

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 312
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Juvenile Law -"; in line 3, before "Restitution" insert "Penalties - Suspension of Driving Privileges and Parental"; in line 6, before "specifying" insert "authorizing the court to order the Motor Vehicle Administration to suspend the driving privilege of a child convicted of a crime or found to have committed a delinquent act involving a destructive device;"; in line 20, before "defining" insert "establishing procedures for the suspension of a child's driving privilege under certain circumstances;"; and in the same line, strike "restitution" and substitute "penalties".

On page 2, after line 26, insert:

"BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-820(d)

Annotated Code of Maryland

(1998 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Transportation

Section 16-206(a) and (d)

Annotated Code of Maryland

(1999 Replacement Volume)

(As enacted by Chapter 483 of the Acts of the General Assembly of 1998)

BY repealing and reenacting, without amendments,

Article - Transportation

Section 16-206(c)

Annotated Code of Maryland

(Over)

(1999 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Transportation

Section 16-208(a)(1)

Annotated Code of Maryland
(1999 Replacement Volume)”.

AMENDMENT NO. 2

On page 4, after line 36, insert:

“(D) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER THIS SUBHEADING IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO EXCEED:

(1) FOR A FIRST OFFENSE, 6 MONTHS; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.”.

On page 6, after line 6, insert:

“(E) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER THIS SECTION IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO EXCEED:

(1) FOR A FIRST OFFENSE, 6 MONTHS; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.”;

and after line 33, insert:

“(E) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER THIS SECTION IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO EXCEED:

(1) FOR A FIRST OFFENSE, 6 MONTHS; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.”.

On page 15, after line 4, insert:

“Article - Courts and Judicial Proceedings

3-820.

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

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

(iii) In making a disposition on a finding that the child has committed a violation under Article 27, § 400 of the Code specified in a citation that involved the use of a driver's license or a document purporting to be a driver's license, the court may order the Motor Vehicle

(Over)

Administration to initiate an action under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration:

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

2. For a second or subsequent offense, until the child is 21 years old.

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

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

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

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

(2) In addition to the dispositions under paragraph (1) of this subsection, the court also may:

(i) Counsel the child or the parent or both, or order the child to participate in an alcohol education or rehabilitation program that is in the best interest of the child;

(ii) Impose a civil fine of not more than \$25 for the first violation and a civil fine of not more than \$100 for the second and subsequent violations; or

(iii) Order the child to participate in a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for the second and subsequent

violations.

(3) (i) The provisions of paragraphs (1) and (2) of this subsection do not apply to a child found to have committed a violation under Article 27, § 405A of the Code.

(ii) In making a disposition on a finding that the child has committed a violation under Article 27, § 405A of the Code, the court may:

1. Counsel the child or the parent or both, or order the child to participate in a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use that is in the best interest of the child;

2. Impose a civil fine of not more than \$25 for the first violation and a civil fine of not more than \$100 for a second or subsequent violation; or

3. Order the child to participate in a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation.

(4) (I) IN MAKING A DISPOSITION ON A FINDING THAT THE CHILD HAS COMMITTED A VIOLATION UNDER ARTICLE 27, § 139C, § 151A, OR § 151C OF THE CODE, THE COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MARYLAND VEHICLE LAW, TO SUSPEND THE DRIVING PRIVILEGE OF A CHILD FOR A SPECIFIED PERIOD NOT TO EXCEED:

1. FOR A FIRST OFFENSE, 6 MONTHS; AND

2. FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.

(II) IF A CHILD SUBJECT TO A SUSPENSION UNDER THIS PARAGRAPH DOES NOT POSSESS THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, THE SUSPENSION SHALL COMMENCE:

(Over)

1. IF THE CHILD IS AT AN AGE THAT IS ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE OF THE DISPOSITION; OR

2. IF THE CHILD IS YOUNGER THAN AN AGE THAT IS ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE THE CHILD IS ELIGIBLE TO OBTAIN DRIVING PRIVILEGES.

Article - Transportation

16-206.

(a) (1) The Administration may suspend, revoke, or refuse to issue or renew the license of any resident or the privilege to drive of any nonresident on a showing by its records or other sufficient evidence that the applicant or licensee:

(i) Has been convicted of moving violations so often as to indicate an intent to disregard the traffic laws and the safety of other persons on the highways;

(ii) Is an unfit, unsafe, or habitually reckless or negligent driver of a motor vehicle;

(iii) Has permitted an unlawful or fraudulent use of a license, identification card, or a facsimile of a license or identification card;

(iv) Has used a license, identification card, or a facsimile of a license or identification card in an unlawful or fraudulent manner, unless the applicant or licensee is subject to the provisions of subsection (c) of this section;

(v) Has committed an offense in another state that, if committed in this State, would be grounds for suspension or revocation; or

(vi) Has knowingly made a false certification of required security in any application for a certificate of title or for the registration of a vehicle.

(2) The Administration may suspend a license to drive of an individual who fails to attend:

(i) A driver improvement program or an alcohol education program required under § 16-212 of this subtitle; or

(ii) A private alternative program or an alternative program that is provided by a political subdivision of this State under § 16-212 of this subtitle.

