

HOUSE BILL 398

Unofficial Copy  
R4  
HB 1136/01 - JUD

2002 Regular Session  
2r1379  
CF 2r1801

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By: **Delegates Kelly, Shank, Boschert, Boutin, Brown, Cane, Cole,  
Donoghue, Edwards, Frush, Fulton, Harrison, Hubbard, Hutchins, Kirk,  
Klausmeier, Love, McHale, Minnick, Mitchell, Moe, Mohorovic, Owings,  
Ports, Redmer, and Shriver**

Introduced and read first time: January 28, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Suspension of Driver's License - Theft of Motor Fuel**

3 FOR the purpose of authorizing for a first offense, and requiring for a second or  
4 subsequent offense, the Motor Vehicle Administration to suspend, for a certain  
5 period of time, the driver's license of a person who is convicted of a theft offense  
6 involving the failure to pay for motor fuel after the motor fuel was dispensed  
7 into a vehicle; requiring a court to notify the Motor Vehicle Administration of  
8 certain violations involving the theft of motor fuel; requiring a court to notify a  
9 person who is convicted of a certain theft offense that the person's driver's  
10 license may be suspended; requiring the Chief Judge of the District Court and  
11 the Administrative Office of the Courts, in conjunction with the Motor Vehicle  
12 Administration, to establish certain procedures; and generally relating to the  
13 suspension of the driver's license of a person who is convicted of a theft offense  
14 involving the failure to pay for motor fuel after the motor fuel was dispensed  
15 into a vehicle.

16 BY renumbering

17 Article - Criminal Law

18 Section 7-104(h)

19 to be Section 7-104(i)

20 Annotated Code of Maryland

21 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of

22 2002)

23 BY repealing and reenacting, without amendments,

24 Article - Criminal Law

25 Section 7-104(a) and (b)

26 Annotated Code of Maryland

27 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of

28 2002)

1 BY adding to  
2 Article - Criminal Law  
3 Section 7-104(h)  
4 Annotated Code of Maryland  
5 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
6 2002)

7 BY adding to  
8 Article - Transportation  
9 Section 16-206.1  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2001 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That Section(s) 7-104(h) of Article - Criminal Law of the Annotated  
14 Code of Maryland (as enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General  
15 Assembly of 2002) be renumbered to be Section(s) 7-104(i).

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:

18 **Article - Criminal Law**

19 7-104.

20 (a) A person may not willfully or knowingly obtain or exert unauthorized  
21 control over property, if the person:

22 (1) intends to deprive the owner of the property;

23 (2) willfully or knowingly uses, conceals, or abandons the property in a  
24 manner that deprives the owner of the property; or

25 (3) uses, conceals, or abandons the property knowing the use,  
26 concealment, or abandonment probably will deprive the owner of the property.

27 (b) A person may not obtain control over property by willfully or knowingly  
28 using deception, if the person:

29 (1) intends to deprive the owner of the property;

30 (2) willfully or knowingly uses, conceals, or abandons the property in a  
31 manner that deprives the owner of the property; or

32 (3) uses, conceals, or abandons the property knowing the use,  
33 concealment, or abandonment probably will deprive the owner of the property.

1 (H) (1) IF A PERSON IS CONVICTED OF A CODE VIOLATION UNDER THIS  
2 SECTION FOR FAILURE TO PAY FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS  
3 DISPENSED INTO A VEHICLE, THE COURT SHALL:

4 (I) NOTIFY THE PERSON THAT THE PERSON'S DRIVER'S LICENSE  
5 MAY BE SUSPENDED UNDER § 16-206.1 OF THE TRANSPORTATION ARTICLE; AND

6 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE  
7 VIOLATION.

8 (2) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE  
9 ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR  
10 VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR  
11 REPORTING A VIOLATION UNDER THIS SUBSECTION.

12 **Article - Transportation**

13 16-206.1.

14 ON RECEIPT OF NOTICE DESCRIBED UNDER § 7-104(H) OF THE CRIMINAL LAW  
15 ARTICLE THAT AN INDIVIDUAL LICENSED IN THE STATE HAS BEEN CONVICTED OF A  
16 CODE VIOLATION UNDER § 7-104(H) OF THE CRIMINAL LAW ARTICLE THAT INVOLVED  
17 A FAILURE TO PAY FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS DISPENSED INTO  
18 A VEHICLE, THE ADMINISTRATION:

19 (1) MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR A FIRST VIOLATION  
20 FOR UP TO 30 DAYS; AND

21 (2) SHALL SUSPEND THE INDIVIDUAL'S LICENSE FOR A SECOND OR  
22 SUBSEQUENT VIOLATION FOR 30 DAYS.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2002.