
By: **Delegate Vallario**
Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters
Reassigned: Judiciary, February 18, 2000

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

CHAPTER _____

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~~ date before which the individual is not eligible for
7 reinstatement instead of assessing certain points; providing for certain
8 procedures; providing that the Administration may not revoke a license that is
9 currently revoked; providing for the application of this Act; and generally
10 relating to an extension of a license revocation under certain circumstances for
11 an individual who is convicted of certain offenses while the individual's license
12 to drive is revoked.

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 11-128, 11-150, 16-402(a), and 27-101(h)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article - Transportation~~
20 ~~Section 16-402(a)~~
21 ~~Annotated Code of Maryland~~
22 ~~(1999 Replacement Volume and 1999 Supplement)~~

23 BY adding to

1 Article - Transportation
 2 Section 16-402(c) and (d)
 3 Annotated Code of Maryland
 4 (1999 Replacement Volume and 1999 Supplement)

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

7 **Article - Transportation**

8 11-128.

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

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

21 11-150.

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

25 16-402.

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

- 30 (1) Any moving violation not listed below and not contributing
 31 to an accident..... 1 point
- 32 (2) Following another vehicle too closely.....2 points

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- 1 (3) Speeding in excess of the posted speed limit by 10 miles an
2 hour or more2 points
 - 3 (4) Driving with an improper class of license2 points
 - 4 (5) Failing to stop for a school vehicle with activated alternately
5 flashing red lights.....2 points
 - 6 (6) Any violation of § 21-1111 of this article2 points
 - 7 (7) Passing an emergency or police vehicle under the provisions
8 of § 21-405(d) of this article2 points
 - 9 (8) A violation of § 21-511(a) of this article2 points
 - 10 (9) Failure to stop a vehicle for a steady red traffic signal in
11 violation of § 21-202 of this article2 points
 - 12 (10) Any moving violation contributing to an accident.....3 points
 - 13 (11) Driving after suspension of license under the provisions of §
14 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
15 laws or regulations of another state as described in § 16-303(i) of this title3 points
 - 16 (12) Any violation, except violations committed on the John F.
17 Kennedy Memorial Highway, of § 21-1411 of this article3 points
 - 18 (13) Reckless driving4 points
 - 19 (14) Speeding in excess of the posted speed limit by 30 miles an
20 hour or more5 points
 - 21 (15) Driving while not licensed.....5 points
 - 22 (16) Failure to report an accident5 points
 - 23 (17) Driving on a learner's permit unaccompanied.....5 points
 - 24 (18) Any violation of § 17-107 of this article5 points
 - 25 (19) Participating in a race or speed contest on a highway5 points
 - 26 (20) Any violation of § 16-304 or § 16-305 of this title5 points
 - 27 (21) Any violation of § 22-404.5 of this article5 points
 - 28 (22) Speeding in excess of a posted speed limit of 65 miles an
29 hour by 20 miles an hour or more5 points
 - 30 (23) Driving while under the influence of alcohol or while under
31 influence of a drug, combination of drugs, or combination of drugs and

- 1 alcohol.....8 points
- 2 (24) Turning off lights of a vehicle to avoid identification.....8 points
- 3 (25) Failing to stop after accident resulting in damage to
- 4 attended vehicle or property.....8 points
- 5 (26) Failing to stop after accident resulting in damage to
- 6 unattended vehicle or property.....8 points
- 7 (27) Any violation of § 16-815 or § 16-816 of this title8 points
- 8 (28) Failing to stop after an accident resulting in bodily injury or
- 9 death.....12 points
- 10 (29) Driving after refusal, suspension, cancellation, or revocation
- 11 of license except for suspensions of license under the provisions of § 17-106,
- 12 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or
- 13 regulations of another state as described in § 16-303(i) of this title12 points
- 14 (30) Any violation of § 16-301, ~~EXCEPT § 16-301(d) or (i)~~, §
- 15 16-302, § 16-804, or § 16-808(1) through (9) of this title.....12 points
- 16 (31) Homicide, life threatening injury under Article 27, § 388B of
- 17 the Code, or assault committed by means of a vehicle12 points
- 18 (32) Driving while intoxicated, while intoxicated per se, or while
- 19 under the influence of illegally used controlled dangerous substance12 points
- 20 (33) Any felony involving use of a vehicle.....12 points
- 21 (34) Fleeing or attempting to elude a police officer12 points
- 22 (35) The making of a false affidavit or statement under oath, or
- 23 falsely certifying to the truth of any fact or information to the Administration
- 24 under the Maryland Vehicle Law or under any law relating to the ownership
- 25 or operation of motor vehicles12 points
- 26 (36) Any violation involving an unlawful taking or unauthorized
- 27 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this
- 28 article.....12 points
- 29 (C) (1) ~~ON INSTEAD OF ASSESSING POINTS, ON RECEIVING A RECORD OF~~
- 30 ~~CONVICTION, UNDER § 16-211 (C) OR (F), § 16-301 (D) OR (I), OR § 16-303 (D) OR (G) OF~~
- 31 ~~THIS TITLE, OF OF ANY MOVING VIOLATION BY AN INDIVIDUAL WHOSE LICENSE IS~~
- 32 ~~REVOKED, THE ADMINISTRATION SHALL ISSUE TO THE INDIVIDUAL A NOTICE OF AN~~
- 33 ~~EXTENSION OF THE REVOCATION EXTENDING THE DATE BEFORE WHICH THE~~
- 34 ~~INDIVIDUAL IS NOT ELIGIBLE FOR REINSTATEMENT THAT:~~

1 (I) STATES THE DURATION OF THE EXTENSION OF THE LICENSE
2 REVOCATION, DATING FROM THE DATE OF THE ~~CONVICTION~~ VIOLATION, DURING
3 WHICH THE INDIVIDUAL'S LICENSE MAY NOT BE REINSTATED; AND

4 (II) ADVISES THE INDIVIDUAL OF THE RIGHT TO REQUEST A
5 HEARING.

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

9 (3) THE ADMINISTRATION MAY EXTEND THE PERIOD OF A LICENSE
10 REVOCATION UNDER THIS SUBSECTION FOR NOT MORE THAN ~~90~~ 180 DAYS:

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

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

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

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

20 27-101.

21 (h) Any person who is convicted of a violation of any of the provisions of §
22 15-502(a) of this article ("License required"), § 16-303(a), (b), (c), (d), (e), (f), or (g) of
23 this article ("Driving while license is canceled, suspended, refused, or revoked"), §
24 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
25 evidence of required security") is subject to:

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

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

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

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

