
By: **Senators Garagiola, Colburn, Conway, Dyson, Forehand, Giannetti, Hafer, Haines, Hogan, Hollinger, Hooper, Jacobs, Jimeno, Kittleman, Klausmeier, Kramer, Lawlah, McFadden, Middleton, Mooney, Munson, Ruben, Schrader, and Teitelbaum**

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

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CHAPTER _____

1 AN ACT concerning

2 **Driver Responsibility and Funding for First Responders Act**

3 FOR the purpose of ~~establishing the State Police Helicopter Replacement Fund;~~
4 ~~establishing that the purpose of the State Police Helicopter Fund is to procure~~
5 ~~new helicopters and other related equipment; establishing the composition of~~
6 ~~the State Police Helicopter Fund; limiting the uses of the State Police Helicopter~~
7 ~~Fund; providing for investment of money in the State Police Helicopter Fund;~~
8 establishing the First Responders Fund (Fund); establishing that the purpose of
9 the Fund is to provide grants to political subdivisions to pay for equipment and
10 personnel for fire, rescue, and emergency medical services entities and local law
11 enforcement agencies; requiring the Director of the Maryland Emergency
12 Management Agency to administer the Fund; establishing the composition of
13 the Fund; limiting the uses of the Fund; providing for investment of money in
14 the Fund; establishing a certain intent of the Fund; authorizing the Director to
15 make grants from the Fund to political subdivisions to be used for fire, rescue,
16 and emergency medical services entities and local law enforcement agencies in
17 the political subdivision; establishing that grants from the Fund may be used for
18 certain purposes; requiring the Director to establish certain procedures and
19 guidelines; establishing that grants are for a certain duration and require
20 certain matching funds; prohibiting a political subdivision from reducing money
21 to fire, rescue, and emergency medical services entities or local law enforcement
22 agencies because of money provided from the Fund; requiring a political
23 subdivision that receives a grant to use the grant in accordance with certain
24 terms and comply with certain requirements; authorizing the Secretary of
25 Budget and Management to authorize the Motor Vehicle Administration to enter

1 into certain contracts for the procurement of billing and collection services for
 2 certain fees imposed under this Act; requiring a certain percentage of revenues
 3 from certain fees to be deposited in the First Responders Fund, the Senator
 4 William H. Amoss Fund, and the Volunteer Company Assistance Fund, and the
 5 balance to be deposited in the Transportation Trust Fund; altering a certain
 6 definition to establish that certain fees collected under this Act may not be
 7 altered by the Administration; requiring an individual holding a driver's license
 8 to pay a certain fee annually for each point over a certain number of points that
 9 is assessed against the individual's driving record or if the individual has been
 10 convicted of certain alcohol- or drug-related offenses; requiring the
 11 Administration to send a notice to an individual subject to a fee under this Act a
 12 certain number of days after a certain event; requiring the suspension of an
 13 individual's driver's license unless the individual pays a fee under this Act
 14 except under certain circumstances; authorizing an individual to request a
 15 certain hearing; limiting the issue that can be considered at a certain hearing;
 16 authorizing the Administration to establish a certain schedule for payment of
 17 fees charged under this Act; prohibiting the Administration from suspending
 18 and requiring the Administration to renew an individual's driver's license under
 19 certain circumstances; authorizing a licensee to prepay a certain fee;
 20 authorizing the Administration to adopt certain regulations; requiring a court to
 21 provide a certain notice to a certain defendant; providing for the application of
 22 certain provisions of this Act; altering the penalties for a certain lapse of
 23 security on a vehicle during a registration year; altering the distribution of
 24 funds that are collected from a certain penalty; defining certain terms;
 25 providing for the termination of certain provisions of this Act; providing for the
 26 effective dates of this Act; and generally relating to the assessment of fees
 27 against certain drivers and funding for first responders.

