
By: **Delegates Niemann, Hennessy, and Kelley**
Introduced and read first time: February 13, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Refused, Suspended, Canceled, or**
3 **Revoked - Penalty**

4 FOR the purpose of altering and consolidating certain provisions relating to driving a
5 motor vehicle while a license or privilege to drive issued by this State or any
6 other state is refused, suspended, canceled, or revoked; providing that in a
7 certain prosecution certain records shall be prima facie evidence of certain facts;
8 providing that the introduction of certain records does not preclude the
9 introduction of certain other evidence; altering certain penalties for certain
10 offenses relating to driving a motor vehicle while a license or privilege to drive
11 issued by this State or any other state has been refused, suspended, canceled, or
12 revoked; making certain technical corrections; and generally relating to driving
13 while a license or privilege to drive has been refused, suspended, canceled, or
14 revoked.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 16-303, 16-404.1(b)(3) and (4), and 27-101(c) and (h)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2003 Supplement)

20 BY repealing
21 Article - Transportation
22 Section 16-402(a)(11) and (30)
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2003 Supplement)

25 BY adding to
26 Article - Transportation
27 Section 16-402(a)(11) and 27-101(w)
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2003 Supplement)

1 BY renumbering
2 Article - Transportation
3 Section 16-402(a)(31) through (37), respectively
4 to be Section 16-402(a)(30) through (36), respectively
5 Annotated Code of Maryland
6 (2002 Replacement Volume and 2003 Supplement)

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

9 **Article - Transportation**

10 16-303.

11 (a) A person may not drive a motor vehicle on any highway or on any property
12 specified in § 21-101.1 of this article while the person's license or privilege to drive is
13 refused [in this State or any other state], SUSPENDED, CANCELED, OR REVOKED IN
14 THIS STATE.

15 (b) [A person may not drive a motor vehicle on any highway or on any
16 property specified in § 21-101.1 of this article while the person's license or privilege to
17 drive is canceled in this State.

18 (c) A person may not drive a motor vehicle on any highway or on any property
19 specified in § 21-101.1 of this article while the person's license or privilege to drive is
20 suspended in this State.

21 (d) A person may not drive a motor vehicle on any highway or on any property
22 specified in § 21-101.1 of this article while the person's license or privilege to drive is
23 revoked in this State.

24 (e) A person may not drive a motor vehicle on any highway or on any property
25 specified in § 21-101.1 of this article while the person's license issued by any other
26 state is REFUSED, SUSPENDED, canceled, OR REVOKED.

27 [(f) A person may not drive a motor vehicle on any highway or on any property
28 specified in § 21-101.1 of this article while the person's license issued by any other
29 state is suspended.

30 (g) A person may not drive a motor vehicle on any highway or on any property
31 specified in § 21-101.1 of this article while the person's license issued by any other
32 state is revoked.

33 (h) A person may not drive a motor vehicle on any highway or on any property
34 specified in § 21-101.1 of this article while the person's license or privilege to drive is
35 suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

36 (i) (1) This subsection applies only to a person whose license or privilege to
37 drive is suspended under the traffic laws or regulations of another state for:

1 (i) Failure to comply with a notice to appear in a court of that state
2 contained in a traffic citation issued to the person; or

3 (ii) Failure to pay a fine for a violation of any traffic laws or
4 regulations of that state.

5 (2) A person may not drive a motor vehicle on any highway or on any
6 property specified in § 21-101.1 of this article while the person's license or privilege to
7 drive is suspended under the traffic laws or regulations of any other state as
8 described in paragraph (1) of this subsection.

9 (j) (1) Except as provided in paragraph (2) of this subsection, any individual
10 who violates a provision of this section shall be assessed the points as provided for in
11 § 16-402(a)(30) of this title.

12 (2) Any individual who violates a provision of subsection (h) or
13 subsection (i) of this section shall be assessed the points as provided for in § 16-402(a)
14 (11) of this title.]

15 (C) (1) IN ANY PROSECUTION UNDER THIS SECTION THE INTRODUCTION OF
16 THE OFFICIAL RECORDS OF THE ADMINISTRATION AS PROVIDED IN § 12-113 OF THIS
17 ARTICLE SHOWING A NOTATION IN THE RECORDS THAT NOTICE OF THE REFUSAL,
18 SUSPENSION, CANCELLATION, OR REVOCATION OF A DEFENDANT'S LICENSE OR
19 PRIVILEGE TO DRIVE WAS SENT TO THE LAST KNOWN ADDRESS OF THE DEFENDANT
20 SHALL BE PRIMA FACIE EVIDENCE THAT THE DEFENDANT KNOWS OR HAS REASON
21 TO KNOW THAT THE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,
22 SUSPENDED, CANCELED, OR REVOKED IN THIS STATE OR ANY OTHER STATE.

23 (2) THE INTRODUCTION OF EVIDENCE OF THE RECORDS OF THE
24 ADMINISTRATION MAY NOT LIMIT THE INTRODUCTION OF OTHER EVIDENCE
25 BEARING UPON WHETHER THE DEFENDANT KNOWS OR HAS REASON TO KNOW THAT
26 THE DEFENDANT'S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,
27 SUSPENDED, CANCELED, OR REVOKED.

28 16-402.

