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**By: Senators Teitelbaum, Derr, Dorman, Collins, Kelley, Currie, Roesser, Lawlah,  
Blount, Colburn, Boozer, Sfikas, and Dyson**

Introduced and read first time: January 29, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Suspended, Revoked, or Canceled - Revocation of**  
3 **Registration**

4 FOR the purpose of authorizing a police officer, under certain circumstances, to issue a  
5 certain notice of suspension of the registration of a vehicle driven by an individual  
6 whose license was suspended, revoked, or canceled; requiring the officer to provide  
7 the driver with a certain notice containing certain information under certain  
8 circumstances; requiring the officer to provide the Motor Vehicle Administration  
9 with certain information within a certain time; requiring the Administration to  
10 provide the owner of the vehicle with certain information; requiring the  
11 Administration to revoke the registration under certain circumstances; authorizing  
12 the registered owner of the vehicle to request a hearing within a certain time and by  
13 certain methods; requiring the Administration to schedule a hearing for a certain  
14 time; establishing the issues that may be raised at a hearing; providing that a police  
15 officer is not required to attend a hearing except under certain circumstances;  
16 establishing the conditions under which a revocation may be stayed if the hearing is  
17 postponed; authorizing the owner of a vehicle with a revoked registration to  
18 reregister the vehicle at certain times under certain circumstances; authorizing a  
19 police officer to stop a vehicle marked as provided in this Act to make certain  
20 determinations; providing for a delayed effective date; and generally relating to a  
21 suspended, revoked, or canceled driver's license and the revocation of vehicle  
22 registration.

23 BY adding to

24 Article - Transportation  
25 Section 13-705.2  
26 Annotated Code of Maryland  
27 (1992 Replacement Volume and 1996 Supplement)

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

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1                   **Article - Transportation**

2 13-705.2.

3                   (A) IF A POLICE OFFICER STOPS OR DETAINS AN INDIVIDUAL DRIVING OR  
4 ATTEMPTING TO DRIVE A MOTOR VEHICLE REGISTERED UNDER THIS ARTICLE  
5 WHILE THE INDIVIDUAL'S LICENSE TO DRIVE IS SUSPENDED, REVOKED, OR  
6 CANCELED BY THE ADMINISTRATION, THE POLICE OFFICER SHALL:

7                   (1) COVER THE VALIDATION TAB ON EACH REGISTRATION PLATE WITH  
8 A NOTICE OF SUSPENSION TAB IN ACCORDANCE WITH PROCEDURES ADOPTED BY  
9 THE ADMINISTRATION;

10                  (2) ISSUE A NOTICE OF SUSPENSION FOR THE MOTOR VEHICLE WHICH  
11 SHALL INCLUDE WRITTEN NOTICE TO THE DRIVER THAT:

12                   (I) A LICENSED DRIVER MAY DRIVE THE MOTOR VEHICLE WHILE  
13 IT IS UNDER A NOTICE OF SUSPENSION;

14                   (II) EXCEPT AS PROVIDED IN SUBSECTION (B)(3) AND (4) OF THIS  
15 SECTION, THE ADMINISTRATION IS REQUIRED TO REVOKE THE REGISTRATION OF  
16 THE VEHICLE 31 DAYS AFTER THE NOTICE OF SUSPENSION IS ISSUED:

17                   1. IF THE REGISTERED OWNER FAILS TO REQUEST A  
18 HEARING UNDER SUBSECTION (C) OF THIS SECTION WITHIN 30 DAYS AFTER THE  
19 NOTICE OF SUSPENSION IS ISSUED;

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

22                   3. ON AN ADVERSE FINDING BY THE HEARING OFFICER  
23 UNDER SUBSECTION (G)(2) OF THIS SECTION; AND

24                   (III) THE REGISTERED OWNER OF THE MOTOR VEHICLE MAY  
25 REQUEST A HEARING, WITHIN 30 DAYS AFTER THE NOTICE OF SUSPENSION IS  
26 ISSUED TO SHOW CAUSE WHY THE REGISTRATION SHOULD NOT BE REVOKED; AND

27                   (3) NO MORE THAN 72 HOURS AFTER THE NOTICE OF SUSPENSION IS  
28 ISSUED UNDER THIS SUBSECTION, SEND TO THE ADMINISTRATION:

29                   (I) A COPY OF THE NOTICE OF SUSPENSION ISSUED UNDER  
30 ITEM (2) OF THIS SUBSECTION; AND

31                   (II) A SWORN STATEMENT STATING THAT THE INDIVIDUAL:

