

SENATE BILL 376

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SB 461/97 - JPR

1998 Regular Session
8lr0810

By: **Senators Teitelbaum, Derr, Lawlah, Dyson, Currie, Sfikas, Blount, and Kelley**

Introduced and read first time: February 6, 1998
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing a police officer, under certain circumstances, to
5 suspend the registration of a vehicle driven by an individual whose license was
6 suspended, revoked, or canceled; requiring the officer to provide the driver with
7 a certain notice containing certain information under certain circumstances;
8 requiring the Administration to provide the owner of the vehicle with certain
9 information; authorizing the registered owner of the vehicle to request a hearing
10 within a certain time and by certain methods; requiring the Administration to
11 schedule a hearing for a certain time; limiting the issues that may be raised at
12 a hearing under the Act; establishing a rebuttable presumption that the owner
13 of the vehicle knew or should have known that that vehicle was being driven by
14 a person whose driver's license was suspended, revoked, or canceled;
15 authorizing the owner of a vehicle with a suspended registration to re-register
16 the vehicle at certain times under certain circumstances; authorizing a police
17 officer to stop a vehicle displaying certain temporary license plates to make
18 certain determinations; and generally relating to a suspended, revoked, or
19 canceled driver's license and the suspension of vehicle registration.

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 13-705.1
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1997 Supplement)

25 BY adding to
26 Article - Transportation
27 Section 13-705.2
28 Annotated Code of Maryland
29 (1992 Replacement Volume and 1997 Supplement)

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

3 **Article - Transportation**

4 13-705.1.

5 (a) If a person is convicted of driving or attempting to drive a motor vehicle
6 while the driver's license of the person is suspended or revoked for a violation of §
7 21-902 or § 16-205.1 of this article or Article 27, § 388A or § 388B of the Code, the
8 Administration may, after a hearing, suspend, for not more than 120 days, the
9 registration of the motor vehicle.

10 (b) The Administration may not suspend the registration of the motor vehicle
11 if:

12 (1) The motor vehicle was operated by anyone other than the registered
13 owner with his implied or express consent, and the registered owner neither knew nor
14 should have known that the driver's license of the operator was suspended or revoked
15 for a violation of § 21-902 or § 16-205.1 of this article or Article 27, § 388A or § 388B
16 of the Code; or

17 (2) The motor vehicle was operated by anyone other than the registered
18 owner without his implied or express consent; or

19 (3) The motor vehicle is used as a common carrier or vehicle for hire and
20 the owner or other person in charge of the vehicle was not a consenting party or privy
21 to the unlawful action of the operator of the motor vehicle; or

22 (4) The motor vehicle was operated after being obtained by the violator
23 through duress or coercion from an owner or coowner who is a member of the
24 immediate family of the violator.

25 (c) The Administration shall bear the burden of proving that the registered
26 owner knew or should have known that the driver's license of the operator of the
27 vehicle was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this
28 article or Article 27, § 388A or § 388B of the Code.

29 13-705.2.

30 (A) NOTWITHSTANDING THE PROVISIONS OF § 13-705.1 OF THIS SUBTITLE, IF
31 A PERSON IS CONVICTED OF DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE
32 WHILE THE DRIVER'S LICENSE OF THE PERSON IS SUSPENDED, REVOKED, OR
33 CANCELED, THE COURT SHALL NOTIFY THE ADMINISTRATION OF THE CONVICTION,
34 INCLUDING THE REGISTRATION NUMBER OF THE VEHICLE THAT THE PERSON WAS
35 DRIVING OR ATTEMPTING TO DRIVE AT THE TIME OF THE VIOLATION.

