

SENATE BILL 45

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R4

1999 Regular Session
9lr0127

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 9, 1999

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Businesses and Occupations - Fines**

3 FOR the purpose of authorizing the Motor Vehicle Administration, under certain
4 circumstances, to assess fines up to a certain amount on certain persons
5 licensed by the Motor Vehicle Administration to conduct certain businesses or
6 act in certain capacities; authorizing the Administration to conciliate certain
7 matters by conference; and requiring the Administration to adopt certain
8 regulations.

9 BY adding to
10 Article - Transportation
11 Section 15-110.1
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 15-412, 15-514, 15-607, 15-710, and 15-807
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1998 Supplement)

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

1

Article - Transportation2 15-110.1.

3 (A) IF THE ADMINISTRATION DETERMINES THAT THERE ARE REASONABLE
4 GROUND TO SUSPEND, REVOKE, OR REFUSE TO RENEW A LICENSE UNDER THIS
5 TITLE, IT MAY CONCILIATE THE MATTER BY CONFERENCE.

6 (B) THE ADMINISTRATION SHALL ADOPT REGULATIONS ESTABLISHING
7 CRITERIA FOR THE ASSESSMENT OF FINES UNDER THIS TITLE.

8 15-412.

9 (A) In addition to the other grounds specified in Subtitle 1 of this title for
10 refusal, suspension, or revocation of a license, the Administration may refuse to grant
11 a license under this subtitle to any person and may suspend, revoke, or refuse to
12 renew the license of any person if it finds that:

13 (1) The person has been convicted by final judgment in any court of a
14 crime of moral turpitude; or

15 (2) The vehicle sales transactions of the person have been marked by a
16 practice of failure to perform contracts or by fraud or bad faith.

17 (B) AS TO ANY PERSON LICENSED UNDER THIS SUBTITLE, INSTEAD OF OR IN
18 ADDITION TO REVOCATION, SUSPENSION, OR REFUSAL TO RENEW A LICENSE UNDER
19 THIS SECTION, THE ADMINISTRATION MAY ORDER THE LICENSEE TO PAY A FINE NOT
20 EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SUBTITLE.

21 15-514.

22 (A) In addition to the other grounds specified in Subtitle 1 of this title for
23 refusal, suspension, or revocation of a license, the Administration may refuse to grant
24 a license under this subtitle to any person and may suspend, revoke, or refuse to
25 renew the license of any person if it finds that the person has violated any applicable
26 rule or regulation of the Department of Health and Mental Hygiene.

27 (B) AS TO ANY PERSON LICENSED UNDER THIS SUBTITLE, INSTEAD OF OR IN
28 ADDITION TO REVOCATION, SUSPENSION, OR REFUSAL TO RENEW A LICENSE UNDER
29 THIS SECTION, THE ADMINISTRATION MAY ORDER THE LICENSEE TO PAY A FINE NOT
30 EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SUBTITLE.

31 15-607.

32 (A) In addition to the other grounds specified in Subtitle 1 of this title for
33 refusal, suspension, or revocation of a license, the Administration may refuse to grant
34 a license under this subtitle to any person and may suspend, revoke, or refuse to
35 renew the license of any person if it finds that:

1 (1) The person, his management personnel, or any other person who has
2 a direct or indirect financial interest in the title service agency is untrustworthy,
3 lacks competence, or has been convicted by final judgment in any court of a crime of
4 moral turpitude; or

5 (2) The title service agency transactions of the person with the
6 Administration have been marked by fraud or bad faith.

7 (B) AS TO ANY PERSON LICENSED UNDER THIS SUBTITLE, INSTEAD OF OR IN
8 ADDITION TO REVOCATION, SUSPENSION, OR REFUSAL TO RENEW A LICENSE UNDER
9 THIS SECTION, THE ADMINISTRATION MAY ORDER THE LICENSEE TO PAY A FINE NOT
10 EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SUBTITLE.

11 15-710.

12 (a) In addition to the other grounds specified in Subtitle 1 of this title for
13 refusal, suspension, or revocation of a license, the Administration may refuse to grant
14 a license under this subtitle to any person and may suspend, revoke, or refuse to
15 renew the license of any person if it finds that:

16 (1) The person has made a material misrepresentation or concealed a
17 material fact in obtaining a license;

18 (2) The person is not the true owner of the drivers' school;

19 (3) The person or any partner, officer, director, or stockholder of the
20 person, or any other person who has a direct or indirect interest in the drivers' school:

21 (i) Was the holder of a drivers' school license that was suspended or
22 revoked by the Administration; or

23 (ii) Was an officer, director, stockholder, or partner in a drivers'
24 school the license of which was suspended or revoked by the Administration;

25 (4) The person or any partner, officer, agent, or employee of the person
26 has committed any fraud in connection with the business conducted under the
27 license, including:

28 (i) Inducing any individual to obtain a driver's license by illegal or
29 improper means;

30 (ii) Representing or implying to any individual by word or deed that
31 a driver's license or any other license, registration, or other document or service
32 granted by the Administration may be obtained by any means other than those
33 specified by law; or

34 (iii) Furnishing or obtaining by illegal or improper means any
35 license, registration, or other document or service granted by the Administration, or
36 requesting or accepting money for that purpose; or

1 (5) As to any drivers' school that is a participant in the Maryland driver
2 education program, the person has failed to comply with any of the provisions of or
3 any of the rules and regulations adopted under the Maryland Driver Education
4 Program Act.

5 (b) Notwithstanding the renewal of any license, the Administration may
6 revoke or suspend that license for any violation or other cause, as permitted by this
7 title, that occurred during the 2 license years immediately preceding the renewal.

8 (C) AS TO ANY PERSON LICENSED UNDER THIS SUBTITLE, INSTEAD OF OR IN
9 ADDITION TO REVOCATION, SUSPENSION, OR REFUSAL TO RENEW A LICENSE UNDER
10 THIS SECTION, THE ADMINISTRATION MAY ORDER THE LICENSEE TO PAY A FINE NOT
11 EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SUBTITLE.

12 15-807.

13 (A) In addition to the other grounds specified in Subtitle 1 of this title for
14 refusal, suspension, or revocation of a license, the Administration may refuse to grant
15 a license under this subtitle to any person and may suspend, revoke, or refuse to
16 renew the license of any person if it finds that the person:

17 (1) Has been convicted of a crime of moral turpitude; or

18 (2) As to any driving instructor that is a participant in the Maryland
19 driver education program, the person has failed to comply with any of the provisions
20 of or any of the rules and regulations adopted under the Maryland Driver Education
21 Program Act.

22 (B) AS TO ANY PERSON LICENSED UNDER THIS SUBTITLE, INSTEAD OF OR IN
23 ADDITION TO REVOCATION, SUSPENSION, OR REFUSAL TO RENEW A LICENSE UNDER
24 THIS SECTION, THE ADMINISTRATION MAY ORDER THE LICENSEE TO PAY A FINE NOT
25 EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SUBTITLE.

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