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HB 501/96 - JUD

1997 Regular Session  
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**By: Delegates Genn and Mandel, and Delegates W. Baker, Beck, Benson, Bobo, Bozman, Brinkley, Conway, Cryor, C. Davis, Dewberry, Dypski, Faulkner, Fulton, Goldwater, Grosfeld, Harkins, Heller, Hubbard, B. Hughes, Hurson, Kopp, McKee, Morgan, Petzold, Pitkin, Redmer, Shriver, Walkup, Parker, R. Baker, Klausmeier, C. Mitchell, Muse, Holt, DeCarlo, Hammen, Mohorovic, Gordon, Finifter, Barve, Bissett, Branch, E. Burns, Dembrow, Doory, Franchot, Frush, Fry, Harrison, Hecht, Hutchins, McHale, Montague, Morhaim, Owings, Perry, Poole, Preis, Rawlings, Rudolph, Turner, Valderrama, and Willis**

Introduced and read first time: January 27, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving Offenses by Children - Suspension or**  
3 **Revocation of Driving 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)

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1 BY repealing and reenacting, with amendments,  
2 Article - Transportation  
3 Section 16-206  
4 Annotated Code of Maryland  
5 (1992 Replacement Volume and 1996 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article - Transportation  
8 Section 16-208(b) and 21-902  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1996 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 3-824.

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

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

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

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

34 3. FOR A SECOND OR SUBSEQUENT VIOLATION OF §  
35 21-902(B) OR (C) OF THE TRANSPORTATION ARTICLE, SUSPEND THE CHILD'S DRIVING  
36 PRIVILEGE FOR 1 YEAR.

37 (II) [The] IN THE CASE OF A FINDING, WITHOUT AN  
38 ADJUDICATION, THAT A CHILD HAS VIOLATED § 21-902 OF THE TRANSPORTATION  
39 ARTICLE, THE Motor Vehicle Administration shall retain the report in accordance with §

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1 16-117(b)(2) of the Transportation Article pertaining to records of licensees who receive  
2 a disposition of probation before judgment.

3 **Article - Transportation**

4 16-206.

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

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

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

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

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

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

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

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

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

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

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

30 ~~(2) THE ADMINISTRATION SHALL SUSPEND FOR 1 YEAR THE DRIVING~~  
31 ~~PRIVILEGE OF A CHILD WHO, SUBSEQUENT TO THE IMPOSITION OF A SUSPENSION~~  
32 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, ACCUMULATES TWO ADDITIONAL~~  
33 ~~POINTS UNDER § 16-402 OF THIS TITLE AGAINST A DRIVER'S LICENSE ISSUED UNDER~~  
34 ~~THIS TITLE.~~

35 ~~(B) (1)~~ (B) (1) UPON NOTIFICATION BY THE CLERK OF THE COURT THAT  
36 A CHILD HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 21-902 OF  
37 THIS ARTICLE, OR THAT A FINDING HAS BEEN MADE THAT A CHILD VIOLATED §  
38 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND OR REVOKE THE

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1 DRIVING PRIVILEGE OF THE CHILD IN ACCORDANCE WITH § 3-824(A)(4)(I) OF THE  
2 COURTS ARTICLE.

3                   ~~(4)~~ (2) IF A CHILD SUBJECT TO A SUSPENSION OR REVOCATION  
4 UNDER THIS SUBSECTION DOES NOT HOLD A LICENSE TO OPERATE A MOTOR  
5 VEHICLE ON THE DATE OF THE DISPOSITION, THE SUSPENSION OR REVOCATION  
6 SHALL COMMENCE:

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

9                   (II) IF THE CHILD IS YOUNGER THAN 16 YEARS OF AGE ON THE  
10 DATE OF THE DISPOSITION, ON THE DATE THE CHILD REACHES THE CHILD'S 16TH  
11 BIRTHDAY.

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

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

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

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

22                   (3) On receipt of a notice described under Article 27, § 403(f) of the Code,  
23 the Administration shall suspend the license of an individual described under Article 27,  
24 § 403(f) of the Code:

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

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

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

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

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

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

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

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

7 [(c)] (D) (1) After the Administration refuses to issue a license under this  
8 section or after the Administration determines that a suspension should be imposed  
9 under subsection (a)(2) of this section, the Administration immediately shall give written  
10 notice to the applicant or licensee, and the applicant or licensee may request a hearing as  
11 provided in Title 12, Subtitle 2 of this article.

12 (2) Except as otherwise provided in this section, the Administration may  
13 suspend or revoke a license under this section only after a hearing under Title 12, Subtitle  
14 2 of this article.

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

18 (i) Immediately may suspend the license;

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

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

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

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

28 16-208.

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

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

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

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

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

8 (4) (i) If it is the individual's third revocation, the individual may file a  
9 reinstatement application at any time after 18 months from the day the revoked license is  
10 surrendered to and received by the Administration or, in the case of an individual who  
11 does not have a license issued under this title, after 18 months from the effective date of  
12 revocation.

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

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

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

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

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

27 A. Conviction or probation before judgment for a violation of §  
28 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
29 jurisdiction;

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

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

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

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

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

3                                   B. Involved in a vehicular accident resulting in the death of  
4 another person; or

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

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

10 21-902.

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

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

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

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

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

24                                   (d) A person may not drive or attempt to drive any vehicle while he is under the  
25 influence of any controlled dangerous substance, as that term is defined in Article 27, §  
26 279 of the Code, if the person is not entitled to use the controlled dangerous substance  
27 under the laws of this State.

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