29 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
30 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
31 this State or of any local authority, points shall be assessed against the individual as
32 of the date of violation and as follows:

33 [(11) Driving after suspension of license under the provisions of § 17-106,
34 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
35 of another state as described in § 16-303(i) of this title 3 points]

36 (11) DRIVING AFTER REFUSAL, SUSPENSION, CANCELLATION, OR
37 REVOCATION OF LICENSE, EXCEPT FOR SUSPENSIONS OF LICENSE UNDER THE
38 PROVISIONS OF § 17-106, § 26-204, § 26-206, OR § 27-103 OF THIS ARTICLE, OR THE
39 TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE FOR:

1 (I) FAILURE TO COMPLY WITH A NOTICE TO APPEAR IN A COURT
2 OF THAT STATE CONTAINED IN A TRAFFIC CITATION ISSUED TO A PERSON; OR

3 (II) FAILURE TO PAY A FINE FOR A VIOLATION OF ANY TRAFFIC
4 LAWS OR REGULATIONS OF THAT STATE 3 POINTS

5 [(30) Driving after refusal, suspension, cancellation, or revocation of
6 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
7 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
8 state as described in § 16-303(i) of this title 12 points]

9 16-404.1.

10 (b) (3) An individual may be a participant if:

11 (i) The individual's license is suspended or revoked for a violation
12 of § 21-902(a), (b), or (c) of this article or an accumulation of points under §
13 16-402(a)(24) or [(33)] (32) of this subtitle;

14 (ii) The individual is ordered to participate in the Program by a
15 court under § 27-107 of this article;

16 (iii) The individual's license has an alcohol restriction imposed
17 under § 16-113(b) or (g) of this title; or

18 (iv) The Administration modifies a suspension or issues a restricted
19 license to the individual under § 16-205.1(n)(2) or (4) of this title.

20 (4) The Administration may:

21 (i) Issue a restrictive license to an individual who is a participant
22 in the Program during the suspension period as provided under § 16-404(c)(3) of this
23 subtitle;

24 (ii) Reinstate the driver's license of a participant whose license has
25 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
26 accumulation of points under [§ 16-402(a)(33)] § 16-402(A)(32) of this subtitle for a
27 violation of § 21-902(a) of this article; and

28 (iii) Notwithstanding any other provision of law, impose on a
29 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
30 subtitle in lieu of a license revocation for:

31 1. A violation of § 21-902(a), (b), or (c) of this article; or

32 2. An accumulation of points under [§ 16-402(a)(33)] §
33 16-402(A)(32) of this subtitle for a violation of § 21-902(a) of this article.

1 27-101.

2 (c) Any person who is convicted of a violation of any of the provisions of the
3 following sections of this article is subject to a fine of not more than \$500 or
4 imprisonment for not more than 2 months or both:

5 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
6 misrepresentation prohibited");

7 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

8 (3) § 14-104 ("Damaging or tampering with vehicle");

9 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
10 or registration card or plate");

11 (5) § 14-110 ("Altered or forged documents and plates");

12 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

13 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

14 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

15 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

16 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
17 prohibited");

18 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");

19 (12) § 16-301 ("Unlawful application for or use of license");

20 (13) [§ 16-303(h) ("Licenses suspended under certain provisions of
21 Code");

22 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
23 traffic laws or regulations of another state");

24 (15)] § 18-106 ("Unauthorized use of rented motor vehicle");

25 [(16)] (14) § 20-103 ("Driver to remain at scene - Accidents resulting only
26 in damage to attended vehicle or property");

27 [(17)] (15) § 20-104 ("Duty to give information and render aid");

28 [(18)] (16) § 20-105 ("Duty on striking unattended vehicle or other
29 property");

30 [(19)] (17) § 20-108 ("False reports prohibited");

1 [(20)] (18) § 21-206 ("Interference with traffic control devices or railroad
2 signs and signals");

3 [(21)] (19) As to a pedestrian in a marked crosswalk, § 21-502(a)
4 ("Pedestrians' right-of-way in crosswalks: In general");

5 [(22)] (20) As to another vehicle stopped at a marked crosswalk, §
6 21-502(c) ("Passing of vehicle stopped for pedestrian prohibited");

7 [(23)] (21) Except as provided in subsections (f) and (q) of this section, §
8 21-902(b) ("Driving while impaired by alcohol");

9 [(24)] (22) Except as provided in subsections (f) and (q) of this section, §
10 21-902(c) ("Driving while impaired by drugs or drugs and alcohol");

11 [(25)] (23) Except as provided in subsections (f) and (q) of this section, §
12 21-902(d) ("Driving while impaired by controlled dangerous substance");

13 [(26)] (24) § 21-902.1 ("Driving within 12 hours after arrest"); or

14 [(27)] (25) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
15 systems").

16 (h) Any person who is convicted of a violation of any of the provisions of §
17 15-502(a) of this article ("License required"), [§ 16-303(a), (b), (c), (d), (e), (f), or (g) of
18 this article ("Driving while license is canceled, suspended, refused, or revoked"),] §
19 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
20 evidence of required security") is subject to:

21 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
22 for not more than 1 year, or both; and

23 (2) For any subsequent offense, a fine of not more than \$1,000, or
24 imprisonment for not more than 2 years, or both.

25 (W) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303 OF THIS
26 ARTICLE IS SUBJECT TO:

27 (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500, OR
28 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BOTH;

29 (2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$1,000, OR
30 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH; AND

31 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN
32 \$2,000, OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

33 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s)
34 16-402(a)(31) through (37), respectively, of Article - Transportation of the Annotated
35 Code of Maryland be renumbered to be Section(s) 16-402(a)(30) through (36),
36 respectively.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2004.