36 (B) UPON RECEIVING THE NOTIFICATION UNDER SUBSECTION (A) OF THIS
37 SECTION, THE ADMINISTRATION SHALL SEND TO THE REGISTERED OWNER OF THE
38 MOTOR VEHICLE THAT WAS INVOLVED IN THE VIOLATION, A NOTICE THAT:

1 (1) THE MOTOR VEHICLE'S REGISTRATION SHALL BE SUSPENDED FOR
2 NOT MORE THAN 90 DAYS BECAUSE THE VEHICLE WAS BEING OPERATED BY A
3 PERSON WHO WAS DRIVING OR ATTEMPTING TO DRIVE THE VEHICLE WHILE THAT
4 PERSON'S LICENSE WAS SUSPENDED, REVOKED, OR CANCELED;

5 (2) THE REGISTERED OWNER MAY REQUEST A HEARING TO SHOW
6 CAUSE WHY THE REGISTRATION OF THE MOTOR VEHICLE SHOULD NOT BE
7 SUSPENDED;

8 (3) A REQUEST FOR A HEARING SHALL BE SENT TO AN ADDRESS
9 PRINTED ON THE NOTICE OF SUSPENSION WITHIN 15 DAYS OF THE RECEIPT OF THE
10 NOTICE SENT UNDER THIS SUBSECTION; AND

11 (4) A REQUEST FOR A HEARING UNDER ITEM (3) OF THIS SUBSECTION
12 WILL STAY THE SUSPENSION OF THE MOTOR VEHICLE'S REGISTRATION.

13 (C) IF THE REGISTERED OWNER OF THE MOTOR VEHICLE FAILS TO REQUEST
14 A HEARING AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
15 ADMINISTRATION SHALL:

16 (1) IMMEDIATELY SUSPEND THE REGISTRATION OF THE MOTOR
17 VEHICLE FOR NOT MORE THAN 90 DAYS; AND

18 (2) PROMPTLY ISSUE A NOTICE TO THE REGISTERED OWNER OF THE
19 MOTOR VEHICLE THAT:

20 (I) THE REGISTERED OWNER SHALL RETURN THE REGISTRATION
21 CARD AND LICENSE PLATES OF THE MOTOR VEHICLE TO THE ADMINISTRATION;

22 (II) THE REGISTERED OWNER MAY OBTAIN A SPECIAL 90-DAY
23 TEMPORARY REGISTRATION AND LICENSE PLATE FROM THE ADMINISTRATION FOR A
24 FEE SET BY THE ADMINISTRATION, NOT TO EXCEED \$50; AND

25 (III) AFTER THE EXPIRATION OF THE 90-DAY TEMPORARY
26 REGISTRATION AND LICENSE PLATE, THE REGISTERED OWNER MAY RE-REGISTER
27 THE MOTOR VEHICLE AS PROVIDED FOR IN THIS SUBTITLE.

28 (D) IF THE REGISTERED OWNER REQUESTS A HEARING AS PROVIDED IN
29 SUBSECTION (B)(2) OF THIS SECTION, THE ADMINISTRATION SHALL SET A HEARING
30 FOR A DATE WITHIN 30 DAYS OF RECEIPT OF THE REQUEST, AND STAY THE
31 SUSPENSION OF THE MOTOR VEHICLE'S REGISTRATION.

32 (E) AT A HEARING UNDER THIS SECTION, THERE IS A PRESUMPTION THAT
33 THE REGISTERED OWNER KNEW THAT THE OPERATOR OF THE MOTOR VEHICLE WAS
34 DRIVING OR ATTEMPTING TO DRIVE THE MOTOR VEHICLE WITH A SUSPENDED,
35 REVOKED, OR CANCELED LICENSE.

36 (F) AT A HEARING UNDER THIS SECTION, THE REGISTERED OWNER HAS THE
37 BURDEN OF PROVING THAT THE OWNER DID NOT KNOW THAT THE OPERATOR OF

1 THE MOTOR VEHICLE WAS DRIVING OR ATTEMPTING TO DRIVE THE MOTOR VEHICLE
2 WITH A SUSPENDED, REVOKED, OR CANCELED LICENSE.

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

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

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

15 (H) A POLICE OFFICER WHO OBSERVES AN INDIVIDUAL DRIVING OR
16 ATTEMPTING TO DRIVE A MOTOR VEHICLE DISPLAYING 90-DAY TEMPORARY
17 REGISTRATION PLATES ISSUED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION MAY
18 STOP THE MOTOR VEHICLE TO DETERMINE IF THE DRIVER IS DRIVING THE MOTOR
19 VEHICLE IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR
20 CANCELLATION.

21 (I) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY SUBSEQUENT
22 REGISTERED OWNER OF THE MOTOR VEHICLE REFERENCED TO IN SUBSECTION (A)
23 OF THIS SECTION.

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