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By: **Senator Middleton**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Underage Violations - Suspension of Driver's License**

3 FOR the purpose of requiring a court, in making a disposition on a finding that a child  
4 under a certain age has committed a violation involving underage possession of  
5 alcoholic beverages or misrepresentation of the child's age to purchase alcoholic  
6 beverages, to order the Motor Vehicle Administration to suspend the child's  
7 driver's license for certain periods; altering license suspension periods for  
8 certain persons; and generally relating to penalties for certain underage  
9 alcoholic beverages violations.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 3-8A-19(e)(1)  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article - Criminal Law  
17 Section 10-113 and 10-114  
18 Annotated Code of Maryland  
19 (2002 Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Criminal Law  
22 Section 10-119(k)  
23 Annotated Code of Maryland  
24 (2002 Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article - Transportation  
27 Section 16-206(c)  
28 Annotated Code of Maryland  
29 (2002 Replacement Volume and 2004 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 3-8A-19.

5 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this  
6 paragraph, in making a disposition on a finding that the child has committed the  
7 violation specified in a citation, the court may order the Motor Vehicle Administration  
8 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of  
9 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a  
10 specified period of not less than 30 days nor more than 90 days.

11 (ii) In this paragraph, "driver's license" means a license or permit  
12 to drive a motor vehicle that is issued under the laws of this State or any other  
13 jurisdiction.

14 (iii) In making a disposition on a finding that the child has  
15 committed a violation of § 10-113 OR § 10-114 of the Criminal Law Article specified in  
16 a citation that involved the use of a driver's license or a document purporting to be a  
17 driver's license, the court [may] SHALL order the Motor Vehicle Administration to  
18 initiate an action under the Maryland Vehicle Law to suspend the driving privilege of  
19 a child licensed to operate a motor vehicle by the Motor Vehicle Administration:

20 1. For a first offense, for A PERIOD NOT LESS THAN 3  
21 MONTHS AND NOT EXCEEDING 6 months; and

22 2. For a second or subsequent offense, [until the child is 21  
23 years old] FOR A PERIOD NOT LESS THAN 6 MONTHS BUT NOT EXTENDING BEYOND  
24 THE LATER OF THE END OF THE 6-MONTH PERIOD OR THE CHILD'S TWENTY-FIRST  
25 BIRTHDAY.

26 (iv) In making a disposition on a finding that the child has  
27 committed a violation under § 26-103 of the Education Article, the court shall order  
28 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,  
29 to suspend the driving privilege of a child licensed to operate a motor vehicle by the  
30 Motor Vehicle Administration for a specified period of not less than 30 days nor more  
31 than 90 days.

32 (v) If a child subject to a suspension under this subsection does not  
33 hold a license to operate a motor vehicle on the date of the disposition, the suspension  
34 shall commence:

35 1. If the child is at least 16 years of age on the date of the  
36 disposition, on the date of the disposition; or

37 2. If the child is younger than 16 years of age on the date of  
38 the disposition, on the date the child reaches the child's 16th birthday.

1

**Article - Criminal Law**

2 10-113.

3 An individual may not knowingly and willfully make a misrepresentation or  
4 false statement as to the age of that individual or another to any person licensed to  
5 sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose  
6 of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic  
7 beverage to an individual.

8 10-114.

9 An individual under the age of 21 years may not possess or have under the  
10 individual's charge or control an alcoholic beverage unless the individual is a bona  
11 fide employee of the license holder as defined in Article 2B, § 1-102 of the Code and  
12 the alcoholic beverage is in the possession or under the charge or control of the  
13 individual in the course of the individual's employment and during regular working  
14 hours.

15 10-119.

16 (k) (1) In this subsection, "driver's license" means a license or permit to  
17 drive a motor vehicle that is issued under the laws of this State or any other  
18 jurisdiction.

19 (2) This subsection applies only to:

20 (i) a person who is at least 18 but under 21 years of age; or

21 (ii) a minor if the minor is subject to the jurisdiction of the court.

22 (3) If a person is found guilty of a Code violation under § 10-113 OR §  
23 10-114 of this part that involved the use of a driver's license or a document purporting  
24 to be a driver's license, the court shall notify the Motor Vehicle Administration of the  
25 violation.

26 (4) The Chief Judge of the District Court, in conjunction with the Motor  
27 Vehicle Administrator, shall establish uniform procedures for reporting Code  
28 violations described in this subsection.

29

**Article - Transportation**

30 16-206.

31 (c) (1) Pursuant to a court order under § 3-8A-19(e) of the Courts Article,  
32 the Administration shall initiate an action to suspend the driving privilege of a child  
33 for the time specified by the court.

1                   (2)     If a child subject to a suspension under § 3-8A-19(e) of the Courts  
2 Article does not hold a license to operate a motor vehicle on the date of the court order,  
3 the suspension shall commence:

4                   (i)     If the child is at least 16 years of age on the date of the  
5 disposition, on the date of the disposition; or

6                   (ii)    If the child is younger than 16 years of age on the date of the  
7 disposition, on the date the child reaches the child's 16th birthday.

8                   (3)     On receipt of a notice described under § 10-119(k) of the Criminal  
9 Law Article, the Administration shall suspend the license of an individual described  
10 under § 10-119(k) of the Criminal Law Article:

11                  (i)     For a first offense, for A PERIOD NOT LESS THAN 3 MONTHS AND  
12 NOT EXCEEDING 6 months; and

13                  (ii)    For a second or subsequent offense, [until the individual is 21  
14 years old or for a period of 1 year, whichever is longer] FOR A PERIOD NOT LESS THAN  
15 6 MONTHS BUT NOT EXTENDING BEYOND THE LATER OF THE END OF THE 6-MONTH  
16 PERIOD OR THE CHILD'S TWENTY-FIRST BIRTHDAY.

17                  (4)     If an individual subject to a suspension under paragraph (3) of this  
18 subsection does not hold a license to operate a motor vehicle on the date that the  
19 individual is found guilty of a Code violation, the suspension shall begin on the date  
20 that the license is issued, or after the individual applies and becomes qualified to  
21 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

22                  (5)     The Administration may modify a suspension under this subsection  
23 or subsection (b) of this section or issue a restricted license if:

24                  (i)     The license is required for the purpose of attending an alcohol  
25 education or alcoholic prevention or treatment program;

26                  (ii)    The child or individual is required to drive a motor vehicle in  
27 the course of employment;

28                  (iii)   It finds that the individual's or child's employment would be  
29 adversely affected because the individual or child has no reasonable alternative  
30 means of transportation to or from a place of employment; or

31                  (iv)    It finds that the individual's or child's education would be  
32 adversely affected because the individual or child has no reasonable alternative  
33 means of transportation for educational purposes.

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