

SENATE BILL 380

P2

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By: **Senators DeGrange, Astle, Brinkley, Currie, Dyson, Edwards, Garagiola, Klausmeier, Raskin, and Robey**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Disabled Veteran Business Enterprise Participation**

3 FOR the purpose of establishing a certain participation goal for certain certified
4 disabled veteran business enterprises for certain procurement contracts;
5 requiring a certain awarding unit to consider certain efforts by and award
6 certain contracts to certain bidders or offerors that meet or make a good-faith
7 effort to meet certain participation goals; establishing certain criteria by which
8 a contractor is considered to have made a good-faith effort to meet certain
9 participation goals; requiring the Department of Veterans Affairs and the
10 Governor's Office of Business Advocacy and Small Business Assistance to jointly
11 adopt certain regulations; requiring the Department of Veterans Affairs and the
12 Governor's Office of Business Advocacy and Small Business Assistance to
13 designate an advocate to coordinate and oversee certain activities relating to
14 disabled veteran business enterprises; requiring an awarding unit to adopt
15 certain regulations to meet the requirements of this Act; requiring an awarding
16 unit to designate a disabled veteran business enterprise advocate to assist the
17 awarding unit in meeting goals related to disabled veteran business enterprise
18 participation; requiring certain awarding units to make certain reports on or
19 before a certain date; requiring the Department of Veterans Affairs and the
20 Governor's Office of Business Advocacy and Small Business Assistance to make
21 certain reports on or before a certain date; establishing certain prohibited acts
22 and certain penalties for certain violations; defining certain terms; and
23 generally relating to procurement participation by disabled veteran business
24 enterprises.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to
Article – State Finance and Procurement
Section 14–601 through 14–607 to be under the new subtitle “Subtitle 6.
Disabled Veteran Business Enterprise Participation”
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 16–203(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Article – State Finance and Procurement

SUBTITLE 6. DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION.

14–601.

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

(B) “AWARDING UNIT” MEANS A UNIT OF STATE GOVERNMENT OR AN
OFFICIAL OF THE STATE THAT ENTERS INTO CONTRACTS ON BEHALF OF THE
STATE.

(C) “CERTIFICATION” MEANS THE DETERMINATION THAT A LEGAL
ENTITY IS A DISABLED VETERAN BUSINESS ENTERPRISE FOR THE PURPOSES OF
THIS SUBTITLE.

(D) “CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISE” MEANS A
DISABLED VETERAN BUSINESS ENTERPRISE THAT HOLDS A CERTIFICATION.

(E) “DISABLED VETERAN” MEANS AN INDIVIDUAL WHO:

(1) HAS SERVED IN ONE OR MORE OF THE UNIFORMED SERVICES
OF THE UNITED STATES; AND

1 (2) HAS BEEN CERTIFIED BY THE UNIFORMED SERVICE OR BY
2 THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS HAVING A
3 SERVICE-CONNECTED DISABILITY, REGARDLESS OF THE DISABILITY RATING.

4 (F) (1) “DISABLED VETERAN BUSINESS ENTERPRISE” MEANS A
5 LEGAL ENTITY:

6 (I) THAT IS ORGANIZED TO ENGAGE IN COMMERCIAL
7 TRANSACTIONS INCLUDING THE LEASE OR RENTAL OF EQUIPMENT;

8 (II) THAT IS MAJORITY-OWNED AND CONTROLLED BY ONE
9 OR MORE INDIVIDUALS WHO ARE DISABLED VETERANS;

10 (III) THAT IS MANAGED BY ONE OR MORE OF THE DISABLED
11 VETERANS WHO OWN IT;

12 (IV) THAT HAS ITS HOME OFFICE OR PRIMARY PLACE OF
13 BUSINESS IN THE STATE;

14 (V) FOR WHICH ONE OR MORE OF THE DISABLED VETERANS
15 WHO OWN IT CONTROL THE DAILY BUSINESS OPERATIONS; AND

16 (VI) FOR WHICH A DISABLED VETERAN ACTUALLY
17 PERFORMS, MANAGES, OR SUPERVISES THE WORK PERFORMED UNDER A
18 CONTRACT.