28 BY adding to
 29 Article - Public Safety
 30 Section ~~2-801 to be under the new subtitle "Subtitle 8. State Police Helicopter~~
 31 ~~Replacement Fund"; and 4-401 through 4-403, inclusive, to be under the~~
 32 new subtitle "Subtitle 4. First Responders Fund"
 33 Annotated Code of Maryland
 34 (2003 Volume and 2005 Supplement)

35 BY repealing and reenacting, without amendments,
 36 Article - Public Safety
 37 Section 7-101(b)
 38 Annotated Code of Maryland
 39 (2003 Volume and 2004 Supplement)

40 BY repealing and reenacting, with amendments,
 41 Article - State Finance and Procurement
 42 Section 3-302
 43 Annotated Code of Maryland

1 (2001 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Transportation

4 Section 12-120(a) ~~and 27-101(k) and 17-106(e)~~

5 Annotated Code of Maryland

6 (2002 Replacement Volume and 2005 Supplement)

7 BY adding to

8 Article - Transportation

9 Section 16-1001 to be under the new subtitle "Subtitle 10. Assessment of Fees"

10 Annotated Code of Maryland

11 (2002 Replacement Volume and 2005 Supplement)

12 ~~BY repealing and reenacting, with amendments,~~

13 ~~Article - Transportation~~

14 ~~Section 17-106(e)~~

15 ~~Annotated Code of Maryland~~

16 ~~(2002 Replacement Volume and 2005 Supplement)~~

17 ~~(As enacted by Section 2 of this Act)~~

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

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

20 ~~Article - Public Safety~~

21 ~~SUBTITLE 8. STATE POLICE HELICOPTER REPLACEMENT FUND.~~

22 ~~2-801.~~

23 ~~(A) IN THIS SECTION, "FUND" MEANS THE STATE POLICE HELICOPTER~~

24 ~~REPLACEMENT FUND.~~

25 ~~(B) THERE IS A STATE POLICE HELICOPTER REPLACEMENT FUND.~~

26 ~~(C) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT IS~~

27 ~~NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

28 ~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND~~

29 ~~THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

30 ~~(D) THE FUND CONSISTS OF:~~

31 ~~(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 17-106(E)(2)(I) OF~~

32 ~~THE TRANSPORTATION ARTICLE;~~

33 ~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

1 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

2 (4) MONEY RECEIVED BY THE FUND FROM ANY OTHER SOURCE.

3 (E) (1) THE STATE TREASURER SHALL INVEST AND REINVEST THE FUND IN
4 THE SAME MANNER AS OTHER STATE FUNDS.

5 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE SEPARATELY
6 ACCOUNTED FOR AND CREDITED TO THE FUND AND SHALL NOT BE SUBJECT TO §
7 6-226(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8 (F) THE MONEY IN THE FUND MAY BE USED ONLY FOR THE PROCUREMENT
9 OF NEW HELICOPTERS AND AUXILIARY EQUIPMENT, GROUND SUPPORT EQUIPMENT,
10 AND OTHER CAPITAL EQUIPMENT RELATED TO HELICOPTERS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 **Article—Transportation**

14 17-106.

15 (e) (1) (i) In addition to any other penalty provided for in the Maryland
16 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses
17 during its registration year, the Administration may assess the owner of the vehicle
18 with [a penalty of \$150 for each vehicle without the required security for a period of
19 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by
20 a rate of \$7 for each day.] THE FOLLOWING PENALTIES:

21 1. FOR EACH VEHICLE WITHOUT THE REQUIRED SECURITY
22 FOR A PERIOD OF 1 TO 15 DAYS, \$100;

23 2. FOR EACH VEHICLE WITHOUT THE REQUIRED SECURITY
24 FOR A PERIOD OF 16 TO 30 DAYS, AN ADDITIONAL \$200; AND

25 3. FOR EACH VEHICLE WITHOUT THE REQUIRED SECURITY
26 FOR MORE THAN 30 DAYS, AN ADDITIONAL PENALTY OF \$9 EACH DAY FOR THE 31ST
27 DAY AND EACH DAY THEREAFTER.

28 (ii) Each period during which the required security for a vehicle
29 terminates or otherwise lapses shall constitute a separate violation.

30 (iii) The penalty imposed under this subsection may not exceed
31 [\$2,500] \$3,000 for each violation in a 12-month period.

32 (2) (i) [A penalty] PENALTIES assessed under this subsection shall be
33 [paid] CREDITED as follows:

1 1. ~~THE FIRST \$8,000,000 ANNUALLY SHALL BE CREDITED TO~~
 2 ~~THE STATE POLICE HELICOPTER REPLACEMENT FUND, TO BE USED IN ACCORDANCE~~
 3 ~~WITH THE PROVISIONS OF § 2-108 OF THE PUBLIC SAFETY ARTICLE;~~

