

# 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

Re-referred to: Environmental Matters, March 2, 2009

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

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## CHAPTER \_\_\_\_\_

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:

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**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 **Article – Transportation**

2 16–212.

3 (a) The Administration may conduct:

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

5 (2) An alcohol education program[; and

6 (3) Point system conferences].

7 (b) (1) The purpose of the programs [and conferences] authorized under  
8 this section is to provide driver rehabilitation.9 (2) The Administration shall determine the content of the programs  
10 [and conferences].

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

12 (1) [After a conference or] **NOTWITHSTANDING § ~~16-213(c)(2)~~**  
13 **16-212(C)(2) OF THIS SUBTITLE, AFTER** a hearing as provided in Title 12, Subtitle  
14 2 of this article, as a condition of reinstatement of a driver's license, [or if an  
15 individual fails to attend a conference as required by § 16–404(a)(2) of this title,] the  
16 Administration may require an individual to attend a driver improvement program or  
17 alcohol education program; or18 (2) A court may require an individual to attend a driver improvement  
19 program or alcohol education program.20 (d) In carrying out an order of the court, a probation officer or health  
21 department officer may assign an individual to attend a driver improvement program  
22 or alcohol education program.23 (e) (1) An individual who attends a program [or conference] under this  
24 section shall pay, in advance, a fee as provided in this subsection.25 (2) The Administration shall set a reasonable fee based on the costs of  
26 operating the programs [and conferences] authorized by this section.27 (3) The funds collected by the Administration under this subsection  
28 may not be credited to the Gasoline and Motor Vehicle Revenue Account for  
29 distribution under § 8–403 or § 8–404 of this article.30 (f) (1) The Administration may waive attendance at an alcohol education  
31 program conducted by the Administration if an individual attends a private alcohol

1 education program or an alcohol education program provided by a political subdivision  
2 of the State that is approved by the Alcohol and Drug Abuse Administration and the  
3 Administration.

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

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

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

15 [(5)] (4) Upon application for approval to provide the programs [and  
16 conferences] allowed under this section, a private provider shall pay an application fee  
17 established by the Administration.

18 16-402.

19 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
20 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of  
21 this State or of any local authority, points shall be assessed against the individual as  
22 of the date of violation and as follows:

- 23 (1) Any moving violation not listed below and not contributing to an  
24 accident ..... 1 point
- 25 (2) Following another vehicle too closely ..... 2 points
- 26 (3) Speeding in excess of the posted speed limit by 10 miles an hour  
27 or more ..... 2 points
- 28 (4) Driving with an improper class of license ..... 2 points
- 29 (5) Failing to stop for a school vehicle with activated alternately  
30 flashing red lights..... 3 points
- 31 (6) Any violation of § 21-1111 of this article ..... 2 points
- 32 (7) Passing an emergency or police vehicle under the provisions of §  
33 21-405(d) of this article..... 2 points
- 34 (8) A violation of § 21-511(a) of this article..... 2 points
- 35 (9) Failure to stop a vehicle for a steady red traffic signal in violation  
36 of § 21-202 of this article or a nonfunctioning traffic control  
37 signal in violation of § 21-209 of this article ..... 2 points
- 38 (10) Any moving violation contributing to an accident ..... 3 points
- 39 (11) [Driving after suspension of license under the provisions of §  
40 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under

