

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 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of
2 this paragraph, in making a disposition on a finding that the child has committed the
3 violation specified in a citation, the court may order the Motor Vehicle Administration
4 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of
5 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a
6 specified period of not less than 30 days nor more than 90 days.

7 (ii) In this paragraph, “driver’s license” means a license or
8 permit to drive a motor vehicle that is issued under the laws of this State or any other
9 jurisdiction.

10 (iii) **1.** In making a disposition on a finding that the child has
11 committed a violation of § 10–113, § **10–114**, OR § **10–115** of the Criminal Law
12 Article [specified in a citation that involved the use of a driver’s license or a document
13 purporting to be a driver’s license], the court [may] **SHALL** order the Motor Vehicle
14 Administration to initiate an action under the Maryland Vehicle Law to suspend the
15 driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle
16 Administration:

17 [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.**

21 **2. THE ADMINISTRATION MAY NOT ISSUE A**
22 **RESTRICTED LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER THIS**
23 **SUBPARAGRAPH.**

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

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

35 2. If the child is younger than 16 years of age on the date
36 of the disposition, on the date the child reaches the child’s 16th birthday.

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

3 (i) Counsel the child or the parent or both, or order the child to
4 participate in an alcohol education or rehabilitation program that is in the best
5 interest of the child;

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

8 (iii) Order the child to participate in a supervised work program
9 for not more than 20 hours for the first violation and not more than 40 hours for the
10 second and subsequent violations.

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.

15 (2) An adjudication and disposition of a child in which the child's
16 driving privileges have been suspended may not affect the child's driving record or
17 result in a point assessment. The State Motor Vehicle Administration may not disclose
18 information concerning or relating to a suspension under this subtitle to any insurance
19 company or person other than the child, the child's parent or guardian, the court, the
20 child's attorney, a State's Attorney, or law enforcement agency.

21 (3) Subject to paragraph (4) of this subsection, an adjudication of a
22 child as delinquent by reason of the child's violation of the State vehicle laws,
23 including a violation involving an unlawful taking or unauthorized use of a motor
24 vehicle under § 7-105 or § 7-203 of the Criminal Law Article or § 14-102 of the
25 Transportation Article shall be reported by the clerk of the court to the Motor Vehicle
26 Administration, which shall assess points against the child under Title 16, Subtitle 4
27 of the Transportation Article, in the same manner and to the same effect as if the child
28 had been convicted of the offense.

29 (4) (i) An adjudication of a child as delinquent by reason of the
30 child's violation of § 21-902 of the Transportation Article or a finding that a child has
31 committed a delinquent act by reason of the child's violation of § 21-902 of the
32 Transportation Article, without an adjudication of the child as delinquent, shall be
33 reported by the clerk of the court to the Motor Vehicle Administration which shall
34 suspend the child's license to drive as provided in § 16-206(b) of the Transportation
35 Article:

36 1. For 1 year for a first adjudication as delinquent or
37 finding of a delinquent act for a violation of § 21-902 of the Transportation Article;
38 and

1 2. For 2 years for a second or subsequent adjudication as
2 delinquent or finding of a delinquent act for a violation of § 21-902 of the
3 Transportation Article.

4 (ii) In the case of a finding, without an adjudication, that a child
5 has violated § 21-902 of the Transportation Article, the Motor Vehicle Administration
6 shall retain the report in accordance with § 16-117(b)(2) of the Transportation Article
7 pertaining to records of licensees who receive a disposition of probation before
8 judgment.

9 **(5) (I) AN ADJUDICATION OF A CHILD AS DELINQUENT BY**
10 **REASON OF THE CHILD'S VIOLATION OF § 20-102, § 20-103, OR § 21-904 OF THE**
11 **TRANSPORTATION ARTICLE OR A FINDING THAT A CHILD HAS COMMITTED A**
12 **DELINQUENT ACT BY REASON OF THE CHILD'S VIOLATION OF § 20-102, §**
13 **20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE, WITHOUT AN**
14 **ADJUDICATION OF THE CHILD AS DELINQUENT, SHALL BE REPORTED BY THE**
15 **CLERK OF THE COURT TO THE MOTOR VEHICLE ADMINISTRATION THAT SHALL**
16 **SUSPEND THE CHILD'S LICENSE TO DRIVE AS PROVIDED IN § 16-206(B) OF THE**
17 **TRANSPORTATION ARTICLE:**

18 **1. FOR 6 MONTHS FOR A FIRST ADJUDICATION AS**
19 **DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A VIOLATION OF § 20-102,**
20 **§ 20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE; AND**

21 **2. FOR 1 YEAR FOR A SECOND OR SUBSEQUENT**
22 **ADJUDICATION AS DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A**
23 **VIOLATION OF § 20-102, § 20-103, OR § 21-904 OF THE TRANSPORTATION**
24 **ARTICLE.**

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.**

31 **Article - Transportation**

32 16-206.

