

(PRE-FILED)

By: **Delegate Boutin**
Requested: November 14, 2000
Introduced and read first time: January 10, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages Violations - License to Drive - Suspension**

3 FOR the purpose of requiring a circuit court or the District Court to notify the Motor
4 Vehicle Administration if a person under the age of 21 years is found guilty of
5 certain alcoholic beverages violations; requiring the Court of Appeals, in
6 conjunction with the Motor Vehicle Administrator, to establish uniform
7 procedures for reporting from the circuit courts to the Administration certain
8 alcoholic beverages violations; requiring the defendant who is found guilty of
9 certain alcoholic beverages violations to pay certain costs in a circuit court;
10 requiring the juvenile court to order the Administration to initiate an action to
11 suspend for certain periods the license to drive of a child who is found to have
12 committed certain alcoholic beverages violations; requiring the Administration
13 to suspend the license to drive of a child for the period specified by a certain
14 order of the juvenile court concerning certain alcoholic beverages violations;
15 requiring the Administration to suspend for certain periods the license to drive
16 of a person under the age of 21 years on receipt of a certain notice from a circuit
17 court or the District Court concerning certain alcoholic beverages violations;
18 providing for the application of this Act; and generally relating to requiring the
19 suspension of a license to drive of a child or a person under the age of 21 years
20 for certain alcoholic beverages violations.

21 BY repealing and reenacting, without amendments,
22 Article 27 - Crimes and Punishments
23 Section 403(a)
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 27 - Crimes and Punishments
28 Section 403(f)
29 Annotated Code of Maryland
30 (1996 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Courts and Judicial Proceedings
3 Section 3-801(a), (d), and (g)
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 3-801(y) and 3-820(e)(1)
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Transportation
13 Section 16-206(c)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 403.

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

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

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

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

29 (ii)] This paragraph applies only to:

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

31 2. A minor if the minor is subject to the jurisdiction of the
32 court.

33 [(iii)] (II) If a person is found guilty of [a Code violation under § 400
34 of] A VIOLATION OF ARTICLE 2B, TITLE 19 OF THE CODE, § 21-903 OF THE

1 TRANSPORTATION ARTICLE, OR this subheading [that involved the use of a driver's
2 license or a document purporting to be a driver's license, a] THE court shall notify the
3 Motor Vehicle Administration of the violation.

4 [(iv)] (III) The Chief Judge of the District Court, in conjunction with
5 the Motor Vehicle Administrator, shall establish uniform procedures for reporting
6 Code violations described in this paragraph FROM THE DISTRICT COURT.

7 (IV) THE COURT OF APPEALS, IN CONJUNCTION WITH THE MOTOR
8 VEHICLE ADMINISTRATOR, SHALL ESTABLISH UNIFORM PROCEDURES FOR
9 REPORTING CODE VIOLATIONS DESCRIBED IN THIS PARAGRAPH FROM A CIRCUIT
10 COURT.

11 (4) The person shall be liable for the costs of the COURT proceedings [in
12 the District Court].

13 **Article - Courts and Judicial Proceedings**

14 3-801.

15 (a) In this subtitle, the following words have the meanings indicated, unless
16 the context of their use indicates otherwise.

17 (d) "Child" means a person under the age of 18 years.

18 (g) "Citation" means the written form issued by a police officer which serves
19 as the initial pleading against a child for a violation and which is adequate process to
20 give the court jurisdiction over the person cited.

21 (y) "Violation" means a violation of ARTICLE 2B, TITLE 19 OF THE CODE,
22 ARTICLE 27, § 400, § 400A, § 400B, § 401, or § 406 [of Article 27] of the Code [and],
23 § 26-103 of the Education Article, OR § 21-903 OF THE TRANSPORTATION ARTICLE for
24 which a citation is issued.

25 3-820.

26 (e) (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"], "LICENSE" means a
33 license or permit to drive a motor vehicle that is issued under the laws of this State or
34 any other jurisdiction.

35 [(iii)] (II) In making a disposition on a finding that the child has
36 committed a violation [under Article 27, § 400 of the Code specified in a citation that
37 involved the use of a driver's license or a document purporting to be a driver's

1 license], the court [may] SHALL order the Motor Vehicle Administration to initiate
 2 an action under the Maryland Vehicle Law to suspend the driving privilege of a child
 3 licensed to operate a motor vehicle by the Motor Vehicle Administration:

- 4 1. For a first offense, for 6 months; and
- 5 2. For a second or subsequent offense, until the child is 21
 6 years old.

7 (iv) In making a disposition on a finding that the child has
 8 committed a violation under § 26-103 of the Education Article, the court shall order
 9 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
 10 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
 11 Motor Vehicle Administration for a specified period of not less than 30 days nor more
 12 than 90 days.

13 (v) (III) If a child subject to a suspension under this subsection
 14 does not hold a license to operate a motor vehicle on the date of the disposition, the
 15 suspension shall commence:

- 16 1. If the child is at least 16 years of age on the date of the
 17 disposition, on the date of the disposition; or
- 18 2. If the child is younger than 16 years of age on the date of
 19 the disposition, on the date the child reaches the child's 16th birthday.

20 **Article - Transportation**

21 16-206.

22 (c) (1) Pursuant to a court order under § 3-820(e) of the Courts Article, the
 23 Administration shall initiate an action to suspend the driving privilege of a child for
 24 the time specified by the court.

25 (2) If a child subject to a suspension under § 3-820(e) of the Courts
 26 Article does not hold a license to operate a motor vehicle on the date of the court order,
 27 the suspension shall commence:

28 (i) If the child is at least 16 years of age on the date of the
 29 disposition, on the date of the disposition; or

30 (ii) If the child is younger than 16 years of age on the date of the
 31 disposition, on the date the child reaches the child's 16th birthday.

32 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
 33 the Administration shall suspend the license of an individual described under Article
 34 27, § 403(f) of the Code:

- 35 (i) For a first offense, for 6 months; and

1 (ii) For a second or subsequent offense, until the individual is 21
2 years old or for a period of 1 year, whichever is longer.

3 (4) If an individual subject to a suspension under paragraph (3) of this
4 subsection does not hold a license to operate a motor vehicle on the date that the
5 individual is found guilty of a Code violation, the suspension shall begin on the date
6 that the license is issued, or after the individual applies and becomes qualified to
7 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

8 (5) The Administration may modify a suspension under this subsection
9 or subsection (b) of this section or issue a restricted license if:

10 (i) The license is required for the purpose of attending an alcohol
11 education or alcoholic prevention or treatment program;

12 (ii) The child or individual is required to drive a motor vehicle in
13 the course of employment;

14 (iii) It finds that the individual's or child's employment would be
15 adversely affected because the individual or child has no reasonable alternative
16 means of transportation to or from a place of employment; or

17 (iv) It finds that the individual's or child's education would be
18 adversely affected because the individual or child has no reasonable alternative
19 means of transportation for educational purposes.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed only prospectively and may not be applied or interpreted to have any effect
22 on or application to any alcoholic beverages violation committed before the effective
23 date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.