

HOUSE BILL 170

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R5  
HB 416/98 - CGM

1999 Regular Session  
9lr0597

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By: **Delegates Mandel, Clagett, W. Baker, Barkley, Barve, Benson, Bobo, Bronrott, Brown, Cryor, Dembrow, Dypski, Frush, Glassman, Grosfeld, Heller, Howard, Hubbard, Hubers, Kagan, Kopp, Menes, Moe, Petzold, Sophocleus, Stern, Turner, Conroy, and Swain**

Introduced and read first time: January 29, 1999  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Multiple Moving Violations - Cumulative Assessment of**  
3 **Points**

4 FOR the purpose of requiring the Motor Vehicle Administration to assess cumulative  
5 points, subject to a certain limitation, against an individual who is convicted of  
6 reckless driving in combination with certain other moving violations arising out  
7 of the same incident; making stylistic changes; and generally relating to motor  
8 vehicles and the points that may be assessed against an individual for certain  
9 violations in combination with reckless driving.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 16-402 and 21-901.1  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 1998 Supplement)

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

17 **Article - Transportation**

18 16-402.

19 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
20 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
21 local authority, points shall be assessed against the individual as of the date of  
22 violation and as follows:

23 (1) Any moving violation not listed below and not contributing  
24 to an accident ..... 1 point

25 (2) Following another vehicle too closely.....2 points

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

1 (24) Failing to stop after accident resulting in damage to  
2 attended vehicle or property.....8 points

3 (25) Failing to stop after accident resulting in damage to  
4 unattended vehicle or property.....8 points

5 (26) Any violation of § 16-815 or § 16-816 of this title .....8 points

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

8 (28) Driving after refusal, suspension, cancellation, or  
9 revocation of license except for suspensions of license under the provisions of  
10 § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic  
11 laws or regulations of another state as described in § 16-303(i) of this title ..... 12 points

12 (29) Any violation of § 16-301, § 16-302, § 16-804, or §  
13 16-808(1) through (9) of this title..... 12 points

14 (30) Homicide, life threatening injury under Article 27, §  
15 388B of the Code, or assault committed by means of a vehicle ..... 12 points

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

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

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

20 (34) The making of a false affidavit or statement under oath,  
21 or falsely certifying to the truth of any fact or information to the  
22 Administration under the Maryland Vehicle Law or under any law relating  
23 to the ownership or operation of motor vehicles ..... 12 points

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

27 (b) [If] SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF a conviction occurs  
28 on multiple charges based on offenses alleged to have been committed at the same  
29 time or arising out of circumstances simultaneous in time and place, the  
30 Administration:

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

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

34 (C) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO HAS BEEN  
35 CONVICTED OF RECKLESS DRIVING UNDER § 21-901.1(A) OF THIS ARTICLE AND ONE  
36 OR MORE OF THE FOLLOWING PROVISIONS, BASED ON OFFENSES ALLEGED TO HAVE

1 BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES  
2 SIMULTANEOUS IN TIME AND PLACE:

- 3 (I) § 21-201 (OBEDIENCE TO TRAFFIC CONTROL DEVICES);  
4 (II) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);  
5 (III) § 21-301 (DRIVING ON THE RIGHT SIDE OF ROADWAY);  
6 (IV) § 21-303 (OVERTAKING AND PASSING VEHICLES);  
7 (V) § 21-304 (PASSING ON RIGHT);  
8 (VI) § 21-305 (LIMITATIONS ON OVERTAKING AND PASSING);  
9 (VII) § 21-307 (NO PASSING ZONES);  
10 (VIII) § 21-309 (DRIVING ON LANED ROADWAYS);  
11 (IX) § 21-310 (FOLLOWING TOO CLOSELY);  
12 (X) § 21-311 (DRIVING ON DIVIDED HIGHWAYS);  
13 (XI) § 21-401 (FAILURE TO YIELD RIGHT-OF-WAY);  
14 (XII) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);  
15 (XIII) § 21-707 (STOP SIGNS AND YIELD SIGNS);  
16 (XIV) § 21-801.1 (EXCEEDING MAXIMUM SPEED LIMITS);  
17 (XV) § 21-902 (DRIVING WHILE INTOXICATED, INTOXICATED PER SE,  
18 UNDER THE INFLUENCE OF ALCOHOL, A DRUG, A COMBINATION OF ALCOHOL AND  
19 DRUGS, OR A CONTROLLED DANGEROUS SUBSTANCE);  
20 (XVI) § 21-904 (FLEEING OR ELUDING POLICE);  
21 (XVII) § 21-1112 (TURNING OFF LIGHTS TO AVOID IDENTIFICATION);  
22 OR  
23 (XVIII) § 21-1116 (SPEED CONTESTS).

24 (2) THE ADMINISTRATION SHALL ASSESS AGAINST AN INDIVIDUAL  
25 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THE CUMULATIVE POINTS FOR  
26 RECKLESS DRIVING AND EACH ADDITIONAL CHARGE LISTED UNDER PARAGRAPH (1)  
27 OF THIS SUBSECTION FOR WHICH THE INDIVIDUAL IS CONVICTED, UP TO A  
28 MAXIMUM OF 12 POINTS.

1 21-901.1.

2 (a) A person is guilty of reckless driving if [he] THE PERSON drives a motor  
3 vehicle:

4 (1) In wanton or willful disregard for the safety of persons or property; or

5 (2) In a manner that indicates a wanton or willful disregard for the  
6 safety of persons or property.

7 (b) A person is guilty of negligent driving if [he] THE PERSON drives a motor  
8 vehicle in a careless or imprudent manner that endangers any property or the life or  
9 person of any individual.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1999.