
By: **Delegate Vallario**

Introduced and read first time: February 11, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Driving While License Revoked - Penalties**

3 FOR the purpose of requiring the Motor Vehicle Administration, on receiving notice of
4 a conviction under certain provisions of the Maryland Vehicle Law of an
5 individual whose license to drive is revoked, to extend the period of the license
6 revocation for a certain period instead of assessing certain points; providing for
7 certain procedures; providing that the Administration may not revoke a license
8 that is currently revoked; providing for the application of this Act; and generally
9 relating to an extension of a license revocation under certain circumstances for
10 an individual who is convicted of certain offenses while the individual's license
11 to drive is revoked.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 11-128, 11-150, and 27-101(h)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 16-402(a)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 1999 Supplement)

22 BY adding to
23 Article - Transportation
24 Section 16-402(c) and (d)
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 1999 Supplement)

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

Article - Transportation

11-128.

"License", as used in reference to the operation of a motor vehicle, means any:

- (1) Driver's license; and
- (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:
 - (i) Any temporary license;
 - (ii) A learner's instructional permit;
 - (iii) A provisional license;
 - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
 - (v) Any nonresident's privilege to drive, as defined in this subtitle;
 - (vi) A commercial driver's license.

11-150.

"Revoke", as used in reference to any license to drive a vehicle, means to terminate, by formal action of the Administration, an individual's license to drive a motor vehicle on highways in this State.

16-402.

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

- (1) Any moving violation not listed below and not contributing to an accident..... 1 point
- (2) Following another vehicle too closely.....2 points
- (3) Speeding in excess of the posted speed limit by 10 miles an hour or more2 points
- (4) Driving with an improper class of license2 points
- (5) Failing to stop for a school vehicle with activated alternately flashing red lights.....2 points

3.....

1	(6)	Any violation of § 21-1111 of this article	2 points
2	(7)	Passing an emergency or police vehicle under the provisions	
3		of § 21-405(d) of this article.....	2 points
4	(8)	A violation of § 21-511(a) of this article	2 points
5	(9)	Failure to stop a vehicle for a steady red traffic signal in	
6		violation of § 21-202 of this article	2 points
7	(10)	Any moving violation contributing to an accident.....	3 points
8	(11)	Driving after suspension of license under the provisions of §	
9		17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic	
10		laws or regulations of another state as described in § 16-303(i) of this title	3 points
11	(12)	Any violation, except violations committed on the John F.	
12		Kennedy Memorial Highway, of § 21-1411 of this article	3 points
13	(13)	Reckless driving	4 points
14	(14)	Speeding in excess of the posted speed limit by 30 miles an	
15		hour or more	5 points
16	(15)	Driving while not licensed.....	5 points
17	(16)	Failure to report an accident.....	5 points
18	(17)	Driving on a learner's permit unaccompanied.....	5 points
19	(18)	Any violation of § 17-107 of this article	5 points
20	(19)	Participating in a race or speed contest on a highway	5 points
21	(20)	Any violation of § 16-304 or § 16-305 of this title	5 points
22	(21)	Any violation of § 22-404.5 of this article	5 points
23	(22)	Speeding in excess of a posted speed limit of 65 miles an	
24		hour by 20 miles an hour or more	5 points
25	(23)	Driving while under the influence of alcohol or while under	
26		influence of a drug, combination of drugs, or combination of drugs and	
27		alcohol	8 points
28	(24)	Turning off lights of a vehicle to avoid identification	8 points
29	(25)	Failing to stop after accident resulting in damage to	
30		attended vehicle or property.....	8 points

4.....

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

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

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

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

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

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

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

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

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

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

22 (36) 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 (C) (1) ON RECEIVING A RECORD OF CONVICTION, UNDER § 16-211 (C) OR (F),
26 § 16-301 (D) OR (I), OR § 16-303 (D) OR (G) OF THIS TITLE, OF AN INDIVIDUAL WHOSE
27 LICENSE IS REVOKED, THE ADMINISTRATION SHALL ISSUE TO THE INDIVIDUAL A
28 NOTICE OF AN EXTENSION OF THE REVOCATION THAT:

29 (I) STATES THE DURATION OF THE EXTENSION OF THE LICENSE
30 REVOCATION, DATING FROM THE DATE OF THE CONVICTION, DURING WHICH THE
31 INDIVIDUAL'S LICENSE MAY NOT BE REINSTATED; AND

32 (II) ADVISES THE INDIVIDUAL OF THE RIGHT TO REQUEST A
33 HEARING.

34 (2) A NOTICE ISSUED UNDER THIS SUBSECTION, AND A HEARING
35 REQUESTED BY THE INDIVIDUAL, SHALL MEET THE REQUIREMENTS OF TITLE 12,
36 SUBTITLE 2 OF THIS ARTICLE.

1 (3) THE ADMINISTRATION MAY EXTEND THE PERIOD OF A LICENSE
2 REVOCATION UNDER THIS SUBSECTION FOR NOT MORE THAN 90 DAYS:

3 (I) IF THE INDIVIDUAL DOES NOT REQUEST A HEARING AS
4 PROVIDED BY TITLE 12, SUBTITLE 2 OF THIS ARTICLE;

5 (II) AFTER A HEARING, IF THE INDIVIDUAL IS DETERMINED TO
6 HAVE BEEN CONVICTED OF A VIOLATION DESCRIBED IN THIS SUBSECTION WHILE
7 THE INDIVIDUAL'S LICENSE TO DRIVE WAS REVOKED; OR

8 (III) IF THE INDIVIDUAL FAILS TO APPEAR FOR A HEARING
9 REQUESTED BY THE INDIVIDUAL UNDER THIS SUBSECTION.

10 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
11 ADMINISTRATION MAY NOT REVOKE A LICENSE THAT IS CURRENTLY REVOKED.

12 27-101.

13 (h) Any person who is convicted of a violation of any of the provisions of §
14 15-502(a) of this article ("License required"), § 16-303(a), (b), (c), (d), (e), (f), or (g) of
15 this article ("Driving while license is canceled, suspended, refused, or revoked"), §
16 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
17 evidence of required security") is subject to:

18 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
19 for not more than 1 year, or both; and

20 (2) For any subsequent offense, a fine of not more than \$1,000, or
21 imprisonment for not more than 2 years, or both.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed only prospectively and may not be applied or interpreted to have any effect
24 on or application to any conviction for a violation of the Maryland Vehicle Law for
25 which a final judgment has been entered before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2000.