
By: **Delegate Minnick (Baltimore County Administration) and Delegate
Marriott (Baltimore City Administration)**

Introduced and read first time: February 15, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Licenses and Registration - Outstanding Arrest Warrants**

3 FOR the purpose of requiring the Motor Vehicle Administration, under certain
4 circumstances, to suspend an individual's driver's license or privilege to drive
5 and refuse to register or transfer the registration of the individual's vehicle if
6 the individual is named in an outstanding arrest warrant; requiring the
7 Administration to follow certain procedures before suspending the driver's
8 license or privilege to drive of an individual or refusing to register the
9 individual's vehicle under this Act; establishing certain notice and hearing
10 requirements; requiring the Administration to reinstate a suspended license or
11 privilege to drive or allow the registration of a certain individual's vehicle under
12 certain circumstances; requiring the Administration, in consultation with
13 certain entities, to adopt certain regulations; requiring the regulations to
14 include certain criteria and procedures; requiring the Administration to enter
15 into a certain agreement with a certain law enforcement officer if certain
16 criteria are met; providing for the construction of certain provisions of this Act;
17 defining certain terms; making a stylistic change; requiring the Administration
18 to submit certain reports to the General Assembly; and generally relating to
19 drivers' licenses, vehicle registration, and outstanding arrest warrants.

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 11-102 and 11-128
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 1999 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Transportation
27 Section 13-406
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 1999 Supplement)

30 BY adding to

1 Article - Transportation
2 Section 13-406.1 and 16-204
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 11-102.

9 "Administration" means the Motor Vehicle Administration.

10 11-128.

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

12 (1) Driver's license; and

13 (2) Any other license or permit to drive a motor vehicle that is issued
14 under or granted by the laws of this State, including:

15 (i) Any temporary license;

16 (ii) A learner's instructional permit;

17 (iii) A provisional license;

18 (iv) The privilege of any individual to drive a motor vehicle, whether
19 or not that individual is formally licensed by this or any other jurisdiction;

20 (v) Any nonresident's privilege to drive, as defined in this subtitle;
21 and

22 (vi) A commercial driver's license.

23 13-406.

24 The Administration shall refuse to register or transfer the registration of any
25 vehicle if:

26 (1) The application contains any false or fraudulent statement;

27 (2) The applicant has failed to furnish information or documents
28 required or requested by the Administration;

29 (3) Any required fee has not been paid;

1 (4) The applicant is not entitled to registration of the vehicle under the
2 Maryland Vehicle Law;

3 (5) The vehicle is mechanically unfit or unsafe to be operated on the
4 highways;

5 (6) The registration of the vehicle is suspended or revoked;

6 (7) A warrant for a motor vehicle violation under the Maryland Vehicle
7 Law has been issued against the applicant and has not been served on [him] THE
8 APPLICANT;

9 (8) SUBJECT TO § 13-406.1 OF THIS SUBTITLE, THE APPLICANT IS NAMED
10 IN AN OUTSTANDING ARREST WARRANT;

11 [(8)] (9) The Administration has reasonable grounds to believe:

12 (i) That the vehicle is stolen;

13 (ii) That the grant or transfer of registration would be a fraud
14 against another person; or

15 (iii) That the vehicle does not comply with Title 2, Subtitle 7 of the
16 Environment Article or any regulation adopted under that subtitle; or

17 [(9)] (10) The gross vehicle weight is 55,000 pounds or over and the
18 applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.
19 13-406.1.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "LAW ENFORCEMENT AGENCY" MEANS:

23 (I) A STATE, COUNTY, OR MUNICIPAL POLICE DEPARTMENT OR
24 AGENCY; OR

25 (II) A SHERIFF'S OFFICE.

26 (3) "OUTSTANDING WARRANT" MEANS AN ARREST WARRANT THAT:

27 (I) A LAW ENFORCEMENT AGENCY HAS ATTEMPTED, BUT FAILED,
28 TO SERVE ON THE INDIVIDUAL NAMED IN THE WARRANT DUE TO THE INABILITY TO
29 LOCATE THE INDIVIDUAL; AND

30 (II) IS AT LEAST 31 DAYS OLD.

31 (4) "PRIMARY LAW ENFORCEMENT OFFICER" MEANS:

1 (I) IN A MUNICIPAL CORPORATION, THE CHIEF OF POLICE, IF ANY,
2 OR THE CHIEF'S DESIGNEE;

3 (II) IN A COUNTY THAT HAS A COUNTY POLICE DEPARTMENT, THE
4 CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;

5 (III) IN A COUNTY WITHOUT A POLICE DEPARTMENT, THE SHERIFF
6 OR THE SHERIFF'S DESIGNEE;

7 (IV) IN BALTIMORE CITY, THE POLICE COMMISSIONER OR THE
8 POLICE COMMISSIONER'S DESIGNEE; OR

9 (V) THE SECRETARY OF STATE POLICE.

