

# HOUSE BILL 1335

R4

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By: **Delegates Niemann, Barnes, and Ramirez**

Introduced and read first time: February 18, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Refused, Suspended, Canceled, or**  
3 **Revoked - Penalty**

4 FOR the purpose of altering certain provisions relating to driving a motor vehicle  
5 while a license or privilege to drive issued by this State or any other state is  
6 refused, suspended, canceled, or revoked; establishing that a certain offense is  
7 not a moving violation for purposes of assessing certain points; providing that in  
8 a certain prosecution certain records shall be prima facie evidence of certain  
9 facts; providing that the introduction of certain records does not preclude the  
10 introduction of certain other evidence; altering certain penalties for certain  
11 offenses relating to driving a motor vehicle while a license or privilege to drive  
12 issued by this State or any other state has been refused, suspended, canceled, or  
13 revoked; making certain technical corrections; and generally relating to driving  
14 while a license or privilege to drive has been refused, suspended, canceled, or  
15 revoked.

16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 16-303, 16-404(c)(2), 16-404.1(b)(3) and (4), and 27-101(c) and (h)  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2008 Supplement)

21 BY repealing  
22 Article - Transportation  
23 Section 16-402(a)(11) and (30)  
24 Annotated Code of Maryland  
25 (2006 Replacement Volume and 2008 Supplement)

26 BY adding to  
27 Article - Transportation  
28 Section 27-101(cc)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2008 Supplement)

3 BY renumbering  
4 Article – Transportation  
5 Section 16–402(a)(12) through (29) and (31) through (37), respectively  
6 to be Section 16–402(a)(11) through (28) and (29) through (35), respectively  
7 Annotated Code of Maryland  
8 (2006 Replacement Volume and 2008 Supplement)

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

11 **Article – Transportation**

12 16–303.

13 (a) A person may not drive a motor vehicle on any highway or on any  
14 property specified in § 21–101.1 of this article while the person’s license or privilege to  
15 drive is refused [in this State or any other state], **SUSPENDED, CANCELED, OR**  
16 **REVOKED IN THIS STATE.**

17 (b) [A person may not drive a motor vehicle on any highway or on any  
18 property specified in § 21–101.1 of this article while the person’s license or privilege to  
19 drive is canceled in this State.

20 (c) A person may not drive a motor vehicle on any highway or on any  
21 property specified in § 21–101.1 of this article while the person’s license or privilege to  
22 drive is suspended in this State.

23 (d) A person may not drive a motor vehicle on any highway or on any  
24 property specified in § 21–101.1 of this article while the person’s license or privilege to  
25 drive is revoked in this State.

26 (e)] A person may not drive a motor vehicle on any highway or on any  
27 property specified in § 21–101.1 of this article while the person’s license issued by any  
28 other state is **REFUSED, SUSPENDED, canceled, OR REVOKED.**

29 [(f) A person may not drive a motor vehicle on any highway or on any  
30 property specified in § 21–101.1 of this article while the person’s license issued by any  
31 other state is suspended.

32 (g) A person may not drive a motor vehicle on any highway or on any  
33 property specified in § 21–101.1 of this article while the person’s license issued by any  
34 other state is revoked.

1 (h) A person may not drive a motor vehicle on any highway or on any  
2 property specified in § 21–101.1 of this article while the person’s license or privilege to  
3 drive is suspended under § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

4 (i) (1) This subsection applies only to a person whose license or privilege  
5 to drive is suspended under the traffic laws or regulations of another state for:

6 (i) Failure to comply with a notice to appear in a court of that  
7 state contained in a traffic citation issued to the person; or

8 (ii) Failure to pay a fine for a violation of any traffic laws or  
9 regulations of that state.

10 (2) A person may not drive a motor vehicle on any highway or on any  
11 property specified in § 21–101.1 of this article while the person’s license or privilege to  
12 drive is suspended under the traffic laws or regulations of any other state as described  
13 in paragraph (1) of this subsection.

14 (j) (1) Except as provided in paragraph (2) of this subsection, any  
15 individual who violates a provision of this section shall be assessed the points as  
16 provided for in § 16–402(a)(30) of this title.

