

HOUSE BILL 398

Unofficial Copy
R4
HB 1136/01 - JUD

2002 Regular Session
2r1379
CF 2r1801

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2002

CHAPTER _____

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; providing for a certain hearing
13 on the request of a licensee under certain circumstances; and generally relating
14 to the suspension of the driver's license of a person who is convicted of a theft
15 offense involving the failure to pay for motor fuel after the motor fuel was
16 dispensed into a vehicle.

17 BY renumbering

18 Article - Criminal Law

19 Section 7-104(h)

20 to be Section 7-104(i)

21 Annotated Code of Maryland

22 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of

23 2002)

1 BY repealing and reenacting, without amendments,
2 Article - Criminal Law
3 Section 7-104(a) and (b)
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 - Criminal Law
9 Section 7-104(h)
10 Annotated Code of Maryland
11 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
12 2002)

13 BY adding to
14 Article - Transportation
15 Section 16-206.1
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 Section(s) 7-104(h) of Article - Criminal Law of the Annotated
20 Code of Maryland (as enacted by Chapter ____ (H.B. 11) of the Acts of the General
21 Assembly of 2002) be renumbered to be Section(s) 7-104(i).

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

24 **Article - Criminal Law**

25 7-104.

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

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

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

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

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

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

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

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

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

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

10 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE
11 VIOLATION.

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

16 **Article - Transportation**

17 16-206.1.

18 ~~ON (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, ON~~
19 ~~RECEIPT OF NOTICE DESCRIBED UNDER § 7-104(H) OF THE CRIMINAL LAW ARTICLE~~
20 ~~THAT AN INDIVIDUAL LICENSED IN THE STATE HAS BEEN CONVICTED OF A CODE~~
21 ~~VIOLATION UNDER § 7-104(H) § 7-104 OF THE CRIMINAL LAW ARTICLE THAT~~
22 ~~INVOLVED FOR A FAILURE TO PAY FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS~~
23 ~~DISPENSED INTO A VEHICLE, THE ADMINISTRATION:~~

24 (1) ~~FOR A FIRST VIOLATION,~~ MAY SUSPEND THE INDIVIDUAL'S LICENSE
25 ~~FOR A FIRST VIOLATION~~ FOR UP TO 30 DAYS; AND

26 (2) ~~FOR A SECOND OR SUBSEQUENT VIOLATION,~~ SHALL SUSPEND THE
27 INDIVIDUAL'S LICENSE ~~FOR A SECOND OR SUBSEQUENT VIOLATION~~ FOR 30 DAYS.

28 (B) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS ARTICLE,
29 A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER THIS SECTION.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 ~~July~~ October 1, 2002.

