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By: **Delegates Mandel, Clagett, W. Baker, Barkley, Barve, Benson, Bobo, Bronrott, Cryor, Dypski, Frush, Grosfeld, Heller, Howard, Hubbard, Hubers, Kagan, Kopp, Menes, Moe, Petzold, Sophocleus, Stern, Turner, Conroy, Swain, Boutin, Goldwater, and Pitkin**

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Aggressive Driving**

3 FOR the purpose of establishing under the Maryland Vehicle Law the offense of  
4 aggressive driving; prescribing the penalty for a conviction of aggressive driving;  
5 requiring the Motor Vehicle Administration to assess a prescribed number of  
6 points following a conviction of aggressive driving and a cumulative number of  
7 points for certain combinations of offenses, subject to a prescribed limit;  
8 providing that a prosecution for aggressive driving does not preclude a  
9 prosecution for certain underlying offenses and, for sentencing purposes, certain  
10 convictions do not merge; making stylistic changes; and generally relating to the  
11 prohibition of aggressive driving and related penalties under the Maryland  
12 Vehicle Law.

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 16-402, 21-901.1, and 27-101(c)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 1999 Supplement)

18 BY adding to  
19 Article - Transportation  
20 Section 21-901.2  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 1999 Supplement)

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

Article - Transportation

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 more .....2 points

(4) Driving with an improper class of license .....2 points

(5) Failing to stop for a school vehicle with activated alternately flashing red lights.....2 points

(6) Any violation of § 21-1111 of this article .....2 points

(7) Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article .....2 points

(8) A violation of § 21-511(a) of this article .....2 points

(9) Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article .....2 points

(10) Any moving violation contributing to an accident.....3 points

(11) Driving after suspension of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title .....3 points

(12) Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article .....3 points

(13) AGGRESSIVE DRIVING IN VIOLATION OF § 21-901.2 OF THIS ARTICLE.....3 POINTS

(14) Reckless driving .....4 points

[(14)] (15) Speeding in excess of the posted speed limit by 30 miles an hour or more.....5 points

[(15)] (16)..... Driving while not licensed 5 points

1	[(16)]	(17).....	Failure to report an accident	5 points
2	[(17)]	(18).....	Driving on a learner's permit unaccompanied	5 points
3	[(18)]	(19).....	Any violation of § 17-107 of this article	5 points
4	[(19)]	(20)	Participating in a race or speed contest on a	
5			highway .....	5 points
6	[(20)]	(21).....	Any violation of § 16-304 or § 16-305 of this title	5 points
7	[(21)]	(22).....	Any violation of § 22-404.5 of this article	5 points
8	[(22)]	(23)	Speeding in excess of a posted speed limit of 65	
9			miles an hour by 20 miles an hour or more.....	5 points
10	[(23)]	(24)	Driving while under the influence of alcohol or	
11			while under influence of a drug, combination of drugs, or combination of	
12			drugs and alcohol .....	8 points
13	[(24)]	(25)	Turning off lights of a vehicle to avoid	
14			identification .....	8 points
15	[(25)]	(26)	Failing to stop after accident resulting in damage	
16			to attended vehicle or property.....	8 points
17	[(26)]	(27)	Failing to stop after accident resulting in damage	
18			to unattended vehicle or property.....	8 points
19	[(27)]	(28).....	Any violation of § 16-815 or § 16-816 of this title.	8 points
20	[(28)]	(29)	Failing to stop after an accident resulting in bodily	
21			injury or death.....	12 points
22	[(29)]	(30)	Driving after refusal, suspension, cancellation, or	
23			revocation of license except for suspensions of license under the provisions of	
24			§ 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic	
25			laws or regulations of another state as described in § 16-303(i) of this title .....	12 points
26	[(30)]	(31)	Any violation of § 16-301, § 16-302, § 16-804, or §	
27			16-808(1) through (9) of this title.....	12 points
28	[(31)]	(32)	Homicide, life threatening injury under Article 27,	
29			§ 388B of the Code, or assault committed by means of a vehicle .....	12 points
30	[(32)]	(33)	Driving while intoxicated, while intoxicated per se,	
31			or while under the influence of illegally used controlled dangerous	
32			substance .....	12 points
33	[(33)]	(34).....	Any felony involving use of a vehicle	12 points

1 [(34)] (35)..... Fleeing or attempting to elude a police officer 12 points

2 [(35)] (36) The making of a false affidavit or statement under  
3 oath, or falsely certifying to the truth of any fact or information to the  
4 Administration under the Maryland Vehicle Law or under any law relating  
5 to the ownership or operation of motor vehicles ..... 12 points

6 [(36)] (37) Any violation involving an unlawful taking or  
7 unauthorized use of a motor vehicle under Article 27, § 342A or § 349, or §  
8 14-102 of this article ..... 12 points

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

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

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

16 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
17 ADMINISTRATION SHALL ASSESS AGAINST AN INDIVIDUAL CONVICTED OF  
18 AGGRESSIVE DRIVING UNDER § 21-901.2 OF THIS ARTICLE THE CUMULATIVE POINTS  
19 FOR AGGRESSIVE DRIVING AND EACH ADDITIONAL CHARGE LISTED IN § 21-901.2 OF  
20 THIS ARTICLE ON WHICH THE INDIVIDUAL IS CONVICTED FOR OFFENSES THAT HAVE  
21 BEEN COMMITTED AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES  
22 SIMULTANEOUS IN TIME AND PLACE.