10 (B) SUBJECT TO SUBSECTION (G) OF THIS SECTION, ON NOTIFICATION BY A
11 LAW ENFORCEMENT AGENCY THAT AN APPLICANT FOR VEHICLE REGISTRATION IS
12 NAMED IN AN OUTSTANDING WARRANT, THE ADMINISTRATION SHALL REFUSE TO
13 REGISTER OR TRANSFER THE REGISTRATION OF ANY VEHICLE OWNED BY THE
14 APPLICANT.

15 (C) (1) BEFORE REFUSING TO REGISTER OR TRANSFER THE REGISTRATION
16 OF A VEHICLE UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION
17 SHALL SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO THE APPLICANT,
18 INCLUDING NOTICE OF THE APPLICANT'S RIGHT TO CONTEST THE ACCURACY OF
19 THE INFORMATION ON WHICH THE REFUSAL IS BASED.

20 (2) ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO
21 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
22 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE REGISTRATION
23 OR TRANSFER OF REGISTRATION HAS BEEN REFUSED.

24 (D) (1) AN INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT MAY APPEAL
25 A DECISION OF THE ADMINISTRATION UNDER THIS SECTION TO REFUSE TO
26 REGISTER OR TRANSFER THE REGISTRATION OF THE INDIVIDUAL'S VEHICLE.

27 (2) AT A HEARING UNDER THIS SUBSECTION, THE ONLY ISSUE SHALL BE
28 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
29 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE REGISTRATION
30 OR TRANSFER OF REGISTRATION HAS BEEN REFUSED.

31 (E) THE ADMINISTRATION SHALL REGISTER OR TRANSFER THE
32 REGISTRATION OF A VEHICLE OWNED BY AN INDIVIDUAL NAMED IN AN
33 OUTSTANDING WARRANT IF:

34 (1) THE ADMINISTRATION IS ORDERED BY A COURT TO REGISTER OR
35 TRANSFER THE REGISTRATION OF THE VEHICLE; OR

36 (2) A LAW ENFORCEMENT AGENCY NOTIFIES THE ADMINISTRATION
37 THAT:

1 (I) THE INDIVIDUAL NAMED IN THE OUTSTANDING WARRANT HAS
2 BEEN ARRESTED; OR

3 (II) THE OUTSTANDING WARRANT HAS BEEN OTHERWISE
4 SATISFIED.

5 (F) (1) THE ADMINISTRATION, IN COOPERATION WITH THE OFFICE OF
6 ADMINISTRATIVE HEARINGS AND IN CONSULTATION WITH THE PRIMARY LAW
7 ENFORCEMENT OFFICERS OF THE STATE, SHALL ADOPT REGULATIONS TO
8 IMPLEMENT THIS SECTION.

9 (2) THE REGULATIONS SHALL INCLUDE:

10 (I) CRITERIA THAT A LAW ENFORCEMENT AGENCY MUST MEET
11 PRIOR TO NOTIFYING THE ADMINISTRATION THAT AN INDIVIDUAL IS NAMED IN AN
12 OUTSTANDING WARRANT;

13 (II) A PROCEDURE FOR INFORMING AN INDIVIDUAL NAMED IN AN
14 OUTSTANDING WARRANT THAT THE REGISTRATION OR TRANSFER OF THE
15 REGISTRATION OF THE INDIVIDUAL'S VEHICLE HAS BEEN REFUSED; AND

16 (III) A PROCEDURE AND FORM THAT MUST BE FOLLOWED BY A LAW
17 ENFORCEMENT AGENCY TO NOTIFY THE ADMINISTRATION OF CHANGES IN THE
18 STATUS OF AN OUTSTANDING WARRANT.

19 (G) IF A LAW ENFORCEMENT AGENCY MEETS THE CRITERIA ESTABLISHED
20 UNDER SUBSECTION (F) OF THIS SECTION, THE ADMINISTRATION SHALL ENTER INTO
21 AN AGREEMENT WITH THE APPROPRIATE PRIMARY LAW ENFORCEMENT OFFICER
22 THAT PROVIDES FOR THE NOTIFICATION TO THE ADMINISTRATION OF PERSONS
23 NAMED IN OUTSTANDING WARRANTS.

24 (H) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE
25 ADMINISTRATION TO ARREST A PERSON NAMED IN AN OUTSTANDING WARRANT.

26 16-204.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
30 13-406.1(A)(2) OF THIS ARTICLE.

31 (3) "OUTSTANDING WARRANT" HAS THE MEANING STATED IN §
32 13-406.1(A)(3) OF THIS ARTICLE.

