

SENATE BILL 113

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R5
SB 217/00 - JPR

2001 Regular Session
1r1052

By: **Senators Baker and Hooper and Chairman, Judicial Proceedings
Committee (Departmental - Transportation and the State Highway
Administration)**

Introduced and read first time: January 15, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Aggressive Driving - Penalties**

3 FOR the purpose of providing that a person is guilty of aggressive driving of a motor
4 vehicle under certain circumstances; requiring the Motor Vehicle
5 Administration to assess a certain number of points against a person who is
6 convicted of aggressive driving; providing that a person is guilty of aggressive
7 driving if the person commits a certain number of certain offenses under certain
8 circumstances; establishing certain penalties; and generally relating to
9 prohibiting aggressive driving of a motor vehicle under certain circumstances.

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

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

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

22 **Article - Transportation**

23 16-402.

24 (a) After the conviction of an individual for a violation of Article 27, § 388, §
25 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 to an
4 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 hour or
7 more2 points

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

9 (5) Failing to stop for a school vehicle with activated alternately flashing
10 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 of §
13 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 violation of
16 § 21-202 of this article.....2 points

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

18 (11) Driving after suspension of license under the provisions of § 17-106,
19 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
20 of another state as described in § 16-303(i) of this title.....3 points

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

23 (13) Speeding in excess of the posted speed limit by 30 miles an hour or
24 more5 points

25 (14) Driving while not licensed.....5 points

26 (15) Failure to report an accident5 points

27 (16) Driving on a learner's permit unaccompanied.....5 points

28 (17) Any violation of § 17-107 of this article5 points

29 (18) Participating in a race or speed contest on a highway5 points

30 (19) Any violation of § 16-304 or § 16-305 of this title5 points

31 (20) Any violation of § 22-404.5 of this article5 points

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|----|------------------|--|-----------|
| 1 | (21) | Speeding in excess of a posted speed limit of 65 miles an hour by 20 | |
| 2 | | miles an hour or more..... | 5 points |
| 3 | (22) | AGGRESSIVE DRIVING IN VIOLATION OF § 21-901.2 OF THIS | |
| 4 | | ARTICLE..... | 5 POINTS |
| 5 | (23) | Reckless driving | 6 points |
| 6 | [(23)] (24) | Driving while under the influence of alcohol or while under | |
| 7 | | 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 attended | |
| 11 | | vehicle or property | 8 points |
| 12 | [(26)] (27) | Failing to stop after accident resulting in damage to unattended | |
| 13 | | 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 injury or | |
| 16 | | death..... | 12 points |
| 17 | [(29)] (30) | Driving after refusal, suspension, cancellation, or revocation of | |
| 18 | | license except for suspensions of license under the provisions of § 17-106, § 26-204, § | |
| 19 | | 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another | |
| 20 | | 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 § 16-808(1) | |
| 22 | | through (9) of this title..... | 12 points |
| 23 | [(31)] (32) | Homicide, life threatening injury under Article 27, § 388B of the | |
| 24 | | Code, or assault committed by means of a vehicle..... | 12 points |
| 25 | [(32)] (33) | Driving while intoxicated, while intoxicated per se, or while | |
| 26 | | 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 oath, or | |
| 30 | | falsely certifying to the truth of any fact or information to the Administration under | |
| 31 | | the Maryland Vehicle Law or under any law relating to the ownership or operation of | |
| 32 | | motor vehicles..... | 12 points |
| 33 | [(36)] (37) | Any violation involving an unlawful taking or unauthorized use | |
| 34 | | of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this | |
| 35 | | article..... | 12 points |

1 21-901.2.

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

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

7 (2) VIOLATING TWO OR MORE OF THE FOLLOWING OFFENSES:

8 (I) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);

9 (II) § 21-303 (OVERTAKING AND PASSING VEHICLES);

10 (III) § 21-304 (PASSING ON RIGHT);

11 (IV) § 21-310 (FOLLOWING TOO CLOSELY); OR

12 (V) § 21-403 (FAILURE TO YIELD RIGHT-OF-WAY).

13 27-101.

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

17 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
18 misrepresentation prohibited");

19 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

20 (3) § 14-104 ("Damaging or tampering with vehicle");

21 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
22 or registration card or plate");

23 (5) § 14-110 ("Altered or forged documents and plates");

24 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

25 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

26 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

27 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

28 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
29 prohibited");

30 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");

- 1 (12) § 16-301 ("Unlawful application for or use of license");
- 2 (13) § 16-303(h) ("Licenses suspended under certain provisions of Code");
- 3 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
4 traffic laws or regulations of another state");
- 5 (15) § 18-106 ("Unauthorized use of rented motor vehicle");
- 6 (16) § 20-103 ("Driver to remain at scene - Accidents resulting only in
7 damage to attended vehicle or property");
- 8 (17) § 20-104 ("Duty to give information and render aid");
- 9 (18) § 20-105 ("Duty on striking unattended vehicle or other property");
- 10 (19) § 20-108 ("False reports prohibited");
- 11 (20) § 21-206 ("Interference with traffic control devices or railroad signs
12 and signals");
- 13 (21) As to a pedestrian in a marked crosswalk, § 21-502(a) ("Pedestrians'
14 right-of-way in crosswalks: In general");
- 15 (22) As to another vehicle stopped at a marked crosswalk, § 21-502(c)
16 ("Passing of vehicle stopped for pedestrian prohibited");
- 17 (23) § 21-901.2 ("AGGRESSIVE DRIVING");
- 18 (24) Except as provided in subsections (f) and (q) of this section, §
19 21-902(b) ("Driving while under the influence of alcohol");
- 20 [(24)] (25) Except as provided in subsections (f) and (q) of this section, §
21 21-902(c) ("Driving while under influence of drugs or drugs and alcohol");
- 22 [(25)] (26) Except as provided in subsections (f) and (q) of this section, §
23 21-902(d) ("Driving while under influence of controlled dangerous substance"); or
- 24 [(26)] (27) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
25 systems").
- 26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2001.