

HOUSE BILL 1412

R5

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Transportation)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Motor Vehicle Administration Point System**

3 FOR the purpose of repealing certain provisions of law relating to the authority of the
4 Motor Vehicle Administration to conduct point system conferences; clarifying
5 certain statutory references related to the assessment of points for certain
6 moving violations; providing for the assessment of points for a certain violation
7 involving the unlawful operation of a commercial motor vehicle; altering the
8 requirements for certain individuals who accumulate a certain minimum
9 number of points; eliminating the requirement to attend a point system
10 conference based on the accumulation of a certain number of points; removing a
11 requirement for a return receipt for certain certified letters; repealing a certain
12 provision requiring a minimum number of points to suspend or revoke the
13 driving privilege under certain circumstances; making technical and conforming
14 changes; and generally relating to the Motor Vehicle Administration point
15 system.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–212, 16–402(a), 16–404, and 16–405
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2008 Supplement)

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

23 **Article – Transportation**

24 16–212.

25 (a) The Administration may conduct:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) A driver improvement program; **AND**

2 (2) An alcohol education program[; and

3 (3) Point system conferences].

4 (b) (1) The purpose of the programs [and conferences] authorized under
5 this section is to provide driver rehabilitation.

6 (2) The Administration shall determine the content of the programs
7 [and conferences].

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

9 (1) [After a conference or] **NOTWITHSTANDING § 16-213(C)(2) OF**
10 **THIS SUBTITLE, AFTER** a hearing as provided in Title 12, Subtitle 2 of this article, as
11 a condition of reinstatement of a driver's license, [or if an individual fails to attend a
12 conference as required by § 16-404(a)(2) of this title,] the Administration may require
13 an individual to attend a driver improvement program or alcohol education program;
14 or

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

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

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

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

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

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

32 (2) The Administration may waive attendance at a driver
33 improvement program conducted by the Administration if an individual attends a

1 private driver improvement program or a driver improvement program provided by a
2 political subdivision of the State that is approved by the Administration.

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

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

10 [(5)] (4) Upon application for approval to provide the programs [and
11 conferences] allowed under this section, a private provider shall pay an application fee
12 established by the Administration.

13 16-402.

14 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
15 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
16 this State or of any local authority, points shall be assessed against the individual as
17 of the date of violation and as follows:

- 18 (1) Any moving violation not listed below and not contributing to an
19 accident 1 point
- 20 (2) Following another vehicle too closely 2 points
- 21 (3) Speeding in excess of the posted speed limit by 10 miles an hour
22 or more 2 points
- 23 (4) Driving with an improper class of license 2 points
- 24 (5) Failing to stop for a school vehicle with activated alternately
25 flashing red lights..... 3 points
- 26 (6) Any violation of § 21-1111 of this article 2 points
- 27 (7) Passing an emergency or police vehicle under the provisions of §
28 21-405(d) of this article..... 2 points
- 29 (8) A violation of § 21-511(a) of this article..... 2 points
- 30 (9) Failure to stop a vehicle for a steady red traffic signal in violation
31 of § 21-202 of this article or a nonfunctioning traffic control
32 signal in violation of § 21-209 of this article 2 points
- 33 (10) Any moving violation contributing to an accident 3 points
- 34 (11) [Driving after suspension of license under the provisions of §
35 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under
36 the traffic laws or regulations of another state as described in §
37 16-303(i) of this title] **ANY VIOLATION OF § 16-303(H) OR (I)**
38 **OF THIS TITLE** 3 points
- 39 (12) Any violation, except violations committed on the John F.
40 Kennedy Memorial Highway, of § 21-1411 of this article..... 3 points
- 41 (13) Speeding in excess of the posted speed limit by 30 miles an hour

