
By: **Delegates Bronrott, Eckardt, Anderson, Barkley, Bartlett, Barve, Bobo, Bohanan, Boschert, Brown, Burns, Cadden, Cane, G. Clagett, Conroy, Cryor, Donoghue, Dumais, Dwyer, Elmore, Feldman, Frank, Frush, Gaines, Glassman, Goldwater, Gutierrez, Haddaway, Hammen, Heller, Hixson, Hogan, Holmes, Hubbard, Jameson, Jennings, Jones, Kohl, Krebs, Kullen, Lawton, Lee, Levy, Madaleno, Malone, Mandel, Marriott, Mayer, McComas, McConkey, McHale, McKee, McMillan, Menes, Miller, Moe, Montgomery, Parker, Parrott, Petzold, Pugh, Shank, Shewell, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, V. Turner, Walkup, Weir, and Weldon**

Introduced and read first time: February 8, 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
10 under the age of 21 years is found guilty of certain alcoholic beverage violations;
11 authorizing a court to order the Administration, after receiving a certain notice,
12 to suspend for a certain period the driver's license or driving privilege of a
13 person under the age of 21 years who is found guilty of certain alcoholic
14 beverage violations; altering the time at which certain suspensions commence;
15 authorizing a court to pass certain orders concerning alcohol or drug evaluation
16 by the Department of Health and Mental Hygiene and alcohol or drug
17 treatment; requiring the Chief Judge of the District Court to consult with the
18 Chief Judge of the Court of Appeals in establishing certain procedures; making
19 technical and stylistic changes; and generally relating to suspension of a driver's
20 license or driving privilege of a child or adult under the age of 21 years for
21 certain alcoholic beverage violations.

22 BY repealing and reenacting, without amendments,
23 Article - Courts and Judicial Proceedings
24 Section 3-8A-01(a), (d), (f), and (j) and 3-8A-19(e)(3)(i)
25 Annotated Code of Maryland

1 (2002 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Courts and Judicial Proceedings

4 Section 3-8A-01(dd) and 3-8A-19(e)(1) and (2)(i)

5 Annotated Code of Maryland

6 (2002 Replacement Volume and 2005 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Law

9 Section 10-113, 10-114, and 10-119(h)(1) and (2), (j)(1), and (k)

10 Annotated Code of Maryland

11 (2002 Volume and 2005 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - Criminal Law

14 Section 10-119(f)(2) and (3)

15 Annotated Code of Maryland

16 (2002 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Transportation

19 Section 16-206(c)

20 Annotated Code of Maryland

21 (2002 Replacement Volume and 2005 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Courts and Judicial Proceedings**

25 3-8A-01.

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

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

29 (f) "Citation" means the written form issued by a police officer which serves
30 as the initial pleading against a child for a violation and which is adequate process to
31 give the court jurisdiction over the person cited.

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

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

1 (1) ARTICLE 2B, TITLE 19 OF THE CODE FOR WHICH A PETITION
2 ALLEGING DELINQUENCY IS FILED;

3 [(1)] (2) [§ 10-113, § 10-114, § 10-115, or § 10-116] TITLE 10, SUBTITLE
4 1, PART II OR PART III of the Criminal Law Article;

5 [(2)] (3) § 10-108 of the Criminal Law Article; [or]

6 [(3)] (4) § 26-103 of the Education Article; OR

7 (5) § 21-903 OF THE TRANSPORTATION ARTICLE.

8 3-8A-19.

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

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

20 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
21 AND

22 2. FOR A SUBSEQUENT OFFENSE, UNTIL THE CHILD IS 21
23 YEARS OLD.

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

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

33 1. For a first offense, for 6 months; and

34 2. For a second or subsequent offense, until the child is 21
35 years old.

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

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

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

12 2. If the child is younger than 16 years of age on the date of
13 the disposition, on the date the child reaches the child's 16th birthday] AS PROVIDED
14 IN § 16-206(C) OF THE TRANSPORTATION ARTICLE.

15 (IV) A COURT MAY ORDER A CHILD WHO COMMITS A VIOLATION:

16 1. TO BE EVALUATED BY THE DEPARTMENT OF HEALTH AND
17 MENTAL HYGIENE TO DETERMINE WHETHER THE CHILD IS IN NEED OF OR WOULD
18 BENEFIT FROM ALCOHOL OR DRUG TREATMENT; AND

19 2. TO COMPLETE ANY ALCOHOL OR DRUG TREATMENT
20 RECOMMENDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

21 (2) In addition to the dispositions under paragraph (1) of this subsection,
22 the court also may:

23 (i) Counsel the child or the parent or both[, or order the child to
24 participate in an alcohol education or rehabilitation program that is in the best
25 interest of the child];

26 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do
27 not apply to a child found to have committed a violation of § 10-108 of the Criminal
28 Law Article.

