

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2008

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 suspend the driver's license of a certain individual for a certain period of time if
 2 the Administration receives satisfactory evidence of the commission of a certain
 3 high-risk driving violation; establishing that a driver's license suspension
 4 imposed for high-risk driving is separate from any other penalty imposed for a
 5 certain violation and consecutive to any other suspension imposed for a certain
 6 violation; ~~extending the duration of a certain prohibition against a certain~~
 7 ~~holder of a provisional driver's license driving with certain passengers under a~~
 8 ~~certain age~~; and generally relating to the driver's licenses of minors.

9 BY repealing and reenacting, without amendments,
 10 Article – Courts and Judicial Proceedings
 11 Section 3–8A–01(j), 3–8A–03(d)(2), and 3–8A–19(e)(2)
 12 Annotated Code of Maryland
 13 (2006 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article – Courts and Judicial Proceedings
 16 Section 3–8A–19(e)(1) and 3–8A–23(a)
 17 Annotated Code of Maryland
 18 (2006 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article – Transportation
 21 Section 16–206(b), and 16–404, ~~and 21–1123~~
 22 Annotated Code of Maryland
 23 (2006 Replacement Volume and 2007 Supplement)

24 BY adding to
 25 Article – Transportation
 26 Section 21–905
 27 Annotated Code of Maryland
 28 (2006 Replacement Volume and 2007 Supplement)

29 BY repealing and reenacting, without amendments,
 30 Article – Transportation
 31 Section 21–1123
 32 Annotated Code of Maryland
 33 (2006 Replacement Volume and 2007 Supplement)

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

36 **Article – Courts and Judicial Proceedings**

37 3–8A–01.

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

1 3-8A-03.

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

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

6 3-8A-19.

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

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

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

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

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

27 **2. THE ADMINISTRATION MAY NOT ISSUE A**
28 **RESTRICTED LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER THIS**
29 **SUBPARAGRAPH.**

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

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

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

6 2. If the child is younger than 16 years of age on the date
7 of the disposition, on the date the child reaches the child's 16th birthday.

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

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

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

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

18 3-8A-23.

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

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

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

36 (4) (i) An adjudication of a child as delinquent by reason of the
37 child's violation of § 21-902 of the Transportation Article or a finding that a child has

1 committed a delinquent act by reason of the child's violation of § 21-902 of the
2 Transportation Article, without an adjudication of the child as delinquent, shall be
3 reported by the clerk of the court to the Motor Vehicle Administration which shall
4 suspend the child's license to drive as provided in § 16-206(b) of the Transportation
5 Article:

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

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

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

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

26 **1. FOR 6 MONTHS FOR A FIRST ADJUDICATION AS**
27 **DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A VIOLATION OF § 20-102,**
28 **§ 20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE; AND**

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

33 **(II) IN THE CASE OF A FINDING, WITHOUT AN**
34 **ADJUDICATION, THAT A CHILD HAS VIOLATED § 20-102, § 20-103, OR § 21-904**
35 **OF THE TRANSPORTATION ARTICLE, THE MOTOR VEHICLE ADMINISTRATION**
36 **SHALL RETAIN THE REPORT IN ACCORDANCE WITH § 16-117(B)(2) OF THE**
37 **TRANSPORTATION ARTICLE PERTAINING TO RECORDS OF LICENSEES WHO**
38 **RECEIVE A DISPOSITION OF PROBATION BEFORE JUDGMENT.**

Article - Transportation

16-206.

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

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

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

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

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

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

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

(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].

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

[(4)] (6) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under subsection (c) of this

1 section, § 16–213 of this subtitle, or § 16–404 of this title that arises out of the
2 circumstances of the conviction for a violation of § 21–902 of this article described in
3 this subsection be consolidated.

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

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

12 (iv) Subject to the provisions of this paragraph, the
13 Administration shall consolidate the hearings described in this paragraph unless the
14 administrative law judge finds in writing that good cause exists not to consolidate the
15 hearings.

16 16–404.

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

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

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

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

25 (i) Suspend the license of each individual who accumulates 8
26 points; and

27 (ii) Revoke the license of each individual who accumulates 12
28 points.

29 (b) (1) Except as provided in § 16–405 of this subtitle:

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

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

34 (2) Each notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) (1) **IF THE HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS**
31 **UNDER THE AGE OF 18 YEARS ACCUMULATES 4 5 OR MORE POINTS IN A**

1 12-MONTH PERIOD, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S
2 DRIVER'S LICENSE:

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

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

5 (2) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED
6 LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OF
7 THIS SUBSECTION.

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

11 21-905.

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

15 (1) § 21-901.1 OF THIS SUBTITLE (RECKLESS AND NEGLIGENT
16 DRIVING);

17 (2) § 21-901.2 OF THIS SUBTITLE (AGGRESSIVE DRIVING); OR

18 (3) § 21-1116 OF THIS TITLE (RACE OR SPEED CONTEST
19 PROHIBITED); ~~OR~~

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

22 (B) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE
23 THAT AN INDIVIDUAL HAS COMMITTED A VIOLATION SPECIFIED IN SUBSECTION
24 (A) OF THIS SECTION, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S
25 DRIVER'S LICENSE:

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

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

28 (2) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED
29 LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OF
30 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 **(C) A DRIVER'S LICENSE SUSPENSION IMPOSED UNDER THIS SECTION**
5 **SHALL BE:**

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

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

10 21-1123.

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

14 (i) Is at least 21 years old;

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

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

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

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

23 (i) Shall be in effect from the date the provisional license is
24 originally issued until the ~~151st~~ ~~271st~~ day after the provisional license was issued;
25 and

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

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

29 2. A relative of the licensee who resides at the same
30 address as the licensee.

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

4 (c) A violation of this section is a moving violation for the purposes of §
5 16-402 of this article.

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.