19 (2) “DISABLED VETERAN BUSINESS ENTERPRISE” INCLUDES:

20 (I) A SOLE PROPRIETORSHIP THAT IS MAJORITY-OWNED BY
21 ONE OR MORE DISABLED VETERANS OR A PUBLICLY OWNED BUSINESS IN WHICH
22 THE MAJORITY OF THE STOCK IS OWNED BY ONE OR MORE DISABLED
23 VETERANS;

24 (II) A SUBSIDIARY THAT IS WHOLLY OWNED BY A PARENT
25 CORPORATION IN WHICH THE MAJORITY OF THE VOTING STOCK IS OWNED BY
26 ONE OR MORE DISABLED VETERANS;

1 (III) A JOINT VENTURE IN WHICH THE MAJORITY OF THE
2 JOINT VENTURE'S MANAGEMENT, CONTROL, AND EARNINGS ARE HELD BY ONE
3 OR MORE DISABLED VETERANS; AND

4 (IV) A LIMITED LIABILITY COMPANY THAT IS WHOLLY
5 OWNED BY ONE OR MORE DISABLED VETERANS.

6 **14-602.**

7 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN AWARING
8 UNIT SHALL ESTABLISH A PROCUREMENT PARTICIPATION GOAL OF 3% FOR
9 CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISES.

10 (B) THE PARTICIPATION GOAL UNDER SUBSECTION (A) OF THIS
11 SECTION SHALL APPLY TO THE TOTAL DOLLAR AMOUNT EXPENDED ANNUALLY
12 BY AN AWARING UNIT.

13 **14-603.**

14 (A) TO ACHIEVE THE PROCUREMENT GOALS SPECIFIED IN § 14-602 OF
15 THIS SUBTITLE, AN AWARING UNIT SHALL:

16 (1) CONSIDER THE EFFORTS OF A RESPONSIBLE BIDDER OR
17 RESPONSIBLE OFFEROR TO MEET DISABLED VETERAN BUSINESS ENTERPRISE
18 GOALS; AND

19 (2) AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE
20 BIDDER OR RESPONSIBLE OFFEROR THAT MEETS OR MAKES A GOOD-FAITH
21 EFFORT TO MEET THE GOALS.

22 (B) A BIDDER OR OFFEROR SHALL BE CONSIDERED TO HAVE MADE A
23 GOOD-FAITH EFFORT TO MEET THE GOALS SPECIFIED IN § 14-602 OF THIS
24 SUBTITLE IF THE BIDDER OR OFFEROR SUBMITS DOCUMENTARY EVIDENCE
25 THAT:

26 (1) THE BIDDER OR OFFEROR CONTACTED THE AWARING UNIT
27 TO IDENTIFY CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISES;

1 (2) THE BIDDER OR OFFEROR CONTACTED OTHER STATE OR
2 FEDERAL AGENCIES OR DISABLED VETERANS' ORGANIZATIONS TO IDENTIFY
3 CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISES;

4 (3) UNLESS TIME LIMITS IMPOSED BY THE AWARDING UNIT DID
5 NOT MAKE IT FEASIBLE, THE BIDDER OR OFFEROR PUBLISHED AN
6 ADVERTISEMENT IN ONE OR MORE PUBLICATIONS FOCUSING ON DISABLED
7 VETERANS;

8 (4) THE BIDDER OR OFFEROR PROVIDED NOTICE OF AN
9 INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS TO POTENTIAL DISABLED
10 VETERAN BUSINESS ENTERPRISE CONTRACTORS; AND

11 (5) THE BIDDER OR OFFEROR CONSIDERED AVAILABLE
12 CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISES FOR CONTRACTING.

13 **14-604.**

14 (A) THE DEPARTMENT OF VETERANS AFFAIRS AND THE GOVERNOR'S
15 OFFICE OF BUSINESS ADVOCACY AND SMALL BUSINESS ASSISTANCE JOINTLY
16 SHALL ADOPT REGULATIONS TO:

17 (1) CERTIFY AND DECERTIFY DISABLED VETERAN BUSINESS
18 ENTERPRISES;

19 (2) ESTABLISH A SYSTEM FOR TRACKING DISABLED VETERAN
20 BUSINESS ENTERPRISES; AND

21 (3) ESTABLISH EDUCATIONAL PROGRAMS TO ASSIST DISABLED
22 VETERAN BUSINESS ENTERPRISES IN BUSINESS DEVELOPMENT AND
23 PARTICIPATION IN STATE PROCUREMENT ACTIVITIES.

