

HOUSE BILL 699

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R3

2001 Regular Session
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By: **Delegates Bronrott, W. Baker, Barkley, Barve, Benson, Bobo, Boschert, Boutin, Burns, Conroy, Cryor, Dypski, Eckardt, Finifter, Franchot, Frush, Getty, Glassman, Goldwater, Grosfeld, Hecht, Heller, Hixson, Hubers, Kagan, Kopp, Malone, Mandel, Marriott, McKee, Menes, Parrott, Petzold, Pitkin, Riley, Rzepkowski, Shank, Sher, Shriver, Snodgrass, Stern, and Swain**

Introduced and read first time: February 8, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages Violations - Drivers' Licenses and Driving Privileges -**
3 **Suspensions**

4 FOR the purpose of requiring a court to notify the Motor Vehicle Administration when
5 a person under the age of 21 years is found guilty of certain alcoholic beverages
6 violations; authorizing a court to order the Administration, after receiving a
7 certain notice, to suspend for a certain period the driver's license or driving
8 privilege of a person under the age of 21 years who is found guilty of unlawful
9 possession of alcoholic beverages; requiring the juvenile court to notify the
10 Administration when a certain type of violation has occurred; authorizing the
11 juvenile court to order the Administration to suspend the driving privilege of
12 certain children who have committed certain types of violations involving
13 alcoholic beverages; altering the time at which certain suspensions commence;
14 authorizing the Chief Judge of the Court of Appeals to participate in the
15 establishment of certain procedures; authorizing the Court to order the
16 Department of Health and Mental Hygiene to evaluate certain persons for
17 certain purposes; making certain stylistic changes; altering a definition; and
18 generally relating to driver's license and driving privilege suspensions for
19 alcoholic beverages violations.

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

25 BY repealing and reenacting, with amendments,
26 Article 27 - Crimes and Punishments
27 Section 400, 400A, and 403(f)

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2000 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article - Courts and Judicial Proceedings
5 Section 3-801(a), (d), and (g) and 3-820(b)(1)
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2000 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-801(y) and 3-820(e)(1)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-206(c)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 400.

22 [It is unlawful for a] A person [to] MAY NOT knowingly and willfully [make a
23 misrepresentation or] MISREPRESENT OR MAKE A false statement as to the age of
24 that person or another to any person licensed to sell alcoholic beverages or engaged in
25 the sale of alcoholic beverages, for [the purpose of] unlawfully obtaining,
26 UNLAWFULLY procuring, having unlawfully furnished to a person, or inducing to
27 unlawfully furnish to a person an alcoholic beverage.

28 400A.

29 [It is unlawful for any] A person under the age of 21 years [to] MAY NOT have
30 in [his] THE PERSON'S possession, or under [his] THE PERSON'S charge or control,
31 any alcoholic beverage unless the person is a bona fide employee of the license holder,
32 as defined in Article 2B OF THE CODE, and has in [his] THE PERSON'S possession, or
33 under [his] THE PERSON'S charge or control, alcoholic beverages during regular
34 working hours and in the LAWFUL course of [his] THE PERSON'S employment.

1 403.

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

4 (f) (1) If a person is found by [the District Court] A COURT to have
5 committed a Code violation, [that] THE person [shall be required to pay] IS SUBJECT
6 TO a fine in an amount not to exceed \$500.

7 (2) If the violation is a repeat offense, [that] THE person [shall be
8 required to] IS SUBJECT TO pay a fine in an amount not to exceed \$1,000.

9 (3) (i) 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 (ii) This paragraph applies only to:

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

14 2. A minor if the minor is subject to the jurisdiction of the
15 court.

16 (iii) If a person is found guilty of a Code violation under § 400 OR §
17 400A of this subheading [that involved the use of a driver's license or a document
18 purporting to be a driver's license, a], THE court shall notify the Motor Vehicle
19 Administration of the violation AND MAY ORDER THE MOTOR VEHICLE
20 ADMINISTRATION TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO
21 SUSPEND THE DRIVING PRIVILEGE OF A PERSON:

22 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
23 AND

24 2. FOR A SUBSEQUENT OFFENSE, UNTIL THE PERSON
25 REACHES THE PERSON'S 21ST BIRTHDAY OR UNTIL ONE YEAR ELAPSES, WHICHEVER
26 EVENT OCCURS LATER.

