

SENATE BILL 219

R4, R5, E3

(9lr0611)

ENROLLED BILL

—Judicial Proceedings/Judiciary—

Introduced by **Senators Frosh, Dyson, Forehand, Jacobs, Madaleno, Mooney, Raskin, Robey, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Violations by Drivers Under the Age of 18 Years - Driver's**
3 **License Suspensions**

4 FOR the purpose of requiring ~~a certain court to order the Motor Vehicle~~
5 ~~Administration to initiate an action to suspend the driving privilege of a child~~
6 ~~for certain periods of time on making a finding that the child has committed~~
7 ~~certain violations relating to alcoholic beverages, leaving the scene of an~~
8 ~~accident, or fleeing or eluding a police officer; prohibiting the Administration~~
9 ~~from issuing restricted licenses to individuals whose drivers' licenses are~~
10 ~~suspended under certain circumstances; the clerk of the juvenile court to report~~
11 ~~to the Motor Vehicle Administration an adjudication of a child as delinquent or~~
12 ~~a finding that the child has committed a delinquent act without an adjudication~~
13 ~~of the child as delinquent for a violation relating to leaving the scene of an~~
14 ~~accident or fleeing or eluding a police officer; requiring the Administration to~~

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.

Italics indicate opposite chamber / conference committee amendments.



1 retain certain reports of certain violations relating to leaving the scene of an
 2 accident or fleeing or eluding a police officer; requiring the Administration to
 3 suspend a child's license to drive for a certain period of time on notification by
 4 the clerk of the court that the child has been adjudicated delinquent for certain
 5 violations relating to leaving the scene of an accident or fleeing or eluding a
 6 police officer, or that certain findings were made that a child committed certain
 7 violations relating to leaving the scene of an accident or fleeing or eluding a
 8 police officer; ~~providing that a suspension imposed under certain circumstances~~
 9 ~~is to be consecutive to a certain other suspension;~~ requiring the Administration
 10 to suspend the driver's license of the holder of a provisional driver's license who
 11 is under a certain age if the individual accumulates a certain number of points
 12 in a certain time period; authorizing an individual to request a hearing on
 13 certain suspensions or revocations of drivers' licenses under certain
 14 circumstances; establishing that a holder of a provisional driver's license who is
 15 under a certain age is guilty of the offense of high-risk driving if the holder
 16 commits certain violations of the Maryland Vehicle Law; requiring the
 17 Administration to suspend the driver's license of a certain individual for a
 18 certain period of time if the ~~Administration receives satisfactory evidence of the~~
 19 ~~commission~~ *individual is convicted* of a certain high-risk driving violation;
 20 ~~establishing that a driver's license suspension imposed for high-risk driving is~~
 21 ~~separate from any other penalty imposed for a certain violation and consecutive~~
 22 ~~to any other suspension imposed for a certain violation;~~ and generally relating
 23 to the drivers' licenses of children.

24 BY repealing and reenacting, without amendments,
 25 Article – Courts and Judicial Proceedings
 26 Section 3-8A-01(j), *and* 3-8A-03(d)(2), ~~and 3-8A-19(e)(2)~~
 27 Annotated Code of Maryland
 28 (2006 Replacement Volume and 2008 Supplement)

29 BY repealing and reenacting, with amendments,
 30 Article – Courts and Judicial Proceedings
 31 Section ~~3-8A-19(e)(1)~~ *and* 3-8A-23(a)
 32 Annotated Code of Maryland
 33 (2006 Replacement Volume and 2008 Supplement)

34 BY repealing and reenacting, with amendments,
 35 Article – Transportation
 36 Section 16-206(b) and 16-404
 37 Annotated Code of Maryland
 38 (2006 Replacement Volume and 2008 Supplement)

39 BY adding to
 40 Article – Transportation
 41 Section 21-905
 42 Annotated Code of Maryland
 43 (2006 Replacement Volume and 2008 Supplement)

1 BY repealing and reenacting, without amendments,
 2 Article – Transportation
 3 Section 21–1123
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2008 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 3–8A–01.

