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By: **Senators Garagiola, Currie, DeGrange, Forehand, Hogan, Hooper,  
Kramer, McFadden, Mooney, and Munson**

Introduced and read first time: February 26, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Driver Responsibility Act**

3 FOR the purpose of requiring an individual holding a driver's license to pay certain  
4 additional fees if a certain number of points have been assessed against the  
5 individual within a certain time period prior to renewal or the individual has  
6 been convicted of certain alcohol- or drug-related offenses; requiring the Motor  
7 Vehicle Administration to send a notice to an individual subject to a fee under  
8 this Act a certain number of days after a certain event; requiring the suspension  
9 of an individual's driver's license unless the individual pays a fee under this Act  
10 except under certain circumstances; authorizing the Administration to establish  
11 a certain schedule for payment of a fee charged under this Act and prohibiting  
12 the Administration from suspending or requiring the Administration to renew  
13 an individual's driver's license under certain circumstances; providing that a  
14 conviction includes a probation before judgment for certain purposes;  
15 prohibiting a person from being assessed a certain fee more than once in a  
16 12-month period; establishing the Medical Assistance Program Fund;  
17 establishing the purpose of the Fund; providing for the administration of the  
18 Fund; establishing the composition of the Fund; limiting the uses of the Fund;  
19 providing for investment of moneys in the Fund; establishing a certain intent of  
20 the Fund; providing that a certain percentage of revenues from certain fees be  
21 deposited in the Medical Assistance Program Fund and the balance be deposited  
22 in the general fund; and generally relating to a fee for a person holding a driver's  
23 license.

24 BY adding to  
25 Article - Health - General  
26 Section 15-141  
27 Annotated Code of Maryland  
28 (2000 Replacement Volume and 2003 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article - Transportation  
31 Section 16-111.2

1 Annotated Code of Maryland  
2 (2002 Replacement Volume and 2003 Supplement)

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

5 **Article - Health - General**

6 15-141.

7 (A) IN THIS SECTION, "FUND" MEANS THE MEDICAL ASSISTANCE PROGRAM  
8 FUND.

9 (B) THERE IS A MEDICAL ASSISTANCE PROGRAM FUND.

10 (C) THE PURPOSE OF THE FUND IS TO PAY FOR EXPENSES OF THE MEDICAL  
11 ASSISTANCE PROGRAM UNDER THIS SUBTITLE.

12 (D) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL  
13 ADMINISTER THE FUND.

14 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
15 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
17 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

18 (F) THE FUND CONSISTS OF:

19 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 16-111.2(B)(6)(I) OF  
20 THE TRANSPORTATION ARTICLE;

21 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

22 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

23 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
24 BENEFIT OF THE FUND.

25 (G) THE FUND MAY BE USED ONLY TO PAY FOR EXPENSES OF THE MEDICAL  
26 ASSISTANCE PROGRAM UNDER THIS SUBTITLE.

27 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
28 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

29 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO  
30 THE FUND.

31 (I) EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN ACCORDANCE  
32 WITH THE STATE BUDGET.

1 (J) MONEY EXPENDED FROM THE FUND FOR EXPENSES OF THE MEDICAL  
2 ASSISTANCE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE  
3 PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR EXPENSES OF  
4 THE MEDICAL ASSISTANCE PROGRAM UNDER THIS SUBTITLE.

5 **Article - Transportation**

6 16-111.2.

7 (a) (1) When an applicant applies for an initial driver's license or for a class  
8 of driver's license other than that which the applicant currently holds, the applicant  
9 shall pay the Administration a license fee established by the Administration. This fee  
10 covers issuance of a learner's instructional permit and, if the applicant qualifies  
11 before the learner's instructional permit expires, issuance of a driver's license or  
12 provisional license.

13 (2) If a learner's instructional permit is not required, the applicant shall  
14 pay the Administration, when the driver's license is issued, a license fee established  
15 by the Administration.

16 (b) (1) IN THIS SUBSECTION, "CONVICTION" INCLUDES THE IMPOSITION OF  
17 A PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL LAW ARTICLE.

18 (2) A PERSON MAY NOT BE ASSESSED A FEE UNDER PARAGRAPH (4) OF  
19 THIS SUBSECTION MORE THAN ONCE IN ANY 12-MONTH PERIOD.

20 (3) [For] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, FOR the  
21 renewal of a noncommercial Class A, B, C, D, E, or M driver's license, a licensee shall  
22 pay the Administration a renewal fee established by the Administration.

