

SENATE BILL 351

Unofficial Copy
R4
HB 1136/01 - JUD

2002 Regular Session
2lr1801
CF 2lr1379

By: **Senators Jimeno, Colburn, DeGrange, Dorman, Green, Haines, and Ruben**

Introduced and read first time: January 28, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 6, 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; 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

1 Section 7-104(a) and (b)
2 Annotated Code of Maryland
3 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
4 2002)

5 BY adding to
6 Article - Criminal Law
7 Section 7-104(h)
8 Annotated Code of Maryland
9 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
10 2002)

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

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

22 **Article - Criminal Law**

23 7-104.

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

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

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

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

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

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

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

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

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

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

8 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE
9 VIOLATION.

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

14 **Article - Transportation**

15 16-206.1.

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

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

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

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