10 (j) “Court” means the circuit court for a county sitting as the juvenile court.

11 3–8A–03.

12 (d) The court does not have jurisdiction over:

13 (2) A child at least 16 years old alleged to have done an act in violation
 14 of any provision of the Transportation Article or other traffic law or ordinance, except
 15 an act that prescribes a penalty of incarceration;

16 ~~3–8A–19.~~

17 ~~(e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of~~
 18 ~~this paragraph, in making a disposition on a finding that the child has committed the~~
 19 ~~violation specified in a citation, the court may order the Motor Vehicle Administration~~
 20 ~~to initiate an action, under the motor vehicle laws, to suspend the driving privilege of~~
 21 ~~a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a~~
 22 ~~specified period of not less than 30 days nor more than 90 days.~~

23 ~~(ii) In this paragraph, “driver’s license” means a license or~~
 24 ~~permit to drive a motor vehicle that is issued under the laws of this State or any other~~
 25 ~~jurisdiction.~~

26 ~~(iii) 1. In making a disposition on a finding that the child has~~
 27 ~~committed a violation of § 10–113, § 10–114, OR § 10–115 of the Criminal Law~~
 28 ~~Article [specified in a citation that involved the use of a driver’s license or a document~~
 29 ~~purporting to be a driver’s license], the court [may] SHALL order the Motor Vehicle~~
 30 ~~Administration to initiate an action under the Maryland Vehicle Law to suspend the~~
 31 ~~driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle~~
 32 ~~Administration.~~

33 ~~[1.] A. For a first offense, for 6 months; and~~

1 ~~[2.] B. For a second or subsequent offense, [until the~~
 2 ~~child is 21 years old] FOR AT LEAST 1 YEAR BUT NOT BEYOND THE CHILD'S 21ST~~
 3 ~~BIRTHDAY.~~

4 ~~2. THE ADMINISTRATION MAY NOT ISSUE A~~
 5 ~~RESTRICTED LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER THIS~~
 6 ~~SUBPARAGRAPH.~~

7 ~~(iv) In making a disposition on a finding that the child has~~
 8 ~~committed a violation under § 26-103 of the Education Article, the court shall order~~
 9 ~~the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,~~
 10 ~~to suspend the driving privilege of a child licensed to operate a motor vehicle by the~~
 11 ~~Motor Vehicle Administration for a specified period of not less than 30 days nor more~~
 12 ~~than 90 days.~~

13 ~~(v) If a child subject to a suspension under this subsection does~~
 14 ~~not hold a license to operate a motor vehicle on the date of the disposition, the~~
 15 ~~suspension shall commence:~~

16 ~~1. If the child is at least 16 years of age on the date of~~
 17 ~~the disposition, on the date of the disposition; or~~

18 ~~2. If the child is younger than 16 years of age on the date~~
 19 ~~of the disposition, on the date the child reaches the child's 16th birthday.~~

20 ~~(2) In addition to the dispositions under paragraph (1) of this~~
 21 ~~subsection, the court also may:~~

22 ~~(i) Counsel the child or the parent or both, or order the child to~~
 23 ~~participate in an alcohol education or rehabilitation program that is in the best~~
 24 ~~interest of the child;~~

25 ~~(ii) Impose a civil fine of not more than \$25 for the first violation~~
 26 ~~and a civil fine of not more than \$100 for the second and subsequent violations; or~~

27 ~~(iii) Order the child to participate in a supervised work program~~
 28 ~~for not more than 20 hours for the first violation and not more than 40 hours for the~~
 29 ~~second and subsequent violations.~~

30 3-8A-23.

31 (a) (1) An adjudication of a child pursuant to this subtitle is not a
 32 criminal conviction for any purpose and does not impose any of the civil disabilities
 33 ordinarily imposed by a criminal conviction.

1 (2) An adjudication and disposition of a child in which the child's
2 driving privileges have been suspended may not affect the child's driving record or
3 result in a point assessment. The State Motor Vehicle Administration may not disclose
4 information concerning or relating to a suspension under this subtitle to any insurance
5 company or person other than the child, the child's parent or guardian, the court, the
6 child's attorney, a State's Attorney, or law enforcement agency.

