
By: **Charles County Delegation**
Introduced and read first time: February 9, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Suspension of Driver's License - Program**
3 **Reimbursement**

4 FOR the purpose of requiring a court, in making a disposition on a finding that a child
5 under a certain age has committed a violation involving underage possession of
6 alcoholic beverages or misrepresentation of the child's age to purchase alcoholic
7 beverages, to order the Motor Vehicle Administration to suspend the child's
8 driver's license for certain periods; altering license suspension periods for
9 certain persons; authorizing certain alcoholic beverages licensees and employees
10 to apply to a local licensing board for reimbursement of all or part of the cost of
11 an approved alcohol awareness program; requiring a local licensing board to
12 make certain reimbursements to a certain extent; authorizing a local licensing
13 board to adopt certain regulations; making certain stylistic changes; and
14 generally relating to penalties for certain alcoholic beverages violations and
15 reimbursement for costs of certain alcohol awareness programs.

16 BY repealing and reenacting, with amendments,
17 Article 2B - Alcoholic Beverages
18 Section 13-101(a) and (e)
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Courts and Judicial Proceedings
23 Section 3-8A-19(e)(1)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2003 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article - Criminal Law
28 Section 10-113 and 10-114
29 Annotated Code of Maryland
30 (2002 Volume and 2003 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Criminal Law
3 Section 10-119(k)
4 Annotated Code of Maryland
5 (2002 Volume and 2003 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 16-206(c)
9 Annotated Code of Maryland
10 (2002 Replacement Volume and 2003 Supplement)

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

13 **Article 2B - Alcoholic Beverages**

14 13-101.

15 (a) In this [section] SECTION, "alcohol awareness program" means a program:

16 (1) That:

17 (i) Is approved and certified by the State Comptroller; and

18 (ii) Has been issued an alcohol awareness program permit by the
19 State Comptroller;

20 (2) That includes instruction on how alcohol affects a person's:

21 (i) Body; and

22 (ii) Behavior;

23 (3) That provides education on the dangers of drinking and driving; and

24 (4) That defines effective methods for:

25 (i) Serving customers to minimize the chance of intoxication;

26 (ii) Ceasing service before the customer becomes intoxicated; and

27 (iii) Determining if a customer is under the drinking age.

28 (e) (1) The State Comptroller:

29 (i) Shall approve and certify each alcohol awareness program that
30 is in compliance with this section; and

1 (ii) May require recertification of the approved ALCOHOL
 2 AWARENESS program to insure compliance with any changes in the ALCOHOL
 3 AWARENESS program.

4 (2) Any individual who is authorized or employed to teach an alcohol
 5 awareness program must obtain an alcohol awareness instructor's permit.

6 (3) Each local licensing board is responsible for enforcing this section,
 7 including the penalty provision.

8 (4) (i) A certificate of completion shall be issued for each completion of
 9 [a certified] AN ALCOHOL AWARENESS program and it shall be valid for 4 years from
 10 the date of issuance.

11 (ii) An up-to-date valid certificate shall be presented to the proper
 12 authority upon request.

13 (5) (i) Within 5 days after a licensee, bottle club owner, or an employee
 14 of a licensee or bottle club owner is sent a certificate of completion, the program
 15 provider shall inform the appropriate local licensing board of:

16 1. The individual's name, address, and certification date; and

17 2. The name and address of the licensed establishment.

18 (ii) Any program provider who violates the provisions of this
 19 subsection is subject to a decertification of the ALCOHOL AWARENESS program by the
 20 State Comptroller.

21 (6) (I) A RETAIL LICENSEE OR AN EMPLOYEE OF A RETAIL LICENSEE
 22 WHO COMPLETES AN ALCOHOL AWARENESS PROGRAM MAY APPLY TO THE LOCAL
 23 LICENSING BOARD FOR REIMBURSEMENT OF ALL OR PART OF THE COST OF THE
 24 ALCOHOL AWARENESS PROGRAM.

25 (II) A LOCAL LICENSING BOARD:

26 1. SHALL REIMBURSE AN APPLICANT TO THE EXTENT THAT
 27 FUNDS ARE AVAILABLE, UP TO A MAXIMUM OF THE COST OF THE ALCOHOL
 28 AWARENESS PROGRAM; AND

29 2. MAY ADOPT REGULATIONS TO CARRY OUT THIS
 30 PARAGRAPH.

31 **Article - Courts and Judicial Proceedings**

32 3-8A-19.

33 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
 34 paragraph, in making a disposition on a finding that the child has committed the
 35 violation specified in a citation, the court may order the Motor Vehicle Administration

1 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of
2 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a
3 specified period of not less than 30 days nor more than 90 days.

4 (ii) In this [paragraph] PARAGRAPH, "driver's license" means a
5 license or permit to drive a motor vehicle that is issued under the laws of this State or
6 any other jurisdiction.

