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By: **Delegates Mitchell, Hutchins, and Linton**  
Introduced and read first time: February 2, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Alcoholic Beverages Violations - Penalties - License Suspensions and**  
3                                   **Distribution of Fines**

4 FOR the purpose of requiring a court in making a disposition on a finding that a child  
5 under a certain age has committed a violation involving misrepresentation of  
6 the child's age to purchase alcoholic beverages to order the Motor Vehicle  
7 Administration to suspend the child's driver's license for certain periods of time;  
8 altering certain suspension periods; requiring that fines collected for certain  
9 violations be credited to a fund administered by the local board of license  
10 commissioners in the county where the violation occurred; establishing the  
11 purpose of the fund; establishing that certain persons may apply to a local board  
12 for reimbursement from the fund for certain costs; requiring a local board to  
13 reimburse certain persons to a certain extent; requiring a local board to adopt  
14 certain regulations; and generally relating to penalties for certain alcoholic  
15 beverages violations.

16 BY repealing and reenacting, without amendments,  
17 Article 27 - Crimes and Punishments  
18 Section 400, 401, 402(a) and (b), and 403(a)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article 27 - Crimes and Punishments  
23 Section 403(f)  
24 Annotated Code of Maryland  
25 (1996 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Courts and Judicial Proceedings  
28 Section 3-820(e)(1)  
29 Annotated Code of Maryland  
30 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Transportation  
3 Section 16-206(c)  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 2000 Supplement)

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

8 **Article 27 - Crimes and Punishments**

9 400.

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

15 401.

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

19 402.

20 (a) Any person under the age of 18 years who violates the provisions of this  
21 subheading shall be issued a citation by a police officer authorized to make arrests  
22 and shall be subject to the procedures and dispositions provided in Subtitle 8 of Title  
23 3 of the Courts and Judicial Proceedings Article.

24 (b) Any person 18 years old or older who violates the provisions of this  
25 subheading shall be issued a citation and be subject to the provisions of § 403 of this  
26 subheading.

27 403.

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

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

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

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

4                   (ii)   This paragraph applies only to:

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

6                               2.     A minor if the minor is subject to the jurisdiction of the  
7 court.

8                   (iii)   If a person is found guilty of a Code violation under § 400 OR §  
9 401 of this subheading that involved the use of a driver's license or a document  
10 purporting to be a driver's license, a court shall notify the Motor Vehicle  
11 Administration of the violation.

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

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

17                   (5)    (I)    PROCEEDS FROM ALL FINES COLLECTED UNDER THIS  
18 SUBSECTION SHALL BE CREDITED TO A SPECIAL FUND ADMINISTERED BY THE  
19 BOARD OF LICENSE COMMISSIONERS IN THE COUNTY IN WHICH THE VIOLATION  
20 OCCURRED.

21                               (II)   A SPECIAL FUND ADMINISTERED BY A BOARD OF LICENSE  
22 COMMISSIONERS UNDER THIS PARAGRAPH SHALL BE USED TO SUBSIDIZE RETAIL  
23 LICENSEES OR EMPLOYEES OF RETAIL LICENSEES WHO COMPLETE AN APPROVED  
24 ALCOHOL AWARENESS PROGRAM UNDER ARTICLE 2B, § 13-101 OF THE CODE.

25                               (III)   1.     A RETAIL LICENSEE OR AN EMPLOYEE OF A RETAIL  
26 LICENSEE WHO COMPLETES AN APPROVED ALCOHOL AWARENESS PROGRAM UNDER  
27 ARTICLE 2B, § 13-101 OF THE CODE MAY APPLY TO THE LOCAL BOARD FOR  
28 REIMBURSEMENT OF ALL OR A PORTION OF THE COST OF THE PROGRAM.

29                                       2.     THE BOARD SHALL REIMBURSE A PERSON DESCRIBED IN  
30 SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH TO THE EXTENT THAT FUNDS ARE  
31 AVAILABLE IN THE SPECIAL FUND, UP TO A MAXIMUM OF THE COST OF THE  
32 PROGRAM.

33                               (IV)   EACH LOCAL BOARD MAY ADOPT REGULATIONS TO  
34 IMPLEMENT THIS PARAGRAPH, INCLUDING REGULATIONS ESTABLISHING A  
35 MAXIMUM AMOUNT THAT A BOARD MAY REIMBURSE A LICENSEE OR AN EMPLOYEE  
36 OF THE LICENSEE.

1 **Article - Courts and Judicial Proceedings**

2 3-820.

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

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

12 (iii) In making a disposition on a finding that the child has  
13 committed a violation under Article 27, § 400 OR § 401 of the Code specified in a  
14 citation that involved the use of a driver's license or a document purporting to be a  
15 driver's license, the court [may] SHALL order the Motor Vehicle Administration to  
16 initiate an action under the Maryland Vehicle Law to suspend the driving privilege of  
17 a child licensed to operate a motor vehicle by the Motor Vehicle Administration:

18 1. For a first offense, for A PERIOD NOT LESS THAN 3  
19 MONTHS AND NOT EXCEEDING 6 months; and

20 2. For a second or subsequent offense, [until the child is 21  
21 years old] FOR A PERIOD NOT LESS THAN 6 MONTHS BUT NOT EXTENDING BEYOND  
22 THE CHILD'S TWENTY-FIRST BIRTHDAY.

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

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

32 1. If the child is at least 16 years of age on the date of the  
33 disposition, on the date of the disposition; or

34 2. If the child is younger than 16 years of age on the date of  
35 the disposition, on the date the child reaches the child's 16th birthday.

**Article - Transportation**

16-206.

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

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

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

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

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

(i) For a first offense, for A PERIOD NOT LESS THAN 3 MONTHS AND NOT EXCEEDING 6 months; and

(ii) For a second or subsequent offense, [until the individual is 21 years old or for a period of 1 year, whichever is longer] FOR A PERIOD NOT LESS THAN 6 MONTHS BUT NOT EXTENDING BEYOND THE CHILD'S TWENTY-FIRST BIRTHDAY.

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

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

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

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

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

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

4       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2001.