
By: **Chairman, Judiciary Committee (By Request - Departmental - State Police)**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Antitheft Provisions - Key Duplication and Possession**

3 FOR the purpose of requiring a person who makes for another person a key capable of
4 operating the ignition of a motor vehicle to obtain the signature of the individual
5 requesting the key and to obtain certain other information regarding the
6 individual requesting the key, the vehicle, and the transaction; requiring that
7 the signature and other recorded information be kept for a certain period of time
8 and made available for inspection by the Motor Vehicle Administration and
9 certain law enforcement officers; providing for the construction of certain
10 provisions of this Act; prohibiting an individual from possessing a key to the
11 motor vehicle of another with intent to violate a certain provision of law;
12 prohibiting an individual from duplicating a key to the motor vehicle of another
13 without certain permission; establishing certain penalties for violations of this
14 Act; and generally relating to the possession and duplication of motor vehicle
15 keys.

16 BY adding to
17 Article - Transportation
18 Section 14-103.1 and 14-103.2
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Transportation
23 Section 27-101(a)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Transportation
28 Section 27-101(f)(1) and 27-101.1
29 Annotated Code of Maryland

1 (2002 Replacement Volume and 2004 Supplement)

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

4 **Article - Transportation**

5 14-103.1.

6 (A) ANY PERSON WHO MAKES A KEY CAPABLE OF OPERATING THE IGNITION
7 OF A MOTOR VEHICLE FOR ANOTHER FROM A KEY CODE, IMPRESSION, OR VEHICLE
8 IDENTIFICATION NUMBER, OR BY ANY METHOD OTHER THAN BY DUPLICATION OF
9 AN EXISTING KEY, WHETHER OR NOT FOR COMPENSATION, SHALL:

10 (1) OBTAIN:

11 (I) CONFIRMATION OF THE VEHICLE'S OWNERSHIP OR THE
12 VEHICLE OWNER'S PERMISSION TO DUPLICATE KEYS FROM THE VEHICLE
13 IDENTIFICATION NUMBER OR KEY CODE;

14 (II) THE NAME, ADDRESS, TELEPHONE NUMBER, DATE OF BIRTH,
15 AND GOVERNMENT ISSUED PHOTO IDENTIFICATION OF THE PERSON REQUESTING
16 OR PURCHASING THE KEY;

17 (III) THE REGISTRATION NUMBER, VEHICLE IDENTIFICATION
18 NUMBER, YEAR, MAKE, MODEL, AND COLOR OF THE VEHICLE FOR WHICH THE KEY IS
19 BEING MADE; AND

20 (IV) THE DATE THE KEY WAS MADE AND THE SIGNATURE OF THE
21 PERSON FOR WHOM THE KEY WAS MADE; AND

22 (2) KEEP A COPY OF THE WORK ORDER REQUESTING THAT THE KEY BE
23 MADE, ALONG WITH THE INFORMATION OBTAINED UNDER ITEM (1) OF THIS
24 SUBSECTION AND THE NAME OF THE BUSINESS AND INDIVIDUAL PERFORMING THE
25 SERVICE, FOR 2 YEARS AND OPEN TO INSPECTION AS SET FORTH UNDER § 15-113.1 OF
26 THIS ARTICLE.

27 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE
28 DUPLICATION OF KEYS FROM AN EXISTING KEY.

29 14-103.2.

30 (A) AN INDIVIDUAL MAY NOT POSSESS A KEY TO THE MOTOR VEHICLE OF
31 ANOTHER WITH THE INTENT TO USE THE KEY TO VIOLATE § 7-105(B) OF THE
32 CRIMINAL LAW ARTICLE.

33 (B) AN INDIVIDUAL MAY NOT ATTEMPT TO DUPLICATE A KEY TO A MOTOR
34 VEHICLE WITHOUT PERMISSION FROM THE OWNER OR LAWFUL POSSESSOR OF THE
35 MOTOR VEHICLE.

1 27-101.

2 (a) It is a misdemeanor for any person to violate any of the provisions of the
3 Maryland Vehicle Law unless the violation:

4 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
5 other law of this State; or

6 (2) Is punishable by a civil penalty under the applicable provision of the
7 Maryland Vehicle Law.

8 (f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not
9 exceeding 1 year or both, if the person is convicted of:

10 (i) A violation of § 14-103 of this article ("Possession of motor
11 vehicle master key"); [or]

12 (ii) A VIOLATION OF:

13 1. § 14-103.2(A) OF THIS ARTICLE ("POSSESSION OF MOTOR
14 VEHICLE KEY WITH INTENT TO COMMIT MOTOR VEHICLE THEFT"); OR

15 2. § 14-103.2(B) OF THIS ARTICLE ("ATTEMPT TO DUPLICATE
16 MOTOR VEHICLE KEY WITHOUT PERMISSION"); OR

17 (III) A second or subsequent violation of:

18 1. § 16-101 of this article ("Drivers must be licensed"); or

19 2. Except as provided in subsection (q) of this section:

20 A. § 21-902(b) of this article ("Driving while impaired by
21 alcohol"); or

22 B. § 21-902(c) of this article ("Driving while impaired by
23 drugs or drugs and alcohol").

24 27-101.1.

25 (a) In addition to being disqualified from driving a commercial motor vehicle
26 under § 16-812(i) of this article, a driver who is convicted of violating an
27 out-of-service order shall be subject to the civil penalties specified by regulation by
28 the United States Secretary of Transportation.

29 (b) An employer who is convicted of violating § 16-806(b)(4) or (5) of this
30 article shall be subject to the civil penalties specified by regulation by the United
31 States Secretary of Transportation.

32 (C) ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF §
33 14-103.1 OF THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:

UNOFFICIAL COPY OF HOUSE BILL 767

1 (1) FOR A FIRST OFFENSE, A FINE OF \$500; AND

2 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF \$1,000.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2005.