

SENATE BILL 610

R4, R5, E3

8lr1148

By: **Senators Frosh, Dyson, Forehand, Kramer, Madaleno, Raskin, and Stone**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver's**
3 **License Suspensions**

4 FOR the purpose of requiring a certain court to order the Motor Vehicle
5 Administration to initiate an action to suspend the driving privilege of a child
6 for certain periods of time, on making a finding that the child has committed
7 certain violations relating to alcoholic beverages, leaving the scene of an
8 accident, and fleeing or eluding a police officer; prohibiting the Administration
9 from issuing restricted licenses to individuals whose driver's licenses are
10 suspended under certain circumstances; requiring the Administration to retain
11 certain reports of certain violations relating to leaving the scene of an accident
12 and fleeing or eluding a police officer; requiring the Administration to suspend a
13 child's license to drive for a certain period of time on notification by the clerk of
14 the court that the child has been adjudicated delinquent for certain violations
15 relating to leaving the scene of an accident or fleeing or eluding a police officer,
16 or that certain findings were made that a child committed certain violations
17 relating to leaving the scene of an accident or fleeing or eluding a police officer;
18 providing that a suspension imposed under certain circumstances is to be
19 consecutive to a certain other suspension; requiring the Administration to
20 suspend the driver's license of the holder of a provisional driver's license who is
21 under a certain age if the individual accumulates a certain number of points in
22 a certain time period; authorizing an individual to request a hearing on certain
23 suspensions or revocations of driver's licenses under certain circumstances;
24 establishing that a holder of a provisional driver's license who is under a certain
25 age is guilty of the offense of high-risk driving if the holder commits certain
26 violations of the Maryland Vehicle Laws; requiring the Administration to
27 suspend the driver's license of a certain individual for a certain period of time if
28 the Administration receives satisfactory evidence of the commission of a certain
29 high-risk driving violation; establishing that a driver's license suspension
30 imposed for high-risk driving is separate from any other penalty imposed for a
31 certain violation and consecutive to any other suspension imposed for a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 violation; extending the duration of a certain prohibition against a certain
2 holder of a provisional driver's license driving with certain passengers under a
3 certain age; and generally relating to the driver's licenses of minors.

4 BY repealing and reenacting, without amendments,
5 Article – Courts and Judicial Proceedings
6 Section 3–8A–01(j), 3–8A–03(d)(2), and 3–8A–19(e)(2)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2007 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–19(e)(1) and 3–8A–23(a)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 16–206(b), 16–404, and 21–1123
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 21–905
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

27 3–8A–01.

28 (j) “Court” means the circuit court for a county sitting as the juvenile court.

29 3–8A–03.

30 (d) The court does not have jurisdiction over:

31 (2) A child at least 16 years old alleged to have done an act in violation
32 of any provision of the Transportation Article or other traffic law or ordinance, except
33 an act that prescribes a penalty of incarceration;

34 3–8A–19.

[1.] A. For a first offense, for 6 months; and

18 [2.] B. For a second or subsequent offense, [until the
19 child is 21 years old] **FOR AT LEAST 1 YEAR BUT NOT BEYOND THE CHILD'S 21ST**
20 **BIRTHDAY.**

30 (v) If a child subject to a suspension under this subsection does
31 not hold a license to operate a motor vehicle on the date of the disposition, the
32 suspension shall commence:

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

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

6 (ii) Impose a civil fine of not more than \$25 for the first violation
7 and a civil fine of not more than \$100 for the second and subsequent violations; or

11 3-8A-23.

12 (a) (1) An adjudication of a child pursuant to this subtitle is not a
13 criminal conviction for any purpose and does not impose any of the civil disabilities
14 ordinarily imposed by a criminal conviction.

25 (II) IN THE CASE OF A FINDING, WITHOUT AN
26 ADJUDICATION, THAT A CHILD HAS VIOLATED § 20-102, § 20-103, OR § 21-904
27 OF THE TRANSPORTATION ARTICLE, THE MOTOR VEHICLE ADMINISTRATION
28 SHALL RETAIN THE REPORT IN ACCORDANCE WITH § 16-117(B)(2) OF THE
29 TRANSPORTATION ARTICLE PERTAINING TO RECORDS OF LICENSEES WHO
30 RECEIVE A DISPOSITION OF PROBATION BEFORE JUDGMENT.

Article - Transportation

32 16-206.

7 [(2)] (3) If a child subject to a suspension under this subsection does
8 not hold a license to operate a motor vehicle on the date of the disposition, the
9 suspension shall commence:

10 (i) If the child is at least 16 years old on the date of the
11 disposition, on the date of the disposition; or

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

14 [(3)] (4) A suspension imposed under this subsection shall[:]

(ii) Receive credit for any suspension period imposed under § 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of the violation of § 21–902 of this article described in this subsection].