24 (B) THE GOVERNOR'S OFFICE OF BUSINESS ADVOCACY AND SMALL
25 BUSINESS ASSISTANCE SHALL DESIGNATE AN ADVOCATE TO:

26 (1) COORDINATE WITH THE DEPARTMENT OF VETERANS
27 AFFAIRS TO CONDUCT OUTREACH AND EDUCATION FOR EXISTING AND
28 POTENTIAL DISABLED VETERAN BUSINESS ENTERPRISES;

1 (2) OVERSEE, PROMOTE, AND COORDINATE EFFORTS TO
2 FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE;

3 (3) DISSEMINATE INFORMATION RELATING TO THIS SUBTITLE;

4 (4) COORDINATE REPORTS REQUIRED UNDER THIS SUBTITLE;

5 (5) COORDINATE WITH AWARDING UNITS AND EXISTING AND
6 POTENTIAL DISABLED VETERAN BUSINESS ENTERPRISES TO ACHIEVE THE
7 GOALS OF THIS SUBTITLE; AND

8 (6) COORDINATE THE IMPLEMENTATION OF EDUCATIONAL
9 PROGRAMS ESTABLISHED UNDER THIS SUBTITLE.

10 **14-605.**

11 (A) AN AWARDING UNIT SHALL ADOPT REGULATIONS TO:

12 (1) CARRY OUT THE PROVISIONS OF THIS SUBTITLE; AND

13 (2) MONITOR ADHERENCE TO THE GOALS SPECIFIED IN THIS
14 SUBTITLE.

15 (B) AN AWARDING UNIT SHALL DESIGNATE A DISABLED VETERAN
16 BUSINESS ENTERPRISE ADVOCATE TO:

17 (1) ASSIST CERTIFIED DISABLED VETERAN BUSINESS
18 ENTERPRISES IN PARTICIPATING IN THE AWARDING UNIT'S PROCUREMENT
19 ACTIVITIES;

20 (2) ASSIST PROCUREMENT OFFICERS IN SEEKING CERTIFIED
21 DISABLED VETERAN BUSINESS ENTERPRISES TO PARTICIPATE IN THE
22 AWARDING UNIT'S PROCUREMENT ACTIVITIES;

23 (3) SERVE AS AN ADVOCATE FOR CERTIFIED DISABLED VETERAN
24 BUSINESS ENTERPRISES THAT PARTICIPATE IN THE AWARDING UNIT'S
25 PROCUREMENT ACTIVITIES;

1 (4) REPORT TO THE OFFICE OF SMALL BUSINESS CERTIFICATION
2 AND RESOURCES REGARDING A VIOLATION OF THIS SUBTITLE; AND

3 (5) COORDINATE WITH THE DISABLED VETERAN BUSINESS
4 ENTERPRISE ADVOCATE IN THE GOVERNOR'S OFFICE OF BUSINESS ADVOCACY
5 AND SMALL BUSINESS ASSISTANCE TO MEET THE GOALS OF THIS SUBTITLE.

6 **14-606.**

7 (A) WITHIN 90 DAYS AFTER THE END OF THE FISCAL YEAR, AN
8 AWARDING UNIT SHALL REPORT, FOR THE PRECEDING FISCAL YEAR, THE
9 FOLLOWING INFORMATION TO THE DEPARTMENT OF VETERANS AFFAIRS AND
10 THE GOVERNOR'S OFFICE OF BUSINESS ADVOCACY AND SMALL BUSINESS
11 ASSISTANCE:

12 (1) THE TOTAL NUMBER AND VALUE OF PROCUREMENT
13 CONTRACTS BETWEEN THE AWARDING UNIT AND CERTIFIED DISABLED
14 VETERAN BUSINESS ENTERPRISES;

15 (2) THE PERCENTAGE THAT THE CONTRACTS UNDER ITEM (1) OF
16 THIS SUBSECTION REPRESENT OF THE TOTAL NUMBER AND VALUE OF THE
17 AWARDING UNIT'S PROCUREMENT CONTRACTS;

18 (3) IF THE AWARDING UNIT DID NOT MEET THE GOALS
19 ESTABLISHED UNDER THIS SUBTITLE FOR THE PRECEDING FISCAL YEAR:

20 (I) THE REASONS THE AWARDING UNIT DID NOT MEET THE
21 GOALS; AND

22 (II) STEPS THE AWARDING UNIT WILL TAKE DURING THE
23 NEXT FISCAL YEAR IN AN EFFORT TO MEET THE GOALS; AND

24 (4) OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT OF
25 VETERANS AFFAIRS OR THE GOVERNOR'S OFFICE OF BUSINESS ADVOCACY
26 AND SMALL BUSINESS ASSISTANCE.