32                   1. PRODUCED A DRIVER'S LICENSE THAT IS SUSPENDED,  
33 REVOKED, OR CANCELED OR, IF THE DRIVER FAILED TO PRODUCE A DRIVER'S  
34 LICENSE, THE OFFICER DISCOVERED THAT THE DRIVER'S LICENSE IS SUSPENDED,  
35 REVOKED, OR CANCELED AND THE METHOD BY WHICH THAT FACT WAS  
36 DISCOVERED; AND

37                   2. WAS PROVIDED WITH A NOTICE OF SUSPENSION THAT  
38 INCLUDED THE INFORMATION REQUIRED UNDER ITEM (2) OF THIS SUBSECTION.

3

1 (B) (1) ON RECEIPT OF THE ITEMS FROM THE POLICE OFFICER AS  
2 PROVIDED UNDER SUBSECTION (A)(3) OF THIS SECTION, THE ADMINISTRATION  
3 SHALL DETERMINE WHETHER, AT THE TIME THE NOTICE OF SUSPENSION WAS  
4 ISSUED UNDER SUBSECTION (A)(2) OF THIS SECTION:

5 (I) THE DRIVER'S LICENSE OF THE DRIVER WAS SUSPENDED,  
6 REVOKED, OR CANCELED; AND

7 (II) THE DRIVER WAS THE OWNER OF THE MOTOR VEHICLE.

8 (2) (I) IF THE ADMINISTRATION DETERMINES THAT THE DRIVER'S  
9 LICENSE OF THE DRIVER WAS SUSPENDED, REVOKED, OR CANCELED AND THAT THE  
10 DRIVER WAS THE OWNER OF THE MOTOR VEHICLE AT THE TIME THE NOTICE OF  
11 SUSPENSION WAS ISSUED UNDER SUBSECTION (A)(2) OF THIS SECTION, SUBJECT TO  
12 THE PROVISIONS OF SUBSECTIONS (C), (D), AND (G)(1) OF THIS SECTION, THE  
13 ADMINISTRATION SHALL REVOKE THE REGISTRATION OF THE MOTOR VEHICLE  
14 BEGINNING 31 DAYS AFTER THE NOTICE OF SUSPENSION WAS ISSUED UNDER  
15 SUBSECTION (A)(2) OF THIS SECTION.

16 (II) REVOCATION OF THE REGISTERED OWNER'S MOTOR VEHICLE  
17 REGISTRATION UNDER THIS PARAGRAPH SHALL REMAIN IN EFFECT UNTIL THE  
18 LONGER OF:

19 1. 60 DAYS AFTER THE DATE OF REVOCATION; OR

20 2. THE DRIVER'S LICENSE OF THE OWNER IS REINSTATED  
21 AND THE DRIVER SUBMITS TO THE ADMINISTRATION AN APPLICATION AND ALL  
22 REQUIRED FEES.

23 (3) IF THE ADMINISTRATION DETERMINES THAT THE DRIVER WAS NOT  
24 THE REGISTERED OWNER OF THE VEHICLE AT THE TIME THE NOTICE OF  
25 SUSPENSION WAS ISSUED UNDER SUBSECTION (A)(2) OF THIS SECTION, THE  
26 ADMINISTRATION:

27 (I) SHALL PROMPTLY NOTIFY THE REGISTERED OWNER BY MAIL  
28 OF THE ACTION TAKEN UNDER SUBSECTION (A) OF THIS SECTION; AND

29 (II) MAY NOT REVOKE THE REGISTRATION OF THE MOTOR  
30 VEHICLE AND UPON PAYMENT BY THE REGISTERED OWNER OF A FEE FOR NEW  
31 VALIDATION TABS, THE ADMINISTRATION SHALL ISSUE NEW VALIDATION TABS TO  
32 THE REGISTERED OWNER.

33 (4) IF THE ADMINISTRATION DETERMINES THAT THE DRIVER'S  
34 LICENSE OF THE DRIVER WAS NOT SUSPENDED, REVOKED, OR CANCELED AT THE  
35 TIME NOTICE OF SUSPENSION WAS ISSUED UNDER SUBSECTION (A)(2) OF THIS  
36 SECTION, THE ADMINISTRATION PROMPTLY SHALL NOTIFY THE REGISTERED  
37 OWNER BY MAIL THAT THE REGISTRATION OF THE VEHICLE WILL NOT BE REVOKED  
38 AND, AT NO COST TO THE REGISTERED OWNER, ISSUE NEW VALIDATION TABS TO  
39 THE REGISTERED OWNER.

