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By: **Senator Middleton**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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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.