

SENATE BILL 282

Unofficial Copy
R4
HB 398/02 - JUD

2003 Regular Session
3lr0816
CF 3lr0378

By: **Senators Jimeno, Colburn, Giannetti, Green, Hafer, Haines,
Klausmeier, Ruben, and Stone**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2003

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 (2002 Volume)

23 BY repealing and reenacting, without amendments,

24 Article - Criminal Law

1 Section 7-104(a) and (b)
2 Annotated Code of Maryland
3 (2002 Volume)

4 BY adding to
5 Article - Criminal Law
6 Section 7-104(h)
7 Annotated Code of Maryland
8 (2002 Volume)

9 BY adding to
10 Article - Transportation
11 Section 16-206.1
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That Section(s) 7-104(h) of Article - Criminal Law of the Annotated
16 Code of Maryland be renumbered to be Section(s) 7-104(i).

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

19 **Article - Criminal Law**

20 7-104.

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

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

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

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

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

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

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

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

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

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

6 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE
7 VIOLATION.

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

12 **Article - Transportation**

13 16-206.1.

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

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

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

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2003.