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By: **Delegates Mitchell and Hutchins**  
Introduced and read first time: January 23, 2002  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                           **Alcoholic Beverages - Suspension of Driver's Licenses - Program**  
3                           **Reimbursement**

4 FOR the purpose of requiring a court, in making a disposition on a finding that a child  
5 under a certain age has committed a violation involving misrepresentation of  
6 the child's age to purchase alcoholic beverages, to order the Motor Vehicle  
7 Administration to suspend the child's driver's license for certain periods;  
8 altering license suspension periods for certain individuals; authorizing certain  
9 alcoholic beverages licensees and employees to apply to a local licensing board  
10 for reimbursement of all or part of the cost of an approved alcohol awareness  
11 program; requiring a local licensing board to make certain reimbursements to a  
12 certain extent; authorizing a local licensing board to adopt certain regulations;  
13 making certain stylistic changes; and generally relating to penalties for certain  
14 alcoholic beverages violations and reimbursement for costs of certain alcohol  
15 awareness programs.

16 BY repealing and reenacting, without amendments,  
17 Article 2B - Alcoholic Beverages  
18 Section 13-101(a)  
19 Annotated Code of Maryland  
20 (2001 Replacement Volume)

21 BY repealing and reenacting, with amendments,  
22 Article 2B - Alcoholic Beverages  
23 Section 13-101(e)  
24 Annotated Code of Maryland  
25 (2001 Replacement Volume)

26 BY repealing and reenacting, without amendments,  
27 Article 2B - Alcoholic Beverages  
28 Section 22-102  
29 Annotated Code of Maryland  
30 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of

1 2002)

2 BY repealing and reenacting, with amendments,  
3 Article 2B - Alcoholic Beverages  
4 Section 22-107(k)  
5 Annotated Code of Maryland  
6 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
7 2002)

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 3-8A-19(e)(1)  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2001 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 16-206(c)  
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 2B - Alcoholic Beverages**

21 13-101.

22 (a) In this section "alcohol awareness program" means a program:

23 (1) That:

24 (i) Is approved and certified by the State Comptroller; and

25 (ii) Has been issued an alcohol awareness program permit by the  
26 State Comptroller;

27 (2) That includes instruction on how alcohol affects a person's:

28 (i) Body; and

29 (ii) Behavior;

30 (3) That provides education on the dangers of drinking and driving; and

31 (4) That defines effective methods for:

32 (i) Serving customers to minimize the chance of intoxication;

1 (ii) Ceasing service before the customer becomes intoxicated; and

2 (iii) Determining if a customer is under the drinking age.

3 (e) (1) The State Comptroller:

4 (i) Shall approve and certify each alcohol awareness program that  
5 is in compliance with this section; and

6 (ii) May require recertification of the approved ALCOHOL  
7 AWARENESS program to insure compliance with any changes in the ALCOHOL  
8 AWARENESS program.

9 (2) Any individual who is authorized or employed to teach an alcohol  
10 awareness program must obtain an alcohol awareness instructor's permit.

11 (3) Each local licensing board is responsible for enforcing this section,  
12 including the penalty provision.

13 (4) (i) A certificate of completion shall be issued for each completion of  
14 [a certified] AN ALCOHOL AWARENESS program and it shall be valid for 4 years from  
15 the date of issuance.

16 (ii) An up-to-date valid certificate shall be presented to the proper  
17 authority upon request.

18 (5) (i) Within 5 days after a licensee, bottle club owner, or an employee  
19 of a licensee or bottle club owner is sent a certificate of completion, the program  
20 provider shall inform the appropriate local licensing board of:

21 1. The individual's name, address, and certification date; and

22 2. The name and address of the licensed establishment.

23 (ii) Any program provider who violates the provisions of this  
24 subsection is subject to a decertification of the ALCOHOL AWARENESS program by the  
25 State Comptroller.

26 (6) (I) A RETAIL LICENSEE OR AN EMPLOYEE OF A RETAIL LICENSEE  
27 WHO COMPLETES AN ALCOHOL AWARENESS PROGRAM MAY APPLY TO THE LOCAL  
28 LICENSING BOARD FOR REIMBURSEMENT OF ALL OR PART OF THE COST OF THE  
29 ALCOHOL AWARENESS PROGRAM.

30 (II) A LOCAL LICENSING BOARD:

31 1. SHALL REIMBURSE AN APPLICANT TO THE EXTENT THAT  
32 FUNDS ARE AVAILABLE, UP TO A MAXIMUM OF THE COST OF THE ALCOHOL  
33 AWARENESS PROGRAM; AND

34 2. MAY ADOPT REGULATIONS TO CARRY OUT THIS  
35 PARAGRAPH.

1 22-102.

2 An individual under the age of 21 years may not possess or have under the  
3 individual's charge or control an alcoholic beverage unless the individual is a bona  
4 fide employee of the license holder and the alcoholic beverage is in the possession or  
5 under the charge or control of the individual in the course of the individual's  
6 employment and during regular working hours.

7 22-107.

8 (k) (1) In this subsection "driver's license" means a license or permit to drive  
9 a motor vehicle that is issued under the laws of this State or any other jurisdiction.

10 (2) This subsection applies only to:

11 (i) A person who is at least 18 but under 21 years of age; or

12 (ii) A minor if the minor is subject to the jurisdiction of the court.

13 (3) If a person is found guilty of a Code violation under § 22-101 OR §  
14 22-102 of this subtitle that involved the use of a driver's license or a document  
15 purporting to be a driver's license, the court shall notify the Motor Vehicle  
16 Administration of the violation.

17 (4) The Chief Judge of the District Court, in conjunction with the Motor  
18 Vehicle Administrator, shall establish uniform procedures for reporting Code  
19 violations described in this subsection.

20 **Article - Courts and Judicial Proceedings**

21 3-8A-19.

22 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this  
23 paragraph, in making a disposition on a finding that the child has committed the  
24 violation specified in a citation, the court may order the Motor Vehicle Administration  
25 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of  
26 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a  
27 specified period of not less than 30 days nor more than 90 days.

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

31 (iii) In making a disposition on a finding that the child has  
32 committed a violation under [Article 27, § 400 of the Code] ARTICLE 2B, § 22-101 OR  
33 § 22-102 OF THE CODE specified in a citation that involved the use of a driver's license  
34 or a document purporting to be a driver's license, the court [may] SHALL order the  
35 Motor Vehicle Administration to initiate an action under the Maryland Vehicle Law to  
36 suspend the driving privilege of a child licensed to operate a motor vehicle by the  
37 Motor Vehicle Administration:



1                   (ii)       For a second or subsequent offense, [until the individual is 21  
2 years old or for a period of 1 year, whichever is longer] FOR A PERIOD NOT LESS THAN  
3 6 MONTHS BUT NOT EXTENDING BEYOND THE CHILD'S TWENTY-FIRST BIRTHDAY.

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

9                   (5)       The Administration may modify a suspension under this subsection  
10 or subsection (b) of this section or issue a restricted license if:

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

13                   (ii)       The child or individual is required to drive a motor vehicle in  
14 the course of employment;

15                   (iii)      It finds that the individual's or child's employment would be  
16 adversely affected because the individual or child has no reasonable alternative  
17 means of transportation to or from a place of employment; or

18                   (iv)      It finds that the individual's or child's education would be  
19 adversely affected because the individual or child has no reasonable alternative  
20 means of transportation for educational purposes.

21       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2002.