23 (2) THE MAXIMUM ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION  
24 IS 12 POINTS.

25 21-901.1.

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

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

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

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

34 21-901.2.

35 (A) A PERSON IS GUILTY OF AGGRESSIVE DRIVING IF THE PERSON COMMITS A  
36 COMBINATION OF TWO OR MORE OF THE FOLLOWING VIOLATIONS UNDER THIS

1 TITLE OCCURRING AT THE SAME TIME OR ARISING OUT OF CIRCUMSTANCES  
2 SIMULTANEOUS IN TIME AND PLACE:

- 3 (1) § 21-201 (OBEDIENCE TO TRAFFIC CONTROL DEVICES);
- 4 (2) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);
- 5 (3) § 21-301 (DRIVING ON RIGHT SIDE OF ROADWAY);
- 6 (4) § 21-303 (OVERTAKING AND PASSING VEHICLES);
- 7 (5) § 21-304 (PASSING ON RIGHT);
- 8 (6) § 21-305 (LIMITATIONS ON OVERTAKING AND PASSING);
- 9 (7) § 21-307 (NO PASSING ZONES);
- 10 (8) § 21-309 (DRIVING ON LANED ROADWAYS);
- 11 (9) § 21-310 (FOLLOWING TOO CLOSELY);
- 12 (10) § 21-311 (DRIVING ON DIVIDED HIGHWAYS);
- 13 (11) § 21-401 (FAILURE TO YIELD RIGHT-OF-WAY);
- 14 (12) § 21-403 (FAILURE TO YIELD RIGHT-OF-WAY);
- 15 (13) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);
- 16 (14) § 21-707 (STOP SIGNS AND YIELD SIGNS);
- 17 (15) § 21-801.1 (EXCEEDING MAXIMUM SPEED LIMITS);
- 18 (16) § 21-901.1(A) (RECKLESS DRIVING);
- 19 (17) § 21-901.1(B) (NEGLIGENT DRIVING);
- 20 (18) § 21-902 (DRIVING WHILE INTOXICATED, INTOXICATED PER SE,  
21 UNDER INFLUENCE OF ALCOHOL, DRUG, OR COMBINATION OF ALCOHOL AND  
22 DRUGS, OR CONTROLLED DANGEROUS SUBSTANCE);
- 23 (19) § 21-904 (FLEEING OR ELUDING POLICE);
- 24 (20) § 21-1112 (TURNING OFF LIGHTS TO AVOID IDENTIFICATION); OR
- 25 (21) § 21-1116 (SPEED CONTESTS).

26 (B) (1) A PROSECUTION FOR AGGRESSIVE DRIVING UNDER SUBSECTION (A)  
27 OF THIS SECTION DOES NOT PRECLUDE THE PROSECUTION FOR ANY UNDERLYING  
28 OFFENSE LISTED IN SUBSECTION (A) OF THIS SECTION.

1 (2) FOR SENTENCING PURPOSES, A CONVICTION OF AGGRESSIVE  
2 DRIVING AND A CONVICTION OF ANY UNDERLYING OFFENSE UNDER SUBSECTION (A)  
3 OF THIS SECTION DO NOT MERGE.

4 27-101.

5 (c) Any person who is convicted of a violation of any of the provisions of the  
6 following sections of this article is subject to a fine of not more than \$500 or  
7 imprisonment for not more than 2 months or both:

8 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and  
9 misrepresentation prohibited");

10 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

11 (3) § 14-104 ("Damaging or tampering with vehicle");

12 (4) § 14-107 ("Removed, falsified, or unauthorized identification number  
13 or registration card or plate");

14 (5) § 14-110 ("Altered or forged documents and plates");

15 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

16 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

17 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

18 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

19 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons  
20 prohibited");

21 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");

22 (12) § 16-301 ("Unlawful application for or use of license");

23 (13) § 16-303(h) ("Licenses suspended under certain provisions of Code");

24 (14) § 16-303(i) ("Licenses suspended under certain provisions of the  
25 traffic laws or regulations of another state");

26 (15) § 18-106 ("Unauthorized use of rented motor vehicle");

27 (16) § 20-103 ("Driver to remain at scene - Accidents resulting only in  
28 damage to attended vehicle or property");

29 (17) § 20-104 ("Duty to give information and render aid");

30 (18) § 20-105 ("Duty on striking unattended vehicle or other property");

1 (19) § 20-108 ("False reports prohibited");

2 (20) § 21-206 ("Interference with traffic control devices or railroad signs  
3 and signals");

4 (21) As to a pedestrian in a marked crosswalk, § 21-502(a) ("Pedestrians'  
5 right-of-way in crosswalks: In general");

6 (22) As to another vehicle stopped at a marked crosswalk, § 21-502(c)  
7 ("Passing of vehicle stopped for pedestrian prohibited");

8 (23) § 21-901.2 ("AGGRESSIVE DRIVING");

9 (24) Except as provided in subsections (f) and (q) of this section, §  
10 21-902(b) ("Driving while under the influence of alcohol");

11 [(24)] (25) Except as provided in subsections (f) and (q) of this section, §  
12 21-902(c) ("Driving while under influence of drugs or drugs and alcohol");

13 [(25)] (26) Except as provided in subsections (f) and (q) of this section, §  
14 21-902(d) ("Driving while under influence of controlled dangerous substance"); or

15 [(26)] (27) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock  
16 systems").

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2000.