27 (B) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT
28 OF VETERANS AFFAIRS AND THE GOVERNOR'S OFFICE OF BUSINESS
29 ADVOCACY AND SMALL BUSINESS ASSISTANCE JOINTLY SHALL SUBMIT TO THE

1 **BOARD OF PUBLIC WORKS AND, SUBJECT TO § 2-1246 OF THE STATE**
2 **GOVERNMENT ARTICLE, THE LEGISLATIVE POLICY COMMITTEE A REPORT**
3 **SUMMARIZING THE INFORMATION RECEIVED UNDER SUBSECTION (A) OF THIS**
4 **SECTION.**

5 **14-607.**

6 **(A) A PERSON MAY NOT:**

7 **(1) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY**
8 **OBTAIN, RETAIN, ATTEMPT TO OBTAIN OR RETAIN, OR AID ANOTHER IN**
9 **FRAUDULENTLY OBTAINING OR RETAINING OR ATTEMPTING TO OBTAIN OR**
10 **RETAIN, CERTIFICATION AS A DISABLED VETERAN BUSINESS ENTERPRISE FOR**
11 **THE PURPOSE OF PARTICIPATING IN STATE PROCUREMENT ACTIVITIES UNDER**
12 **THIS SUBTITLE;**

13 **(2) WILLFULLY AND KNOWINGLY MAKE A FALSE STATEMENT**
14 **WITH THE INTENT TO DEFRAUD, WHETHER BY AFFIDAVIT, REPORT, OR OTHER**
15 **REPRESENTATION, TO A STATE OFFICIAL OR EMPLOYEE FOR THE PURPOSE OF**
16 **INFLUENCING THE CERTIFICATION OR DENIAL OF CERTIFICATION OF ANY**
17 **ENTITY AS A DISABLED VETERAN BUSINESS ENTERPRISE;**

18 **(3) WILLFULLY AND KNOWINGLY OBSTRUCT, IMPEDE, OR**
19 **ATTEMPT TO OBSTRUCT OR IMPEDE, A STATE OFFICIAL OR EMPLOYEE WHO IS**
20 **INVESTIGATING THE QUALIFICATIONS OF A BUSINESS ENTITY THAT HAS**
21 **REQUESTED CERTIFICATION AS A DISABLED VETERAN BUSINESS ENTERPRISE;**

22 **(4) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY**
23 **OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER PERSON IN FRAUDULENTLY**
24 **OBTAINING OR ATTEMPTING TO OBTAIN, PUBLIC MONEYS, PROCUREMENT**
25 **CONTRACTS, OR FUNDS EXPENDED UNDER A PROCUREMENT CONTRACT TO**
26 **WHICH THE PERSON IS NOT ENTITLED UNDER THIS ARTICLE;**

27 **(5) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY**
28 **REPRESENT PARTICIPATION OF A DISABLED VETERAN BUSINESS ENTERPRISE**
29 **IN ORDER TO OBTAIN OR RETAIN A BID PREFERENCE OR A PROCUREMENT**
30 **CONTRACT;**

1 (6) WILLFULLY AND KNOWINGLY MAKE OR SUBSCRIBE TO ANY
2 STATEMENT, DECLARATION, OR OTHER DOCUMENT THAT IS FRAUDULENT OR
3 FALSE AS TO ANY MATERIAL MATTER, WHETHER OR NOT THAT FALSITY OR
4 FRAUD IS COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON
5 AUTHORIZED OR REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR
6 DOCUMENT;

7 (7) WILLFULLY AND KNOWINGLY AID, ASSIST IN, PROCURE,
8 COUNSEL, OR ADVISE, THE PREPARATION OR PRESENTATION OF A
9 DECLARATION, STATEMENT, OR OTHER DOCUMENT THAT IS FRAUDULENT OR
10 FALSE AS TO ANY MATERIAL MATTER, REGARDLESS OF WHETHER THAT FALSITY
11 OR FRAUD IS COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON
12 AUTHORIZED OR REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR
13 DOCUMENT;

14 (8) WILLFULLY AND KNOWINGLY FAIL TO FILE ANY DECLARATION
15 OR NOTICE WITH THE AWARDED UNIT THAT IS REQUIRED BY THIS SUBTITLE;
16 OR

17 (9) ESTABLISH, KNOWINGLY AID IN THE ESTABLISHMENT OF, OR
18 EXERCISE CONTROL OVER, A BUSINESS FOUND TO HAVE VIOLATED A PROVISION
19 OF PARAGRAPHS (1) THROUGH (8) OF THIS SUBSECTION.

20 (B) (1) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF
21 SUBSECTION (A) OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND
22 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
23 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

24 (2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF
25 THIS SUBSECTION, A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF
26 SUBSECTION (A) OF THIS SECTION SHALL BE:

27 (I) FOR THE FIRST OFFENSE, LIABLE FOR A CIVIL PENALTY
28 OF NOT LESS THAN \$10,000 AND NOT EXCEEDING \$30,000; AND

29 (II) FOR A SUBSEQUENT OFFENSE, A CIVIL PENALTY OF NOT
30 LESS THAN \$30,000 AND NOT EXCEEDING \$50,000.

