
By: **Delegates Baldwin, M. Burns, and Bissett**
Introduced and read first time: February 13, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Aggressive Drivers**

3 FOR the purpose of requiring the Motor Vehicle Administration to assess points for
4 multiple violations committed by an aggressive driver under certain
5 circumstances; defining the term "aggressive driver" for the purpose of
6 assessing points; authorizing law enforcement officers to arrest a driver if the
7 officer has probable cause to believe that the driver has committed certain
8 violations under certain circumstances; and generally relating to aggressive
9 drivers.

10 BY repealing and reenacting, without amendments,
11 Article - Transportation
12 Section 16-402(b)
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1997 Supplement)

15 BY adding to
16 Article - Transportation
17 Section 16-402(c)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 26-202
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1997 Supplement)

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

1

Article - Transportation

2 16-402.

3 (b) If a conviction occurs on multiple charges based on offenses alleged to have
4 been committed at the same time or arising out of circumstances simultaneous in
5 time and place, the Administration:

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

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

9 (C) (1) IN THIS SUBSECTION, "AGGRESSIVE DRIVER" MEANS A PERSON
10 CONVICTED OF:

11 (I) FOUR OR MORE VIOLATIONS FOR WHICH THE ADMINISTRATION
12 MAY ASSESS POINTS UNDER THIS SECTION, IF THE VIOLATIONS ARE ALLEGED TO
13 HAVE BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES
14 SIMULTANEOUS IN TIME AND PLACE; OR

15 (II) THREE VIOLATIONS FOR WHICH THE ADMINISTRATION MAY
16 ASSESS POINTS UNDER THIS SECTION, IF THE VIOLATIONS ARE ALLEGED TO HAVE
17 BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES
18 SIMULTANEOUS IN TIME AND PLACE AND ONE OF THE OFFENSES WAS EXCEEDING
19 THE MAXIMUM SPEED LIMIT BY AT LEAST 30 MILES PER HOUR.

20 (2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE
21 ADMINISTRATION SHALL ASSESS POINTS ON ALL CHARGES FOR WHICH AN
22 AGGRESSIVE DRIVER IS CONVICTED UP TO A MAXIMUM OF 12 POINTS.

23 26-202.

24 (a) A police officer may arrest without a warrant a person for a violation of the
25 Maryland Vehicle Law, including any rule or regulation adopted under it, or for a
26 violation of any traffic law or ordinance of any local authority of this State, if:

27 (1) The person has committed or is committing the violation within the
28 view or presence of the officer, and the violation is any of the following:

29 (i) A violation of § 21-1411 or § 22-409 of this article, relating to
30 vehicles transporting hazardous materials; or

31 (ii) A violation of § 24-111 or § 24-111.1 of this article, relating to
32 the failure or refusal to submit a vehicle to a weighing or to remove excess weight
33 from it;

34 (2) The person has committed or is committing the violation within the
35 view or presence of the officer, and either:

36 (i) The person does not furnish satisfactory evidence of identity; or

1 (ii) The officer has reasonable grounds to believe that the person
2 will disregard a traffic citation;

3 (3) The officer has probable cause to believe that the person has
4 committed the violation, and the violation is any of the following offenses:

5 (i) Driving or attempting to drive while intoxicated, while under
6 the influence of alcohol, or in violation of an alcohol restriction;

7 (ii) Driving or attempting to drive while under the influence of any
8 drug, any combination of drugs, or any combination of drugs and alcohol or while
9 under the influence of any controlled dangerous substance;

10 (iii) Failure to stop, give information, or render reasonable
11 assistance, as required by §§ 20-102 and 20-104 of this article, in the event of an
12 accident resulting in bodily injury to or death of any person;

13 (iv) Driving or attempting to drive a motor vehicle while the driver's
14 license or privilege to drive is suspended or revoked;

15 (v) Failure to stop or give information, as required by §§ 20-103
16 through 20-105 of this article, in the event of an accident resulting in damage to a
17 vehicle or other property;

18 (vi) Any offense that caused or contributed to an accident resulting
19 in bodily injury to or death of any person; or

20 (vii) Fleeing or attempting to elude a police officer;

21 (4) The person is a nonresident and the officer has probable cause to
22 believe that:

23 (i) The person has committed the violation; and

24 (ii) The violation contributed to an accident; [or]

25 (5) THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON
26 HAS COMMITTED:

27 (I) FOUR OR MORE VIOLATIONS FOR WHICH THE ADMINISTRATION
28 MAY ASSESS POINTS UNDER § 16-402 OF THIS ARTICLE, IF THE VIOLATIONS ARE
29 ALLEGED TO HAVE BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF
30 CIRCUMSTANCES SIMULTANEOUS IN TIME AND PLACE; OR

31 (II) THREE VIOLATIONS FOR WHICH THE ADMINISTRATION MAY
32 ASSESS POINTS UNDER § 16-402 OF THIS ARTICLE, IF THE VIOLATIONS ARE ALLEGED
33 TO HAVE BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF
34 CIRCUMSTANCES SIMULTANEOUS IN TIME AND PLACE, WITH ONE OF THE
35 VIOLATIONS BEING SPEEDING IN EXCESS OF THE MAXIMUM SPEED LIMIT BY AT
36 LEAST 30 MILES PER HOUR; OR

1 [(5)] (6) The officer has probable cause to believe that the person has
2 committed the violation, and, subject to the procedures set forth in § 26-203 of this
3 subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt
4 by signature.

5 (b) An arrest under this section shall be made in the same manner as, and
6 without more force than, in misdemeanor cases.

7 (c) A person arrested under this section shall be taken without unnecessary
8 delay before a District Court commissioner, as specified in § 26-401 of this title,
9 unless the arresting officer in his discretion releases the individual upon the
10 individual's written promise to appear for trial.

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