

HOUSE BILL 1107

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R5

1998 Regular Session
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CF 8r2211

By: **Delegates Genn, Owings, Morhaim, Frank, Finifter, Comeau, T. Murphy,
V. Mitchell, DeCarlo, M. Burns, Goldwater, Preis, E. Burns, Kopp, and
Petzold**

Introduced and read first time: February 13, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Reckless and Negligent Driving**

3 FOR the purpose of increasing the number of points that the Motor Vehicle
4 Administration is required to assess against an individual who is convicted of
5 reckless driving; requiring that the Motor Vehicle Administration assess a
6 certain number of points against a person who is convicted of reckless
7 endangerment committed by means of a motor vehicle, reckless driving that
8 contributes to a motor vehicle accident that results in the death of another
9 person, or negligent driving that contributes to a motor vehicle accident that
10 results in the death of another person; increasing the penalty that may be
11 imposed on a person who is convicted of reckless driving; and generally relating
12 to motor vehicles and negligent and reckless driving.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-402(a) and 27-101(h)
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1997 Supplement)

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

20 **Article - Transportation**

21 16-402.

22 (a) After the conviction of an individual for a violation of ARTICLE 27, § 12A-2
23 OF THE CODE THAT IS COMMITTED BY MEANS OF A MOTOR VEHICLE, Article 27, §
24 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State
25 or of any local authority, points shall be assessed against the individual as of the date
26 of violation and as follows:

1	(1)	Any moving violation not listed below and not contributing	
2		to an accident.....	1 point
3	(2)	Following another vehicle too closely.....	2 points
4	(3)	Speeding in excess of the posted speed limit by 10 miles an	
5		hour or more.....	2 points
6	(4)	Driving with an improper class of license.....	2 points
7	(5)	Failing to stop for a school vehicle with alternately flashing	
8		lights.....	2 points
9	(6)	Any violation of § 21-1111 of this article.....	2 points
10	(7)	Passing an emergency or police vehicle under the provisions	
11		of § 21-405(d) of this article.....	2 points
12	(8)	A violation of § 21-511(a) of this article.....	2 points
13	(9)	Any moving violation contributing to an accident.....	3 points
14	(10)	Driving after suspension of license under the provisions of §	
15		17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic	
16		laws or regulations of another state as described in § 16-303(i) of this title.....	3 points
17	(11)	Any violation, except violations committed on the John F.	
18		Kennedy Memorial Highway, of § 21-1411 of this article.....	3 points
19	[(12)]	Reckless driving.....	4 points
20	(13)]	(12) Speeding in excess of the posted speed limit by 30	
21		miles an hour or more.....	5 points
22	[(14)]	(13) Driving while not licensed.....	5 points
23	[(15)]	(14) Failure to report an accident.....	5 points
24	[(16)]	(15) Driving on a learner's permit unaccompanied.....	5 points
25	[(17)]	(16) Any violation of § 17-107 of this article.....	5 points
26	[(18)]	(17) Participating in a race or speed contest on a highway.....	5 points
27	[(19)]	(18) Any violation of § 16-304 or § 16-305 of this title.....	5 points
28	[(20)]	(19) Any violation of § 22-404.5 of this article.....	5 points
29	[(21)]	(20) Speeding in excess of a posted speed limit of 65 miles	
30		an hour by 20 miles an hour or more.....	5 points

3.....

1 [(22)] (21) Driving while under the influence of alcohol or while
2 under influence of a drug, combination of drugs, or combination of drugs and
3 alcohol..... 8 points

4 [(23)] (22) Turning off lights of a vehicle to avoid identification 8 points

5 [(24)] (23) Failing to stop after accident resulting in damage to
6 attended vehicle or property..... 8 points

7 [(25)] (24) Failing to stop after accident resulting in damage to
8 unattended vehicle or property..... 8 points

9 [(26)] (25) Any violation of § 16-815 or § 16-816 of this title..... 8 points

10 (26) ANY VIOLATION OF § 21-901.1(A) OF THIS ARTICLE
11 ("RECKLESS DRIVING")..... 8 POINTS

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

14 (28) Driving after refusal, suspension, cancellation, or revocation
15 of license except for suspensions of license under the provisions of § 17-106,
16 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or
17 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 § 16-808(1)
19 through (9) of this title..... 12 points

20 (30) Homicide, life threatening injury under Article 27, § 388B of
21 the Code, [or] assault committed by means of a vehicle OR RECKLESS
22 ENDANGERMENT UNDER ARTICLE 27, § 12A-2 OF THE CODE COMMITTED BY
23 MEANS OF A MOTOR VEHICLE 12 POINTS

24 (31) Driving while intoxicated, while intoxicated per se, or while
25 under the influence of illegally used controlled dangerous substance 12 points

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

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

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

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

35 (36) ANY VIOLATION OF § 21-901.1(A) OF THIS ARTICLE ("RECKLESS
36 DRIVING") THAT CONTRIBUTES TO A MOTOR VEHICLE ACCIDENT THAT RESULTS IN

1 THE DEATH OF ANOTHER PERSON..... 12 POINTS

2 (37) ANY VIOLATION OF § 21-901.1(B) OF THIS ARTICLE ("NEGLIGENT
3 DRIVING") THAT CONTRIBUTES TO A MOTOR VEHICLE ACCIDENT THAT RESULTS IN
4 THE DEATH OF ANOTHER PERSON 12 POINTS

5 27-101.

6 (h) Any person who is convicted of a violation of any of the provisions of §
7 15-502(a) of this article ("License required"), § 16-303(a), (b), (c), (d), (e), (f), or (g) of
8 this article ("Driving while license is canceled, suspended, refused, or revoked"), §
9 17-107 of this article ("Prohibitions"), [or] § 17-110 of this article ("Providing false
10 evidence of required security"), OR § 21-901.1(A) OF THIS ARTICLE ("RECKLESS
11 DRIVING") is subject to:

12 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
13 for not more than 1 year, or both; and

14 (2) For any subsequent offense, a fine of not more than \$1,000, or
15 imprisonment for not more than 2 years, or both.

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