

SENATE BILL 676

Unofficial Copy
R3

1998 Regular Session
8lr2311

By: ~~Senators Middlebrooks, Jimeno, and Astle~~ Astle, Forehand, and Ferguson

Introduced and read first time: February 11, 1998
Assigned to: Rules
Re-referred to: Judicial Proceedings, February 18, 1998

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 25, 1998

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages Violations - Driver's Licenses - Suspension**

3 FOR the purpose of requiring the District Court to notify the Motor Vehicle
4 Administration when certain persons are found guilty of certain types of
5 violations involving alcoholic beverages; requiring the Administration, after
6 receiving a certain notice, to suspend for a certain period the driving privileges
7 of certain persons who are found guilty of certain types of violations involving
8 alcoholic beverages; requiring the juvenile court to order the Administration to
9 suspend for a certain period the driving privileges of a child who has committed
10 certain types of violations involving alcoholic beverages; making certain stylistic
11 changes; and generally relating to violations involving alcoholic beverages and
12 driver's licenses.

13 BY repealing and reenacting, without amendments,
14 Article 27 - Crimes and Punishments
15 Section 403(a)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 27 - Crimes and Punishments
20 Section 403(f)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Courts and Judicial Proceedings
3 Section 3-801(a), (d), (g), and (u) and 3-820(a)(1)
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1997 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 3-820(d)(1)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1997 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-206(c)
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1997 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 403.

20 (a) For purposes of this section, a violation of the provisions of this subheading
21 is deemed a Code violation and is a civil offense.

22 (f) (1) If a person is found by the District Court to have committed a Code
23 violation, that person shall be required to pay a fine in an amount not to exceed \$500.

24 (2) If the violation is a repeat offense, that person shall be required to
25 pay a fine in an amount not to exceed \$1,000.

26 (3) [(i) In this paragraph "driver's license" means a license or permit to
27 drive a motor vehicle that is issued under the laws of this State or any other
28 jurisdiction.

29 [(ii)] (I) This paragraph applies only to:

30 1. A person who is at least 18 but under 21 years of age; or

31 2. A minor if the minor is subject to the jurisdiction of the
32 court.

33 [(iii)] (II) If a person is found guilty of a Code violation [under § 400
34 of this subheading that involved the use of a driver's license or a document purporting

1 to be a driver's license, a], THE court shall notify the Motor Vehicle Administration of
2 the violation.

3 [(iv)] (III) The Chief Judge of the District Court, in conjunction with
4 the Motor Vehicle Administrator, shall establish uniform procedures for reporting
5 Code violations described in this paragraph.

6 (4) The person shall be liable for the costs of the proceedings in the
7 District Court.

8 **Article - Courts and Judicial Proceedings**

9 3-801.

10 (a) In this subtitle, the following words have the meanings indicated, unless
11 the context of their use indicates otherwise.

12 (d) "Child" means a person under the age of 18 years.

13 (g) "Citation" means the written form issued by a police officer which serves
14 as the initial pleading against a child for a violation and which is adequate process to
15 give the court jurisdiction over the person cited.

16 (u) "Violation" means a violation of § 400, § 400A, § 400B, § 401, or § 405A of
17 Article 27 of the Code and § 26-103 of the Education Article for which a citation is
18 issued.

19 3-820.

20 (a) (1) After an adjudicatory hearing the court shall hold a separate
21 disposition hearing, unless the petition or citation is dismissed or unless such hearing
22 is waived in writing by all of the parties.

23 (d) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
24 paragraph, in making a disposition on a finding that the child has committed the
25 violation specified in a citation, the court may order the Motor Vehicle Administration
26 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of
27 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a
28 specified period of not less than 30 days nor more than 90 days.

29 (ii) In this paragraph "driver's license" means a license or permit to
30 drive a motor vehicle that is issued under the laws of this State or any other
31 jurisdiction.

32 (iii) In making a disposition on a finding that the child has
33 committed a CODE violation under Article 27, [§ 400] §§ 400 THROUGH 403A of the
34 Code [specified in a citation that involved the use of a driver's license or a document
35 purporting to be a driver's license], the court [may] SHALL order the Motor Vehicle
36 Administration to initiate an action under the Maryland Vehicle Law to suspend the

1 driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle
2 Administration:

3 1. For a first offense, for 6 months; and

4 2. For a second or subsequent offense, until the child is 21
5 years old OR FOR 1 YEAR, WHICHEVER IS LONGER.

6 (iv) In making a disposition on a finding that the child has
7 committed a violation under § 26-103 of the Education Article, the court shall order
8 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
9 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
10 Motor Vehicle Administration for a specified period of not less than 30 days nor more
11 than 90 days.

12 (v) If a child subject to a suspension under this subsection does not
13 hold a license to operate a motor vehicle on the date of the disposition, the suspension
14 shall commence:

15 1. If the child is at least 16 years of age on the date of the
16 disposition, on the date of the disposition; or

17 2. If the child is younger than 16 years of age on the date of
18 the disposition, on the date the child reaches the child's 16th birthday.

19 **Article - Transportation**

20 16-206.

21 (c) (1) Pursuant to a court order under § 3-820(d) of the Courts Article, the
22 Administration shall initiate an action to suspend the driving privilege of a child for
23 the time specified by the court.

24 (2) If a child subject to a suspension under § 3-820(d) of the Courts
25 Article does not hold a license to operate a motor vehicle on the date of the court order,
26 the suspension shall commence:

27 (i) If the child is at least 16 years of age on the date of the
28 disposition, on the date of the disposition; or

29 (ii) If the child is younger than 16 years of age on the date of the
30 disposition, on the date the child reaches the child's 16th birthday.

31 (3) On receipt of a notice described under Article 27, § [403(f)] 403(F)(3)
32 of the Code, the Administration shall suspend the license of an individual described
33 under Article 27, § [403(f)]403(F)(3) of the Code:

34 (i) For a first offense, for 6 months; and

1 (ii) For a second or subsequent offense, until the individual is 21
2 years old or for [a period of] 1 year, whichever is longer.

3 (4) If an individual subject to a suspension under paragraph (3) of this
4 subsection does not hold a license to operate a motor vehicle on the date that the
5 individual is found guilty of a Code violation, the suspension shall begin on the date
6 that the license is issued, or after the individual applies and becomes qualified to
7 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

8 (5) The Administration may modify a suspension under this subsection
9 or subsection (b) of this section or issue a restricted license if:

10 (i) The license is required for the purpose of attending an alcohol
11 education or alcoholic prevention or treatment program;

12 (ii) The child or individual is required to drive a motor vehicle in
13 the course of employment;

14 (iii) It finds that the individual's or child's employment would be
15 adversely affected because the individual or child has no reasonable alternative
16 means of transportation to or from a place of employment; or

17 (iv) It finds that the individual's or child's education would be
18 adversely affected because the individual or child has no reasonable alternative
19 means of transportation for educational purposes.

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