7 (3) Subject to paragraph (4) of this subsection, an adjudication of a
8 child as delinquent by reason of the child's violation of the State vehicle laws,
9 including a violation involving an unlawful taking or unauthorized use of a motor
10 vehicle under § 7-105 or § 7-203 of the Criminal Law Article or § 14-102 of the
11 Transportation Article shall be reported by the clerk of the court to the Motor Vehicle
12 Administration, which shall assess points against the child under Title 16, Subtitle 4
13 of the Transportation Article, in the same manner and to the same effect as if the child
14 had been convicted of the offense.

15 (4) (i) An adjudication of a child as delinquent by reason of the
16 child's violation of § 21-902 of the Transportation Article or a finding that a child has
17 committed a delinquent act by reason of the child's violation of § 21-902 of the
18 Transportation Article, without an adjudication of the child as delinquent, shall be
19 reported by the clerk of the court to the Motor Vehicle Administration which shall
20 suspend the child's license to drive as provided in § 16-206(b) of the Transportation
21 Article:

22 1. For 1 year for a first adjudication as delinquent or
23 finding of a delinquent act for a violation of § 21-902 of the Transportation Article;
24 and

25 2. For 2 years for a second or subsequent adjudication as
26 delinquent or finding of a delinquent act for a violation of § 21-902 of the
27 Transportation Article.

28 (ii) In the case of a finding, without an adjudication, that a child
29 has violated § 21-902 of the Transportation Article, the Motor Vehicle Administration
30 shall retain the report in accordance with § 16-117(b)(2) of the Transportation Article
31 pertaining to records of licensees who receive a disposition of probation before
32 judgment.

33 **(5) (I) AN ADJUDICATION OF A CHILD AS DELINQUENT BY**
34 **REASON OF THE CHILD'S VIOLATION OF § 20-102, § 20-103, OR § 21-904 OF THE**
35 **TRANSPORTATION ARTICLE OR A FINDING THAT A CHILD HAS COMMITTED A**
36 **DELINQUENT ACT BY REASON OF THE CHILD'S VIOLATION OF § 20-102, §**
37 **20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE, WITHOUT AN**
38 **ADJUDICATION OF THE CHILD AS DELINQUENT, SHALL BE REPORTED BY THE**
39 **CLERK OF THE COURT TO THE MOTOR VEHICLE ADMINISTRATION THAT SHALL**

1 **SUSPEND THE CHILD'S LICENSE TO DRIVE AS PROVIDED IN § 16-206(B) OF THE**
 2 **TRANSPORTATION ARTICLE:**

3 **1. FOR 6 MONTHS FOR A FIRST ADJUDICATION AS**
 4 **DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A VIOLATION OF § 20-102,**
 5 **§ 20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE; AND**

6 **2. FOR 1 YEAR FOR A SECOND OR SUBSEQUENT**
 7 **ADJUDICATION AS DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A**
 8 **VIOLATION OF § 20-102, § 20-103, OR § 21-904 OF THE TRANSPORTATION**
 9 **ARTICLE.**

10 **(II) IN THE CASE OF A FINDING, WITHOUT AN**
 11 **ADJUDICATION, THAT A CHILD HAS VIOLATED § 20-102, § 20-103, OR § 21-904**
 12 **OF THE TRANSPORTATION ARTICLE, THE MOTOR VEHICLE ADMINISTRATION**
 13 **SHALL RETAIN THE REPORT IN ACCORDANCE WITH § 16-117(B)(2) OF THE**
 14 **TRANSPORTATION ARTICLE PERTAINING TO RECORDS OF LICENSEES WHO**
 15 **RECEIVE A DISPOSITION OF PROBATION BEFORE JUDGMENT.**

16 **Article - Transportation**

17 16-206.

18 (b) (1) Upon notification by the clerk of the court that a child has been
 19 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has
 20 been made that a child violated § 21-902 of this article, the Administration shall
 21 suspend the license to drive of the child in accordance with § 3-8A-23(a)(4)(i) of the
 22 Courts Article.

