

# HOUSE BILL 251

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CF SB 323

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By: **Delegates Haddaway, Eckardt, Aumann, Barkley, Dwyer, Elliott, Elmore, Frank, Jennings, Krebs, Lafferty, Levy, Mathias, McComas, Morhaim, Myers, Norman, O'Donnell, Serafini, Shank, Shewell, Sossi, Stocksdales, Stull, Walkup, and Wood**

Introduced and read first time: January 29, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Misrepresentation or False Statement as to Age - Driver's**  
3 **License Suspension**

4 FOR the purpose of providing for the suspension of a driver's license for certain  
5 alcoholic beverages violations; altering the period of a driver's license  
6 suspension for certain alcoholic beverages violations under certain  
7 circumstances; and generally relating to suspension of a driver's license for  
8 certain alcoholic beverages violations.

9 BY repealing  
10 Article - Courts and Judicial Proceedings  
11 Section 3-8A-19(e)(1)(ii)  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Courts and Judicial Proceedings  
16 Section 3-8A-19(e)(1)(iii), (iv), and (v)  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article - Criminal Law  
21 Section 10-113 and 10-119(f)(2) and (3)  
22 Annotated Code of Maryland  
23 (2002 Volume and 2008 Supplement)

24 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law  
 2 Section 10–119(k)  
 3 Annotated Code of Maryland  
 4 (2002 Volume and 2008 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Transportation  
 7 Section 16–206(c)  
 8 Annotated Code of Maryland  
 9 (2006 Replacement Volume and 2008 Supplement)

10 BY repealing and reenacting, without amendments,  
 11 Article – Transportation  
 12 Section 16–206(d)(4)  
 13 Annotated Code of Maryland  
 14 (2006 Replacement Volume and 2008 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 3–8A–19.

19 (e) (1) [(ii) In this paragraph, “driver’s license” means a license or  
 20 permit to drive a motor vehicle that is issued under the laws of this State or any other  
 21 jurisdiction.]

22 [(iii) (II) In making a disposition on a finding that the child has  
 23 committed a violation of § 10–113 of the Criminal Law Article specified in a citation  
 24 [that involved the use of a driver’s license or a document purporting to be a driver’s  
 25 license], the court may order the Motor Vehicle Administration to initiate an action  
 26 under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to  
 27 operate a motor vehicle by the Motor Vehicle Administration[:

28 1. For a first offense, for 6 months; and

29 2. For a second or subsequent offense, until the child is  
 30 21 years old] **FOR A PERIOD OF NOT MORE THAN 1 YEAR.**

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

1                    [(v)] (IV) If a child subject to a suspension under this  
2 subsection does not hold a license to operate a motor vehicle on the date of the  
3 disposition, the 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                    **Article – Criminal Law**

9 10–113.

10                    An individual may not knowingly and willfully make a misrepresentation or  
11 false statement as to the age of that individual or another to any person licensed to  
12 sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of  
13 unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage  
14 to an individual.

15 10–119.

16                    (f) (2) A person charged who is under the age of 18 years shall be subject  
17 to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts  
18 Article.

19                    (3) A person charged who is at least 18 years old shall be subject to the  
20 provisions of this section.

21                    (k) (1) [In this subsection, “driver’s license” means a license or permit to  
22 drive a motor vehicle that is issued under the laws of this State or any other  
23 jurisdiction.

24                    (2)] This subsection applies only to:

25                    (i) a person who is at least 18 but under 21 years of age; or

26                    (ii) a minor if the minor is subject to the jurisdiction of the  
27 court.

28                    [(3)] (2) If a person is found guilty of a Code violation under § 10–113  
29 of this part [that involved the use of a driver’s license or a document purporting to be a  
30 driver’s license], the court shall notify the Motor Vehicle Administration of the  
31 violation.



1 (iii) It finds that the individual's or child's employment would be  
2 adversely affected because the individual or child has no reasonable alternative means  
3 of transportation to or from a place of employment; or

4 (iv) It finds that the individual's or child's education would be  
5 adversely affected because the individual or child has no reasonable alternative means  
6 of transportation for educational purposes.

7 (d) (4) Except as otherwise provided in this section, the Administration  
8 may suspend or revoke a license under this section only after a hearing under Title 12,  
9 Subtitle 2 of this article.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2009.