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By: **Delegates Mitchell, Hutchins, and Linton**  
Introduced and read first time: February 11, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages and Tobacco Violations - Driver's Licenses - Enhanced**  
3 **Suspension**

4 FOR the purpose of requiring that driver's licenses of certain persons under the age of  
5 21 years who misrepresent their age to purchase alcoholic beverages or certain  
6 tobacco products be suspended for certain minimum periods; establishing  
7 certain minimum suspension periods for first and second offenses; requiring  
8 that certain fines be used for a certain purpose; requiring a law enforcement  
9 officer to issue a citation to a child under certain circumstances; and generally  
10 relating to alcoholic beverages and tobacco violations.

11 BY repealing and reenacting, without amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 400, 401, 402(a), 403(a), and 406  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 27 - Crimes and Punishments  
18 Section 403(f)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1999 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Courts and Judicial Proceedings  
23 Section 3-820(d)(1) and 3-835(a)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 1999 Supplement)

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

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**Article 27 - Crimes and Punishments**

2 400.

3 It is unlawful for a person to knowingly and willfully make a misrepresentation  
4 or false statement as to the age of that person or another to any person licensed to sell  
5 alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of  
6 unlawfully obtaining, procuring, having unlawfully furnished to a person, or inducing  
7 to unlawfully furnish to a person an alcoholic beverage.

8 401.

9 It is unlawful for any person to obtain any alcoholic beverages from any person  
10 licensed to sell alcoholic beverages for consumption by any person under 21 years of  
11 age, knowing that the person is under 21 years of age.

12 402.

13 (a) Any person under the age of 18 years who violates the provisions of this  
14 subheading shall be issued a citation by a police officer authorized to make arrests  
15 and shall be subject to the procedures and dispositions provided in Subtitle 8 of Title  
16 3 of the Courts and Judicial Proceedings Article.

17 403.

18 (a) For purposes of this section, a violation of the provisions of this subheading  
19 is deemed a Code violation and is a civil offense.

20 (f) (1) If a person is found by the District Court to have committed a Code  
21 violation, that person shall be required to pay a fine in an amount not to exceed \$500.

22 (2) If the violation is a repeat offense, that person shall be required to  
23 pay a fine in an amount not to exceed \$1,000.

24 (3) (i) In this paragraph "driver's license" means a license or permit to  
25 drive a motor vehicle that is issued under the laws of this State or any other  
26 jurisdiction.

27 (ii) This paragraph applies only to:

28 1. A person who is at least 18 but under 21 years of age; or

29 2. A minor if the minor is subject to the jurisdiction of the  
30 court.

31 (iii) If a person is found guilty of a Code violation under § 400 OR §  
32 401 of this subheading that involved the use of a driver's license or a document  
33 purporting to be a driver's license, a court shall notify the Motor Vehicle  
34 Administration of the violation.

1 (iv) The Chief Judge of the District Court, in conjunction with the  
2 Motor Vehicle Administrator, shall establish uniform procedures for reporting Code  
3 violations described in this paragraph.

4 (4) The person shall be liable for the costs of the proceedings in the  
5 District Court.

6 (5) PROCEEDS FROM ALL FINES COLLECTED UNDER THIS SUBSECTION  
7 SHALL BE USED TO CONDUCT PROGRAMS FOR EMPLOYEES OF LICENSE HOLDERS  
8 FOR TECHNIQUES OF ALCOHOL MANAGEMENT TRAINING.

9 406.

10 (a) A minor may not:

11 (1) Use or, unless acting as the agent of the minor's employer within the  
12 scope of employment, possess any tobacco product or cigarette rolling papers; or

13 (2) Use any falsified identification, or use any identification other than  
14 his or her own, for the purpose of obtaining or attempting to obtain tobacco products  
15 or cigarette rolling papers.

16 (b) For purposes of this section, a violation of the provisions of this section is  
17 deemed a Code violation and is a civil offense.

18 (c) An individual who violates the provisions of this section shall be subject to  
19 the procedures and dispositions provided in Title 3, Subtitle 8 of the Courts and  
20 Judicial Proceedings Article.

21 (d) A law enforcement officer authorized to make arrests shall issue a citation  
22 to a person if the officer has probable cause to believe that the child is committing or  
23 has committed a Code violation.

24 **Article - Courts and Judicial Proceedings**

25 3-820.

26 (d) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this  
27 paragraph, in making a disposition on a finding that the child has committed the  
28 violation specified in a citation, the court may order the Motor Vehicle Administration  
29 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of  
30 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a  
31 specified period of not less than 30 days nor more than 90 days.

32 (ii) In this paragraph "driver's license" means a license or permit to  
33 drive a motor vehicle that is issued under the laws of this State or any other  
34 jurisdiction.

35 (iii) In making a disposition on a finding that the child has  
36 committed a violation under Article 27, § 400, § 401, OR § 406 of the Code specified in

