

HB 84/96 - JUD

**By: Delegate R. Baker**

Requested: October 3, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 18, 1997

CHAPTER \_\_\_\_

1 AN ACT concerning

2 ~~Suspension of a Juvenile's Driving Privileges - Vehicle Theft Offense~~

3 ~~Revocation of Driving Privileges - Unlawful Taking or Unauthorized Use of a Motor~~

4 ~~Vehicle~~

5 ~~FOR the purpose of requiring a court to order the Motor Vehicle Administration to~~  
6 ~~suspend the driving privileges of a child found to have committed a delinquent act~~  
7 ~~by violating a certain provision of law involving the theft of a motor vehicle;~~  
8 ~~establishing a certain suspension period for the first offense; establishing a period of~~  
9 ~~suspension lasting until the child reaches a certain age for a second or subsequent~~  
10 ~~offense; and generally relating to the suspension of the driving privileges of a child~~  
11 ~~found to have committed a certain vehicle theft offense.~~

12 FOR the purpose of requiring the Motor Vehicle Administration to assess a certain  
13 number of points against an individual who has been convicted of certain offenses  
14 involving an unlawful taking or unauthorized use of a motor vehicle; expanding a  
15 requirement that an adjudication of a child as delinquent by reason of the child's  
16 violation of certain laws includes certain violations involving an unlawful taking or  
17 unauthorized use of a motor vehicle; and generally relating to the revocation of an  
18 individual's driving privileges for a violation involving an unlawful taking or  
19 unauthorized use of a motor vehicle.

20 BY adding to repealing and reenacting, with amendments,  
21 Article - Transportation  
22 Section 16-402(a)(34)  
23 Annotated Code of Maryland  
24 (1992 Replacement Volume and 1996 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Courts and Judicial Proceedings  
3 Section ~~3-820(d)~~ 3-824(a)(3)  
4 Annotated Code of Maryland  
5 (1995 Replacement Volume and 1996 Supplement)

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

8 **Article - Transportation**

9 16-402.

10 (a) After the conviction of an individual for a violation of Article 27, § 342A, §  
11 349, § 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations of this  
12 State or of any local authority, points shall be assessed against the individual as of the  
13 date of violation and as follows:

- 14 (1) Any moving violation not listed below and not contributing to  
15 an accident..... 1 point
- 16 (2) Following another vehicle too closely..... 2 points
- 17 (3) Speeding in excess of the posted speed limit by 10 miles an  
18 hour or more..... 2 points
- 19 (4) Driving with an improper class of license..... 2 points
- 20 (5) Failing to stop for a school vehicle with alternately flashing  
21 lights..... 2 points
- 22 (6) Any violation of § 21-1111 of this article ..... 2 points
- 23 (7) Passing an emergency or police vehicle under the provisions of  
24 § 21-405(d) of this article..... 2 points
- 25 (8) Any moving violation contributing to an accident.....3 points
- 26 (9) Driving after suspension of license under the provisions of §  
27 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws  
28 or regulations of another state as described in § 16-303(i) of this title..... 3 points
- 29 (10) Any violation, except violations committed on the John F.  
30 Kennedy Memorial Highway, of § 21-1411 of this article..... 3 points
- 31 (11) Reckless driving..... 4 points
- 32 (12) Speeding in excess of the posted speed limit by 30 miles an  
33 hour or more..... 5 points
- 34 (13) Driving while not licensed..... 5 points

35

(14)

Failure to report an accident..... 5 points

3

- 1           (15)           Driving on a learner's permit unaccompanied..... 5 points
  
- 2           (16)           Any violation of § 17-107 of this article..... 5 points
  
- 3           (17)           Participating in a race or speed contest on a highway.....5  
points
  
- 4           (18)           Any violation of § 16-304 or § 16-305 of this title.....5 points
  
- 5           (19)           Any violation of § 22-404.5 of this article..... 5 points
  
- 6           (20) Speeding in excess of a posted speed limit of 65 miles an hour  
7 by 20 miles an hour or more..... 5 points
  
