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By: **Delegates Niemann, Kelley, McConkey, Parker, V. Turner, and Vallario**  
Introduced and read first time: January 30, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                   **Drivers' Licenses - Certain Manslaughter and Alcohol- or Drug-Related**  
3                   **Driving Offenses**

4 FOR the purpose of requiring the clerk of the court to notify the Motor Vehicle  
5 Administration if a person is convicted of a certain manslaughter offense or  
6 certain alcohol- or drug-related driving offenses involving a motor vehicle;  
7 requiring the Administration to revoke the driver's license of a person who is  
8 convicted of a certain manslaughter offense if the crime involves a motor vehicle;  
9 providing that a certain provision that alters the effect of an accumulation of  
10 points against a driver's license of an individual who is required to drive in the  
11 course of employment does not apply if the accumulation of points results from  
12 a conviction for a certain manslaughter offense or certain alcohol- or  
13 drug-related offenses; making a stylistic change; and generally relating to  
14 drivers' licenses and convictions for certain manslaughter and alcohol- or  
15 drug-related driving offenses.

16 BY repealing and reenacting, with amendments,  
17 Article - Criminal Law  
18 Section 2-209  
19 Annotated Code of Maryland  
20 (2002 Volume and 2003 Supplement)

21 BY adding to  
22 Article - Criminal Law  
23 Section 3-211(g)  
24 Annotated Code of Maryland  
25 (2002 Volume and 2003 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Transportation  
28 Section 16-205(b) and 16-405  
29 Annotated Code of Maryland  
30 (2002 Replacement Volume and 2003 Supplement)

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

3 **Article - Criminal Law**

4 2-209.

5 (a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive,  
6 engine, and train.

7 (b) A person may not cause the death of another as a result of the person's  
8 driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

9 (c) A violation of this section is manslaughter by vehicle or vessel.

10 (d) A person who violates this section is guilty of a felony and on conviction is  
11 subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

12 (e) (1) An indictment or other charging document for manslaughter by  
13 vehicle or vessel is sufficient if it substantially states:

14 "(name of defendant) on (date) in (county) killed (name of victim) in a grossly  
15 negligent manner against the peace, government, and dignity of the State."

16 (2) An indictment or other charging document for manslaughter by  
17 vehicle or vessel need not set forth the manner or means of death.

18 (F) THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE  
19 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SECTION OF A CRIME  
20 INVOLVING A MOTOR VEHICLE.

21 3-211.

22 (G) THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE  
23 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SECTION OF A CRIME  
24 INVOLVING A MOTOR VEHICLE.

25 **Article - Transportation**

26 16-205.

27 (b) The Administration:

28 (1) Shall revoke the license of any person who has been convicted[,  
29 under]:

30 (I) UNDER Title 2, Subtitle 5 of the Criminal Law Article, of  
31 homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol,  
32 or impaired by any drug, any combination of drugs, a combination of one or more  
33 drugs and alcohol, or a controlled dangerous substance; [and] OR

1 (II) UNDER § 2-209 OF THE CRIMINAL LAW ARTICLE IF THE CRIME  
2 INVOLVED A MOTOR VEHICLE; AND

3 (2) May not issue a temporary license to drive for any person whose  
4 license has been revoked under item (1) of this subsection during an administrative  
5 appeal of the revocation.

6 16-405.

7 (a) Except as provided in §§ 16-205(e) and 16-205.1 of this title, if the  
8 suspension or revocation of a license would affect adversely the employment or  
9 opportunity for employment of a licensee, the hearing officer may:

10 (1) Decline to order the suspension or revocation; or

11 (2) Cancel or modify the suspension or revocation.

12 (b) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a  
13 motor vehicle in the course of [his] THE LICENSEE'S regular employment:

14 (1) Suspension requires 16 points; and

15 (2) Revocation requires 19 points.

16 (c) The provisions of subsection (b) of this section do not apply to an individual  
17 whose current accumulation of points includes points resulting from a conviction for a  
18 violation of § 21-902 of this article OR § 2-209, TITLE 2, SUBTITLE 5, OR § 3-211 OF THE  
19 CRIMINAL LAW ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2004.