4

1 (5) THE ADMINISTRATION MAY IMPOSE A FEE FOR THE ISSUANCE OF  
2 NEW VALIDATION TABS FOR A MOTOR VEHICLE WHICH IS BEING REREGISTERED  
3 UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.

4 (6) THE REGISTERED OWNER MAY COVER THE NOTICE OF SUSPENSION  
5 TABS PLACED ON THE MOTOR VEHICLE BY THE POLICE OFFICER UNDER  
6 SUBSECTION (A)(1) OF THIS SECTION WITH THE NEW VALIDATION TABS ISSUED  
7 UNDER THIS SUBSECTION.

8 (C) (1) NO MORE THAN 30 DAYS AFTER THE DATE THE NOTICE OF  
9 SUSPENSION WAS ISSUED UNDER SUBSECTION (A)(2) OF THIS SECTION, A  
10 REGISTERED OWNER MAY REQUEST A HEARING TO SHOW CAUSE WHY THE  
11 REGISTRATION OF THE MOTOR VEHICLE SHOULD NOT BE REVOKED.

12 (2) IF THE REGISTERED OWNER REQUESTS A HEARING AS PROVIDED IN  
13 PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL SET A HEARING  
14 FOR A DATE WITHIN 30 DAYS OF RECEIPT OF THE REQUEST AND STAY THE  
15 REVOCATION OF THE REGISTRATION UNDER SUBSECTION (B)(2) OF THIS SECTION  
16 UNTIL THE DISPOSITION OF THE HEARING.

17 (3) (I) IF THE REGISTERED OWNER FAILS TO REQUEST A HEARING AS  
18 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON THE 31ST DAY AFTER  
19 THE NOTICE OF SUSPENSION WAS ISSUED UNDER SUBSECTION (A)(2) OF THIS  
20 SECTION, THE ADMINISTRATION SHALL REVOKE THE REGISTRATION AS PROVIDED  
21 IN SUBSECTION (B)(2) OF THIS SECTION.

22 (II) A REGISTRATION THAT IS REVOKED UNDER THIS PARAGRAPH  
23 MAY BE RENEWED ONLY AS PROVIDED IN SUBSECTION (B)(2)(II) AND (5) OF THIS  
24 SECTION.

25 (4) A REGISTERED OWNER REQUESTING A HEARING UNDER  
26 PARAGRAPH (1) OF THIS SUBSECTION MAY DO SO BY:

27 (I) SENDING A REQUEST BY MAIL TO AN ADDRESS PRINTED ON  
28 THE NOTICE OF SUSPENSION ISSUED UNDER SUBSECTION (A) OF THIS SECTION; OR

29 (II) MAKING A REQUEST IN PERSON AT ANY OFFICE OF THE  
30 ADMINISTRATION.

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

33 (I) BOTH THE REGISTERED OWNER AND THE ADMINISTRATION  
34 AGREE TO THE POSTPONEMENT;

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

37 (III) THE REGISTERED OWNER, WITHIN 10 DAYS OF THE REQUEST  
38 FOR A HEARING, MADE A REQUEST FOR THE ISSUANCE OF A SUBPOENA UNDER  
39 § 12-108 OF THIS ARTICLE AND:

5

1                                   1. THE SUBPOENA WAS NOT ISSUED BY THE  
2 ADMINISTRATION;

3                                   2. AN ADVERSE WITNESS FOR WHOM THE SUBPOENA WAS  
4 REQUESTED, AND ON WHOM THE SUBPOENA WAS SERVED NOT LESS THAN 5 DAYS  
5 BEFORE THE HEARING, FAILS TO COMPLY WITH THE SUBPOENA AT AN INITIAL OR  
6 SUBSEQUENT HEARING UNDER THIS SECTION HELD WITHIN THE 30-DAY PERIOD;  
7 OR

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

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

14                               (3) TO THE EXTENT POSSIBLE, THE ADMINISTRATION SHALL  
15 EXPEDITIOUSLY RESCHEDULE A HEARING THAT IS POSTPONED UNDER THIS  
16 SUBSECTION.

