
By: **Delegates Mandel, Ciliberti, Conroy, Crumlin, Cryor, Dembrow, Dypski, Faulkner, Genn, Goldwater, Grosfeld, Hurson, Kagan, Kopp, La Vay, Morhaim, Patterson, and ~~Petzold~~ Petzold, Bobo, Clagett, DeCarlo, Minnick, Moe, and Rudolph**

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Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 27, 1998

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Multiple Moving Violations - Cumulative Assessment of**
3 **Points**

4 FOR the purpose of requiring the Motor Vehicle Administration to assess cumulative
5 points, subject to a certain limitation, against an individual who is convicted of
6 multiple reckless driving in combination with certain other moving violations
7 arising out of the same incident; making stylistic changes; and generally
8 relating to motor vehicles and the points that may be assessed against an
9 individual for multiple certain violations in combination with reckless driving.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-402 and 21-901.1
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1997 Supplement)

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

17 **Article - Transportation**

18 16-402.

19 (a) After the conviction of an individual for a violation of Article 27, § 388, §
20 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any

1 local authority, points shall be assessed against the individual as of the date of
2 violation and as follows:

- 3 (1) Any moving violation not listed below and not contributing
4 to an accident..... 1 point
- 5 (2) Following another vehicle too closely.....2 points
- 6 (3) Speeding in excess of the posted speed limit by 10 miles an
7 hour or more2 points
- 8 (4) Driving with an improper class of license2 points
- 9 (5) Failing to stop for a school vehicle with alternately flashing
10 lights.....2 points
- 11 (6) Any violation of § 21-1111 of this article2 points
- 12 (7) Passing an emergency or police vehicle under the provisions
13 of § 21-405(d) of this article2 points
- 14 (8) A violation of § 21-511(a) of this article2 points
- 15 (9) Any moving violation contributing to an accident.....3 points
- 16 (10) Driving after suspension of license under the provisions of §
17 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
18 laws or regulations of another state as described in § 16-303(i) of this title3 points
- 19 (11) Any violation, except violations committed on the John F.
20 Kennedy Memorial Highway, of § 21-1411 of this article3 points
- 21 (12) Reckless driving4 points
- 22 (13) Speeding in excess of the posted speed limit by 30 miles an
23 hour or more5 points
- 24 (14) Driving while not licensed.....5 points
- 25 (15) Failure to report an accident.....5 points
- 26 (16) Driving on a learner's permit unaccompanied.....5 points
- 27 (17) Any violation of § 17-107 of this article5 points
- 28 (18) Participating in a race or speed contest on a highway5 points
- 29 (19) Any violation of § 16-304 or § 16-305 of this title5 points
- 30 (20) Any violation of § 22-404.5 of this article5 points

- 1 (21) Speeding in excess of a posted speed limit of 65 miles an
2 hour by 20 miles an hour or more5 points

- 3 (22) Driving while under the influence of alcohol or while
4 under influence of a drug, combination of drugs, or combination of drugs and
5 alcohol8 points

- 6 (23) Turning off lights of a vehicle to avoid identification8 points

- 7 (24) Failing to stop after accident resulting in damage to
8 attended vehicle or property.....8 points

- 9 (25) Failing to stop after accident resulting in damage to
10 unattended vehicle or property.....8 points

- 11 (26) Any violation of § 16-815 or § 16-816 of this title8 points

- 12 (27) Failing to stop after an accident resulting in bodily
13 injury or death..... 12 points

- 14 (28) Driving after refusal, suspension, cancellation, or
15 revocation of license except for suspensions of license under the provisions of
16 § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
17 laws or regulations of another state as described in § 16-303(i) of this title 12 points

- 18 (29) Any violation of § 16-301, § 16-302, § 16-804, or §
19 16-808(1) through (9) of this title..... 12 points

- 20 (30) Homicide, life threatening injury under Article 27, §
21 388B of the Code, or assault committed by means of a vehicle 12 points

- 22 (31) Driving while intoxicated, while intoxicated per se, or
23 while under the influence of illegally used controlled dangerous substance..... 12 points