1 **(3) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF**
2 **SUBSECTION (A) OF THIS SECTION SHALL PAY ALL COSTS AND ATTORNEY'S FEES**
3 **INCURRED BY THE PLAINTIFF IN A CIVIL ACTION BROUGHT UNDER THIS**
4 **SUBTITLE.**

5 **(C) (1) IN ACCORDANCE WITH TITLE 16 OF THIS ARTICLE, A PERSON**
6 **WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION**
7 **SHALL:**

8 **(I) FOR A FIRST OFFENSE, BE DEBARRED FOR A PERIOD OF**
9 **NOT LESS THAN 3 YEARS AND, IF CERTIFIED AS A DISABLED VETERAN BUSINESS**
10 **ENTERPRISE, BE STRIPPED OF THE CERTIFICATION FOR A PERIOD OF NOT LESS**
11 **THAN 3 YEARS; AND**

12 **(II) FOR A SUBSEQUENT OFFENSE, BE DEBARRED FOR A**
13 **PERIOD OF NOT LESS THAN 5 YEARS AND, IF CERTIFIED AS A DISABLED**
14 **VETERAN BUSINESS ENTERPRISE, BE STRIPPED OF THE CERTIFICATION FOR A**
15 **PERIOD OF NOT LESS THAN 5 YEARS.**

16 **(2) A DEBARMENT OR REVOCATION OF CERTIFICATION UNDER**
17 **THIS SUBSECTION SHALL APPLY TO THE PRINCIPALS OF THE BUSINESS AND ANY**
18 **SUBSEQUENT BUSINESSES FORMED OR FINANCED BY, OR AFFILIATED WITH,**
19 **THOSE PRINCIPALS.**

20 **(3) THE BOARD SHALL PROHIBIT A BUSINESS OR PERSON WHO**
21 **FAILS TO SATISFY THE PENALTIES, COSTS, AND ATTORNEY'S FEES IMPOSED**
22 **UNDER SUBSECTION (B) OF THIS SECTION FROM FURTHER CONTRACTING WITH**
23 **THE STATE UNTIL THE PENALTIES ARE SATISFIED.**

24 **(D) (1) THE AWARDDING UNIT SHALL REPORT ALL ALLEGED**
25 **VIOLATIONS OF THIS SECTION TO THE BOARD.**

26 **(2) THE BOARD SHALL SUBSEQUENTLY REPORT ALL ALLEGED**
27 **VIOLATIONS OF THIS SECTION TO THE OFFICE OF THE ATTORNEY GENERAL,**
28 **WHICH SHALL DETERMINE WHETHER TO BRING A CIVIL ACTION AGAINST A**
29 **PERSON OR BUSINESS FOR A VIOLATION OF THIS SECTION.**

30 16-203.

1 (a) A person may be debarred from entering into a contract with the State if
2 the person, an officer, partner, controlling stockholder or principal of that person, or
3 any other person substantially involved in that person's contracting activities has:

4 (1) been convicted under the laws of the State, another state or the
5 United States of:

6 (i) a criminal offense incident to obtaining, attempting to
7 obtain, or performing a public or private contract, except as provided in § 16-202; or

8 (ii) fraud, embezzlement, theft, forgery, falsification or
9 destruction of records, or receiving stolen property;

10 (2) been convicted of a criminal violation of an antitrust statute of the
11 State, another state, or the United States;

12 (3) been convicted of a violation of the Racketeer Influenced and
13 Corrupt Organization Act, or the Mail Fraud Act, for acts in connection with the
14 submission of bids or proposals for a public or private contract;

15 (4) been convicted of a violation of § 14-308 of this article;

16 (5) been convicted of conspiracy to commit any act or omission that
17 would constitute grounds for conviction under any of the laws or statutes described in
18 paragraphs (1), (2), (3), or (4) of this subsection;

19 (6) been found civilly liable under an antitrust statute of the State,
20 another state, or the United States for acts or omissions in connection with the
21 submission of bids or proposals for a public or private contract; [or]

22 (7) been found in a final adjudicated decision to have violated the
23 Commercial Nondiscrimination Policy under Title 19 of this article with regard to a
24 public or private contract; **OR**

25 **(8) BEEN CONVICTED OF A VIOLATION OF § 14-607(A) OF THIS**
26 **ARTICLE.**

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