4 2. ~~THE NEXT \$6,000,000 ANNUALLY SHALL BE CREDITED AS~~
 5 ~~FOLLOWS:~~

6 A. ~~20% TO THE FIRST RESPONDERS FUND ESTABLISHED~~
 7 ~~UNDER TITLE 4, SUBTITLE 4 OF THE PUBLIC SAFETY ARTICLE;~~

8 B. ~~5% TO THE SENATOR WILLIAM H. AMOSS FUND~~
 9 ~~ESTABLISHED UNDER TITLE 8, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE;~~

10 C. ~~5% TO THE VOLUNTEER COMPANY ASSISTANCE FUND~~
 11 ~~ESTABLISHED UNDER TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND~~

12 D. ~~70% TO THE TRANSPORTATION TRUST FUND; AND~~

13 3. ~~OF THE REMAINDER:~~

14 A. ~~70% [to] SHALL be allocated as provided in~~
 15 ~~[subparagraphs (ii) through (iv)] SUBPARAGRAPH (II) of this paragraph; and~~

16 [2.] B. ~~30% SHALL BE ALLOCATED to the Administration,~~
 17 ~~which may be used by the Administration, subject to subsection (f) of this section, to~~
 18 ~~provide funding for contracts with independent agents to assist in the recovery of~~
 19 ~~evidences of registration as authorized in subsection (d)(3) of this section.~~

20 {(ii) For the fiscal year beginning July 1, 2001, the percentage of the
 21 ~~penalties specified under subparagraph (i)1 of this paragraph shall be allocated~~
 22 ~~among the Vehicle Theft Prevention Fund, the Motor Vehicle Registration~~
 23 ~~Enforcement Fund, the School Bus Safety Enforcement Fund, the Transportation~~
 24 ~~Trust Fund, and the General Fund as follows:~~

25 1. ~~\$400,000 to the Motor Vehicle Registration Enforcement~~
 26 ~~Fund;~~

27 2. ~~\$600,000 to the School Bus Safety Enforcement Fund;~~

28 3. ~~\$2,000,000 to the Vehicle Theft Prevention Fund;~~

29 4. ~~\$9,600,000 to the Transportation Trust Fund; and~~

30 5. ~~The balance to the General Fund.~~

31 {(iii) For the fiscal year beginning July 1, 2002, the percentage of the
 32 ~~penalties specified under subparagraph (i)1 of this paragraph shall be allocated~~
 33 ~~among the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund,~~
 34 ~~the Motor Vehicle Registration Enforcement Fund, the School Bus Safety~~
 35 ~~Enforcement Fund, and the General Fund as follows:~~

1 (iii) Regardless of whether money or other valuable consideration is
2 involved in the transfer, if title to a vehicle is transferred by an individual who has
3 violated this subtitle to a family member, any suspension of the vehicle's registration
4 that occurred before the transfer shall continue as if no transfer had occurred and a
5 new registration may not be issued until the penalty fee is paid.

6 (5) ~~An amount equal to the monetary penalties paid to the~~
7 ~~Administration under paragraph (2) of this subsection may be used by the~~
8 ~~Administration only for the enforcement of this subtitle.~~

9 **Article - Public Safety**

10 **SUBTITLE 4. FIRST RESPONDERS FUND.**

11 4-401.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND EMERGENCY
15 MANAGEMENT AGENCY.

16 (C) "FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY" HAS THE
17 MEANING STATED IN § 7-101 OF THIS ARTICLE.

18 (D) "FUND" MEANS THE FIRST RESPONDERS FUND.

19 (E) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE POLICE DEPARTMENT
20 OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

21 (F) "POLITICAL SUBDIVISION" MEANS A COUNTY OR MUNICIPAL
22 CORPORATION OF THE STATE.

23 4-402.

24 (A) THERE IS A FIRST RESPONDERS FUND.

25 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO POLITICAL
26 SUBDIVISIONS TO PAY FOR EQUIPMENT AND PERSONNEL FOR FIRE, RESCUE, OR
27 EMERGENCY MEDICAL SERVICES ENTITIES AND LOCAL LAW ENFORCEMENT
28 AGENCIES.

29 (C) THE DIRECTOR SHALL ADMINISTER THE FUND.

30 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
31 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND
33 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

1 (E) THE FUND CONSISTS OF:

2 (1) REVENUE DISTRIBUTED TO THE FUND UNDER THE
3 TRANSPORTATION ARTICLE;

4 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

5 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

6 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
7 BENEFIT OF THE FUND.

8 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
9 FUND MAY BE USED ONLY TO PAY FOR GRANTS TO POLITICAL SUBDIVISIONS MADE
10 UNDER THIS SUBTITLE.

