

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 252

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Mayer, and Kaiser”.

AMENDMENT NO. 2

On page 1, strike beginning with the second “and” in line 2 down through “Revocation” in line 3; in line 4, after “of” insert “requiring the Motor Vehicle Administration to suspend for a certain period the license to drive of a person who is adjudicated delinquent or found to have committed a delinquent act without an adjudication of delinquency by reason of a violation of certain alcohol- or drug-related driving offenses;”; in the same line, strike “Motor Vehicle Administration to revoke or” and substitute “Administration to”; in line 5, strike “driver’s license or driving privilege” and substitute “license to drive”; strike beginning with “motor” in line 6 down through “violations” in line 7 and substitute “driving offenses”; strike beginning with “prohibiting” in line 7 down through “change” in line 12 and substitute “requiring that a suspension imposed under this Act be concurrent with any other suspension or revocation that arises out of the same circumstances; providing that a person who requests a hearing for a certain proposed suspension under this Act may elect on the record that another hearing on certain license sanctions arising out of the same circumstances be consolidated with the hearing on the suspension under this Act under certain circumstances; providing that certain hearings may not be postponed at the request of a certain person due to a certain consolidation of hearings; requiring the Administration to consolidate certain hearings under certain circumstances; repealing the authority of the Administration to revoke a license to drive under certain circumstances; making corrective, conforming, and stylistic changes”; in line 12, strike “and revocations”; in line 13, strike “motor vehicle violations” and substitute “driving offenses”; and in line 21, strike “and 16-208” and substitute “16-208, and 16-213”.

AMENDMENT NO. 3

On page 2, strike beginning with the colon in line 14 down through “privilege” in line 20 and

(Over)

substitute “SUSPEND THE CHILD’S LICENSE TO DRIVE AS PROVIDED IN § 16-206 (B) OF THE TRANSPORTATION ARTICLE”.

AMENDMENT NO. 4

On page 4, in line 7, after “(D-1)” insert “(1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,”; strike beginning with the colon in line 8 down through “SECTION,” in line 11; in line 12, strike “OR DRIVING PRIVILEGE” and substitute “TO DRIVE”; and after line 15, insert:

“(2) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

(I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION; AND

(II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(3) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON MAY ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR REVOCATION UNDER THIS SECTION OR § 16-206(C) OR § 16-213 OF THIS SUBTITLE OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

(II) A PERSON WHO ELECTS TO CONSOLIDATE HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH NOTICE REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.

(III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED AT THE REQUEST OF THE PERSON WHO ELECTS CONSOLIDATION OF HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE HEARINGS.

(IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS PARAGRAPH.”.

AMENDMENT NO. 5

On page 6, in line 27, strike “(D-1) OR”; in line 27, strike “OR § 16-206(B) OF THIS SUBTITLE”; in line 34, strike the brackets; and in line 37, strike “or revoke the driving privilege” and substitute “THE LICENSE TO DRIVE”.

On page 7, in lines 1 and 7, in each instance, strike the bracket; in lines 1 and 3, in each instance, strike “or revocation”; and after line 7, insert:

“(3) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

(I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION; AND

(II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(4) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON MAY ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR

REVOCAION UNDER SUBSECTION (C) OF THIS SECTION OR § 16-213 OF THIS SUBTITLE OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

(II) A PERSON WHO ELECTS TO CONSOLIDATE HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH NOTICE REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.

(III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED AT THE REQUEST OF THE PERSON WHO ELECTS CONSOLIDATION OF HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE HEARINGS.

(IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS PARAGRAPH.”.

AMENDMENT NO. 6

On page 7, in lines 9 and 10, strike “§ 16-205(D-1) OF THIS SUBTITLE, §“ and substitute “§§ 16-205 (D-1) AND”; in line 10, after “16-206(a)(4)” insert “, (B).”; in the same line, strike the brackets; and in line 11, strike “, AND § 3-8A-23 OF THE COURTS ARTICLE”.

AMENDMENT NO. 7

On page 9, strike beginning with “NOTWITHSTANDING” in line 16 down through “(8)” in line 25.

AMENDMENT NO. 8

On page 9, after line 27, insert:

“16-213.

(a) In this section, “offense” means a moving violation committed by an individual who:

- (1) Holds a provisional license under § 16-111 of this title;
- (2) Was convicted of the violation; and
- (3) Was not eligible for a license under § 16-111.1 of this title at the time of the violation.

(b) [The] EXCEPT AS PROVIDED IN § 16-205 (D-1) OR § 16-206(B) OF THIS SUBTITLE, THE sanctions under this section are in addition to any other penalty or sanctions that might apply as a result of a moving violation.

(c) The Administration:

- (1) For a first offense, shall require the offender to attend a driver improvement program under § 16-212 of this subtitle;
- (2) For a second offense, may suspend the offender’s provisional license for up to 30 days; and
- (3) For a third or subsequent offense, may suspend or revoke the offender’s provisional license for up to 180 days.”.