

HOUSE BILL 580

Unofficial Copy
R3
HB 0064/01 - JUD

2002 Regular Session
2lr0770

By: **Delegates Boutin, W. Baker, Conway, Cryor, Dypski, Eckardt, Fulton,
Harrison, A. Jones, V. Jones, Klima, Leopold, Marriott, McHale, Pitkin,
Redmer, Rosso, Sher, Snodgrass, Stern, Stocksdale, Stull, and Walkup**

Introduced and read first time: February 1, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages Violations - License to Drive - Suspension**

3 FOR the purpose of requiring a circuit court or the District Court to notify the Motor
4 Vehicle Administration if a person under the age of 21 years is found guilty of
5 certain alcoholic beverages violations; requiring the Chief Judge of the District
6 Court and the Court of Appeals, in conjunction with the Motor Vehicle
7 Administrator, to establish uniform procedures for reporting from the District
8 Court and the circuit courts, respectively, to the Administration certain alcoholic
9 beverages violations; requiring a defendant who is found guilty of certain
10 alcoholic beverages violations in a circuit court to pay certain costs and make a
11 certain payment to the Criminal Injuries Compensation Fund; requiring the
12 juvenile court to notify the Administration if a child is found to have committed
13 certain alcoholic beverages violations; repealing the authority of the juvenile
14 court to order the Administration to initiate an action to suspend a license under
15 certain circumstances; requiring the Administration to suspend for certain
16 periods the license of certain individuals on receipt of certain notices from a
17 court concerning certain alcoholic beverages violations; providing for the
18 application of this Act; and generally relating to requiring the suspension of the
19 driver's license of a person under the age of 21 years for certain alcoholic
20 beverages violations.

21 BY repealing and reenacting, without amendments,
22 Article 2B - Alcoholic Beverages
23 Section 22-107(f)
24 Annotated Code of Maryland
25 (As enacted by Chapter__(H.B.11) of the Acts of the General Assembly of 2002)

26 BY repealing and reenacting, with amendments,
27 Article 2B - Alcoholic Beverages
28 Section 22-107(h)(1), (j)(1), and (k)
29 Annotated Code of Maryland
30 (As enacted by Chapter__(H.B.11) of the Acts of the General Assembly of 2002)

1 BY repealing and reenacting, without amendments,
2 Article - Courts and Judicial Proceedings
3 Section 3-8A-01(a), (d), and (f)
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 3-8A-01(w) and 3-8A-19(e)(1) and (2)
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2001 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-206(c)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

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

18 **Article 2B - Alcoholic Beverages**

19 22-107.

20 (f) (1) For purposes of this section, a violation of §§ 22-101 through 22-106
21 of this subtitle is a Code violation and is a civil offense.

22 (2) A person charged who is under the age of 18 years shall be subject to
23 the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

24 (3) A person charged who is at least 18 years old shall be subject to the
25 provisions of this section.

26 (4) Adjudication of a Code violation is not a criminal conviction for any
27 purpose, and it does not impose any of the civil disabilities ordinarily imposed by a
28 criminal conviction.

29 (h) (1) If [the District Court finds that a person has] A PERSON IS FOUND
30 TO HAVE committed a Code violation, the court shall require the person to pay:

31 (i) A fine not exceeding \$500; or

32 (ii) If the violation is a repeat violation, a fine not exceeding \$1,000.

33 (j) (1) The defendant is liable for the COURT costs [of] IN the proceedings
34 [in the District Court] and for payment to the Criminal Injuries Compensation Fund.

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

4 (2)] This subsection applies only to:

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

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

7 [(3)] (2) If a person is found guilty of [a Code violation under § 22-101
8 of] A VIOLATION OF § 26-103 OF THE EDUCATION ARTICLE, § 21-903 OF THE
9 TRANSPORTATION ARTICLE, TITLE 19 OF THIS ARTICLE, OR this subtitle [that
10 involved the use of a driver's license or a document purporting to be a driver's license,
11 the] A court shall notify the Motor Vehicle Administration of the violation.

12 [(4)] (3) (I) The Chief Judge of the District Court, in conjunction with
13 the Motor Vehicle Administrator, shall establish uniform procedures for reporting
14 [Code] violations described in this subsection FROM THE DISTRICT COURT.

15 (II) THE COURT OF APPEALS, IN CONJUNCTION WITH THE MOTOR
16 VEHICLE ADMINISTRATOR, SHALL ESTABLISH UNIFORM PROCEDURES FOR
17 REPORTING VIOLATIONS DESCRIBED IN THIS SUBSECTION FROM A CIRCUIT COURT.

18 **Article - Courts and Judicial Proceedings**

19 3-8A-01.

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

22 (d) "Child" means an individual under the age of 18 years.

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

26 (w) "Violation" means a violation of [Article 27, § 400, § 400A, § 400B, § 401, or
27 § 406] ARTICLE 2B, TITLE 19 AND TITLE 22, SUBTITLE 1 of the Code [or], § 26-103 of
28 the Education Article, OR § 21-903 OF THE TRANSPORTATION ARTICLE for which a
29 citation is issued.

30 3-8A-19.

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

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

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

- 10 1. For a first offense, for 6 months; and
11 2. For a second or subsequent offense, until the child is 21
12 years old.

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

19 (v) If a child subject to a suspension under this subsection does not
20 hold a license to operate a motor vehicle on the date of the disposition, the suspension
21 shall commence:

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

24 2. If the child is younger than 16 years of age on the date of
25 the disposition, on the date the child reaches the child's 16th birthday] SHALL
26 NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE VIOLATION.

27 (2) In addition to the [dispositions] DISPOSITION under paragraph (1) of
28 this subsection, the court also may:

29 (i) Counsel the child or the parent or both, or order the child to
30 participate in an alcohol education or rehabilitation program that is in the best
31 interest of the child;

32 (ii) Impose a civil fine of not more than \$25 for the first violation
33 and a civil fine of not more than \$100 for the second and subsequent violations; or

34 (iii) Order the child to participate in a supervised work program for
35 not more than 20 hours for the first violation and not more than 40 hours for the
36 second and subsequent violations.

Article - Transportation

16-206.

(c) (1) [Pursuant to a court order] ON RECEIPT OF A NOTICE DESCRIBED under § 3-8A-19(e) of the Courts Article, the Administration shall [initiate an action to] suspend the driving privilege of a child [for the time specified by the court]:

(I) FOR A FIRST OFFENSE, FOR 6 MONTHS; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, UNTIL THE CHILD IS 21 YEARS OLD.

(2) If a child subject to a suspension under § 3-8A-19(e) of the Courts Article does not hold a license to operate a motor vehicle on the date of the [court order] DISPOSITION, the suspension shall commence:

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

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

(3) On receipt of a notice described under [Article 27, § 403(f)] ARTICLE 2B, § 22-107(K) of the Code, the Administration shall suspend the license of an individual described under [Article 27, § 403(f)] ARTICLE 2B, § 22-107(K) of the Code:

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

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

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

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

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply only prospectively and may not be applied or interpreted to have
6 any effect on or application to any alcoholic beverages violation committed before the
7 effective date of this Act.

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