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

4 (iv) Subject to the provisions of this paragraph, the
5 Administration shall consolidate the hearings described in this paragraph unless the
6 administrative law judge finds in writing that good cause exists not to consolidate the
7 hearings.

8 16-404.

11 (1) Send a warning letter to each individual who accumulates 3 points;

16 (3) Except as provided in § 16–405 of this subtitle:

17 (i) Suspend the license of each individual who accumulates 8
18 points; and

19 (ii) Revoke the license of each individual who accumulates 12
20 points.

21 (b) (1) Except as provided in § 16-405 of this subtitle:

22 (i) If an individual accumulates 8 points, the Administration
23 shall issue a notice of suspension; and

24 (ii) If an individual accumulates 12 points, the Administration
25 shall issue a notice of revocation.

26 (2) Each notice shall:

27 (i) Be personally served or sent by certified mail, return receipt
28 requested, bearing a postmark from the United States Postal Service;

29 (ii) State the duration of the suspension or revocation; and

30 (iii) Advise the individual of his right, within 10 days after the
31 notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written
32 request for a hearing before the Administrator.

(3) Unless a hearing is requested, each notice of suspension or revocation is effective at the end of the 10-day period after the notice is sent.

3 (c) (1) Except as provided in paragraphs (2) and (3) of this subsection:

4 (i) An initial suspension may not be for less than 2 days nor
5 more than 30 days; and

6 (ii) Any subsequent suspension may not be for less than 15 days
7 nor more than 90 days.

12 (i) For a first conviction, not more than 6 months;

13 (ii) For a second conviction at least 5 years after the date of the
14 first conviction, not more than 9 months;

15 (iii) For a second conviction less than 5 years after the date of
16 the first conviction or for a third conviction, not more than 12 months; and

17 (iv) For a fourth or subsequent conviction, not more than 24
18 months.

19 (3) The Administration may issue a restrictive license for the period of
20 the suspension to an individual who participates in the Administration's Ignition
21 Interlock System Program under § 16-404.1 of this subtitle.

22 (4) This subsection does not limit the authority of the Administration
23 to issue a restrictive license or modify a suspension imposed under this subsection.

24 (D) (1) IF THE HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS
25 UNDER THE AGE OF 18 YEARS ACCUMULATES 4 OR MORE POINTS IN A
26 12-MONTH PERIOD, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S
27 DRIVER'S LICENSE:

(I) FOB A FIRST OFFENSE, FOR 6 MONTHS; AND

29 (II) FOR A SECOND OR SUBSEQUENT OFFENSE FOR 1 YEAR

4 21-905.

5 (A) A HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS UNDER
6 THE AGE OF 18 YEARS IS GUILTY OF HIGH-RISK DRIVING IF THE HOLDER OF
7 THE PROVISIONAL LICENSE COMMITS ANY OF THE FOLLOWING VIOLATIONS:

8 (1) § 21-901.1 OF THIS SUBTITLE (RECKLESS AND NEGLIGENT
9 DRIVING);

10 (2) § 21-901.2 OF THIS SUBTITLE (AGGRESSIVE DRIVING);

13 (4) ANY SINGLE MOVING VIOLATION FOR WHICH 4 OR MORE
14 POINTS ARE ASSESSED UNDER § 16-404 OF THIS ARTICLE.

15 (B) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE
16 THAT AN INDIVIDUAL HAS COMMITTED A VIOLATION SPECIFIED IN SUBSECTION
17 (A) OF THIS SECTION, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S
18 DRIVER'S LICENSE:

(I) FOR A FIRST OFFENSE, FOR 6 MONTHS; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1 YEAR.

27 **(C) A DRIVER'S LICENSE SUSPENSION IMPOSED UNDER THIS SECTION**
28 **SHALL BE:**

3 21-1123.

7 (i) Is at least 21 years old;

11 (iii) Is seated beside the holder of the provisional driver's license.

15 (3) The prohibition under paragraph (2) of this subsection:

16 (i) Shall be in effect from the date the provisional license is
17 originally issued until the [151st] **271ST** day after the provisional license was issued;
18 and

19 (ii) Does not apply to a passenger who is:

1. A spouse, daughter, son, stepdaughter, stepson, sister, brother, stepsister, or stepbrother of the licensee; or

24 (b) A police officer may enforce this section only as a secondary action when
25 the police officer detains a driver for a suspected violation of another provision of the
26 Code.

27 (c) A violation of this section is a moving violation for the purposes of §
28 16-402 of this article.

29 (d) (1) If the Administration receives satisfactory evidence that an
30 individual has violated this section, the Administration may suspend or revoke the
31 individual's driver's license.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 16, Subtitle 2 of this article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.