- 8           (21) Driving while under the influence of alcohol or while under  
9 influence of a drug, combination of drugs, or combination of drugs and alcohol..... 8 points
  
- 10          (22)           Turning off lights of a vehicle to avoid identification.....8  
points
  
- 11          (23) Failing to stop after accident resulting in damage to attended  
12 vehicle or property..... 8 points
  
- 13          (24) Failing to stop after accident resulting in damage to  
14 unattended vehicle or property..... 8 points
  
- 15          (25)           Any violation of § 16-815 or § 16-816 of this title.....8 points
  
- 16          (26) Failing to stop after an accident resulting in bodily injury or  
17 death..... 12 points
  
- 18          (27) Driving after refusal, suspension, cancellation, or revocation of  
19 license except for suspensions of license under the provisions of § 17-106, §  
20 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or  
21 regulations of another state as described in § 16-303(i) of this title..... 12 points
  
- 22          (28) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)  
23 through (9) of this title..... 12 points
  
- 24          (29) Homicide, life threatening injury under Article 27, § 388B of  
25 the Code, or assault committed by means of a vehicle..... 12 points
  
- 26          (30) Driving while intoxicated, while intoxicated per se, or while  
27 under the influence of illegally used controlled dangerous substance..... 12 points
  
- 28          (31)           Any felony involving use of a vehicle..... 12 points
  
- 29          (32)           Fleeing or attempting to elude a police officer.....12 points
  
- 30          (33) The making of a false affidavit or statement under oath, or

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31 falsely certifying to the truth of any fact or information to the Administration  
32 under the Maryland Vehicle Law or under any law relating to the ownership or  
33 operation of motor vehicles..... 12 points

34 (34) ANY VIOLATION INVOLVING AN UNLAWFUL TAKING OR  
35 UNAUTHORIZED USE OF A MOTOR VEHICLE UNDER ARTICLE 27, § 342A OR §  
36 349, OR § 14-102 OF THIS ARTICLE.....  
37 12 POINTS

4

1 Article - Courts and Judicial Proceedings

2 ~~3-820.~~

3 (d) (1) (i) Subject to the provisions of subparagraphs (iii) [and (iv) ], (IV),  
4 AND (V) of this paragraph, in making a disposition on a finding that the child has  
5 committed the violation specified in a citation, the court may order the Motor Vehicle  
6 Administration to initiate an action, under the motor vehicle laws, to suspend the driving  
7 privilege of a child licensed to operate a motor vehicle by the Motor Vehicle  
8 Administration for a specified period of not less than 30 days nor more than 90 days.

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

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

- 17 1. For a first offense, for 6 months; and
- 18 2. For a second or subsequent offense, until the child is 21 years
- 19 old.

20 (iv) In making a disposition on a finding that the child has committed a  
21 violation under § 26-103 of the Education Article, the court shall order the Motor  
22 Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the  
23 driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle  
24 Administration for a specified period of not less than 30 days nor more than 90 days.

25 (V) IN MAKING A DISPOSITION ON A FINDING THAT THE CHILD  
26 HAS COMMITTED A DELINQUENT ACT BY VIOLATING ARTICLE 27, § 342 OF THE CODE  
27 AS SPECIFIED IN A PETITION ALLEGING THE THEFT OF A MOTOR VEHICLE, THE  
28 COURT SHALL ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN  
29 ACTION UNDER THE MARYLAND VEHICLE LAW TO SUSPEND THE DRIVING  
30 PRIVILEGE OF A CHILD LICENSED TO OPERATE A MOTOR VEHICLE BY THE MOTOR  
31 VEHICLE ADMINISTRATION:

- 32 1. FOR A FIRST OFFENSE, FOR 2 YEARS; AND
- 33 2. FOR A SECOND OFFENSE, UNTIL THE CHILD IS 21 YEARS
- 34 OLD.

35 (v) (VI) If a child subject to a suspension under this subsection does  
36 not hold a license to operate a motor vehicle on the date of the disposition, the  
37 suspension shall commence:

- 38 1. If the child is at least 16 years of age on the date of the
- 39 disposition, on the date of the disposition; or



