
By: **Delegates R. Baker, Frush, Howard, Benson, Brown, and Moe**
Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Aggressive Driving**

3 FOR the purpose of establishing under the Maryland Vehicle Law the offense of
4 aggressive driving; providing the penalty for a conviction of aggressive driving;
5 requiring the Motor Vehicle Administration to assess a certain number of points
6 against a person who is convicted of aggressive driving; providing that a person
7 is guilty of aggressive driving if the person commits a certain number of certain
8 offenses under certain circumstances; providing that a prosecution for
9 aggressive driving does not preclude a prosecution for certain underlying
10 offenses and, for sentencing purposes, certain convictions do not merge; and
11 generally relating to prohibiting aggressive driving of a motor vehicle under
12 certain circumstances.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-402(a) and 27-101(c)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

18 BY adding to
19 Article - Transportation
20 Section 21-901.2
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2000 Supplement)

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

25 **Article - Transportation**

26 16-402.

27 (a) After the conviction of an individual for a violation of Article 27, § 388, §
28 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any

1 local authority, points shall be assessed against the individual as of the date of
2 violation and as follows:

3 (1) Any moving violation not listed below and not contributing
4 to an accident..... 1 point

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

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

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

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

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

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

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

15 (9) Failure to stop a vehicle for a steady red traffic signal in
16 violation of § 21-202 of this article2 points

17 (10) Any moving violation contributing to an accident.....3 points

18 (11) Driving after suspension of license under the provisions of §
19 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
20 laws or regulations of another state as described in § 16-303(i) of this title3 points

21 (12) Any violation, except violations committed on the John F.
22 Kennedy Memorial Highway, of § 21-1411 of this article3 points

23 (13) AGGRESSIVE DRIVING IN VIOLATION OF § 21-901.2
24 OF THIS ARTICLE..... 3 POINTS

25 (14) Speeding in excess of the posted speed limit by 30 miles an
26 hour or more5 points

27 [(14)] (15).....Driving while not licensed 5 points

28 [(15)] (16)..... Failure to report an accident 5 points

29 [(16)] (17).....Driving on a learner's permit unaccompanied 5 points

30 [(17)] (18)..... Any violation of § 17-107 of this article 5 points

31 [(18)] (19)..... Participating in a race or speed contest on a highway 5 points

1	[(19)]	(20)..... Any violation of § 16-304 or § 16-305 of this title	5 points
2	[(20)]	(21)..... Any violation of § 22-404.5 of this article	5 points
3	[(21)]	(22) Speeding in excess of a posted speed limit of 65 miles	
4		an hour by 20 miles an hour or more.....	5 points
5	[(22)]	(23)..... Reckless driving	6 points
6	[(23)]	(24) Driving while under the influence of alcohol or while	
7		under influence of a drug, combination of drugs, or combination of drugs and	
8		alcohol.....	8 points
9	[(24)]	(25)..... Turning off lights of a vehicle to avoid identification	8 points
10	[(25)]	(26) Failing to stop after accident resulting in damage to	
11		attended vehicle or property.....	8 points
12	[(26)]	(27) Failing to stop after accident resulting in damage to	
13		unattended vehicle or property.....	8 points
14	[(27)]	(28)..... Any violation of § 16-815 or § 16-816 of this title	8 points
15	[(28)]	(29) Failing to stop after an accident resulting in bodily	
16		injury or death.....	12 points
17	[(29)]	(30) Driving after refusal, suspension, cancellation, or	
18		revocation of license except for suspensions of license under the provisions of	
19		§ 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic	
20		laws or regulations of another state as described in § 16-303(i) of this title	12 points
21	[(30)]	(31) Any violation of § 16-301, § 16-302, § 16-804, or §	
22		16-808(1) through (9) of this title.....	12 points
23	[(31)]	(32) Homicide, life threatening injury under Article 27, §	
24		388B of the Code, or assault committed by means of a vehicle.....	12 points
25	[(32)]	(33) Driving while intoxicated, while intoxicated per se, or	
26		while under the influence of illegally used controlled dangerous substance.....	12 points
27	[(33)]	(34).....Any felony involving use of a vehicle	12 points
28	[(34)]	(35)..... Fleeing or attempting to elude a police officer	12 points
29	[(35)]	(36) The making of a false affidavit or statement under	
30		oath, or falsely certifying to the truth of any fact or information to the	
31		Administration under the Maryland Vehicle Law or under any law relating	
32		to the ownership or operation of motor vehicles	12 points
33	[(36)]	(37) Any violation involving an unlawful taking or	
34		unauthorized use of a motor vehicle under Article 27, § 342A or § 349, or §	

1 14-102 of this article 12 points

2 21-901.2.

