

SENATE BILL 478

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R5  
HB 416/98 - CGM

1999 Regular Session  
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CF HB 170

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By: **Senators Teitelbaum and Ferguson**  
Introduced and read first time: February 5, 1999  
Assigned to: Judicial Proceedings

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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
- 26 (3) Speeding in excess of the posted speed limit by 10 miles an  
27 hour or more .....2 points

2.....

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

3.....

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

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

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

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

10 (29) Any violation of § 16-301, § 16-302, § 16-804, or §  
11 16-808(1) through (9) of this title..... 12 points

12 (30) Homicide, life threatening injury under Article 27, §  
13 388B of the Code, or assault committed by means of a vehicle..... 12 points

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

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

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

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

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

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

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

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

32 (C) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO HAS BEEN  
33 CONVICTED OF RECKLESS DRIVING UNDER § 21-901.1(A) OF THIS ARTICLE AND ONE  
34 OR MORE OF THE FOLLOWING PROVISIONS, BASED ON OFFENSES ALLEGED TO HAVE  
35 BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES  
36 SIMULTANEOUS IN TIME AND PLACE:

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

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

27 21-901.1.

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

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

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

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

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