- 24 (32) Any felony involving use of a vehicle..... 12 points

- 25 (33) Fleeing or attempting to elude a police officer 12 points

- 26 (34) The making of a false affidavit or statement under oath,
27 or falsely certifying to the truth of any fact or information to the
28 Administration under the Maryland Vehicle Law or under any law relating
29 to the ownership or operation of motor vehicles 12 points

- 30 (35) Any violation involving an unlawful taking or unauthorized
31 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this
32 article..... 12 points

33 (b) ~~IF~~ IF SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF a conviction occurs on
34 multiple charges based on offenses alleged to have been committed at the same time
35 or arising out of circumstances simultaneous in time and place, the Administration{;}

1 ~~SHALL ASSESS POINTS AGAINST AN INDIVIDUAL ON EACH CHARGE UNDER~~
 2 ~~SUBSECTION (A) OF THIS SECTION.~~

3 {(1) Shall assess points against the individual convicted only on the
 4 charge that has the highest point assessment; and

5 (2) May not assess points on the remainder of the multiple charges.}

6 (C) (1) ~~IN THIS SUBSECTION, "AGGRESSIVE DRIVER" MEANS A PERSON THIS~~
 7 ~~SUBSECTION APPLIES TO AN INDIVIDUAL WHO HAS BEEN CONVICTED OF RECKLESS~~
 8 ~~DRIVING UNDER § 21-901.1(A) OF THIS ARTICLE AND ONE OR MORE OF THE~~
 9 ~~FOLLOWING PROVISIONS, BASED ON OFFENSES ALLEGED TO HAVE BEEN~~
 10 ~~COMMITTED AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES~~
 11 ~~SIMULTANEOUS IN TIME AND PLACE:~~

12 (I) § 21-201 (OBEDIENCE TO TRAFFIC CONTROL DEVICES);

13 (II) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);

14 (III) § 21-301 (DRIVING ON THE RIGHT SIDE OF ROADWAY);

15 (IV) § 21-303 (OVERTAKING AND PASSING VEHICLES);

16 (V) § 21-304 (PASSING ON RIGHT);

17 (VI) § 21-305 (LIMITATIONS ON OVERTAKING AND PASSING);

18 (VII) § 21-307 (NO PASSING ZONES);

19 (VIII) § 21-309 (DRIVING ON LANED ROADWAYS);

20 (IX) § 21-310 (FOLLOWING TOO CLOSELY);

21 (X) § 21-311 (DRIVING ON DIVIDED HIGHWAYS);

22 (XI) § 21-401 (FAILURE TO YIELD RIGHT-OF-WAY);

23 (XII) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);

24 (XIII) § 21-707 (STOP SIGNS AND YIELD SIGNS);

25 (XIV) § 21-801.1 (EXCEEDING MAXIMUM SPEED LIMITS);

26 (XV) § 21-902 (DRIVING WHILE INTOXICATED, INTOXICATED PER SE,
 27 UNDER THE INFLUENCE OF ALCOHOL, A DRUG, A COMBINATION OF ALCOHOL AND
 28 DRUGS, OR A CONTROLLED DANGEROUS SUBSTANCE);

29 (XVI) § 21-904 (FLEEING OR ELUDING POLICE);

30 (XVII) § 21-1112 (TURNING OFF LIGHTS TO AVOID IDENTIFICATION);

31 OR

1 (XVIII) § 21-1116 (SPEED CONTESTS).

2 (2) THE ADMINISTRATION SHALL ASSESS AGAINST AN AGGRESSIVE
3 DRIVER INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THE
4 CUMULATIVE POINTS FOR RECKLESS DRIVING AND EACH ADDITIONAL CHARGE
5 LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR WHICH THE INDIVIDUAL IS
6 CONVICTED, UP TO A MAXIMUM OF 12 POINTS.

7 21-901.1.

8 (a) A person is guilty of reckless driving if [he] THE PERSON drives a motor
9 vehicle:

10 (1) In wanton or willful disregard for the safety of persons or property; or

11 (2) In a manner that indicates a wanton or willful disregard for the
12 safety of persons or property.

13 (b) A person is guilty of negligent driving if [he] THE PERSON drives a motor
14 vehicle in a careless or imprudent manner that endangers any property or the life or
15 person of any individual.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1998.