7 (iii) In making a disposition on a finding that the child has
8 committed a violation of § 10-113 OR § 10-114 of the Criminal Law Article specified in
9 a citation that involved the use of a driver's license or a document purporting to be a
10 driver's license, the court [may] SHALL order the Motor Vehicle Administration to
11 initiate an action under the Maryland Vehicle Law to suspend the driving privilege of
12 a child licensed to operate a motor vehicle by the Motor Vehicle Administration:

13 1. For a first offense, for A PERIOD NOT LESS THAN 3
14 MONTHS AND NOT EXCEEDING 6 months; and

15 2. For a second or subsequent offense, [until the child is 21
16 years old] FOR A PERIOD NOT LESS THAN 6 MONTHS BUT NOT EXTENDING BEYOND
17 THE LATER OF THE END OF THE 6-MONTH PERIOD OR THE CHILD'S TWENTY-FIRST
18 BIRTHDAY.

19 (iv) In making a disposition on a finding that the child has
20 committed a violation under § 26-103 of the Education Article, the court shall order
21 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
22 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
23 Motor Vehicle Administration for a specified period of not less than 30 days nor more
24 than 90 days.

25 (v) If a child subject to a suspension under this subsection does not
26 hold a license to operate a motor vehicle on the date of the disposition, the suspension
27 shall commence:

28 1. If the child is at least 16 years of age on the date of the
29 disposition, on the date of the disposition; or

30 2. If the child is younger than 16 years of age on the date of
31 the disposition, on the date the child reaches the child's 16th birthday.

32 **Article - Criminal Law**

33 10-113.

34 An individual may not knowingly and willfully make a misrepresentation or
35 false statement as to the age of that individual or another to any person licensed to
36 sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose
37 of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic
38 beverage to an individual.

1 10-114.

2 An individual under the age of 21 years may not possess or have under the
3 individual's charge or control an alcoholic beverage unless the individual is a bona
4 fide employee of the license holder as defined in Article 2B, § 1-102 of the Code, and
5 the alcoholic beverage is in the possession or under the charge or control of the
6 individual in the course of the individual's employment and during regular working
7 hours.

8 10-119.

9 (k) (1) In this subsection, "driver's license" means a license or permit to
10 drive a motor vehicle that is issued under the laws of this State or any other
11 jurisdiction.

12 (2) This subsection applies only to:

13 (i) a person who is at least 18 but under 21 years of age; or

14 (ii) a minor if the minor is subject to the jurisdiction of the court.

15 (3) If a person is found guilty of a Code violation under § 10-113 OR §
16 10-114 of this part that involved the use of a driver's license or a document purporting
17 to be a driver's license, the court shall notify the Motor Vehicle Administration of the
18 violation.

19 (4) The Chief Judge of the District Court, in conjunction with the Motor
20 Vehicle Administrator, shall establish uniform procedures for reporting Code
21 violations described in this subsection.

22 **Article - Transportation**

23 16-206.

24 (c) (1) Pursuant to a court order under § 3-8A-19(e) of the Courts Article,
25 the Administration shall initiate an action to suspend the driving privilege of a child
26 for the time specified by the court.

27 (2) If a child subject to a suspension under § 3-8A-19(e) of the Courts
28 Article does not hold a license to operate a motor vehicle on the date of the court order,
29 the suspension shall commence:

30 (i) If the child is at least 16 years of age on the date of the
31 disposition, on the date of the disposition; or

32 (ii) If the child is younger than 16 years of age on the date of the
33 disposition, on the date the child reaches the child's 16th birthday.

1 (3) On receipt of a notice described under § 10-119(k) of the Criminal
2 Law Article, the Administration shall suspend the license of an individual described
3 under § 10-119(k) of the Criminal Law Article:

4 (i) For a first offense, for A PERIOD NOT LESS THAN 3 MONTHS AND
5 NOT EXCEEDING 6 months; and

6 (ii) For a second or subsequent offense, [until the individual is 21
7 years old or for a period of 1 year, whichever is longer] FOR A PERIOD NOT LESS THAN
8 6 MONTHS BUT NOT EXTENDING BEYOND THE LATER OF THE END OF THE 6-MONTH
9 PERIOD OR THE CHILD'S TWENTY-FIRST BIRTHDAY.

10 (4) If an individual subject to a suspension under paragraph (3) of this
11 subsection does not hold a license to operate a motor vehicle on the date that the
12 individual is found guilty of a Code violation, the suspension shall begin on the date
13 that the license is issued, or after the individual applies and becomes qualified to
14 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

15 (5) The Administration may modify a suspension under this subsection
16 or subsection (b) of this section or issue a restricted license if:

17 (i) The license is required for the purpose of attending an alcohol
18 education or alcoholic prevention or treatment program;

19 (ii) The child or individual is required to drive a motor vehicle in
20 the course of employment;

21 (iii) It finds that the individual's or child's employment would be
22 adversely affected because the individual or child has no reasonable alternative
23 means of transportation to or from a place of employment; or

24 (iv) It finds that the individual's or child's education would be
25 adversely affected because the individual or child has no reasonable alternative
26 means of transportation for educational purposes.

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