11 (2) THE MARYLAND EMERGENCY MANAGEMENT AGENCY MAY USE AN
12 AMOUNT NOT TO EXCEED \$100,000 IN A FISCAL YEAR TO ADMINISTER THE FUND.

13 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN
14 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

15 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
16 THE FUND.

17 (H) MONEY EXPENDED FROM THE FUND FOR EXPENSES OF FIRE, RESCUE, OR
18 EMERGENCY MEDICAL SERVICES ENTITIES AND LOCAL LAW ENFORCEMENT
19 AGENCIES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF
20 FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR EXPENSES OF THE
21 POLITICAL SUBDIVISIONS.

22 4-403.

23 (A) THE DIRECTOR MAY MAKE GRANTS FROM THE FUND TO POLITICAL
24 SUBDIVISIONS TO BE USED FOR FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES
25 ENTITIES AND LOCAL LAW ENFORCEMENT AGENCIES IN THE POLITICAL
26 SUBDIVISION.

27 (B) (1) GRANTS FROM THE FUND MAY BE USED:

28 (I) TO PURCHASE, REPLACE, OR IMPROVE EQUIPMENT OR
29 FACILITIES FOR FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITIES AND
30 LOCAL LAW ENFORCEMENT AGENCIES; OR

31 (II) TO HIRE ADDITIONAL PERSONNEL FOR FIRE, RESCUE, OR
32 EMERGENCY MEDICAL SERVICES ENTITIES AND LOCAL LAW ENFORCEMENT
33 AGENCIES.

34 (2) GRANTS FROM THE FUND MAY NOT BE USED TO PAY THE SALARIES
35 OF EXISTING PERSONNEL.

1 (C) THE DIRECTOR SHALL ESTABLISH:

2 (1) PROCEDURES FOR POLITICAL SUBDIVISIONS TO APPLY FOR GRANTS
3 FROM THE FUND ON BEHALF OF FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES
4 ENTITIES AND LOCAL LAW ENFORCEMENT AGENCIES; AND

5 (2) GUIDELINES FOR THE USE OF MONEY RECEIVED FROM THE FUND
6 CONSISTENT WITH THIS SUBTITLE.

7 (D) (1) (I) THIS PARAGRAPH APPLIES TO GRANTS MADE UNDER
8 SUBSECTION (B)(1)(I) OF THIS SECTION.

9 (II) A POLITICAL SUBDIVISION MAY RECEIVE MONEY FROM THE
10 FUND IN THE FORM OF A 1-YEAR GRANT.

11 (III) A POLITICAL SUBDIVISION RECEIVING MONEY FROM THE FUND
12 SHALL PROVIDE MATCHING FUNDS IN AN AMOUNT EQUAL TO AT LEAST 50% OF THE
13 AMOUNT OF THE GRANT.

14 (2) (I) THIS PARAGRAPH APPLIES TO GRANTS MADE UNDER
15 SUBSECTION (B)(1)(II) OF THIS SECTION.

16 (II) A POLITICAL SUBDIVISION MAY RECEIVE MONEY FROM THE
17 FUND IN THE FORM OF A 3-YEAR GRANT.

18 (III) A POLITICAL SUBDIVISION RECEIVING MONEY FROM THE FUND
19 SHALL PROVIDE:

20 1. IN THE FIRST YEAR, MATCHING FUNDS IN AN AMOUNT
21 EQUAL TO AT LEAST 25% OF THE AMOUNT OF THE GRANT;

22 2. IN THE SECOND YEAR, MATCHING FUNDS IN AN AMOUNT
23 EQUAL TO AT LEAST 50% OF THE AMOUNT OF THE GRANT; AND

24 3. IN THE THIRD YEAR, MATCHING FUNDS IN AN AMOUNT
25 EQUAL TO AT LEAST 75% OF THE AMOUNT OF THE GRANT.

26 (3) A POLITICAL SUBDIVISION MAY NOT REDUCE THE AMOUNT OF
27 MONEY THAT A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY OR A
28 LOCAL LAW ENFORCEMENT AGENCY WOULD OTHERWISE BE ENTITLED TO RECEIVE
29 FROM THE POLITICAL SUBDIVISION BECAUSE OF MONEY PROVIDED FROM THE
30 FUND.

