

# SENATE BILL 323

E1

9lr0784  
CF 9lr0783

---

By: **Senator Colburn**

Introduced and read first time: January 28, 2009

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Misrepresentation or False Statement as to Age - Driver's**  
3 **License Suspension**

4 FOR the purpose of providing for the suspension of a driver's license for certain  
5 alcoholic beverages violations; altering the period of a driver's license  
6 suspension for certain alcoholic beverages violations under certain  
7 circumstances; and generally relating to suspension of a driver's license for  
8 certain alcoholic beverages violations.

9 BY repealing

10 Article - Courts and Judicial Proceedings  
11 Section 3-8A-19(e)(1)(ii)  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - Courts and Judicial Proceedings  
16 Section 3-8A-19(e)(1)(iii), (iv), and (v)  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article - Criminal Law  
21 Section 10-113 and 10-119(f)(2) and (3)  
22 Annotated Code of Maryland  
23 (2002 Volume and 2008 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - Criminal Law  
26 Section 10-119(k)  
27 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2002 Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Transportation  
4 Section 16–206(c)  
5 Annotated Code of Maryland  
6 (2006 Replacement Volume and 2008 Supplement)

7 BY repealing and reenacting, without amendments,  
8 Article – Transportation  
9 Section 16–206(d)(4)  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2008 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–19.

16 (e) (1) [(ii) In this paragraph, “driver’s license” means a license or  
17 permit to drive a motor vehicle that is issued under the laws of this State or any other  
18 jurisdiction.]

19 [(iii)] (II) In making a disposition on a finding that the child has  
20 committed a violation of § 10–113 of the Criminal Law Article specified in a citation  
21 [that involved the use of a driver’s license or a document purporting to be a driver’s  
22 license], the court may order the Motor Vehicle Administration to initiate an action  
23 under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to  
24 operate a motor vehicle by the Motor Vehicle Administration[:

25 1. For a first offense, for 6 months; and

26 2. For a second or subsequent offense, until the child is  
27 21 years old] **FOR A PERIOD OF NOT MORE THAN 1 YEAR.**

28 [(iv)] (III) In making a disposition on a finding that the child has  
29 committed a violation under § 26–103 of the Education Article, the court shall order  
30 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,  
31 to suspend the driving privilege of a child licensed to operate a motor vehicle by the  
32 Motor Vehicle Administration for a specified period of not less than 30 days nor more  
33 than 90 days.

34 [(v)] (IV) If a child subject to a suspension under this  
35 subsection does not hold a license to operate a motor vehicle on the date of the  
36 disposition, the suspension shall commence:



1 16–206.

2 (c) (1) Pursuant to a court order under § 3–8A–19(e) of the Courts Article,  
3 the Administration shall initiate an action to suspend the driving privilege of a child  
4 for the time specified by the court.

5 (2) If a child subject to a suspension under § 3–8A–19(e) of the Courts  
6 Article does not hold a license to operate a motor vehicle on the date of the court order,  
7 the suspension shall commence:

8 (i) If the child is at least 16 years of age on the date of the  
9 disposition, on the date of the disposition; or

10 (ii) If the child is younger than 16 years of age on the date of the  
11 disposition, on the date the child reaches the child’s 16th birthday.

12 (3) On receipt of a notice described under § 10–119(k) of the Criminal  
13 Law Article, the Administration shall suspend the license of an individual described  
14 under § 10–119(k) of the Criminal Law Article[:

15 (i) For a first offense, for 6 months; and

16 (ii) For a second or subsequent offense, until the individual is 21  
17 years old or] for a period of **NOT MORE THAN 1 year**[, whichever is longer].

18 (4) If an individual subject to a suspension under paragraph (3) of this  
19 subsection does not hold a license to operate a motor vehicle on the date that the  
20 individual is found guilty of a Code violation, the suspension shall begin on the date  
21 that the license is issued, or after the individual applies and becomes qualified to  
22 receive a license, or on the individual’s twenty–first birthday, whichever occurs first.

23 (5) The Administration may modify a suspension under this  
24 subsection or subsection (b) of this section or issue a restricted license if:

25 (i) The license is required for the purpose of attending an  
26 alcohol education or alcoholic prevention or treatment program;

27 (ii) The child or individual is required to drive a motor vehicle in  
28 the course of employment;

29 (iii) It finds that the individual’s or child’s employment would be  
30 adversely affected because the individual or child has no reasonable alternative means  
31 of transportation to or from a place of employment; or

1                   (iv) It finds that the individual's or child's education would be  
2 adversely affected because the individual or child has no reasonable alternative means  
3 of transportation for educational purposes.

4           (d)   (4) Except as otherwise provided in this section, the Administration  
5 may suspend or revoke a license under this section only after a hearing under Title 12,  
6 Subtitle 2 of this article.

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