17 (2) Any individual who violates a provision of subsection (h) or  
18 subsection (i) of this section shall be assessed the points as provided for in § 16–402(a)  
19 (11) of this title.]

20 **(C) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR**  
21 **PURPOSES OF ASSESSING POINTS UNDER § 16–402 OF THIS TITLE.**

22 **(D) (1) IN ANY PROSECUTION UNDER THIS SECTION THE**  
23 **INTRODUCTION OF THE OFFICIAL RECORDS OF THE ADMINISTRATION AS**  
24 **PROVIDED IN § 12–113 OF THIS ARTICLE SHOWING A NOTATION IN THE**  
25 **RECORDS THAT NOTICE OF THE REFUSAL, SUSPENSION, CANCELLATION, OR**  
26 **REVOCAION OF A DEFENDANT’S LICENSE OR PRIVILEGE TO DRIVE WAS SENT**  
27 **TO THE LAST KNOWN ADDRESS OF THE DEFENDANT SHALL BE PRIMA FACIE**  
28 **EVIDENCE THAT THE DEFENDANT KNOWS OR HAS REASON TO KNOW THAT THE**  
29 **LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED, SUSPENDED, CANCELED,**  
30 **OR REVOKED IN THIS STATE OR ANY OTHER STATE.**

31 **(2) THE INTRODUCTION OF EVIDENCE OF THE RECORDS OF THE**  
32 **ADMINISTRATION MAY NOT LIMIT THE INTRODUCTION OF OTHER EVIDENCE**  
33 **BEARING ON WHETHER THE DEFENDANT KNOWS OR HAS REASON TO KNOW**  
34 **THAT THE DEFENDANT’S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,**  
35 **SUSPENDED, CANCELED, OR REVOKED.**

36 16–402.

1 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
2 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of  
3 this State or of any local authority, points shall be assessed against the individual as  
4 of the date of violation and as follows:

5 [(11) Driving after suspension of license under the provisions of  
6 § 17–106, § 26–204, § 26–206, or § 27–103 of this article, or under the traffic laws or  
7 regulations of another state as described in § 16–303(i) of this title .....3 points]

8 [(30) Driving after refusal, suspension, cancellation, or revocation of  
9 license except for suspensions of license under the provisions of § 17–106, § 26–204, §  
10 26–206, or § 27–103 of this article, or under the traffic laws or regulations of another  
11 state as described in § 16–303(i) of this title ..... 12 points]

12 16–404.

13 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the  
14 following suspension periods may apply to a suspension for an accumulation of points  
15 under [§ 16–402(a)(24)] **§ 16–402(A)(23)** of this subtitle for a violation of § 21–902(b)  
16 or (c) of this article or a suspension imposed under § 16–404.1(b)(4)(iii) of this subtitle:

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

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

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

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

24 16–404.1.

25 (b) (3) An individual may be a participant if:

26 (i) The individual’s license is suspended or revoked for a  
27 violation of § 21–902(a), (b), or (c) of this article or an accumulation of points under [§  
28 16–402(a)(24) or (33)] **§ 16–402(A)(23) OR (31)** of this subtitle;

29 (ii) The individual is ordered to participate in the Program by a  
30 court under § 27–107 of this article;

31 (iii) The individual’s license has an alcohol restriction imposed  
32 under § 16–113(b) or (g) of this title; or

1 (iv) The Administration modifies a suspension or issues a  
2 restrictive license to the individual under § 16-205.1(b)(3)(vii) or (n)(2) or (4) of this  
3 title.

4 (4) The Administration may:

5 (i) Issue a restrictive license to an individual who is a  
6 participant in the Program during the suspension period as provided under  
7 § 16-404(c)(3) of this subtitle;

8 (ii) Reinstate the driver's license of a participant whose license  
9 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for  
10 an accumulation of points under [§ 16-402(a)(33)] **§ 16-402(A)(31)** of this subtitle for  
11 a violation of § 21-902(a) of this article; and

12 (iii) Notwithstanding any other provision of law, impose on a  
13 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this  
14 subtitle in lieu of a license revocation for:

15 1. A violation of § 21-902(a), (b), or (c) of this article; or

16 2. An accumulation of points under [§ 16-402(a)(33)] **§**  
17 **16-402(A)(31)** of this subtitle for a violation of § 21-902(a) of this article.

