
By: **Delegate Franchot**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Surcharge for Accumulation of Points**

3 FOR the purpose of requiring the Motor Vehicle Administration to assess and collect
4 certain surcharges on individuals who accumulate certain points in a certain
5 period; requiring certain surcharges to be credited to the Transportation Trust
6 Fund; and generally relating to surcharges for the accumulation of points.

7 BY repealing and reenacting, without amendments,
8 Article - Transportation
9 Section 3-216(b)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2002 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 16-401 and 16-404
15 Annotated Code of Maryland
16 (2002 Replacement Volume)

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

19 **Article - Transportation**

20 3-216.

21 (b) Except as otherwise expressly provided by statute, there shall be credited
22 to the Transportation Trust Fund for the account of the Department all taxes, fees,
23 charges, and revenues collected or received by or paid, appropriated, or credited to the
24 account of the Department or any of its units in the exercise of their rights, powers,
25 duties, or obligations, including the cash proceeds of the sale of consolidated
26 transportation bonds, notes, or other evidences of obligation issued by the
27 Department, any General Fund appropriations, and the proceeds of any State loan or
28 federal grant made for transportation purposes.

1 16-401.

2 In addition to any other provisions of the Maryland Vehicle Law, the
3 Administration shall maintain a point system for the refusal, suspension, or
4 revocation of drivers' licenses issued under this title AND THE ASSESSMENT OF
5 SURCHARGES, AS PROVIDED IN § 16-404(A)(3) OF THIS SUBTITLE.

6 16-404.

7 (a) The Administration shall take the following actions for points accumulated
8 within any 2-year period:

9 (1) Send a warning letter to each individual who accumulates 3 points;

10 (2) Require attendance at a conference by each individual who
11 accumulates 5 points, except that a Class A, B, or C licensee who submits evidence
12 acceptable to the Administration that he is a professional driver may not be called in
13 until he accumulates 8 points; and

14 (3) Except as provided in § 16-405 of this subtitle:

15 (i) ASSESS AND COLLECT A \$100 SURCHARGE ON AN INDIVIDUAL
16 WHO ACCUMULATES 6 POINTS;

17 (II) Suspend the license of each individual who accumulates 8
18 points; [and]

19 [(ii)] (III) Revoke the license of each individual who accumulates 12
20 points; AND

21 (IV) IN ADDITION TO THE SURCHARGE UNDER ITEM (I) OF THIS
22 ITEM, ASSESS AND COLLECT A \$25 SURCHARGE FOR EACH POINT AN INDIVIDUAL
23 ACCUMULATES OVER 6 POINTS.

24 (b) (1) Except as provided in § 16-405 of this subtitle:

25 (i) If an individual accumulates 8 points, the Administration shall
26 issue a notice of suspension; and

27 (ii) If an individual accumulates 12 points, the Administration shall
28 issue a notice of revocation.

29 (2) Each notice shall:

30 (i) Be personally served or sent by certified mail, return receipt
31 requested, bearing a postmark from the United States Postal Service;

32 (ii) State the duration of the suspension or revocation; and

1 (iii) Advise the individual of his right, within 10 days after the
2 notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written
3 request for a hearing before the Administrator.

4 (3) Unless a hearing is requested, each notice of suspension or revocation
5 is effective at the end of the 10-day period after the notice is sent.

6 (c) (1) Except as provided in paragraphs (2) and (3) of this subsection:

7 (i) An initial suspension may not be for less than 2 days nor more
8 than 30 days; and

9 (ii) Any subsequent suspension may not be for less than 15 days
10 nor more than 90 days.

11 (2) Subject to the provisions of paragraph (3) of this subsection, the
12 following suspension periods may apply to a suspension for an accumulation of points
13 under § 16-402(a)(24) of this subtitle for a violation of § 21-902(b) or (c) of this article
14 or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

15 (i) For a first conviction, not more than 6 months;

16 (ii) For a second conviction at least 5 years after the date of the
17 first conviction, not more than 9 months;

18 (iii) For a second conviction less than 5 years after the date of the
19 first conviction or for a third conviction, not more than 12 months; and

20 (iv) For a fourth or subsequent conviction, not more than 24
21 months.

22 (3) The Administration may issue a restrictive license for the period of
23 the suspension to an individual who participates in the Administration's Ignition
24 Interlock System Program under § 16-404.1 of this subtitle.

25 (4) This subsection does not limit the authority of the Administration to
26 issue a restrictive license or modify a suspension imposed under this subsection.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2003.