27 (iv) The Chief Judge of the District Court, in conjunction with the
28 Motor Vehicle Administrator AND THE CHIEF JUDGE OF THE COURT OF APPEALS,
29 shall establish uniform procedures for reporting Code violations described in this
30 paragraph.

31 (4) IN ADDITION TO ANY OTHER DISPOSITION BY THE COURT, THE
32 COURT MAY ORDER:

33 (I) THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE TO
34 EVALUATE THE PERSON WHO COMMITTED A VIOLATION OF THIS SUBHEADING OR OF
35 § 3-821 OF THE COURTS ARTICLE TO DETERMINE WHETHER THE PERSON IS IN NEED
36 OF OR WOULD BENEFIT FROM ALCOHOL OR DRUG TREATMENT; AND

1 (II) A PERSON WHO COMMITTED A VIOLATION OF THIS
 2 SUBSECTION OR OF § 3-821 OF THE COURTS ARTICLE TO BE EVALUATED BY THE
 3 DEPARTMENT OF MENTAL HEALTH AND HYGIENE AND TO COMPLETE ANY
 4 TREATMENT INDICATED IN THE EVALUATION.

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

7 **Article - Courts and Judicial Proceedings**

8 3-801.

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

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

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

15 (y) "Violation" means a violation of ARTICLE 2B, TITLE 19 OF THE CODE FOR
 16 WHICH A PETITION ALLEGING DELINQUENCY IS FILED, OR ARTICLE 27, § 400, § 400A,
 17 § 400B, § 401, § 403A, or § 406 of [Article 27 of] the Code [and], § 26-103 of the
 18 Education Article, OR § 21-903 OF THE TRANSPORTATION ARTICLE for which a citation
 19 is issued.

20 3-820.

21 (b) (1) After an adjudicatory hearing the court shall hold a separate
 22 disposition hearing, unless the petition or citation is dismissed or unless such hearing
 23 is waived in writing by all of the parties.

24 (e) (1) (i) [Subject to the provisions of subparagraphs (iii) and (iv) of this
 25 paragraph, in] IN making a disposition on a finding that the child has committed the
 26 violation specified [in a citation], the court SHALL NOTIFY THE MOTOR VEHICLE
 27 ADMINISTRATION OF THE VIOLATION AND may order the Motor Vehicle
 28 Administration to initiate an action, under the motor vehicle laws, to suspend the
 29 driving privilege of a child [licensed to operate a motor vehicle by the Motor Vehicle
 30 Administration for a specified period of not less than 30 days nor more than 90 days]:

31 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
 32 AND

33 2. FOR A SUBSEQUENT OFFENSE, UNTIL THE CHILD
 34 REACHES THE CHILD'S 21ST BIRTHDAY OR UNTIL ONE YEAR ELAPSES, WHICHEVER
 35 EVENT OCCURS LATER.

1 (ii) 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 (iii) [In making a disposition on a finding that the child has
 5 committed a violation under Article 27, § 400 OR § 400A of the Code specified in a
 6 citation that involved the use of a driver's license or a document purporting to be a
 7 driver's license, the court may order the Motor Vehicle Administration to initiate an
 8 action under the Maryland Vehicle Law to suspend the driving privilege of a child
 9 licensed to operate a motor vehicle by the Motor Vehicle Administration:

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

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

19 (v) If a child subject to a suspension under this subsection does not
 20 hold a DRIVER'S license [to operate a motor vehicle on the date of the disposition], the
 21 suspension shall commence:

- 22 1. If the child is at least 16 years of age on the date of the
 23 disposition, on the date of the disposition; or
 24 2. If the child is younger than 16 years of age on the date of
 25 the disposition, on the date the child reaches the child's 16th birthday] AS PROVIDED
 26 UNDER § 16-206(C)(2) OF THE TRANSPORTATION ARTICLE.

27 **Article - Transportation**

28 16-206.

29 (c) (1) Pursuant to a court order under ARTICLE 27, § 403(F) OR § 3-820(e) of
 30 the Courts Article, the Administration shall initiate an action to suspend the driving
 31 privilege of [a child] AN INDIVIDUAL for the time specified by the court.

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

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

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

3 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
4 the Administration shall suspend the license of an individual described under Article
5 27, § 403(f) of the Code:

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

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

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

14 [(5)] (3) The Administration may modify a suspension under this
15 subsection or subsection (b) of this section or issue a restricted license if:

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

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

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

23 (iv) It finds that the individual's [or child's] education would be
24 adversely affected because the individual [or child] has no reasonable alternative
25 means of transportation for educational purposes.

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