3 (A) A PERSON IS GUILTY OF AGGRESSIVE DRIVING IF THE PERSON COMMITS
4 THE FOLLOWING OFFENSES AT THE SAME TIME OR DURING A SINGLE AND
5 CONTINUOUS PERIOD OF DRIVING:

6 (1) EXCEEDING A MAXIMUM SPEED LIMIT OR POSTED MAXIMUM SPEED
7 LIMIT IN VIOLATION OF § 21-801.1 OF THIS TITLE; AND

8 (2) VIOLATING TWO OR MORE OF THE FOLLOWING:

9 (I) § 21-201 (OBEDIENCE TO TRAFFIC CONTROL DEVICES);

10 (II) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);

11 (III) § 21-301 (DRIVING ON RIGHT SIDE OF ROADWAY);

12 (IV) § 21-303 (OVERTAKING AND PASSING VEHICLES);

13 (V) § 21-304 (PASSING ON RIGHT);

14 (VI) § 21-305 (LIMITATIONS ON OVERTAKING AND PASSING);

15 (VII) § 21-307 (NO PASSING ZONES);

16 (VIII) § 21-309 (DRIVING ON LANED ROADWAYS);

17 (IX) § 21-310 (FOLLOWING TOO CLOSELY);

18 (X) § 21-311 (DRIVING ON DIVIDED HIGHWAYS);

19 (XI) § 21-401 (FAILURE TO YIELD RIGHT-OF-WAY);

20 (XII) § 21-403 (FAILURE TO YIELD RIGHT-OF-WAY);

21 (XIII) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);

22 (XIV) § 21-707 (STOP SIGNS AND YIELD SIGNS);

23 (XV) § 21-901.1(A) (RECKLESS DRIVING);

24 (XVI) § 21-901.1(B) (NEGLIGENT DRIVING);

25 (XVII) § 21-902 (DRIVING WHILE INTOXICATED, INTOXICATED PER SE,
26 UNDER INFLUENCE OF ALCOHOL, DRUG, OR COMBINATION OF ALCOHOL AND
27 DRUGS, OR CONTROLLED DANGEROUS SUBSTANCE);

28 (XVIII) § 21-904 (FLEEING OR ELUDING POLICE);

1 (XIX) § 21-1112 (TURNING OFF LIGHTS TO AVOID IDENTIFICATION);
2 OR

3 (XX) § 21-1116 (SPEED CONTESTS).

4 (B) (1) A PROSECUTION FOR AGGRESSIVE DRIVING UNDER SUBSECTION (A)
5 OF THIS SECTION DOES NOT PRECLUDE THE PROSECUTION FOR ANY UNDERLYING
6 OFFENSE LISTED IN SUBSECTION (A) OF THIS SECTION.

7 (2) FOR SENTENCING PURPOSES, A CONVICTION OF AGGRESSIVE
8 DRIVING AND A CONVICTION OF ANY UNDERLYING OFFENSE UNDER SUBSECTION (A)
9 OF THIS SECTION DO NOT MERGE.

10 27-101.

11 (c) Any person who is convicted of a violation of any of the provisions of the
12 following sections of this article is subject to a fine of not more than \$500 or
13 imprisonment for not more than 2 months or both:

14 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
15 misrepresentation prohibited");

16 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

17 (3) § 14-104 ("Damaging or tampering with vehicle");

18 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
19 or registration card or plate");

20 (5) § 14-110 ("Altered or forged documents and plates");

21 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

22 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

23 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

24 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

25 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
26 prohibited");

27 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");

28 (12) § 16-301 ("Unlawful application for or use of license");

29 (13) § 16-303(h) ("Licenses suspended under certain provisions of Code");

30 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
31 traffic laws or regulations of another state");

- 1 (15) § 18-106 ("Unauthorized use of rented motor vehicle");
- 2 (16) § 20-103 ("Driver to remain at scene - Accidents resulting only in
3 damage to attended vehicle or property");
- 4 (17) § 20-104 ("Duty to give information and render aid");
- 5 (18) § 20-105 ("Duty on striking unattended vehicle or other property");
- 6 (19) § 20-108 ("False reports prohibited");
- 7 (20) § 21-206 ("Interference with traffic control devices or railroad signs
8 and signals");
- 9 (21) As to a pedestrian in a marked crosswalk, § 21-502(a) ("Pedestrians'
10 right-of-way in crosswalks: In general");
- 11 (22) As to another vehicle stopped at a marked crosswalk, § 21-502(c)
12 ("Passing of vehicle stopped for pedestrian prohibited");
- 13 (23) § 21-901.2 ("AGGRESSIVE DRIVING");
- 14 (24) Except as provided in subsections (f) and (q) of this section, §
15 21-902(b) ("Driving while under the influence of alcohol");
- 16 [(24)] (25) Except as provided in subsections (f) and (q) of this section, §
17 21-902(c) ("Driving while under influence of drugs or drugs and alcohol");
- 18 [(25)] (26) Except as provided in subsections (f) and (q) of this section, §
19 21-902(d) ("Driving while under influence of controlled dangerous substance"); or
- 20 [(26)] (27) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
21 systems").

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