23 **(2) ON NOTIFICATION BY THE CLERK OF THE COURT THAT A**
 24 **CHILD HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 20-102, §**
 25 **20-103, OR § 21-904 OF THIS ARTICLE, OR THAT A FINDING HAS BEEN MADE**
 26 **THAT A CHILD VIOLATED § 20-102, § 20-103, OR § 21-904 OF THIS ARTICLE,**
 27 **THE ADMINISTRATION SHALL SUSPEND THE CHILD'S LICENSE TO DRIVE IN**
 28 **ACCORDANCE WITH § 3-8A-23(A)(5) OF THE COURTS ARTICLE.**

29 **[(2)] (3)** If a child subject to a suspension under this subsection does
 30 not hold a license to operate a motor vehicle on the date of the disposition, the
 31 suspension shall commence:

32 (i) If the child is at least 16 years old on the date of the
 33 disposition, on the date of the disposition; or

34 (ii) If the child is younger than 16 years of age on the date of the
 35 disposition, on the date the child reaches the child's 16th birthday.

1 ~~[(3)] (4)~~ A suspension imposed under this subsection shall~~;~~:

2 (i) Be concurrent with~~]~~ ~~BE CONSECUTIVE TO~~ any other
3 suspension or revocation imposed by the Administration that arises out of the
4 circumstances of the adjudication of delinquency or finding that the child is in
5 violation of § ~~20-102~~, § ~~20-103~~, § 21-902, ~~OR § 21-904~~ of this article as described in
6 this subsection~~;~~; and

7 (ii) Receive credit for any suspension period imposed under §
8 16-113(f) of this title or § 16-205.1 of this subtitle that arises out of the circumstances
9 of the violation of § 21-902 of this article described in this subsection~~].~~

10 (5) ~~THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED~~
11 ~~LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OR~~
12 ~~(2) OF THIS SUBSECTION.~~

13 ~~[(4)] (6)~~ (i) Subject to the provisions of this paragraph, a person
14 may request on the record that a hearing on a suspension under this subsection and
15 any other hearing on another suspension or revocation under subsection (c) of this
16 section, § 16-213 of this subtitle, or § 16-404 of this title that arises out of the
17 circumstances of the conviction for a violation of § 21-902 of this article described in
18 this subsection be consolidated.

19 (ii) A person who requests consolidation of hearings under this
20 paragraph shall waive on the record each applicable notice of right to request a
21 hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of
22 the State Government Article that applies to the other suspensions or revocations
23 arising out of the same circumstances.

24 (iii) A hearing under this paragraph may not be postponed at the
25 request of the person who requests consolidation of hearings under subparagraph (i) of
26 this paragraph due to a consolidation of the hearings.

27 (iv) Subject to the provisions of this paragraph, the
28 Administration shall consolidate the hearings described in this paragraph unless the
29 administrative law judge finds in writing that good cause exists not to consolidate the
30 hearings.

31 16-404.

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

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

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

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

6 (i) Suspend the license of each individual who accumulates 8
7 points; and

8 (ii) Revoke the license of each individual who accumulates 12
9 points.

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

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

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

15 (2) Each notice shall:

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

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

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

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

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

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

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

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

- 1 (i) For a first conviction, not more than 6 months;
- 2 (ii) For a second conviction at least 5 years after the date of the
3 first conviction, not more than 9 months;
- 4 (iii) For a second conviction less than 5 years after the date of
5 the first conviction or for a third conviction, not more than 12 months; and
- 6 (iv) For a fourth or subsequent conviction, not more than 24
7 months.

