THE POSTPONEMENT;

5

1 (II) THE ADMINISTRATION CANNOT PROVIDE A HEARING WITHIN  
2 THE PERIOD REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; OR

3 (III) THE REGISTERED OWNER, WITHIN 10 DAYS OF THE REQUEST  
4 FOR A HEARING, MADE A REQUEST FOR THE ISSUANCE OF A SUBPOENA UNDER §  
5 12-108 OF THIS ARTICLE AND:

6 1. THE SUBPOENA WAS NOT ISSUED BY THE  
7 ADMINISTRATION;

8 2. AN ADVERSE WITNESS FOR WHOM THE SUBPOENA WAS  
9 REQUESTED, AND ON WHOM THE SUBPOENA WAS SERVED NOT LESS THAN 5 DAYS  
10 BEFORE THE HEARING, FAILS TO COMPLY WITH THE SUBPOENA AT AN INITIAL OR  
11 SUBSEQUENT HEARING UNDER THIS SECTION HELD WITHIN THE 45-DAY PERIOD;  
12 OR

13 3. A WITNESS FOR WHOM THE SUBPOENA WAS REQUESTED  
14 FAILS TO COMPLY WITH THE SUBPOENA, FOR GOOD CAUSE SHOWN, AT AN INITIAL  
15 OR SUBSEQUENT HEARING UNDER THIS SECTION.

16 (2) IF A WITNESS IS SERVED WITH A SUBPOENA FOR A HEARING UNDER  
17 THIS SECTION, THE WITNESS SHALL COMPLY WITH THE SUBPOENA WITHIN 20 DAYS  
18 FROM THE DATE THAT THE SUBPOENA IS SERVED.

19 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A  
20 HEARING IS POSTPONED BEYOND THE 45-DAY PERIOD UNDER CIRCUMSTANCES  
21 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL  
22 STAY THE REVOCATION OF THE REGISTRATION AND ISSUE A TEMPORARY  
23 REGISTRATION CARD AND REGISTRATION PLATE THAT AUTHORIZES THE MOTOR  
24 VEHICLE TO BE DRIVEN UNTIL THE DATE OF THE RESCHEDULED HEARING.

25 (II) THE ADMINISTRATION MAY NOT REQUIRE A REGISTERED  
26 OWNER TO PAY A FEE FOR A TEMPORARY REGISTRATION ISSUED UNDER THIS  
27 PARAGRAPH.

28 (4) TO THE EXTENT POSSIBLE, THE ADMINISTRATION SHALL  
29 EXPEDITIOUSLY RESCHEDULE A HEARING THAT IS POSTPONED UNDER THIS  
30 SUBSECTION.

31 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT A HEARING  
32 UNDER THIS SECTION, THE REGISTERED OWNER OF THE MOTOR VEHICLE HAS THE  
33 RIGHTS DESCRIBED IN § 12-206 OF THIS ARTICLE, BUT AT THE HEARING, THE ONLY  
34 ISSUE SHALL BE WHETHER, AT THE TIME THE INDIVIDUAL WAS STOPPED OR  
35 DETAINED, THE DRIVER'S LICENSE OF THE INDIVIDUAL WAS SUSPENDED OR  
36 REVOKED FOR A VIOLATION OF § 16-205.1 OF THIS ARTICLE, § 21-902 OF THIS ARTICLE,  
37 OR ARTICLE 27, § 388A OF THE CODE.

38 (2) IF THE REGISTERED OWNER IS NOT THE DRIVER AT THE TIME THE  
39 REGISTRATION IS SUSPENDED UNDER SUBSECTION (A) OF THIS SECTION, THE  
40 ISSUES MAY INCLUDE WHETHER THE MOTOR VEHICLE WAS DRIVEN:

6

1 (I) WITH THE IMPLIED OR EXPRESS CONSENT OF THE  
2 REGISTERED OWNER, AND THE REGISTERED OWNER NEITHER KNEW NOR SHOULD  
3 HAVE KNOWN THAT THE DRIVER'S LICENSE OF THE DRIVER WAS SUSPENDED OR  
4 REVOKED FOR A VIOLATION OF § 16-205.1 OF THIS ARTICLE, § 21-902 OF THIS  
5 ARTICLE, OR ARTICLE 27, § 388A OF THE CODE;

