

HOUSE BILL 1126

R4
HB 748/06 – JUD

71r2653

By: **Delegate Frush**

Introduced and read first time: February 16, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Delinquent Motor Vehicle Theft Offenses – License**
3 **Suspension**

4 FOR the purpose of requiring the Motor Vehicle Administration to suspend the driving
5 privilege of a child who has been adjudicated delinquent by reason of the child's
6 violation of certain provisions of law involving the unlawful taking or
7 unauthorized use of a motor vehicle under certain circumstances; establishing
8 certain time periods during which a child's driving privilege must be suspended
9 for a first, second, and third offense; requiring the clerk of the court to report a
10 certain adjudication to the Administration; and generally relating to license
11 suspensions for unlawful taking or unauthorized use of a motor vehicle by
12 certain persons.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 3–8A–23(a)(3)
16 Annotated Code of Maryland
17 (2006 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 16–206(c)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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–23.

5 (a) (3) Subject to paragraph (4) of this subsection, an adjudication of a
6 child as delinquent by reason of the child’s violation of the State vehicle laws,
7 including a violation involving an unlawful taking or unauthorized use of a motor
8 vehicle under § 7–105 or § 7–203 of the Criminal Law Article or § 14–102 of the
9 Transportation Article shall be reported by the clerk of the court to the Motor Vehicle
10 Administration, which shall [assess]:

11 (I) **ASSESS** points against the child under Title 16, Subtitle 4 of
12 the Transportation Article, in the same manner and to the same effect as if the child
13 had been convicted of the offense; **AND**

14 (II) **IN THE CASE OF A VIOLATION UNDER § 7–105 OR §**
15 **7–203 OF THE CRIMINAL LAW ARTICLE OR § 14–102 OF THE TRANSPORTATION**
16 **ARTICLE INVOLVING AN UNLAWFUL TAKING OR UNAUTHORIZED USE OF A**
17 **MOTOR VEHICLE, SUSPEND THE DRIVING PRIVILEGE OF THE CHILD UNDER §**
18 **16–206(C)(1)(II) OF THE TRANSPORTATION ARTICLE.**

19 **Article – Transportation**

20 16–206.

21 (c) (1) (I) Pursuant to a court order under § 3–8A–19(e) of the Courts
22 Article, the Administration shall initiate an action to suspend the driving privilege of a
23 child for the time specified by the court.

24 (II) **PURSUANT TO A COURT ORDER UNDER § 3–8A–23(A)(3)**
25 **OF THE COURTS ARTICLE, THE ADMINISTRATION SHALL INITIATE AN ACTION**
26 **TO SUSPEND THE DRIVING PRIVILEGE OF A CHILD:**

- 27 1. **FOR A FIRST OFFENSE, FOR 1 YEAR;**
- 28 2. **FOR A SECOND OFFENSE, FOR 2 YEARS; AND**
- 29 3. **FOR A THIRD OFFENSE, FOR 3 YEARS.**

1 (2) If a child subject to a suspension under § 3–8A–19(e) **OR** §
2 **3–8A–23(A)(3)** of the Courts Article does not hold a license to operate a motor vehicle
3 on the date of the court order, 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 6 months; and

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

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

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

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

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

25 (iii) It finds that the individual’s or child’s employment would be
26 adversely affected because the individual or child has no reasonable alternative means
27 of transportation to or from a place of employment; or

28 (iv) It finds that the individual’s or child’s education would be
29 adversely affected because the individual or child has no reasonable alternative means
30 of transportation for educational purposes.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007.