31 (E) A POLITICAL SUBDIVISION THAT RECEIVES A GRANT UNDER THIS
32 SUBTITLE:

33 (1) MAY USE THE GRANT ONLY IN ACCORDANCE WITH THE TERMS OF
34 THE GRANT ESTABLISHED BY THE DIRECTOR; AND

35 (2) SHALL COMPLY WITH ANY REQUIREMENTS, INCLUDING REPORTING
36 REQUIREMENTS, ESTABLISHED BY THE DIRECTOR.

1 7-101.

2 (b) "Fire, rescue, or emergency medical services entity" means:

3 (1) a governmental subdivision, by its appropriate designated authority;

4 (2) a board or fire commission of a fire department or governmental
5 subdivision;

6 (3) a fire department;

7 (4) a fire company;

8 (5) a rescue squad; or

9 (6) an emergency medical services unit, including an entity that provides
10 emergency medical services at any level.

11 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
12 ~~read as follows:~~

13 **Article - State Finance and Procurement**

14 3-302.

15 (a) (1) Except as otherwise provided in [subsection (b)] SUBSECTIONS (B)
16 AND (D) of this section or in other law, the Central Collection Unit is responsible for
17 the collection of each delinquent account or other debt that is owed to the State or any
18 of its officials or units.

19 (2) [An] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN
20 official or unit of the State government shall refer to the Central Collection Unit each
21 debt for which the Central Collection Unit has collection responsibility under this
22 subsection and may not settle the debt.

23 (3) For the purposes of this subtitle, a community college or board of
24 trustees for a community college established or operating under Title 16 of the
25 Education Article is a unit of the State.

26 (b) Unless, with the approval of the Secretary, a unit of the State government
27 assigns the claim to the Central Collection Unit, the Central Collection Unit is not
28 responsible for and may not collect:

29 (1) any taxes;

30 (2) any child support payment that is owed under Article 88A, § 48 of the
31 Code;

32 (3) any unemployment insurance contribution or overpayment;

33 (4) any fine;

1 (5) any court costs;

2 (6) any forfeiture on bond;

3 (7) any money that is owed as a result of a default on a loan that the
4 Department of Business and Economic Development or the Department of Housing
5 and Community Development has made or insured; or

6 (8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title
7 20 of the Insurance Article.

8 (c) The Central Collection Unit shall be responsible for the collection of each
9 delinquent account or other debt that is owed to a community college established or
10 operating under Title 16 of the Education Article if the board of trustees for the
11 community college:

12 (1) adopts a resolution appointing the Central Collection Unit as the
13 collector of delinquent accounts or other debt; and

14 (2) submits the resolution to the Central Collection Unit.

15 (D) (1) THIS SUBSECTION APPLIES TO FEES IMPOSED UNDER § 16-1001 OF
16 THE TRANSPORTATION ARTICLE.

17 (2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
18 THE SECRETARY MAY AUTHORIZE THE MOTOR VEHICLE ADMINISTRATION TO ENTER
19 INTO A CONTRACT FOR THE PROCUREMENT OF BILLING AND COLLECTION SERVICES,
20 INCLUDING THE AUTHORITY TO SETTLE DEBTS OWED TO THE MOTOR VEHICLE
21 ADMINISTRATION.

22 (II) AS PROVIDED IN THE CONTRACT BETWEEN THE CONTRACTOR
23 AND THE STATE, THE VENDOR MAY RETAIN A SPECIFIC PORTION OF THE FEES
24 COLLECTED UNDER § 16-1001 OF THE TRANSPORTATION ARTICLE TO COVER THE
25 COSTS OF THE COLLECTION OF THE FEES.

26 (3) A PROCUREMENT CONTRACT ENTERED INTO UNDER THIS
27 SUBSECTION SHALL MEET THE REQUIREMENTS OF THIS ARTICLE.

28 **Article - Transportation**

29 12-120.

30 (a) In this section, "miscellaneous fees" means all fees collected by the
31 Administration under this article other than:

32 (1) The vehicle titling tax; [and]

33 (2) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this
34 article; AND

1 (3) FEES COLLECTED UNDER § 16-1001 OF THIS ARTICLE.

2 SUBTITLE 10. ASSESSMENT OF FEES.

3 16-1001.

