
By: **Delegate Arnick**
Introduced and read first time: January 23, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving - Notice of Repeat Violations**

3 FOR the purpose of requiring a clerk of the court in which a person is convicted of or
4 granted probation before judgment for a second or subsequent violation of
5 certain drunk or drugged driving offenses to cause to be published a certain
6 notice in a certain publication under certain circumstances; providing for the
7 required elements for the notice; requiring the court to assess a certain fee to
8 cover the cost of publication; providing that the fee is in addition to any other
9 fine imposed by the court; defining a certain term; providing certain immunity
10 for certain persons involved in the publication of a notice under this Act;
11 providing for the application of this Act; and generally relating to drunk and
12 drugged driving and notices of repeat violations.

13 BY adding to
14 Article - Transportation
15 Section 27-113
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

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

20 **Article - Transportation**

21 27-113.

22 (A) IN THIS SECTION, "SECOND OR SUBSEQUENT VIOLATION" MEANS A
23 VIOLATION WHICH HAS OCCURRED WITHIN 5 YEARS OF ANY PRIOR VIOLATION OF §
24 21-902 OF THIS ARTICLE AND ARISES OUT OF A SEPARATE SET OF CIRCUMSTANCES.

25 (B) THE CLERK OF THE COURT IN WHICH A PERSON IS CONVICTED OF, OR
26 GRANTED PROBATION BEFORE JUDGMENT FOR, A SECOND OR SUBSEQUENT
27 VIOLATION OF ANY OF THE PROVISIONS OF § 21-902 OF THIS ARTICLE SHALL CAUSE
28 TO BE PUBLISHED A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE

1 COUNTY WHERE THE VIOLATION OCCURRED AND IN COUNTIES CONTIGUOUS TO
2 THAT COUNTY WITHIN 5 DAYS OF THE CONVICTION OR FINDING OF GUILT.

3 (C) THE NOTICE SHALL INCLUDE:

4 (1) A PHOTOGRAPH OF THE PERSON CHARGED WITH THE SECOND OR
5 SUBSEQUENT OFFENSE THAT WAS TAKEN BY THE ARRESTING LAW ENFORCEMENT
6 AGENCY AT THE TIME OF THE ARREST;

7 (2) THE NAME AND ADDRESS OF THE PERSON;

8 (3) THE DATE, TIME, AND PLACE OF ARREST; AND

9 (4) THE DISPOSITION OF THE CASE.

10 (D) (1) THE COURT SHALL ASSESS THE PERSON WHO IS THE SUBJECT OF A
11 NOTICE PUBLISHED UNDER THIS SECTION A FEE OF \$35 TO COVER THE COST OF
12 PUBLICATION.

13 (2) THE FEE ASSESSED UNDER THIS SECTION SHALL BE IMPOSED AT
14 THE TIME OF THE CONVICTION OR FINDING OF GUILT AND IS IN ADDITION TO ANY
15 OTHER FINE IMPOSED BY THE COURT.

16 (E) A CAUSE OF ACTION DOES NOT ARISE AGAINST A CLERK OF THE COURT,
17 PUBLISHER OF ANY NEWSPAPER THAT PUBLISHES A NOTICE, OR ANY OTHER
18 PERSON INVOLVED IN THE PUBLICATION OF A NOTICE FOR GOOD FAITH ACTIONS
19 TAKEN RELATED TO THE PUBLICATION OF A NOTICE UNDER THIS SECTION UNLESS
20 DAMAGES WERE CAUSED BY WILLFUL OR WANTON MISCONDUCT OR GROSS
21 NEGLIGENCE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed to apply only prospectively and may not be applied or interpreted to have
24 any effect on or application to any subsequent conviction for a violation of any of the
25 provisions of § 21-902 of the Transportation Article before the effective date of this
26 Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2002.