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Introduced and read first time: January 27, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving Offenses by Children - Suspension or Revocation of Driving**
3 **Privileges**

4 FOR the purpose of requiring the Motor Vehicle Administration to revoke or suspend for
5 a certain period the driving privilege of a child found to have violated certain
6 provisions of law relating to drugged or drunk driving; requiring the Administration
7 to suspend for a certain period the driving privilege of a child for accumulating a
8 certain number of points against a driver's license; authorizing the Administration
9 to modify a suspension imposed under this Act or issue a restrictive license;
10 repealing a provision that prohibits the Administration, under certain
11 circumstances, from assessing points against a child found to have committed
12 certain drunk and drugged driving offenses; clarifying language; making stylistic
13 changes; providing for the effective date of this Act; and generally relating to
14 suspension or revocation of a child's driving privilege for certain offenses.

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-824(a)(3) and (4)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 16-206
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1996 Supplement)

25 BY repealing and reenacting, without amendments,

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1 Article - Transportation
2 Section 16-208(b) and 21-902
3 Annotated Code of Maryland
4 (1992 Replacement Volume and 1996 Supplement)

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

7 **Article - Courts and Judicial Proceedings**

8 3-824.

9 (a) (3) [However] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, an
10 adjudication of a child as delinquent by reason of [his] THE CHILD'S violation of the
11 State vehicle laws shall be reported by the clerk of the court to the Motor Vehicle
12 Administration, which shall assess points against the child under Title 16, Subtitle 4 of the
13 Transportation Article, in the same manner and to the same effect as if the child had
14 been convicted of the offense.

15 (4) (I) [A] AN ADJUDICATION OF A CHILD AS DELINQUENT BY
16 REASON OF THE CHILD'S VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE
17 OR A finding that a child has committed a delinquent act by reason of the child's violation
18 of § 21-902 of the Transportation Article, without an adjudication of the child as
19 delinquent, shall be reported by the clerk of the court to the Motor Vehicle
20 Administration[; however, no points shall be assessed against the child] WHICH SHALL:

21 1. FOR A VIOLATION OF § 21-902(A) OR (D) OF THE
22 TRANSPORTATION ARTICLE, REVOKE THE CHILD'S DRIVING PRIVILEGE IN THE
23 SAME MANNER AND TO THE SAME EFFECT AS IF THE CHILD HAD BEEN CONVICTED
24 OF THE OFFENSE;

25 2. FOR A FIRST VIOLATION OF § 21-902(B) OR (C) OF THE
26 TRANSPORTATION ARTICLE, SUSPEND THE CHILD'S DRIVING PRIVILEGE FOR 6
27 MONTHS; AND

28 3. FOR A SECOND OR SUBSEQUENT VIOLATION OF §
29 21-902(B) OR (C) OF THE TRANSPORTATION ARTICLE, SUSPEND THE CHILD'S DRIVING
30 PRIVILEGE FOR 1 YEAR.

31 (II) [The] IN THE CASE OF A FINDING, WITHOUT AN
32 ADJUDICATION, THAT A CHILD HAS VIOLATED § 21-902 OF THE TRANSPORTATION
33 ARTICLE, THE Motor Vehicle Administration shall retain the report in accordance with §
34 16-117(b)(2) of the Transportation Article pertaining to records of licensees who receive
35 a disposition of probation before judgment.

36 **Article - Transportation**

37 16-206.

38 (a) (1) The Administration may suspend, revoke, or refuse to issue or renew the
39 license of any resident or the privilege to drive of any nonresident on a showing by its
40 records or other sufficient evidence that the applicant or licensee:

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1 (i) Has been convicted of moving violations so often as to indicate an
2 intent to disregard the traffic laws and the safety of other persons on the highways;

3 (ii) Is an unfit, unsafe, or habitually reckless or negligent driver of a
4 motor vehicle;

5 (iii) Has permitted an unlawful or fraudulent use of a license,
6 identification card, or a facsimile of a license or identification card;

7 (iv) Has used a license, identification card, or a facsimile of a license or
8 identification card in an unlawful or fraudulent manner, unless the applicant or licensee
9 is subject to the provisions of subsection (b) of this section;

10 (v) Has committed an offense in another state that, if committed in
11 this State, would be grounds for suspension or revocation; or

12 (vi) Has knowingly made a false certification of required security in any
13 application for a certificate of title or for the registration of a vehicle.