4 ~~(A) IF A LICENSEE HOLDING A NONCOMMERCIAL CLASS A, B, C, D, E, OR M~~
5 ~~DRIVER'S LICENSE HAS ACCUMULATED MORE THAN 2 POINTS ON THE LICENSEE'S~~
6 ~~DRIVING RECORD, THE ADMINISTRATION SHALL ASSESS, FOR EACH POINT THAT THE~~
7 ~~LICENSEE ACCUMULATES OVER 2 POINTS, A FEE OF \$50 ANNUALLY FOR A PERIOD OF~~
8 ~~3 YEARS FROM THE DATE THAT THE POINT WAS ASSESSED.~~

9 (A) THE ADMINISTRATION SHALL ASSESS THE FOLLOWING FEES AGAINST A
10 LICENSEE HOLDING A NONCOMMERCIAL CLASS A, B, C, D, E, OR M DRIVER'S LICENSE:

11 (1) IF THE LICENSEE HAS ACCUMULATED MORE THAN 5 POINTS ON THE
12 LICENSEE'S DRIVING RECORD, EXCLUDING POINTS ACCUMULATED FOR A
13 CONVICTION UNDER § 21-902 OF THIS ARTICLE, FOR EACH POINT THAT THE
14 LICENSEE ACCUMULATES OVER 5 POINTS, A FEE OF \$50 ANNUALLY FOR A PERIOD OF
15 3 YEARS FROM THE DATE THAT THE POINT WAS ASSESSED; AND

16 (2) FOR EACH TIME A LICENSEE IS CONVICTED FOR A VIOLATION OF §
17 21-902 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER JURISDICTION THAT WOULD
18 BE A VIOLATION OF § 21-902 OF THIS ARTICLE IF COMMITTED IN THIS STATE, A FEE
19 OF \$300 ANNUALLY FOR A PERIOD OF 3 YEARS FROM THE DATE OF CONVICTION.

20 (B) (1) THE ADMINISTRATION SHALL SEND NOTICE TO AN INDIVIDUAL OF
21 THE IMPOSITION OF A FEE NO MORE THAN 30 DAYS AFTER A CONVICTION IS POSTED
22 TO THE DRIVER'S RECORD THAT SUBJECTS THE INDIVIDUAL TO A FEE UNDER
23 SUBSECTION (A) OF THIS SECTION.

24 (2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
25 ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OF AN INDIVIDUAL
26 UNLESS ALL FEES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ARE PAID
27 WITHIN A TIME PERIOD ESTABLISHED BY THE ADMINISTRATION.

28 (II) AN INDIVIDUAL MAY REQUEST A HEARING CONCERNING A
29 PROPOSED DECISION OF THE ADMINISTRATION TO SUSPEND THE INDIVIDUAL'S
30 DRIVER'S LICENSE OR PRIVILEGE TO DRIVE UNDER THIS PARAGRAPH.

31 (III) AT A HEARING UNDER THIS PARAGRAPH, THE ISSUE SHALL BE
32 LIMITED TO WHETHER THE ADMINISTRATION HAD MISTAKEN THE IDENTITY OF THE
33 INDIVIDUAL WHOSE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN
34 SUSPENDED.

35 (3) (I) THE ADMINISTRATION MAY ESTABLISH A SCHEDULE FOR
36 PAYMENT OF FEES IMPOSED UNDER SUBSECTION (A) OF THIS SECTION.

37 (II) IF THE PAYMENT SCHEDULE ESTABLISHED UNDER THIS
38 PARAGRAPH IS FOLLOWED, THE ADMINISTRATION:

1 1. MAY NOT SUSPEND AN INDIVIDUAL'S LICENSE FOR
2 NONPAYMENT OF THE FEES IMPOSED UNDER SUBSECTION (A) OF THIS SECTION;
3 AND

4 2. SHALL REINSTATE A LICENSE THAT WAS SUSPENDED FOR
5 FAILURE TO PAY THE FEES IMPOSED UNDER SUBSECTION (A) OF THIS SECTION.

6 (III) A LICENSEE MAY PREPAY AT ANY TIME THE TOTAL AMOUNT OF
7 FEES THAT WILL BE DUE OVER THE 3-YEAR PERIOD SPECIFIED IN SUBSECTION (A)
8 OF THIS SECTION.