33 (4) "PRIMARY LAW ENFORCEMENT OFFICER" HAS THE MEANING
34 STATED IN § 13-406.1(A)(4) OF THIS ARTICLE.

35 (B) SUBJECT TO SUBSECTION (G) OF THIS SECTION, ON NOTIFICATION BY A
36 LAW ENFORCEMENT AGENCY THAT AN INDIVIDUAL IS NAMED IN AN OUTSTANDING

1 WARRANT, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S LICENSE OR
2 PRIVILEGE TO DRIVE IN THE STATE.

3 (C) (1) BEFORE SUSPENDING A LICENSE OR PRIVILEGE TO DRIVE UNDER
4 SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL SEND WRITTEN
5 NOTICE OF THE PROPOSED ACTION TO THE INDIVIDUAL NAMED IN THE
6 OUTSTANDING WARRANT, INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO
7 CONTEST THE ACCURACY OF THE INFORMATION ON WHICH THE SUSPENSION IS
8 BASED.

9 (2) ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO
10 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
11 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE LICENSE OR
12 PRIVILEGE TO DRIVE HAS BEEN SUSPENDED.

13 (D) (1) AN INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT MAY APPEAL
14 A DECISION OF THE ADMINISTRATION UNDER THIS SECTION TO SUSPEND THE
15 INDIVIDUAL'S LICENSE OR PRIVILEGE TO DRIVE.

16 (2) AT A HEARING UNDER THIS SUBSECTION, THE ONLY ISSUE SHALL BE
17 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
18 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE LICENSE OR
19 PRIVILEGE TO DRIVE HAS BEEN SUSPENDED.

20 (E) THE ADMINISTRATION SHALL REINSTATE A LICENSE OR PRIVILEGE TO
21 DRIVE THAT WAS SUSPENDED UNDER THIS SECTION IF:

22 (1) THE ADMINISTRATION IS ORDERED BY A COURT TO REINSTATE THE
23 LICENSE OR PRIVILEGE TO DRIVE; OR

24 (2) A LAW ENFORCEMENT AGENCY NOTIFIES THE ADMINISTRATION
25 THAT:

26 (I) THE INDIVIDUAL NAMED IN THE OUTSTANDING WARRANT HAS
27 BEEN ARRESTED; OR

28 (II) THE OUTSTANDING WARRANT HAS BEEN OTHERWISE
29 SATISFIED.

30 (F) (1) THE ADMINISTRATION, IN COOPERATION WITH THE OFFICE OF
31 ADMINISTRATIVE HEARINGS AND IN CONSULTATION WITH THE PRIMARY LAW
32 ENFORCEMENT OFFICERS OF THE STATE, SHALL ADOPT REGULATIONS TO
33 IMPLEMENT THIS SECTION.

34 (2) THE REGULATIONS SHALL INCLUDE:

35 (I) CRITERIA THAT A LAW ENFORCEMENT AGENCY MUST MEET
36 PRIOR TO NOTIFYING THE ADMINISTRATION THAT AN INDIVIDUAL IS NAMED IN AN
37 OUTSTANDING WARRANT;

1 (II) A PROCEDURE FOR INFORMING AN INDIVIDUAL NAMED IN AN
2 OUTSTANDING WARRANT THAT THE INDIVIDUAL'S LICENSE OR PRIVILEGE TO DRIVE
3 HAS BEEN SUSPENDED; AND

4 (III) A PROCEDURE AND FORM WHICH MUST BE FOLLOWED BY THE
5 LAW ENFORCEMENT AGENCY TO NOTIFY THE ADMINISTRATION OF CHANGES IN THE
6 STATUS OF AN OUTSTANDING WARRANT.

7 (G) IF A LAW ENFORCEMENT AGENCY MEETS THE CRITERIA ESTABLISHED
8 UNDER SUBSECTION (F) OF THIS SECTION, THE ADMINISTRATION SHALL ENTER INTO
9 AN AGREEMENT WITH THE APPROPRIATE PRIMARY LAW ENFORCEMENT OFFICER
10 THAT PROVIDES FOR THE NOTIFICATION TO THE ADMINISTRATION OF INDIVIDUALS
11 NAMED IN OUTSTANDING WARRANTS.

12 (H) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE
13 ADMINISTRATION TO ARREST AN INDIVIDUAL NAMED IN AN OUTSTANDING
14 WARRANT.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle
16 Administration, in consultation with the primary law enforcement officers in the
17 State that provide information to the Administration under Section 1 of this Act
18 regarding individuals named in outstanding arrest warrants, shall report to the
19 General Assembly pursuant to § 2-1246 of the State Government Article by October 1,
20 2001 and each year thereafter on the effectiveness of this Act in reducing the number
21 of outstanding arrest warrants in those jurisdictions that provide arrest warrant
22 information to the Administration.

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