
By: **Delegate DeCarlo**

Introduced and read first time: February 11, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Driver Improvement and Alcohol Education Programs and Point System**
3 **Conferences - Private Providers**

4 FOR the purpose of allowing the Motor Vehicle Administration to refuse to approve or
5 to withdraw approval of certain private providers of point system conferences or
6 alcohol education or driver improvement programs if the provider is found to be
7 in serious violation of its approved contract with the Administration; allowing a
8 private provider to set a reasonable fee to be paid by an individual who attends
9 a program or conference; and generally relating to private providers of point
10 system conferences and alcohol education and driver improvement programs.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-212
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 - Transportation**

19 16-212.

20 (a) The Administration may conduct:

- 21 (1) A driver improvement program;
22 (2) An alcohol education program; and
23 (3) Point system conferences.

24 (b) (1) The purpose of the programs and conferences authorized under this
25 section is to provide driver rehabilitation.

1 (2) The Administration shall determine the content of the programs and
2 conferences.

3 (c) If an individual is convicted of 1 or more moving violations:

4 (1) After a conference or a hearing as provided in Title 12, Subtitle 2 of
5 this article, as a condition of reinstatement of a driver's license, or if an individual
6 fails to attend a conference as required by § 16-404(a)(2) of this title, the
7 Administration may require an individual to attend a driver improvement program or
8 alcohol education program; or

9 (2) A court may require an individual to attend a driver improvement
10 program or alcohol education program.

11 (d) In carrying out an order of the court, a probation officer or health
12 department officer may assign an individual to attend a driver improvement program
13 or alcohol education program.

14 (e) (1) An individual who attends a program or conference under this section
15 shall pay, in advance, a fee as provided in this subsection.

16 (2) The Administration shall set a reasonable fee based on the costs of
17 operating the programs and conferences authorized by this section.

18 (3) The funds collected by the Administration under this subsection may
19 not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution
20 under § 8-403 or § 8-404 of this article.

21 (f) (1) The Administration may waive attendance at an alcohol education
22 program conducted by the Administration if an individual attends a private alcohol
23 education program or an alcohol education program provided by a political
24 subdivision of the State that is approved by the Alcohol and Drug Abuse
25 Administration and the Administration.

26 (2) The Administration may waive attendance at a driver improvement
27 program conducted by the Administration if an individual attends a private driver
28 improvement program or a driver improvement program provided by a political
29 subdivision of the State that is approved by the Administration.

30 (3) The Administration may waive attendance at a point system
31 conference conducted by the Administration if an individual attends a point system
32 conference conducted by a private provider that is approved by the Administration.

33 (4) The Administration shall establish criteria for approving private
34 providers of point system conferences and alcohol education or driver improvement
35 programs and alcohol education or driver improvement programs provided by a
36 political subdivision of the State.

1 (5) Upon application for approval to provide the programs and
2 conferences allowed under this section, a private provider shall pay an application fee
3 established by the Administration.

4 (6) AFTER NOTICE AND OPPORTUNITY FOR A HEARING IN ACCORDANCE
5 WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE ADMINISTRATION MAY REFUSE TO
6 APPROVE OR MAY WITHDRAW APPROVAL OF A PRIVATE PROVIDER UNDER THIS
7 SUBSECTION IF THE PROVIDER IS FOUND TO BE IN SERIOUS VIOLATION OF ITS
8 APPROVED CONTRACT WITH THE ADMINISTRATION.

9 (7) A PRIVATE PROVIDER MAY SET A REASONABLE FEE TO BE PAID BY
10 AN INDIVIDUAL WHO ATTENDS A PROGRAM OR CONFERENCE APPROVED UNDER
11 THIS SUBSECTION.

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