18 27-101.

19 (c) Any person who is convicted of a violation of any of the provisions of the  
20 following sections of this article is subject to a fine of not more than \$500 or  
21 imprisonment for not more than 2 months or both:

22 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and  
23 misrepresentation prohibited");

24 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

25 (3) § 14-104 ("Damaging or tampering with vehicle");

26 (4) § 14-107 ("Removed, falsified, or unauthorized identification  
27 number or registration card or plate");

28 (5) § 14-110 ("Altered or forged documents and plates");

29 (6) § 15-312 ("Dealers: Prohibited acts – Vehicle sales transactions");

30 (7) § 15-313 ("Dealers: Prohibited acts – Advertising practices");

31 (8) § 15-314 ("Dealers: Prohibited acts – Violation of licensing laws");

- 1           (9)    § 15–411 (“Vehicle salesmen: Prohibited acts”);
- 2           (10)   § 15–502(c) (“Storage of certain vehicles by unlicensed persons  
3 prohibited”);
- 4           (11)   § 16–113(j) (“Violation of alcohol restriction ordered by a court”);
- 5           (12)   § 16–301 (“Unlawful application for or use of license”);
- 6           (13)   [§ 16–303(h) (“Licenses suspended under certain provisions of  
7 Code”);
- 8           (14)   § 16–303(i) (“Licenses suspended under certain provisions of the  
9 traffic laws or regulations of another state”);
- 10          (15)] § 18–106 (“Unauthorized use of rented motor vehicle”);
- 11          [(16)] **(14)** § 20–103 (“Driver to remain at scene – Accidents resulting  
12 only in damage to attended vehicle or property”);
- 13          [(17)] **(15)** § 20–104 (“Duty to give information and render aid”);
- 14          [(18)] **(16)** § 20–105 (“Duty on striking unattended vehicle or other  
15 property”);
- 16          [(19)] **(17)** § 20–108 (“False reports prohibited”);
- 17          [(20)] **(18)** § 21–206 (“Interference with traffic control devices or  
18 railroad signs and signals”);
- 19          [(21)] **(19)** As to a pedestrian in a marked crosswalk, § 21–502(a)  
20 (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to  
21 an accident;
- 22          [(22)] **(20)** As to another vehicle stopped at a marked crosswalk, §  
23 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation  
24 contributes to an accident;
- 25          [(23)] **(21)** Except as provided in subsections (f) and (q) of this section, §  
26 21–902(b) (“Driving while impaired by alcohol”);
- 27          [(24)] **(22)** Except as provided in subsections (f) and (q) of this section, §  
28 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);
- 29          [(25)] **(23)** § 21–902.1 (“Driving within 12 hours after arrest”); or

1            [(26)] **(24)** § 27-107(d), (e), (f), or (g) (“Prohibited acts – Ignition  
2 interlock systems”).

3            (h) Any person who is convicted of a violation of any of the provisions of [§  
4 16-303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled,  
5 suspended, refused, or revoked”),] § 17-107 of this article (“Prohibitions”)[,] or §  
6 17-110 of this article (“Providing false evidence of required security”) is subject to:

7            (1) For a first offense, a fine of not more than \$1,000, or imprisonment  
8 for not more than 1 year, or both; and

9            (2) For any subsequent offense, a fine of not more than \$1,000, or  
10 imprisonment for not more than 2 years, or both.

11            **(CC) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303 OF**  
12 **THIS ARTICLE IS SUBJECT TO:**

13            **(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500 OR**  
14 **IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH;**

15            **(2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$1,000**  
16 **OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH; AND**

17            **(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT**  
18 **MORE THAN \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.**

19            SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16-402(a)(12)  
20 through (29) and (31) through (37), respectively, of Article – Transportation of the  
21 Annotated Code of Maryland be renumbered to be Section(s) 16-402(a)(11) through  
22 (28) and (29) through (35), respectively.

23            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2009.