
By: **Delegates Giannetti, Vallario, and Gladden**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Driving While License Revoked - Penalties**

3 FOR the purpose of requiring the Motor Vehicle Administration, on receiving notice of
4 a conviction under certain provisions of the Maryland Vehicle Law of an
5 individual whose license to drive is revoked, to extend the date before which the
6 individual is not eligible for reinstatement instead of assessing certain points;
7 providing for certain procedures; providing that the Administration may not
8 revoke a license that is currently revoked; providing for the application of this
9 Act; and generally relating to an extension of a license revocation under certain
10 circumstances for an individual who is convicted of certain offenses while the
11 individual's license to drive is revoked.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 11-128, 11-150, 16-402(a), and 27-101(h)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

17 BY adding to
18 Article - Transportation
19 Section 16-402(c) and (d)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

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

24 **Article - Transportation**

25 11-128.

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

27 (1) Driver's license; and

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

3 (i) Any temporary license;

4 (ii) A learner's instructional permit;

5 (iii) A provisional license;

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

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

10 (vi) A commercial driver's license.

11 11-150.

12 "Revoke", as used in reference to any license to drive a vehicle, means to
13 terminate, by formal action of the Administration, an individual's license to drive a
14 motor vehicle on highways in this State.

15 16-402.

16 (a) After the conviction of an individual for a violation of Article 27, § 388, §
17 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
18 local authority, points shall be assessed against the individual as of the date of
19 violation and as follows:

20 (1) Any moving violation not listed below and not contributing
21 to an accident 1 point

22 (2) Following another vehicle too closely.....2 points

23 (3) Speeding in excess of the posted speed limit by 10 miles an
24 hour or more2 points

25 (4) Driving with an improper class of license2 points

26 (5) Failing to stop for a school vehicle with activated alternately
27 flashing red lights.....3 points

28 (6) Any violation of § 21-1111 of this article2 points

29 (7) Passing an emergency or police vehicle under the provisions
30 of § 21-405(d) of this article2 points

31 (8) A violation of § 21-511(a) of this article2 points

- 1 (9) Failure to stop a vehicle for a steady red traffic signal in
2 violation of § 21-202 of this article2 points
- 3 (10) Any moving violation contributing to an accident.....3 points
- 4 (11) Driving after suspension of license under the provisions of §
5 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
6 laws or regulations of another state as described in § 16-303(i) of this title3 points
- 7 (12) Any violation, except violations committed on the John F.
8 Kennedy Memorial Highway, of § 21-1411 of this article3 points
- 9 (13) Speeding in excess of the posted speed limit by 30 miles an
10 hour or more5 points
- 11 (14) Driving while not licensed.....5 points
- 12 (15) Failure to report an accident5 points
- 13 (16) Driving on a learner's permit unaccompanied.....5 points
- 14 (17) Any violation of § 17-107 of this article5 points
- 15 (18) Participating in a race or speed contest on a highway5 points
- 16 (19) Any violation of § 16-304 or § 16-305 of this title5 points
- 17 (20) Any violation of § 22-404.5 of this article5 points
- 18 (21) Speeding in excess of a posted speed limit of 65 miles an
19 hour by 20 miles an hour or more5 points
- 20 (22) Reckless driving6 points
- 21 (23) Driving while under the influence of alcohol or while under
22 influence of a drug, combination of drugs, or combination of drugs and
23 alcohol8 points
- 24 (24) Turning off lights of a vehicle to avoid identification8 points
- 25 (25) Failing to stop after accident resulting in damage to
26 attended vehicle or property.....8 points
- 27 (26) Failing to stop after accident resulting in damage to
28 unattended vehicle or property.....8 points
- 29 (27) Any violation of § 16-815 or § 16-816 of this title8 points
- 30 (28) Failing to stop after an accident resulting in bodily injury or
31 death.....12 points

1 (29) Driving after refusal, suspension, cancellation, or revocation
2 of license except for suspensions of license under the provisions of § 17-106,
3 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or
4 regulations of another state as described in § 16-303(i) of this title 12 points

5 (30) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)
6 through (9) of this title..... 12 points

7 (31) Homicide, life threatening injury under Article 27, § 388B of
8 the Code, or assault committed by means of a vehicle 12 points

9 (32) Driving while intoxicated, while intoxicated per se, or while
10 under the influence of illegally used controlled dangerous substance 12 points

11 (33) Any felony involving use of a vehicle..... 12 points

12 (34) Fleeing or attempting to elude a police officer 12 points

13 (35) The making of a false affidavit or statement under oath, or
14 falsely certifying to the truth of any fact or information to the Administration
15 under the Maryland Vehicle Law or under any law relating to the ownership
16 or operation of motor vehicles 12 points

17 (36) Any violation involving an unlawful taking or unauthorized
18 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this
19 article..... 12 points

20 (C) (1) INSTEAD OF ASSESSING POINTS, ON RECEIVING A RECORD OF
21 CONVICTION OF ANY MOVING VIOLATION BY AN INDIVIDUAL WHOSE LICENSE IS
22 REVOKED, THE ADMINISTRATION SHALL ISSUE TO THE INDIVIDUAL A NOTICE
23 EXTENDING THE DATE BEFORE WHICH THE INDIVIDUAL IS NOT ELIGIBLE FOR
24 REINSTATEMENT THAT:

25 (I) STATES THE DURATION OF THE EXTENSION OF THE LICENSE
26 REVOCATION, DATING FROM THE DATE OF THE VIOLATION, DURING WHICH THE
27 INDIVIDUAL'S LICENSE MAY NOT BE REINSTATED; AND

28 (II) ADVISES THE INDIVIDUAL OF THE RIGHT TO REQUEST A
29 HEARING.

30 (2) A NOTICE ISSUED UNDER THIS SUBSECTION, AND A HEARING
31 REQUESTED BY THE INDIVIDUAL, SHALL MEET THE REQUIREMENTS OF TITLE 12,
32 SUBTITLE 2 OF THIS ARTICLE.

33 (3) THE ADMINISTRATION MAY EXTEND THE PERIOD OF A LICENSE
34 REVOCATION UNDER THIS SUBSECTION FOR NOT MORE THAN 180 DAYS:

35 (I) IF THE INDIVIDUAL DOES NOT REQUEST A HEARING AS
36 PROVIDED BY TITLE 12, SUBTITLE 2 OF THIS ARTICLE;

1 (II) AFTER A HEARING, IF THE INDIVIDUAL IS DETERMINED TO
2 HAVE BEEN CONVICTED OF A VIOLATION DESCRIBED IN THIS SUBSECTION WHILE
3 THE INDIVIDUAL'S LICENSE TO DRIVE WAS REVOKED; OR

4 (III) IF THE INDIVIDUAL FAILS TO APPEAR FOR A HEARING
5 REQUESTED BY THE INDIVIDUAL UNDER THIS SUBSECTION.

6 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
7 ADMINISTRATION MAY NOT REVOKE A LICENSE THAT IS CURRENTLY REVOKED.

8 27-101.

9 (h) Any person who is convicted of a violation of any of the provisions of §
10 16-303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled,
11 suspended, refused, or revoked"), § 17-107 of this article ("Prohibitions"), or § 17-110
12 of this article ("Providing false evidence of required security") is subject to:

13 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
14 for not more than 1 year, or both; and

15 (2) For any subsequent offense, a fine of not more than \$1,000, or
16 imprisonment for not more than 2 years, or both.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed only prospectively and may not be applied or interpreted to have any effect
19 on or application to any conviction for a violation of the Maryland Vehicle Law for
20 which a final judgment has been entered before the effective date of this Act.

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