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

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

13 **(D) (1) IF THE HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS**
14 **UNDER THE AGE OF 18 YEARS ACCUMULATES 5 OR MORE POINTS IN A**
15 **12-MONTH PERIOD, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S**
16 **DRIVER'S LICENSE:**

17 **(I) FOR A FIRST OFFENSE, FOR 6 MONTHS; AND**

18 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1 YEAR.**

19 ~~**(2) THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED**~~
20 ~~**LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OF**~~
21 ~~**THIS SUBSECTION.**~~

22 ~~**(3) AN INDIVIDUAL SUBJECT TO A LICENSE SUSPENSION UNDER**~~
23 ~~**THIS SUBSECTION MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION**~~
24 ~~**OR REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.**~~

25 **21-905.**

26 **(A) A HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS UNDER**
27 **THE AGE OF 18 YEARS IS GUILTY OF HIGH-RISK DRIVING IF THE HOLDER OF**
28 **THE PROVISIONAL LICENSE COMMITS ANY OF THE FOLLOWING VIOLATIONS:**

29 **(1) § 21-901.1 OF THIS SUBTITLE (RECKLESS AND NEGLIGENT**
30 **DRIVING);**

1 (2) § 21-901.2 OF THIS SUBTITLE (AGGRESSIVE DRIVING); OR

2 (3) § 21-1116 OF THIS TITLE (RACE OR SPEED CONTEST
3 PROHIBITED).

4 (B) (1) ~~IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE~~
5 ~~THAT AN INDIVIDUAL HAS COMMITTED~~ INDIVIDUAL IS CONVICTED OF A
6 VIOLATION SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE
7 ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S DRIVER'S LICENSE:

8 (I) FOR A FIRST OFFENSE, FOR 6 MONTHS; AND

9 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1 YEAR.

10 (2) ~~THE ADMINISTRATION MAY NOT ISSUE A RESTRICTED~~
11 ~~LICENSE FOR THE PERIOD OF SUSPENSION IMPOSED UNDER PARAGRAPH (1) OF~~
12 ~~THIS SUBSECTION.~~

13 (3) AN INDIVIDUAL SUBJECT TO A LICENSE SUSPENSION UNDER
14 THIS SUBSECTION MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION
15 OR REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.

16 (C) ~~A DRIVER'S LICENSE SUSPENSION IMPOSED UNDER THIS SECTION~~
17 ~~SHALL BE:~~

18 (1) ~~SEPARATE FROM ANY OTHER PENALTY IMPOSED FOR THE ACT~~
19 ~~ESTABLISHING THE VIOLATION OF THIS SECTION; AND~~

20 (2) ~~CONSECUTIVE TO ANY OTHER SUSPENSION IMPOSED FOR THE~~
21 ~~ACT ESTABLISHING THE VIOLATION OF THIS SECTION.~~

22 21-1123.

23 (a) (1) The provisions of this subsection do not apply if the holder of the
24 provisional driver's license is driving while accompanied by and under the immediate
25 supervision of an individual who:

26 (i) Is at least 21 years old;

27 (ii) Has been licensed for at least 3 years in this State or in
28 another state to drive vehicles of the class then being driven by the holder of the
29 provisional driver's license; and

30 (iii) Is seated beside the holder of the provisional driver's license.

1 (2) Except as provided in paragraph (3) of this subsection, a holder of a
2 provisional driver’s license who is under the age of 18 years may not drive a motor
3 vehicle with a passenger under the age of 18 years.

4 (3) The prohibition under paragraph (2) of this subsection:

5 (i) Shall be in effect from the date the provisional license is
6 originally issued until the 151st day after the provisional license was issued; and

7 (ii) Does not apply to a passenger who is:

8 1. A spouse, daughter, son, stepdaughter, stepson, sister,
9 brother, stepsister, or stepbrother of the licensee; or

10 2. A relative of the licensee who resides at the same
11 address as the licensee.

12 (b) A police officer may enforce this section only as a secondary action when
13 the police officer detains a driver for a suspected violation of another provision of the
14 Code.

15 (c) A violation of this section is a moving violation for the purposes of §
16 16–402 of this article.

17 (d) (1) If the Administration receives satisfactory evidence that an
18 individual has violated this section, the Administration may suspend or revoke the
19 individual’s driver’s license.

20 (2) An individual may request a hearing as provided for a suspension
21 or revocation under Title 16, Subtitle 2 of this article.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.