17                               (E) AT A HEARING UNDER THIS SECTION, THE REGISTERED OWNER OF THE  
18 MOTOR VEHICLE HAS THE RIGHTS DESCRIBED IN § 12-206 OF THIS ARTICLE, BUT AT  
19 THE HEARING, THE ONLY ISSUES THAT MAY BE RAISED ARE WHETHER:

20                               (1) THE DRIVER'S LICENSE OF THE DRIVER WAS SUSPENDED,  
21 REVOKED, OR CANCELED AT THE TIME THE NOTICE OF SUSPENSION WAS ISSUED  
22 UNDER SUBSECTION (A)(2) OF THIS SECTION;

23                               (2) THE DRIVER WAS THE REGISTERED OWNER OF THE VEHICLE AT  
24 THE TIME THE NOTICE OF SUSPENSION WAS ISSUED UNDER SUBSECTION (A)(2) OF  
25 THIS SECTION AND IS THE REGISTERED OWNER AT THE TIME OF THE HEARING;

26                               (3) THE DRIVER OF THE VEHICLE WAS PROVIDED NOTICE AS  
27 REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION; AND

28                               (4) THE OWNER OF THE MOTOR VEHICLE WAS DRIVING OR  
29 ATTEMPTING TO DRIVE THE MOTOR VEHICLE.

30                               (F) (1) AT A HEARING UNDER THIS SECTION, THE RECORDS PRESENTED BY  
31 THE ADMINISTRATION REGARDING THE SUSPENSION, REVOCATION, OR  
32 CANCELLATION OF THE DRIVER'S LICENSE SHALL BE PRIMA FACIE EVIDENCE OF  
33 SUSPENSION, REVOCATION, OR CANCELLATION AND THE REASON FOR THE ACTION.

34                               (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
35 PARAGRAPH, THE POLICE OFFICER WHO ISSUED THE NOTICE OF SUSPENSION  
36 UNDER SUBSECTION (A)(2) OF THIS SECTION IS NOT REQUIRED TO ATTEND THE  
37 HEARING UNDER THIS SECTION.

38                               (II) A REGISTERED OWNER WHO INTENDS TO PRESENT EVIDENCE  
39 AT THE HEARING THAT THE OWNER WAS NOT DRIVING OR ATTEMPTING TO DRIVE  
40 THE MOTOR VEHICLE AT THE TIME THE NOTICE OF SUSPENSION WAS ISSUED

6

1 UNDER SUBSECTION (A)(2) OF THIS SECTION MAY COMPEL THE PRESENCE AT THE  
2 HEARING OF THE POLICE OFFICER WHO ISSUED THE NOTICE OF SUSPENSION.

3 (G) (1) IF, AT A HEARING UNDER THIS SECTION, THE HEARING OFFICER  
4 FINDS IN FAVOR OF THE REGISTERED OWNER OF THE MOTOR VEHICLE, THE  
5 ADMINISTRATION SHALL ISSUE NEW VALIDATION TABS TO THE REGISTERED  
6 OWNER AT NO CHARGE TO THE OWNER.

7 (2) IF, AT A HEARING UNDER THIS SECTION, THE HEARING OFFICER  
8 FINDS AGAINST THE REGISTERED OWNER OF THE MOTOR VEHICLE, THE  
9 ADMINISTRATION SHALL REVOKE THE REGISTRATION OF THE MOTOR VEHICLE AS  
10 PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

11 (H) IF A REGISTERED OWNER FAILS TO APPEAR AT A REQUESTED HEARING  
12 SCHEDULED UNDER SUBSECTION (C)(1) OF THIS SECTION, THE ADMINISTRATION  
13 SHALL REVOKE THE REGISTRATION OF THE MOTOR VEHICLE AS PROVIDED IN  
14 SUBSECTION (B)(2) OF THIS SECTION.

15 (I) A REGISTRATION THAT IS REVOKED UNDER SUBSECTION (G)(2) OR (H) OF  
16 THIS SECTION MAY BE REINSTATED ONLY AS PROVIDED IN SUBSECTION (B)(2)(II)  
17 AND (5) OF THIS SECTION.

18 (J) A POLICE OFFICER WHO OBSERVES AN INDIVIDUAL DRIVING OR  
19 ATTEMPTING TO DRIVE A MOTOR VEHICLE WITH REGISTRATION PLATES ON WHICH  
20 THE VALIDATION TABS ARE COVERED BY NOTICE OF SUSPENSION TABS AS  
21 PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION MAY STOP THE MOTOR VEHICLE  
22 TO DETERMINE IF THE DRIVER IS DRIVING THE MOTOR VEHICLE IN VIOLATION OF  
23 A LICENSE SUSPENSION, REVOCATION, OR CANCELLATION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 January 1, 1998.