

HOUSE BILL 358

R4
HB 1349/08 – ENV

9lr1737

By: **Delegates Weir, Boteler, Carr, Glenn, Hucker, Niemann, Norman, Shewell,
and Sossi**

Introduced and read first time: January 30, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driver Improvement Programs – Deduction of Accumulated**
3 **Points**

4 FOR the purpose of authorizing an individual who has accumulated a certain number
5 of points on the individual's driving record to request the Motor Vehicle
6 Administration to deduct a certain number of points from the individual's
7 driving record if the individual attends a certain driver improvement program
8 or driver safety program; prohibiting the Administration from deducting more
9 than a certain number of points from an individual's driving record in a certain
10 time period; requiring the Administration to apply a certain point deduction in a
11 certain manner; requiring the Administration to provide a certain notification to
12 an individual who accumulates a certain number of points; and generally
13 relating to the accumulation of points against a driving record.

14 BY repealing and reenacting, without amendments,
15 Article – Transportation
16 Section 16–212
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 16–404
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2008 Supplement)

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

26 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16-212.

2 (a) The Administration may conduct:

3 (1) A driver improvement program;

4 (2) An alcohol education program; and

5 (3) Point system conferences.

6 (b) (1) The purpose of the programs and conferences authorized under
7 this section is to provide driver rehabilitation.

8 (2) The Administration shall determine the content of the programs
9 and conferences.

10 (c) If an individual is convicted of 1 or more moving violations:

11 (1) After a conference or a hearing as provided in Title 12, Subtitle 2 of
12 this article, as a condition of reinstatement of a driver's license, or if an individual fails
13 to attend a conference as required by § 16-404(a)(2) of this title, the Administration
14 may require an individual to attend a driver improvement program or alcohol
15 education program; or

16 (2) A court may require an individual to attend a driver improvement
17 program or alcohol education program.

18 (d) In carrying out an order of the court, a probation officer or health
19 department officer may assign an individual to attend a driver improvement program
20 or alcohol education program.

21 (e) (1) An individual who attends a program or conference under this
22 section shall pay, in advance, a fee as provided in this subsection.

23 (2) The Administration shall set a reasonable fee based on the costs of
24 operating the programs and conferences authorized by this section.

25 (3) The funds collected by the Administration under this subsection
26 may not be credited to the Gasoline and Motor Vehicle Revenue Account for
27 distribution under § 8-403 or § 8-404 of this article.

28 (f) (1) The Administration may waive attendance at an alcohol education
29 program conducted by the Administration if an individual attends a private alcohol
30 education program or an alcohol education program provided by a political subdivision
31 of the State that is approved by the Alcohol and Drug Abuse Administration and the
32 Administration.

1 (2) The Administration may waive attendance at a driver
2 improvement program conducted by the Administration if an individual attends a
3 private driver improvement program or a driver improvement program provided by a
4 political subdivision of the State that is approved by the Administration.

5 (3) The Administration may waive attendance at a point system
6 conference conducted by the Administration if an individual attends a point system
7 conference conducted by a private provider that is approved by the Administration.

8 (4) The Administration shall establish criteria for approving private
9 providers of point system conferences and alcohol education or driver improvement
10 programs and alcohol education or driver improvement programs provided by a
11 political subdivision of the State.

12 (5) Upon application for approval to provide the programs and
13 conferences allowed under this section, a private provider shall pay an application fee
14 established by the Administration.

15 16-404.

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

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

19 (2) **NOTIFY EACH INDIVIDUAL WHO ACCUMULATES 2 OR MORE**
20 **POINTS OF THE RIGHT TO HAVE THE POINTS DEDUCTED IN ACCORDANCE WITH**
21 **SUBSECTION (D) OF THIS SECTION;**

22 [(2)] (3) Require attendance at a conference by each individual who
23 accumulates 5 points, except that a Class A, B, or C licensee who submits evidence
24 acceptable to the Administration that he is a professional driver may not be called in
25 until he accumulates 8 points; and

26 [(3)] (4) Except as provided in § 16-405 of this subtitle:

27 (i) Suspend the license of each individual who accumulates 8
28 points; and

29 (ii) Revoke the license of each individual who accumulates 12
30 points.

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

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

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

3 (2) Each notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (D) (1) AN INDIVIDUAL WHO ACCUMULATES 2 OR MORE POINTS ON
2 THE INDIVIDUAL'S DRIVING RECORD MAY REQUEST THE ADMINISTRATION TO
3 DEDUCT 2 POINTS FROM THE INDIVIDUAL'S DRIVING RECORD IF THE
4 INDIVIDUAL ATTENDS:

5 (I) A DRIVER IMPROVEMENT PROGRAM CONDUCTED BY
6 THE ADMINISTRATION UNDER § 16-212 OF THIS TITLE;

7 (II) A PRIVATE DRIVER IMPROVEMENT PROGRAM
8 APPROVED BY THE ADMINISTRATION IN ACCORDANCE WITH § 16-212 OF THIS
9 TITLE;

10 (III) A DRIVER IMPROVEMENT PROGRAM PROVIDED BY A
11 POLITICAL SUBDIVISION OF THE STATE AND APPROVED BY THE
12 ADMINISTRATION IN ACCORDANCE WITH § 16-212 OF THIS TITLE; OR

13 (IV) AN EQUIVALENT DRIVER SAFETY PROGRAM APPROVED
14 BY THE ADMINISTRATION.

15 (2) THE ADMINISTRATION MAY NOT DEDUCT MORE THAN 2
16 POINTS IN A 2-YEAR PERIOD FROM AN INDIVIDUAL'S DRIVING RECORD UNDER
17 THIS SUBSECTION.

18 (3) THE ADMINISTRATION SHALL APPLY ANY POINT DEDUCTIONS
19 AWARDED UNDER THIS SUBSECTION CHRONOLOGICALLY TO THE EARLIEST
20 CONVICTIONS FOR WHICH POINTS HAVE BEEN ASSESSED.

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