

SENATE BILL 321

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SB 376/98 - JPR

1999 Regular Session
9r1163

By: **Senators Teitelbaum, Jimeno, Blount, Dorman, Kelley, Lawlah, Pinsky,
Conway, and Exum**

Introduced and read first time: February 5, 1999

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 requiring the court to notify the Motor Vehicle Administration
5 when an individual is convicted of driving or attempting to drive a motor vehicle
6 while the driver's license of the individual is suspended, revoked, or canceled;
7 authorizing the Administration, under certain circumstances, to suspend the
8 registration of a vehicle driven by an individual whose license was suspended,
9 revoked, or canceled; requiring the Administration to provide the registered
10 owner of the vehicle with a certain notice; authorizing the registered owner of
11 the vehicle to request a hearing within a certain time and by certain methods;
12 requiring the Administration to schedule a hearing for a certain time; limiting
13 the issues that may be raised at a hearing under this Act; establishing a
14 rebuttable presumption that the owner of the vehicle knew or should have
15 known that the vehicle was being driven by an individual whose driver's license
16 was suspended, revoked, or canceled; authorizing the owner of a vehicle with a
17 suspended registration to reregister the vehicle at certain times under certain
18 circumstances; authorizing a police officer to stop a vehicle displaying certain
19 temporary license plates to make certain determinations; and generally relating
20 to a suspended, revoked, or canceled driver's license and the suspension of
21 vehicle registration.

22 BY repealing and reenacting, without amendments,
23 Article - Transportation
24 Section 13-705.1
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 1998 Supplement)

27 BY adding to
28 Article - Transportation
29 Section 13-705.2
30 Annotated Code of Maryland
31 (1998 Replacement Volume and 1998 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 AN INDIVIDUAL IS CONVICTED OF DRIVING OR ATTEMPTING TO DRIVE A MOTOR
32 VEHICLE WHILE THE DRIVER'S LICENSE OF THE INDIVIDUAL IS SUSPENDED,
33 REVOKED, OR CANCELED, THE COURT SHALL NOTIFY THE ADMINISTRATION OF THE
34 CONVICTION, INCLUDING THE REGISTRATION NUMBER OF THE VEHICLE THAT THE
35 INDIVIDUAL WAS DRIVING OR ATTEMPTING TO DRIVE AT THE TIME OF THE
36 VIOLATION.

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

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

8 (2) THE REGISTERED OWNER MAY REQUEST A HEARING TO SHOW
9 CAUSE WHY THE REGISTRATION OF THE MOTOR VEHICLE SHOULD NOT BE
10 SUSPENDED;

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

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

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

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

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

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

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

28 (III) AFTER THE EXPIRATION OF THE 90-DAY TEMPORARY
29 REGISTRATION AND LICENSE PLATE, THE REGISTERED OWNER MAY REREGISTER
30 THE MOTOR VEHICLE AS PROVIDED FOR IN THIS SUBTITLE.

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

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

1 (F) AT A HEARING UNDER THIS SECTION, THE REGISTERED OWNER HAS THE
2 BURDEN OF PROVING THAT THE OWNER DID NOT KNOW THAT THE OPERATOR OF
3 THE MOTOR VEHICLE WAS DRIVING OR ATTEMPTING TO DRIVE THE MOTOR VEHICLE
4 WITH A SUSPENDED, REVOKED, OR CANCELED LICENSE.

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

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

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

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

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

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