33 (b) (1) Upon notification by the clerk of the court that a child has been
34 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has
35 been made that a child violated § 21-902 of this article, the Administration shall
36 suspend the license to drive of the child in accordance with § 3-8A-23(a)(4)(i) of the
37 Courts Article.

1 **(2) ON NOTIFICATION BY THE CLERK OF THE COURT THAT A**
2 **CHILD HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 20-102, §**
3 **20-103, OR § 21-904 OF THIS ARTICLE, OR THAT A FINDING HAS BEEN MADE**
4 **THAT A CHILD VIOLATED § 20-102, § 20-103, OR § 21-904 OF THIS ARTICLE,**
5 **THE ADMINISTRATION SHALL SUSPEND THE CHILD'S LICENSE TO DRIVE IN**
6 **ACCORDANCE WITH § 3-8A-23(A)(5) OF THE COURTS ARTICLE.**

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[:

15 (i) Be concurrent with] **BE CONSECUTIVE TO** any other
16 suspension or revocation imposed by the Administration that arises out of the
17 circumstances of the adjudication of delinquency or finding that the child is in
18 violation of § **20-102, § 20-103, § 21-902, OR § 21-904** of this article as described in
19 this subsection[; and

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

23 **(5) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED**
24 **LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OR**
25 **(2) OF THIS SUBSECTION.**

26 **[(4)] (6)** (i) Subject to the provisions of this paragraph, a person
27 may request on the record that a hearing on a suspension under this subsection and
28 any other hearing on another suspension or revocation under subsection (c) of this
29 section, § 16-213 of this subtitle, or § 16-404 of this title that arises out of the
30 circumstances of the conviction for a violation of § 21-902 of this article described in
31 this subsection be consolidated.

32 (ii) A person who requests consolidation of hearings under this
33 paragraph shall waive on the record each applicable notice of right to request a
34 hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of
35 the State Government Article that applies to the other suspensions or revocations
36 arising out of the same circumstances.

1 (iii) A hearing under this paragraph may not be postponed at the
2 request of the person who requests consolidation of hearings under subparagraph (i) of
3 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.

9 (a) The Administration shall take the following actions for points
10 accumulated within any 2–year period:

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

12 (2) Require attendance at a conference by each individual who
13 accumulates 5 points, except that a Class A, B, or C licensee who submits evidence
14 acceptable to the Administration that he is a professional driver may not be called in
15 until he accumulates 8 points; and

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.

1 (3) Unless a hearing is requested, each notice of suspension or
2 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.

8 (2) Subject to the provisions of paragraph (3) of this subsection, the
9 following suspension periods may apply to a suspension for an accumulation of points
10 under § 16-402(a)(24) of this subtitle for a violation of § 21-902(b) or (c) of this article
11 or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

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:**

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

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

30 **(2) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED**
31 **LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OF**
32 **THIS SUBSECTION.**

1 **(3) AN INDIVIDUAL SUBJECT TO A LICENSE SUSPENSION UNDER**
2 **THIS SUBSECTION MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION**
3 **OR REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.**

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);**

11 **(3) § 21-1116 OF THIS TITLE (RACE OR SPEED CONTEST**
12 **PROHIBITED); OR**

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:**

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

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

21 **(2) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED**
22 **LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OF**
23 **THIS SUBSECTION.**

24 **(3) AN INDIVIDUAL SUBJECT TO A LICENSE SUSPENSION UNDER**
25 **THIS SUBSECTION MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION**
26 **OR REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.**

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

29 **(1) SEPARATE FROM ANY OTHER PENALTY IMPOSED FOR THE ACT**
30 **ESTABLISHING THE VIOLATION OF THIS SECTION; AND**

1 **(2) CONSECUTIVE TO ANY OTHER SUSPENSION IMPOSED FOR THE**
2 **ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

3 21–1123.

4 (a) (1) The provisions of this subsection do not apply if the holder of the
5 provisional driver’s license is driving while accompanied by and under the immediate
6 supervision of an individual who:

7 (i) Is at least 21 years old;

8 (ii) Has been licensed for at least 3 years in this State or in
9 another state to drive vehicles of the class then being driven by the holder of the
10 provisional driver’s license; and

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

12 (2) Except as provided in paragraph (3) of this subsection, a holder of a
13 provisional driver’s license who is under the age of 18 years may not drive a motor
14 vehicle with a passenger under the age of 18 years.

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:

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

22 2. A relative of the licensee who resides at the same
23 address as the licensee.

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.

1 (2) An individual may request a hearing as provided for a suspension
2 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.