
By: **Delegates Shewell, Aumann, Bartlett, G. Clagett, Cluster, Edwards,
Frank, Hogan, Jennings, Kohl, Krebs, McComas, McDonough, Myers,
Parrott, Shank, and Stocksdale**

Introduced and read first time: February 2, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverage Violations - Drivers' Licenses and Driving Privileges -**
3 **Suspensions**

4 FOR the purpose of requiring the juvenile court to notify the Motor Vehicle
5 Administration if a child is found to have committed certain alcoholic beverage
6 violations; authorizing the juvenile court to order the Administration, after
7 receiving a certain notice, to suspend for a certain period the driver's license or
8 driving privilege of a child who is found to have committed certain alcoholic
9 beverage violations; requiring a court to notify the Administration if a person is
10 found guilty of certain alcoholic beverage violations; authorizing a court to order
11 the Administration, after receiving a certain notice, to suspend for a certain
12 period the driver's license or driving privilege of a person who is found guilty of
13 certain alcoholic beverage violations; authorizing instead of requiring a
14 suspension of a driver's license or driving privilege under certain circumstances;
15 making stylistic and technical changes; and generally relating to suspension of a
16 driver's license or driving privilege for certain alcoholic beverage violations.

17 BY repealing and reenacting, without amendments,
18 Article - Courts and Judicial Proceedings
19 Section 3-8A-01(a), (d), and (j)
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Courts and Judicial Proceedings
24 Section 3-8A-01(dd)(1) and 3-8A-19(e)(1)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2005 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article - Criminal Law
29 Section 10-119(f)(2) and (3) and (k)(1)

1 Annotated Code of Maryland
2 (2002 Volume and 2005 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Criminal Law
5 Section 10-119(k)(2) and (3)
6 Annotated Code of Maryland
7 (2002 Volume and 2005 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 16-206(c)
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2005 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 3-8A-01.

17 (a) In this subtitle the following words have the meanings indicated, unless
18 the context of their use indicates otherwise.

19 (d) "Child" means an individual under the age of 18 years.

20 (j) "Court" means the circuit court for a county sitting as the juvenile court.

21 (dd) "Violation" means a violation for which a citation is issued under:

22 (1) [§ 10-113, § 10-114, § 10-115, or § 10-116] TITLE 10, SUBTITLE 1,
23 PART II OR PART III of the Criminal Law Article;

24 3-8A-19.

25 (e) (1) (i) IN THIS PARAGRAPH, "DRIVER'S LICENSE" MEANS A LICENSE OR
26 PERMIT TO DRIVE A MOTOR VEHICLE THAT IS ISSUED UNDER THE LAWS OF THIS
27 STATE OR ANY OTHER JURISDICTION.

28 (II) [Subject to the provisions of subparagraphs (iii) and (iv) of this
29 paragraph, in] IN making a disposition on a finding that the child has committed
30 [the] A violation specified in a citation, the court SHALL NOTIFY THE MOTOR
31 VEHICLE ADMINISTRATION OF THE VIOLATION AND may order the Motor Vehicle
32 Administration to initiate an action, under the motor vehicle laws, to suspend the
33 [driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle
34 Administration for a specified period of not less than 30 days nor more than 90 days]
35 DRIVER'S LICENSE OF THE CHILD:

UNOFFICIAL COPY OF HOUSE BILL 620

- 1 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
- 2 AND
- 3 2. FOR A SUBSEQUENT OFFENSE, UNTIL THE CHILD IS 21
- 4 YEARS OLD.

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

8 (iii) In making a disposition on a finding that the child has
9 committed a violation of § 10-113 of the Criminal Law Article specified in a citation
10 that involved the use of a driver's license or a document purporting to be a driver's
11 license, the court may order the Motor Vehicle Administration to initiate an action
12 under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to
13 operate a motor vehicle by the Motor Vehicle Administration:

- 14 1. For a first offense, for 6 months; and
- 15 2. For a second or subsequent offense, until the child is 21
- 16 years old.

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

23 (v)] (III) If a child subject to a suspension under this subsection
24 does not hold a DRIVER'S license [to operate a motor vehicle] on the date of the
25 disposition, the suspension shall commence[:

- 26 1. If the child is at least 16 years of age on the date of the
27 disposition, on the date of the disposition; or
- 28 2. If the child is younger than 16 years of age on the date of
29 the disposition, on the date the child reaches the child's 16th birthday] AS PROVIDED
30 IN § 16-206(C) OF THE TRANSPORTATION ARTICLE.

Article - Criminal Law

32 10-119.

33 (f) (2) A person charged who is under the age of 18 years shall be subject to
34 the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

35 (3) A person charged who is at least 18 years old shall be subject to the
36 provisions of this section.

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

4 (2) This subsection applies only to:

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

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

7 (3) (I) If a person is found guilty of a [Code] violation under [§ 10-113
 8 of this part that involved the use of a driver's license or a document purporting to be
 9 a driver's license] THIS PART II OR PART III OF THIS SUBTITLE, the court shall notify
 10 the Motor Vehicle Administration of the violation AND MAY ORDER THE MOTOR
 11 VEHICLE ADMINISTRATION TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE
 12 LAW TO SUSPEND THE DRIVER'S LICENSE OF THE PERSON:

13 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
 14 AND

15 2. FOR A SUBSEQUENT OFFENSE, FOR NOT MORE THAN 1
 16 YEAR OR, IN THE CASE OF A PERSON UNDER THE AGE OF 21 YEARS, UNTIL THE
 17 PERSON IS 21 YEARS OLD, WHICHEVER PERIOD IS LONGER.

18 (II) IF A PERSON SUBJECT TO A SUSPENSION UNDER THIS
 19 PARAGRAPH DOES NOT HOLD A DRIVER'S LICENSE ON THE DATE OF THE
 20 DISPOSITION, THE SUSPENSION SHALL COMMENCE AS PROVIDED IN § 16-206(C) OF
 21 THE TRANSPORTATION ARTICLE.

22 **Article - Transportation**

23 16-206.

24 (c) (1) Pursuant to a court order under § 3-8A-19(e) of the Courts Article OR
 25 § 10-119(K) OF THE CRIMINAL LAW ARTICLE, the Administration shall initiate an
 26 action to suspend the driving privilege [of a child] 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.

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

1 (i) For a first offense, for 6 months; and

2 (ii) For a second or subsequent offense, until the individual is 21
3 years old or for a period of 1 year, whichever is longer.

4 (4) If an individual subject to a suspension under [paragraph (3) of this
5 subsection] § 10-119(K) OF THE CRIMINAL LAW ARTICLE does not hold a license to
6 operate a motor vehicle on the date that the individual is found guilty of a Code
7 violation, the suspension shall begin on the date that the license is issued, or after the
8 individual applies and becomes qualified to receive a license, [or on the individual's
9 twenty-first birthday,] whichever occurs first.

10 [(5)] (4) The Administration may modify a suspension under this
11 subsection or subsection (b) of this section or issue a restricted license if:

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2006.