

SENATE BILL 703

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R3

2001 Regular Session  
1lr2188  
CF 1lr1238

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By: **Senator Forehand**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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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)  
28 Annotated Code of Maryland  
29 (1996 Replacement Volume and 2000 Supplement)

30 BY repealing and reenacting, without amendments,  
31 Article - Courts and Judicial Proceedings

1 Section 3-801(a), (d), and (g) and 3-820(b)(1)  
2 Annotated Code of Maryland  
3 (1998 Replacement Volume and 2000 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article - Courts and Judicial Proceedings  
6 Section 3-801(y) and 3-820(e)(1)  
7 Annotated Code of Maryland  
8 (1998 Replacement Volume and 2000 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 16-206(c)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2000 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 400.

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

24 400A.

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

31 403.

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

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

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

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

6 (ii) This paragraph applies only to:

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

8 2. A minor if the minor is subject to the jurisdiction of the  
9 court.

10 (iii) If a person is found guilty of a Code violation under § 400 OR §  
11 400A of this subheading [that involved the use of a driver's license or a document  
12 purporting to be a driver's license, a], THE court shall notify the Motor Vehicle  
13 Administration of the violation AND MAY ORDER THE MOTOR VEHICLE  
14 ADMINISTRATION TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO  
15 SUSPEND THE DRIVING PRIVILEGE OF A PERSON:

16 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;  
17 AND

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

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

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

27 (I) THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE TO  
28 EVALUATE THE PERSON WHO COMMITTED A VIOLATION OF THIS SUBHEADING OR OF  
29 § 3-821 OF THE COURTS ARTICLE TO DETERMINE WHETHER THE PERSON IS IN NEED  
30 OF OR WOULD BENEFIT FROM ALCOHOL OR DRUG TREATMENT; AND

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

35 [(4)] (5) The person shall be liable for the costs of the proceedings in the  
36 [District Court] COURT.

**Article - Courts and Judicial Proceedings**

3-801.

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

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

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

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

3-820.

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

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

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

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

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

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

1                                    1.            For a first offense, for 6 months; and

2                                    2.            For a second or subsequent offense, until the child is 21

3 years old.

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

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

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

15                                 2. If the child is younger than 16 years of age on the date of  
16 the disposition, on the date the child reaches the child's 16th birthday] AS PROVIDED  
17 UNDER § 16-206(C)(2) OF THE TRANSPORTATION ARTICLE.

18 **Article - Transportation**

19 16-206.

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

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

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

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

30 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,  
31 the Administration shall suspend the license of an individual described under Article  
32 27, § 403(f) of the Code:

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

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

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

6           [(5)]   (3)     The Administration may modify a suspension under this  
7 subsection or subsection (b) of this section or issue a restricted license if:

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

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

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

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

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