9 (C) OF THE REVENUES DERIVED FROM FEES IMPOSED UNDER SUBSECTION
10 (A) OF THIS SECTION, THE ADMINISTRATION SHALL RETAIN AN AMOUNT SUFFICIENT
11 TO COVER THE COSTS NEEDED TO ADMINISTER THE PROVISIONS OF THIS SUBTITLE,
12 AND THE BALANCE SHALL BE DISTRIBUTED AS FOLLOWS:

13 (1) 20% TO THE FIRST RESPONDERS FUND ESTABLISHED UNDER TITLE 4,
14 SUBTITLE 4 OF THE PUBLIC SAFETY ARTICLE;

15 (2) 5% TO THE SENATOR WILLIAM H. AMOSS FUND ESTABLISHED UNDER
16 TITLE 8, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE;

17 (3) 5% TO THE VOLUNTEER COMPANY ASSISTANCE FUND ESTABLISHED
18 UNDER TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

19 (4) THE BALANCE TO THE TRANSPORTATION TRUST FUND TO BE USED
20 AS FOLLOWS:

21 (I) 20% SHALL BE USED TO MEET TRANSPORTATION NEEDS OF
22 RURAL COUNTIES IN MARYLAND; AND

23 (II) THE REMAINDER SHALL BE EQUITABLY DISTRIBUTED FOR
24 TRANSIT NEEDS TO:

25 1. THE WASHINGTON METROPOLITAN AREA; AND

26 2. THE BALTIMORE METROPOLITAN AREA.

27 (D) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THE
28 PROVISIONS OF THIS SECTION.

29 27-101.

30 (k) (1) Except as provided in subsection (q) of this section, any person who is
31 convicted of a violation of any of the provisions of § 21-902(a) of this article ("Driving
32 while under the influence of alcohol or under the influence of alcohol per se") or §
33 21-902(d) of this article ("Driving while impaired by controlled dangerous
34 substance"):

35 (i) For a first offense, shall be subject to a fine of not more than
36 \$1,000, or imprisonment for not more than 1 year, or both;

1 (ii) For a second offense, shall be subject to a fine of not more than
2 \$2,000, or imprisonment for not more than 2 years, or both; and

3 (iii) For a third or subsequent offense, shall be subject to a fine of
4 not more than \$3,000, or imprisonment for not more than 3 years, or both.

5 (2) For the purpose of second or subsequent offender penalties for
6 violation of § 21-902(a) of this article provided under this subsection, a prior
7 conviction under § 21-902(b), (c), or (d) of this article, within 5 years of the conviction
8 for a violation of § 21-902(a) of this article, shall be considered a conviction under §
9 21-902(a) of this article.

10 (3) For the purpose of second or subsequent offender penalties for
11 violation of § 21-902(d) of this article provided under this subsection, a prior
12 conviction under § 21-902(a), (b), or (c) of this article, within 5 years of the conviction
13 for a violation of § 21-902(d) of this article, shall be considered a conviction under §
14 21-902(d) of this article.

15 (4) ON SENTENCING A DEFENDANT FOR A VIOLATION OF § 21-902, THE
16 COURT SHALL PROVIDE THE DEFENDANT WITH NOTICE OF THE ANNUAL FEES THAT
17 WILL BE ASSESSED AGAINST THE LICENSEE UNDER § 16-1001 OF THIS ARTICLE.

18 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
19 read as follows:

20 **Article -- Transportation**

21 47-106.

22 (e) (1) (i) ~~In addition to any other penalty provided for in the Maryland~~
23 ~~Vehicle Law, if the required security for a vehicle terminates or otherwise lapses~~
24 ~~during its registration year, the Administration may assess the owner of the vehicle~~
25 ~~with the following penalties:~~

26 1. ~~For each vehicle without the required security for a period~~
27 ~~of 1 to 15 days, \$100;~~

28 2. ~~For each vehicle without the required security for a period~~
29 ~~of 16 to 30 days, an additional \$200; and~~

30 3. ~~For each vehicle without the required security for more~~
31 ~~than 30 days, an additional penalty of \$9 each day for the 31st day and each day~~
32 ~~thereafter.~~

33 (ii) ~~Each period during which the required security for a vehicle~~
34 ~~terminates or otherwise lapses shall constitute a separate violation.~~

35 (iii) ~~The penalty imposed under this subsection may not exceed~~
36 ~~\$3,000 for each violation in a 12-month period.~~

1 (2) (i) Penalties assessed under this subsection shall be credited as
2 follows:

3 1. ~~The first [\$8,000,000 annually shall be credited to the~~
4 ~~State Police Helicopter Replacement Fund, to be used in accordance with the~~
5 ~~provisions of § 2-108 of the Public Safety Article;~~

6 2. ~~The next \$6,000,000] \$14,000,000 annually shall be~~
7 ~~credited as follows:~~

