HOUSE BILL 61

Unofficial Copy

1997 Regular Session

(PRE-FILED)

7lr0661

By: Delegate Arnick

Requested: October 21, 1996 Introduced and read first time: January 8, 1997 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Alcoholic Beverages Offenses - Minors - Penalties

3 FOR the purpose of altering the age at which a person may be subject to certain penalties

- 4 for violation of certain alcoholic beverages offenses; expanding the types of
- 5 alcoholic beverages offenses for which a court may notify the Motor Vehicle
- 6 Administration, and for which the court may order the Motor Vehicle

7 Administration to initiate certain procedures to suspend the driving privilege of the

- 8 person committing the violations; making the suspension of an individual's driver's
- 9 license under this Act discretionary instead of mandatory; and generally relating to
- 10 the penalties for alcoholic beverages offenses committed by minors.

11 BY repealing and reenacting, with amendments,

- 12 Article 27 Crimes and Punishments
- 13 Section 403(f)
- 14 Annotated Code of Maryland
- 15 (1996 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Courts and Judicial Proceedings
- 18 Section 3-820(d)(1)
- 19 Annotated Code of Maryland
- 20 (1995 Replacement Volume and 1996 Supplement)
- 21 BY repealing and reenacting, with amendments,
- 22 Article Transportation
- 23 Section 16-206(b)(3)
- 24 Annotated Code of Maryland
- 25 (1992 Replacement Volume and 1996 Supplement)
- 26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 27 MARYLAND, That the Laws of Maryland read as follows:

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1 Article 27 - Crimes and Punishments
2 403.
3 (f) (1) If a person is found by the District Court to have committed a Code 4 violation, that person shall be required to pay a fine in an amount not to exceed \$500.
5 (2) If the violation is a repeat offense, that person shall be required to pay 6 a fine in an amount not to exceed \$1,000.
7 (3) [(i) In this paragraph "driver's license" means a license or permit to 8 drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.
9 (ii)] (I) This paragraph applies only to[:
101. A] A person who is [at least 18 but] under 21 years of age[;11 or
12 2. A minor if the minor is subject to the jurisdiction of the 13 court].
 [(iii)] (II) If a person is found guilty of a Code violation under § 400, § 400A, OR § 400B of this subheading [that involved the use of a driver's license or a document purporting to be a driver's license], a court shall notify the Motor Vehicle Administration of the violation.
18 [(iv)] (III) The Chief Judge of the District Court, in conjunction with 19 the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code 20 violations described in this paragraph.
21 (4) The person shall be liable for the costs of the proceedings in the District22 Court.
23 Article - Courts and Judicial Proceedings
24 3-820.
 (d) (1) (i) Subject to the provisions of subparagraphs [(iii)] (II) and [(iv)] (III) of this paragraph, in making a disposition on a finding that the child has committed the violation specified in a citation, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified period of not less than 30 days nor more than 90 days.
 31 [(ii) In this paragraph "driver's license" means a license or permit to 32 drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.
 (iii)] (II) In making a disposition on a finding that the child has committed a violation under Article 27, § 400, § 400A, OR § 400B of the Code [specified in a citation that involved the use of a driver's license or a document purporting to be a driver's license], the court may order the Motor Vehicle Administration to initiate an action under the Morreland Vehicle Administration to initiate an

- 37 action under the Maryland Vehicle Law to suspend the driving privilege of a child
- 38 licensed to operate a motor vehicle by the Motor Vehicle Administration:

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1 2	1. For a first offense, for A PERIOD NOT EXCEEDING 6 months; and
3 4	2. For a second or subsequent offense, [until the child is 21 years old] FOR A PERIOD NOT EXCEEDING THE CHILD'S 21ST BIRTHDAY.
7 8 9	[(iv)] (III) In making a disposition on a finding that the child has committed a violation under § 26-103 of the Education Article, the court shall order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified period of not less than 30 days nor more than 90 days.
	[(v)] (IV) If a child subject to a suspension under this subsection does not hold a license to operate a motor vehicle on the date of the disposition, the suspension shall commence:
14 15	1. If the child is at least 16 years of age on the date of the disposition, on the date of the disposition; or
16 17	2. If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.
18	Article - Transportation
19	16-206.
	(b) (3) On receipt of a notice described under Article 27, § 403(f) of the Code, the Administration [shall] MAY suspend the license of an individual described under Article 27, § 403(f) of the Code:
23	(i) For a first offense, for A PERIOD NOT EXCEEDING 6 months; and
	(ii) For a second or subsequent offense, [until the individual is 21 years old] FOR A PERIOD NOT EXCEEDING THE CHILD'S 21ST BIRTHDAY or for a period [of] NOT EXCEEDING 1 year, whichever is longer.
27	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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28 October 1, 1997.