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|    |   |           |
|----|---|-----------|
| 1  | the traffic laws or regulations of another state as described in §      |           |
| 2  | 16–303(i) of this title] <b>ANY VIOLATION OF § 16–303(H) OR (I)</b>     |           |
| 3  | <b>OF THIS TITLE</b> .....  | 3 points  |
| 4  | (12) Any violation, except violations committed on the John F.          |           |
| 5  | Kennedy Memorial Highway, of § 21–1411 of this article.....             | 3 points  |
| 6  | (13) Speeding in excess of the posted speed limit by 30 miles an hour   |           |
| 7  | or more .....   | 5 points  |
| 8  | (14) Driving while not licensed.....                                    | 5 points  |
| 9  | (15) Failure to report an accident .....                                | 5 points  |
| 10 | (16) Driving on a learner’s permit unaccompanied .....                  | 5 points  |
| 11 | (17) Any violation of § 17–107 of this article .....                    | 5 points  |
| 12 | (18) Participating in a race or speed contest on a highway .....        | 5 points  |
| 13 | (19) Any violation of § 16–304 or § 16–305 of this title.....           | 5 points  |
| 14 | (20) Any violation of § 22–404.5 of this article .....                  | 5 points  |
| 15 | (21) Speeding in excess of a posted speed limit of 65 miles an hour by  |           |
| 16 | 20 miles an hour or more .....  | 5 points  |
| 17 | (22) Aggressive driving in violation of § 21–901.2 of this article..... | 5 points  |
| 18 | (23) Reckless driving.....  | 6 points  |
| 19 | (24) Driving while impaired by alcohol or while impaired by a drug,     |           |
| 20 | combination of drugs, or a combination of one or more drugs and         |           |
| 21 | alcohol, or driving within 12 hours after arrest under § 21–902.1       |           |
| 22 | of this article.....  | 8 points  |
| 23 | (25) Turning off lights of a vehicle to avoid identification .....      | 8 points  |
| 24 | (26) Failing to stop after accident resulting in damage to attended     |           |
| 25 | vehicle or property.....  | 8 points  |
| 26 | (27) Failing to stop after accident resulting in damage to unattended   |           |
| 27 | vehicle or property.....  | 8 points  |
| 28 | (28) Any violation of § 16–815 or § 16–816 of this title.....           | 8 points  |
| 29 | (29) Failing to stop after an accident resulting in bodily injury or    |           |
| 30 | death .....   | 12 points |
| 31 | (30) [Driving after refusal, suspension, cancellation, or revocation of |           |
| 32 | license except for suspensions of license under the provisions of §     |           |
| 33 | 17–106, § 26–204, § 26–206, or § 27–103 of this article, or under       |           |
| 34 | the traffic laws or regulations of another state as described in §      |           |
| 35 | 16–303(i) of this title] <b>ANY VIOLATION OF § 16–303 OF THIS</b>       |           |
| 36 | <b>TITLE, EXCLUDING § 16–303(H) OR (I)</b> .....                        | 12 points |
| 37 | (31) Any violation of § 16–301, § 16–302, § 16–804, or § 16–808(a)(1)   |           |
| 38 | through (9) <b>OR (B)</b> of this title.....                            | 12 points |
| 39 | (32) Homicide, life threatening injury under § 3–211 of the Criminal    |           |
| 40 | Law Article, or assault committed by means of a vehicle.....            | 12 points |
| 41 | (33) Driving while under the influence of alcohol, while under the      |           |
| 42 | influence of alcohol per se, or while impaired by an illegally used     |           |
| 43 | controlled dangerous substance .....                                    | 12 points |
| 44 | (34) Any felony involving use of a vehicle.....                         | 12 points |
| 45 | (35) Fleeing or attempting to elude a police officer.....               | 12 points |
| 46 | (36) The making of a false affidavit or statement under oath, or        |           |
| 47 | falsely certifying to the truth of any fact or information to the       |           |

- 1 Administration under the Maryland Vehicle Law or under any
- 2 law relating to the ownership or operation of motor vehicles ..... 12 points
- 3 (37) Any violation involving an unlawful taking or unauthorized use
- 4 of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law
- 5 Article, or § 14–102 of this article..... 12 points

6 16–404.

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

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

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

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

16 (i) Suspend the license of each individual who accumulates 8  
17 points; and

18 (ii) Revoke the license of each individual who accumulates 12  
19 points.

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

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

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

25 (2) Each notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 16-405.

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

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

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

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

1           (1)    Suspension requires 16 points; and

2           (2)    Revocation requires 19 points.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.