14 (2) The Administration may suspend a license to drive of an individual who
15 fails to attend:

16 (i) A driver improvement program or an alcohol education program
17 required under § 16-212 of this subtitle; or

18 (ii) A private alternative program or an alternative program that is
19 provided by a political subdivision of this State under § 16-212 of this subtitle.

20 (B) (1) THE ADMINISTRATION SHALL SUSPEND FOR 6 MONTHS THE
21 DRIVING PRIVILEGE OF A CHILD WHO ACCUMULATES SIX POINTS UNDER § 16-402 OF
22 THIS TITLE AGAINST A DRIVER'S LICENSE ISSUED UNDER THIS TITLE.

23 (2) THE ADMINISTRATION SHALL SUSPEND FOR 1 YEAR THE DRIVING
24 PRIVILEGE OF A CHILD WHO, SUBSEQUENT TO THE IMPOSITION OF A SUSPENSION
25 UNDER PARAGRAPH (1) OF THIS SUBSECTION, ACCUMULATES TWO ADDITIONAL
26 POINTS UNDER § 16-402 OF THIS TITLE AGAINST A DRIVER'S LICENSE ISSUED UNDER
27 THIS TITLE.

28 (3) UPON NOTIFICATION BY THE CLERK OF THE COURT THAT A CHILD
29 HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 21-902 OF THIS
30 ARTICLE, OR THAT A FINDING HAS BEEN MADE THAT A CHILD VIOLATED § 21-902 OF
31 THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND OR REVOKE THE DRIVING
32 PRIVILEGE OF THE CHILD IN ACCORDANCE WITH § 3-824(A)(4)(I) OF THE COURTS
33 ARTICLE.

34 (4) IF A CHILD SUBJECT TO A SUSPENSION OR REVOCATION UNDER
35 THIS SUBSECTION DOES NOT HOLD A LICENSE TO OPERATE A MOTOR VEHICLE ON
36 THE DATE OF THE DISPOSITION, THE SUSPENSION OR REVOCATION SHALL
37 COMMENCE:

38 (I) IF THE CHILD IS AT LEAST 16 YEARS OLD ON THE DATE OF THE
39 DISPOSITION, ON THE DATE OF THE DISPOSITION; OR

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1 (II) IF THE CHILD IS YOUNGER THAN 16 YEARS OF AGE ON THE
2 DATE OF THE DISPOSITION, ON THE DATE THE CHILD REACHES THE CHILD'S 16TH
3 BIRTHDAY.

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

7 (2) If a child subject to a suspension under § 3-820(d) of the Courts Article
8 does not hold a license to operate a motor vehicle on the date of the court order, the
9 suspension shall commence:

10 (i) If the child is at least 16 years of age on the date of the disposition,
11 on the date of the disposition; or

12 (ii) If the child is younger than 16 years of age on the date of the
13 disposition, on the date the child reaches the child's 16th birthday.

14 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
15 the Administration shall suspend the license of an individual described under Article 27,
16 § 403(f) of the Code:

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

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

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

25 (5) The Administration may modify a suspension under this subsection OR
26 SUBSECTION (B) OF THIS SECTION or issue a restricted license if:

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

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

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

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

37 [(c)] (D) (1) After the Administration refuses to issue a license under this
38 section or after the Administration determines that a suspension should be imposed
39 under subsection (a)(2) of this section, the Administration immediately shall give written

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1 notice to the applicant or licensee, and the applicant or licensee may request a hearing as
2 provided in Title 12, Subtitle 2 of this article.

3 (2) Except as otherwise provided in this section, the Administration may
4 suspend or revoke a license under this section only after a hearing under Title 12, Subtitle
5 2 of this article.

6 (3) If the Administration determines that there is a likelihood of substantial
7 and immediate danger and harm to the licensee or others if the license is continued
8 pending a hearing, the Administration:

9 (i) Immediately may suspend the license;

10 (ii) Within 7 days of a request for a hearing, shall grant the licensee a
11 hearing as provided in Title 12, Subtitle 2 of this article; and

12 (iii) After the hearing, render an immediate decision as to whether or
13 not it should continue the suspension or revoke the license.

14 [(d)] (E) (1) If a licensee fails to appear for a hearing after receiving the written
15 notice under subsection [(c)(1)] (D)(1) of this section, the Administration may suspend
16 the license until the licensee appears for a hearing.

17 (2) A rescheduled hearing shall be held within 30 days of the date of the
18 request.

19 16-208.

20 (b) (1) Any individual whose license or privilege to drive has been revoked may
21 apply for reinstatement of the individual's license or privilege as provided in this
22 subsection.