8 A. ~~20% to the First Responders Fund established under Title~~
9 ~~4, Subtitle 4 of the Public Safety Article;~~

10 B. ~~5% to the Senator William H. Amoss Fund established~~
11 ~~under Title 8, Subtitle 1 of the Public Safety Article;~~

12 C. ~~5% to the Volunteer Company Assistance Fund established~~
13 ~~under Title 8, Subtitle 2 of the Public Safety Article; and~~

14 D. ~~70% to the Transportation Trust Fund; and~~

15 ~~{3.}~~ 2. ~~Of the remainder:~~

16 A. ~~70% shall be allocated as provided in subparagraph (ii) of~~
17 ~~this paragraph; and~~

18 B. ~~30% shall be allocated to the Administration, which may~~
19 ~~be used by the Administration, subject to subsection (f) of this section, to provide~~
20 ~~funding for contracts with independent agents to assist in the recovery of evidences of~~
21 ~~registration as authorized in subsection (d)(3) of this section.~~

22 (ii) ~~For each fiscal year beginning on or after July 1, 2003, the~~
23 ~~percentage of the penalties specified under subparagraph [(i)3A] (1)2A of this~~
24 ~~paragraph shall be allocated among the School Bus Safety Enforcement Fund, the~~
25 ~~Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the~~
26 ~~General Fund as follows:~~

27 1. ~~\$600,000 to the School Bus Safety Enforcement Fund;~~

28 2. ~~\$2,000,000 to the Vehicle Theft Prevention Fund;~~

29 3. ~~The amount distributed to the Maryland Automobile~~
30 ~~Insurance Fund in the prior fiscal year under the provisions of this paragraph~~
31 ~~adjusted by the change for the calendar year preceding the fiscal year in the~~
32 ~~Consumer Price Index—All Urban Consumers—Medical Care as published by the~~
33 ~~United States Bureau of Labor Statistics to the Maryland Automobile Insurance~~
34 ~~Fund; and~~

35 4. ~~The balance to the General Fund.~~

1 (3) If the Administration assesses a vehicle owner or co-owner with a
2 penalty under this subsection, the Administration may not take any of the following
3 actions until the penalty is paid:

4 (i) Reinstate a registration suspended under this subsection;

5 (ii) Issue a new registration for any vehicle that is owned or
6 co-owned by that person and is titled after the violation date; or

7 (iii) Renew a registration for a vehicle that is owned or co-owned by
8 that person and is titled after the violation date.

9 (4) (i) In this paragraph, "family member" means any individual
10 whose relationship to the vehicle owner is one of those listed under § 13-810(b)(1) of
11 this article as being exempt from paying the excise tax imposed on the transfer of a
12 vehicle.

13 (ii) The monetary penalties provided in this subsection may not be
14 avoided by transferring title to the vehicle.

15 (iii) Regardless of whether money or other valuable consideration is
16 involved in the transfer, if title to a vehicle is transferred by an individual who has
17 violated this subtitle to a family member, any suspension of the vehicle's registration
18 that occurred before the transfer shall continue as if no transfer had occurred and a
19 new registration may not be issued until the penalty fee is paid.

20 (5) An amount equal to the monetary penalties paid to the
21 Administration under paragraph (2) of this subsection may be used by the
22 Administration only for the enforcement of this subtitle.

23 ~~SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall~~
24 ~~take effect July 1, 2006. It shall remain effective for a period of 15 years and, at the~~
25 ~~end of June 30, 2021, with no further action required by the General Assembly,~~
26 ~~Section 1 of this Act shall be abrogated and of no further force and effect.~~

27 ~~SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall~~
28 ~~take effect October 1, 2007.~~

29 ~~SECTION 7. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall~~
30 ~~take effect on the taking effect of the termination provision specified in Section 5 of~~
31 ~~this Act and may not be interpreted to have any effect on that termination provision.~~

32 ~~SECTION 8. AND BE IT FURTHER ENACTED, That, subject to the provisions~~
33 ~~of Sections 6 and 7 of this Act, this Act shall take effect July 1, 2006.~~

34 ~~SECTION 2. AND BE IT FURTHER ENACTED, That § 16-1001 of the~~
35 ~~Transportation Article, as enacted by Section 1 of this Act, shall be construed to apply~~
36 ~~only prospectively and may not be applied or interpreted to have any effect on or~~
37 ~~application to the assessment of points against or points accumulated by a licensee~~
38 ~~before the effective date of this Act.~~

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.