23 (4) IN ADDITION TO THE RENEWAL FEE ESTABLISHED UNDER  
24 PARAGRAPH (3) OF THIS SUBSECTION, A LICENSEE HOLDING A NONCOMMERCIAL  
25 CLASS A, B, C, D, E, OR M DRIVER'S LICENSE SHALL BE SUBJECT TO THE FOLLOWING  
26 FEES:

27 (I) IF THE LICENSEE HAS ACCUMULATED 5 POINTS ON THE  
28 LICENSEE'S DRIVING RECORD IN THE 3 YEARS PRIOR TO THE DATE A POINT  
29 CONVICTION IS POSTED TO THE DRIVER HISTORY RECORD, EXCLUDING POINTS  
30 ACCUMULATED FOR A CONVICTION UNDER § 21-902 OF THIS ARTICLE, A FEE OF \$100;

31 (II) IF THE LICENSEE HAS ACCUMULATED MORE THAN 5 POINTS  
32 ON THE LICENSEE'S DRIVING RECORD IN THE 3 YEARS PRIOR TO THE DATE A POINT  
33 CONVICTION IS POSTED TO THE DRIVER HISTORY RECORD, EXCLUDING POINTS  
34 ACCUMULATED FOR A CONVICTION UNDER § 21-902 OF THIS ARTICLE, FOR EACH  
35 POINT ABOVE 6 THAT A LICENSEE HAS ACCUMULATED, A FEE OF \$25 PER POINT;

36 (III) IF THE LICENSEE IS CONVICTED FOR A VIOLATION OF § 21-902  
37 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER JURISDICTION THAT WOULD BE A  
38 VIOLATION OF § 21-902 OF THIS ARTICLE IF COMMITTED IN THIS STATE, A FEE OF  
39 \$1,000 ANNUALLY FOR A PERIOD OF 3 YEARS;

1 (IV) IN ADDITION TO THE FEE IMPOSED UNDER ITEM (III) OF THIS  
2 PARAGRAPH, IF THE LICENSEE IS CONVICTED OF A SECOND VIOLATION OF § 21-902  
3 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER JURISDICTION THAT WOULD BE A  
4 VIOLATION OF § 21-902 OF THIS ARTICLE IF COMMITTED IN THIS STATE, A FEE OF  
5 \$1,500 ANNUALLY FOR A PERIOD OF 3 YEARS; AND

6 (V) IN ADDITION TO THE FEES IMPOSED UNDER ITEMS (III) AND (IV)  
7 OF THIS PARAGRAPH, IF THE LICENSEE IS CONVICTED OF A THIRD OR SUBSEQUENT  
8 VIOLATION OF § 21-902 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER  
9 JURISDICTION THAT WOULD BE A VIOLATION OF § 21-902 OF THIS ARTICLE IF  
10 COMMITTED IN THIS STATE, A FEE OF \$2,500 ANNUALLY FOR A PERIOD OF 3 YEARS.

11 (5) (I) THE ADMINISTRATION SHALL SEND NOTICE TO AN INDIVIDUAL  
12 SUBJECT TO A FEE UNDER PARAGRAPH (4) OF THIS SUBSECTION NO MORE THAN 30  
13 DAYS AFTER A CONVICTION IS POSTED TO THE DRIVER'S RECORD THAT IS SUBJECT  
14 TO A FEE UNDER PARAGRAPH (4) OF THIS SUBSECTION.

15 (II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A  
16 LICENSE SHALL BE SUSPENDED UNLESS ALL FEES REQUIRED UNDER PARAGRAPH (4)  
17 OF THIS SUBSECTION ARE PAID.

18 (III) THE ADMINISTRATION MAY ESTABLISH A SCHEDULE FOR  
19 PAYMENT OF FEES UNDER PARAGRAPH (4) OF THIS SUBSECTION AND MAY NOT  
20 SUSPEND AN INDIVIDUAL'S LICENSE OR SHALL REINSTATE A SUSPENDED LICENSE  
21 IF THE PAYMENT SCHEDULE IS FOLLOWED.

22 (6) THE REVENUES DERIVED FROM FEES IMPOSED UNDER PARAGRAPH  
23 (4) OF THIS SUBSECTION SHALL BE DISTRIBUTED AS FOLLOWS:

24 (I) 25% TO THE MEDICAL ASSISTANCE PROGRAM FUND  
25 ESTABLISHED UNDER § 15-141 OF THE HEALTH - GENERAL ARTICLE; AND

26 (II) THE BALANCE TO THE GENERAL FUND.

27 (c) For issuance of a duplicate or corrected noncommercial Class A, B, C, D, E,  
28 or M driver's license, a licensee shall pay the Administration a duplicate or corrected  
29 driver's license fee established by the Administration.

30 (d) For conversion of a provisional license to a driver's license issued under §  
31 16-111.1 of this subtitle, a licensee shall pay the Administration a fee established by  
32 the Administration.

33 (e) A licensee shall pay a fee established by the Administration if:

34 (1) The license is issued or renewed under § 16-104.1 of this subtitle;  
35 and

36 (2) The licensee presents proof to the Administration that immediately  
37 before the conversion of the license under § 16-104 of this subtitle, the licensee was  
38 qualified to operate vehicles of the same class.

1 (f) (1) Whenever an applicant or licensee pays a fee required under  
2 subsection (a) or (b) of this section, the Administration shall offer the individual the  
3 option to make a voluntary contribution of \$1 to the Organ and Tissue Donation  
4 Awareness Fund established under Title 13, Subtitle 9 of the Health - General  
5 Article.

6 (2) All moneys collected under this subsection shall be paid to the  
7 Comptroller of the State and deposited into the Organ and Tissue Donation  
8 Awareness Fund established under Title 13, Subtitle 9 of the Health - General  
9 Article.

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