6 (II) WITHOUT THE IMPLIED OR EXPRESS CONSENT OF THE  
7 REGISTERED OWNER; OR

8 (III) AFTER BEING OBTAINED BY THE DRIVER THROUGH DURESS  
9 OR COERCION FROM AN OWNER OR CO-OWNER WHO IS A MEMBER OF THE  
10 IMMEDIATE FAMILY OF THE DRIVER.

11 (3) A REGISTERED OWNER SHALL BEAR THE BURDEN OF PROVING ANY  
12 ONE OF THE ITEMS IN PARAGRAPH(2) OF THIS SUBSECTION.

13 (F) AT A HEARING UNDER THIS SECTION, THE RECORDS PRESENTED BY THE  
14 ADMINISTRATION REGARDING THE SUSPENSION OR REVOCATION OF THE DRIVER'S  
15 LICENSE SHALL BE PRIMA FACIE EVIDENCE OF SUSPENSION OR REVOCATION AND  
16 THE REASON FOR THE ACTION.

17 (G) (1) IF, AT A HEARING UNDER THIS SECTION, THE ADMINISTRATION  
18 FINDS IN FAVOR OF THE REGISTERED OWNER OF THE MOTOR VEHICLE, THE  
19 ADMINISTRATION SHALL IMMEDIATELY RETURN THE REGISTRATION CARD AND  
20 REGISTRATION PLATES TO THE REGISTERED OWNER.

21 (2) IF, AT A HEARING UNDER THIS SECTION, THE ADMINISTRATION  
22 FINDS AGAINST THE REGISTERED OWNER OF THE MOTOR VEHICLE, THE  
23 ADMINISTRATION SHALL:

24 (I) EFFECTIVE IMMEDIATELY, REVOKE:

25 1. THE REGISTRATION OF THE MOTOR VEHICLE; AND

26 2. ANY TEMPORARY REGISTRATION ISSUED FOR THE  
27 MOTOR VEHICLE UNDER THIS SECTION; AND

28 (II) INFORM THE REGISTERED OWNER THAT THE OWNER MAY  
29 REREGISTER THE MOTOR VEHICLE ONLY AS PROVIDED UNDER SUBSECTION (I) OF  
30 THIS SECTION.

31 (H) IF A REGISTERED OWNER FAILS TO APPEAR AT A REQUESTED HEARING  
32 SCHEDULED UNDER SUBSECTION (C)(1) OF THIS SECTION, THE ADMINISTRATION  
33 SHALL REVOKE THE REGISTRATION OF THE MOTOR VEHICLE AND INFORM THE  
34 REGISTERED OWNER THAT:

35 (1) THE REGISTRATION OF THE MOTOR VEHICLE IS REVOKED; AND

36 (2) THE REGISTERED OWNER MAY REREGISTER THE MOTOR VEHICLE  
37 ONLY AS PROVIDED UNDER SUBSECTION (I) OF THIS SECTION.

38 (I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE  
39 REGISTRATION OF A MOTOR VEHICLE IS REVOKED UNDER SUBSECTION (C)(4),

SENATE BILL 250

7  
1 (G)(2), OR (H) OF THIS SECTION, THE REGISTERED OWNER MAY NOT REREGISTER  
2 THE MOTOR VEHICLE UNDER THIS ARTICLE:

3 (I) FOR A FIRST REVOCATION UNDER THIS SECTION, FOR 30 DAYS;  
4 AND

5 (II) FOR A SECOND OR SUBSEQUENT REVOCATION UNDER THIS  
6 SECTION, FOR 1 YEAR.

7 (2) EACH INSTANCE IN WHICH A REGISTRATION IS REVOKED UNDER  
8 SUBSECTION (C)(4), (G)(2), OR (H) OF THIS SECTION SHALL COUNT AS A SEPARATE  
9 OFFENSE.

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