(3) The Administration may suspend or revoke a provisional license under § 16-213 of this subtitle.

(4) (I) PURSUANT TO A COURT ORDER UNDER ARTICLE 27, § 139C, § 151A, OR § 151C OF THE CODE, THE ADMINISTRATION:

1. SHALL INITIATE AN ACTION TO SUSPEND THE DRIVER'S LICENSE OR DRIVING PRIVILEGE OF AN INDIVIDUAL FOR A TIME SPECIFIED BY THE COURT; AND

2. MAY ISSUE A RESTRICTED LICENSE THAT IS LIMITED TO DRIVING A MOTOR VEHICLE:

A. FOR THE PURPOSE OF ATTENDING AN ALCOHOL EDUCATION OR ALCOHOLIC PREVENTION OR TREATMENT PROGRAM;

B. THAT IS REQUIRED IN THE COURSE OF EMPLOYMENT;

C. FOR THE PURPOSES OF DRIVING TO OR FROM A PLACE OF EMPLOYMENT IF THE INDIVIDUAL'S EMPLOYMENT WOULD BE

ADVERSELY AFFECTED BECAUSE THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE MEANS OF TRANSPORTATION TO OR FROM THE PLACE OF EMPLOYMENT; OR

D. FOR THE PURPOSES OF DRIVING TO OR FROM SCHOOL OR ANY OTHER PLACE OF EDUCATIONAL INSTRUCTION IF THE INDIVIDUAL'S EDUCATION WOULD BE ADVERSELY AFFECTED BECAUSE THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE MEANS OF TRANSPORTATION FOR EDUCATIONAL PURPOSES.

(II) IF AN INDIVIDUAL SUBJECT TO A SUSPENSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT POSSESS THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, THE SUSPENSION SHALL COMMENCE:

1. IF THE INDIVIDUAL IS AT AN AGE THAT IS ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE OF THE DISPOSITION; OR

2. IF THE INDIVIDUAL IS YOUNGER THAN AN AGE THAT IS ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE THE INDIVIDUAL IS ELIGIBLE TO OBTAIN DRIVING PRIVILEGES.

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

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

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

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

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

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

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

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

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

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

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

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

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

educational purposes.

(d) (1) After the Administration refuses to issue a license under this section, determines that a suspension should be imposed under subsection (a)(2) of this section, or determines that a suspension or revocation should be imposed under subsection (a)(3) of this section, the Administration immediately shall give written notice to the applicant or licensee, and the applicant or licensee may request a hearing as provided in Title 12, Subtitle 2 of this article.

(2) AFTER THE ADMINISTRATION SUSPENDS THE DRIVER'S LICENSE OR DRIVING PRIVILEGE OF AN INDIVIDUAL UNDER SUBSECTION (A)(4) OF THIS SECTION, THE ADMINISTRATION SHALL SEND WRITTEN NOTICE TO THE INDIVIDUAL, INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO CONTEST THE ACCURACY OF THE INFORMATION.

(3) ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO:

(I) WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN SUSPENDED; AND

(II) WHETHER THE INDIVIDUAL MAY BE ISSUED A RESTRICTED LICENSE THAT IS LIMITED TO DRIVING A MOTOR VEHICLE:

1. FOR THE PURPOSE OF ATTENDING AN ALCOHOL EDUCATION OR ALCOHOLIC PREVENTION OR TREATMENT PROGRAM;

2. THAT IS REQUIRED IN THE COURSE OF EMPLOYMENT;

3. FOR THE PURPOSES OF DRIVING TO OR FROM A PLACE OF EMPLOYMENT IF THE INDIVIDUAL'S EMPLOYMENT WOULD BE ADVERSELY AFFECTED BECAUSE THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE MEANS OF TRANSPORTATION TO OR FROM THE PLACE OF EMPLOYMENT; OR

4. FOR THE PURPOSES OF DRIVING TO OR FROM SCHOOL OR ANY OTHER PLACE OF EDUCATIONAL INSTRUCTION IF THE INDIVIDUAL'S EDUCATION WOULD BE ADVERSELY AFFECTED BECAUSE THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE MEANS OF TRANSPORTATION FOR EDUCATIONAL PURPOSES.

[(2)] (4) Except as otherwise provided in this section, the Administration may suspend or revoke a license under this section only after a hearing under Title 12, Subtitle 2 of this article.

[(3)] (5) If the Administration determines that there is a likelihood of substantial and immediate danger and harm to the licensee or others if the license is continued pending a hearing, the Administration:

(i) Immediately may suspend the license;

(ii) Within 7 days of a request for a hearing, shall grant the licensee a hearing as provided in Title 12, Subtitle 2 of this article; and

(iii) After the hearing, render an immediate decision as to whether or not it should continue the suspension or revoke the license.

16-208.

(a) (1) Except as provided in paragraph (2) of this subsection, [§ 16-206(c)] § 16-206(A)(4) AND (C) of this subtitle, and § 16-404(c)(2) and (3) of this title, the Administration may not suspend a license or privilege to drive for a period of more than 1 year.”;

and in line 6, strike “October” and substitute “July”.