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1	or more	5 points
2	(14) Driving while not licensed.....	5 points
3	(15) Failure to report an accident	5 points
4	(16) Driving on a learner's permit unaccompanied	5 points
5	(17) Any violation of § 17-107 of this article	5 points
6	(18) Participating in a race or speed contest on a highway	5 points
7	(19) Any violation of § 16-304 or § 16-305 of this title.....	5 points
8	(20) Any violation of § 22-404.5 of this article	5 points
9	(21) Speeding in excess of a posted speed limit of 65 miles an hour by	
10	20 miles an hour or more	5 points
11	(22) Aggressive driving in violation of § 21-901.2 of this article.....	5 points
12	(23) Reckless driving.....	6 points
13	(24) Driving while impaired by alcohol or while impaired by a drug,	
14	combination of drugs, or a combination of one or more drugs and	
15	alcohol, or driving within 12 hours after arrest under § 21-902.1	
16	of this article.....	8 points
17	(25) Turning off lights of a vehicle to avoid identification	8 points
18	(26) Failing to stop after accident resulting in damage to attended	
19	vehicle or property.....	8 points
20	(27) Failing to stop after accident resulting in damage to unattended	
21	vehicle or property.....	8 points
22	(28) Any violation of § 16-815 or § 16-816 of this title.....	8 points
23	(29) Failing to stop after an accident resulting in bodily injury or	
24	death	12 points
25	(30) [Driving after refusal, suspension, cancellation, or revocation of	
26	license except for suspensions of license under the provisions of §	
27	17-106, § 26-204, § 26-206, or § 27-103 of this article, or under	
28	the traffic laws or regulations of another state as described in §	
29	16-303(i) of this title] ANY VIOLATION OF § 16-303 OF THIS	
30	TITLE, EXCLUDING § 16-303(H) OR (I)	12 points
31	(31) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(a)(1)	
32	through (9) OR (B) of this title.....	12 points
33	(32) Homicide, life threatening injury under § 3-211 of the Criminal	
34	Law Article, or assault committed by means of a vehicle.....	12 points
35	(33) Driving while under the influence of alcohol, while under the	
36	influence of alcohol per se, or while impaired by an illegally used	
37	controlled dangerous substance	12 points
38	(34) Any felony involving use of a vehicle.....	12 points
39	(35) Fleeing or attempting to elude a police officer	12 points
40	(36) The making of a false affidavit or statement under oath, or	
41	falsely certifying to the truth of any fact or information to the	
42	Administration under the Maryland Vehicle Law or under any	
43	law relating to the ownership or operation of motor vehicles	12 points
44	(37) Any violation involving an unlawful taking or unauthorized use	
45	of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law	
46	Article, or § 14-102 of this article.....	12 points

1 16-404.

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

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

5 (2) Require attendance at a [conference] **DRIVER IMPROVEMENT**
6 **PROGRAM CONDUCTED UNDER § 16-212 OF THIS TITLE** by each individual who
7 accumulates 5 points, except that a Class A, B, or C licensee who submits evidence
8 acceptable to the Administration that he is a professional driver may not be called in
9 until he accumulates 8 points; and

10 (3) Except as provided in § 16-405 of this subtitle:

11 (i) Suspend the license of each individual who accumulates 8
12 points; and

13 (ii) Revoke the license of each individual who accumulates 12
14 points.

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

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

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

20 (2) Each notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 16–405.

20 [(a)] Except as provided in §§ 16–205(e) and 16–205.1 of this title, if the
21 suspension or revocation of a license would affect adversely the employment or
22 opportunity for employment of a licensee, the hearing officer may:

23 (1) Decline to order the suspension or revocation; or

24 (2) [Cancel or modify] **MODIFY** the suspension or revocation.

25 [(b)] For purposes of § 16–404 of this subtitle, if a licensee is required to drive
26 a motor vehicle in the course of his regular employment:

27 (1) Suspension requires 16 points; and

28 (2) Revocation requires 19 points.

29 (c) The provisions of subsection (b) of this section do not apply to an
30 individual whose current accumulation of points includes points resulting from a
31 conviction for a violation of § 21–902 of this article.]

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