29 **Article - Criminal Law**

30 10-113.

31 An individual may not knowingly and willfully make a misrepresentation or
32 false statement as to the age of that individual or another to any person licensed to
33 sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose
34 of unlawfully obtaining, UNLAWFULLY procuring, or having unlawfully furnished an
35 alcoholic beverage to an individual.

1 10-114.

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

8 10-119.

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

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

13 (h) (1) Except as provided in paragraph (2) of this subsection, if [the District
14 Court] A COURT finds that a person has committed a Code violation, the court shall
15 require the person to pay:

16 (i) a fine not exceeding \$500; or

17 (ii) if the violation is a subsequent violation, a fine not exceeding
18 \$1,000.

19 (2) If [the District Court] A COURT finds that a person has committed a
20 Code violation under § 10-117 of this subtitle, the court shall require the person to
21 pay:

22 (i) a fine not exceeding \$1,000; or

23 (ii) if the violation is a subsequent violation, a fine not exceeding
24 \$1,500.

25 (j) (1) The defendant is liable for the costs of the proceedings in the
26 [District Court] COURT and for payment to the Criminal Injuries Compensation
27 Fund.

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

31 (2) This subsection applies only to:

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

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

34 (3) (I) If a person is found guilty of [a Code violation under § 10-113 of
35 this part that involved the use of a driver's license or a document purporting to be a

1 driver's license] A VIOLATION OF ARTICLE 2B, TITLE 19 OF THE CODE, THIS PART OR
 2 PART III OF THIS SUBTITLE, § 26-103 OF THE EDUCATION ARTICLE, OR § 21-903 OF
 3 THE TRANSPORTATION ARTICLE, the court shall notify the Motor Vehicle
 4 Administration of the violation AND MAY ORDER THE MOTOR VEHICLE
 5 ADMINISTRATION TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO
 6 SUSPEND THE DRIVER'S LICENSE OF THE PERSON:

7 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
 8 AND

9 2. FOR A SUBSEQUENT OFFENSE, FOR NOT MORE THAN 1
 10 YEAR OR UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER PERIOD IS LONGER.

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

15 (III) A COURT MAY ORDER A PERSON WHO IS FOUND GUILTY OF A
 16 VIOLATION DESCRIBED IN THIS SUBSECTION:

17 1. TO BE EVALUATED BY THE DEPARTMENT OF HEALTH AND
 18 MENTAL HYGIENE TO DETERMINE WHETHER THE PERSON IS IN NEED OF OR WOULD
 19 BENEFIT FROM ALCOHOL OR DRUG TREATMENT; AND

20 2. TO COMPLETE ANY ALCOHOL OR DRUG TREATMENT
 21 RECOMMENDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

22 (4) The Chief Judge of the District Court, in conjunction with the Motor
 23 Vehicle Administrator AND THE CHIEF JUDGE OF THE COURT OF APPEALS, shall
 24 establish uniform procedures for reporting [Code] violations described in this
 25 subsection.

26 **Article - Transportation**

27 16-206.

28 (c) (1) Pursuant to a court order under § 3-8A-19(e) of the Courts Article OR
 29 § 10-119(K) OF THE CRIMINAL LAW ARTICLE, the Administration shall initiate an
 30 action to suspend the driving privilege [of a child] for the time specified by the court.

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

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

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

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

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

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

7 (4) If an individual subject to a suspension under [paragraph (3) of] this
8 subsection does not hold a license to operate a motor vehicle on the date that the
9 individual is ADJUDICATED TO HAVE COMMITTED OR found guilty of a [Code]
10 violation THAT RESULTS IN A COURT ORDER UNDER § 3-8A-19(E) OF THE COURTS
11 ARTICLE OR § 10-119(K) OF THE CRIMINAL LAW ARTICLE, the suspension shall begin
12 on the date that the license is issued, or after the individual applies and becomes
13 qualified to receive a license, or on the individual's twenty-first birthday, whichever
14 occurs first.

15 [(5)] (3) The Administration may modify a suspension under this
16 subsection or subsection (b) of this section or issue a restricted license if:

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

19 (ii) The [child or] individual is required to drive a motor vehicle in
20 the course of employment;

21 (iii) It finds that the individual's [or child's] employment would be
22 adversely affected because the individual [or child] has no reasonable alternative
23 means of transportation to or from a place of employment; or

24 (iv) It finds that the individual's [or child's] education would be
25 adversely affected because the individual [or child] has no reasonable alternative
26 means of transportation for educational purposes.

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