23 (2) (i) If it is the individual's first revocation, the individual may file a
24 reinstatement application at any time after the day the revoked license is surrendered to
25 and received by the Administration or, in the case of an individual who does not have a
26 license issued under this title, after the effective date of the revocation.

27 (ii) Except as provided in paragraph (6) of this subsection, on receipt
28 of the application, the Administration may reinstate the license or privilege 6 months
29 after the revoked license is received by the Administration or, in the case of an individual
30 who does not have a license issued under this title, 6 months after the effective date of
31 revocation.

32 (3) (i) If it is the individual's second revocation, the individual may file a
33 reinstatement application at any time after 1 year from the day the revoked license is
34 surrendered to and received by the Administration or, in the case of an individual who
35 does not have a license issued under this title, after 1 year from the effective date of
36 revocation.

37 (ii) Except as provided in paragraph (6) of this subsection, on receipt
38 of the application, the Administration may reinstate the license or privilege.

39 (4) (i) If it is the individual's third revocation, the individual may file a
40 reinstatement application at any time after 18 months from the day the revoked license is

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1 surrendered to and received by the Administration or, in the case of an individual who
2 does not have a license issued under this title, after 18 months from the effective date of
3 revocation.

4 (ii) Except as provided in paragraph (6) of this subsection, on receipt
5 of the application, the Administration may reinstate the license or privilege.

6 (5) (i) If it is the individual's fourth or subsequent revocation, the
7 individual may file a reinstatement application at any time after 2 years from the day the
8 revoked license is surrendered to and received by the Administration or, in the case of an
9 individual who does not have a license issued under this title, after 2 years from the
10 effective date of revocation.

11 (ii) Except as provided in paragraph (6) of this subsection, on receipt
12 of the application, the Administration may reinstate the license or privilege.

13 (6) (i) The Administration may not reinstate a license or privilege to
14 drive under this subsection if the license or privilege has been refused, revoked,
15 suspended, or canceled under any other provision of the Maryland Vehicle Law.

16 (ii) 1. In this subparagraph, "alcohol-related or drug-related
17 driving incident" means a:

18 A. Conviction or probation before judgment for a violation of §
19 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
20 jurisdiction;

21 B. Refusal to submit to a test under § 16-205.1 of this title or a
22 substantially similar law of another jurisdiction; or

23 C. Test result that indicates an alcohol concentration of 0.10 or
24 more at the time of testing under § 16-205.1 of this title or a substantially similar law of
25 another jurisdiction.

26 2. Alcohol-related or drug-related driving incidents committed
27 at the same time or arising out of the same circumstances may not be considered separate
28 alcohol-related or drug-related driving incidents for the purpose of this subparagraph.

29 3. Notwithstanding paragraphs (1) through (5) of this
30 subsection, the Administration may reinstate a license or privilege to drive only if, after
31 an investigation of an individual's habits and driving ability, the Administration is
32 satisfied it will be safe to reinstate the license or privilege of an individual who has been:

33 A. Involved in any combination of three or more separate
34 alcohol-related or drug-related driving incidents;

35 B. Involved in a vehicular accident resulting in the death of
36 another person; or

37 C. Convicted of a violation for failing to stop after a vehicular
38 accident resulting in bodily injury or death.

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1 (7) Except as otherwise provided in this title, before issuing a new license,
2 the Administration shall require the applicant to submit to the examinations that it
3 considers appropriate.

4 21-902.

5 (a) (1) A person may not drive or attempt to drive any vehicle while intoxicated.

6 (2) A person may not drive or attempt to drive any vehicle while the person
7 is intoxicated per se.

8 (b) A person may not drive or attempt to drive any vehicle while under the
9 influence of alcohol.

10 (c) (1) A person may not drive or attempt to drive any vehicle while he is so far
11 under the influence of any drug, any combination of drugs, or a combination of one or
12 more drugs and alcohol that he cannot drive a vehicle safely.

13 (2) It is not a defense to any charge of violating this subsection that the
14 person charged is or was entitled under the laws of this State to use the drug, combination
15 of drugs, or combination of one or more drugs and alcohol, unless the person was
16 unaware that the drug or combination would make him incapable of safely driving a
17 vehicle.

18 (d) A person may not drive or attempt to drive any vehicle while he is under the
19 influence of any controlled dangerous substance, as that term is defined in Article 27, §
20 279 of the Code, if the person is not entitled to use the controlled dangerous substance
21 under the laws of this State.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 1997.