

CHAPTER 525

(Senate Bill 219)

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver’s License Suspensions

FOR the purpose of requiring ~~a certain court to order the Motor Vehicle Administration to initiate an action to suspend the driving privilege of a child for certain periods of time on making a finding that the child has committed certain violations relating to alcoholic beverages, leaving the scene of an accident, or fleeing or eluding a police officer; prohibiting the Administration from issuing restricted licenses to individuals whose drivers’ licenses are suspended under certain circumstances; the clerk of the juvenile court to report to the Motor Vehicle Administration an adjudication of a child as delinquent or a finding that the child has committed a delinquent act without an adjudication of the child as delinquent for a violation relating to leaving the scene of an accident or fleeing or eluding a police officer; requiring the Administration to retain certain reports of certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer; requiring the Administration to suspend a child’s license to drive for a certain period of time on notification by the clerk of the court that the child has been adjudicated delinquent for certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer, or that certain findings were made that a child committed certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer; ~~providing that a suspension imposed under certain circumstances is to be consecutive to a certain other suspension;~~ requiring the Administration to suspend the driver’s license of the holder of a provisional driver’s license who is under a certain age if the individual accumulates a certain number of points in a certain time period; authorizing an individual to request a hearing on certain suspensions or revocations of drivers’ licenses under certain circumstances; establishing that a holder of a provisional driver’s license who is under a certain age is guilty of the offense of high-risk driving if the holder commits certain violations of the Maryland Vehicle Law; requiring the Administration to suspend the driver’s license of a certain individual for a certain period of time if the ~~Administration receives satisfactory evidence of the commission~~ individual is convicted of a certain high-risk driving violation; ~~establishing that a driver’s license suspension imposed for high-risk driving is separate from any other penalty imposed for a certain violation and consecutive to any other suspension imposed for a certain violation;~~ and generally relating to the drivers’ licenses of children.~~

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings
Section 3–8A–01(j), and 3–8A–03(d)(2), ~~and 3–8A–19(e)(2)~~
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

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

BY adding to
Article – Transportation
Section 21–905
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

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

Article – Courts and Judicial Proceedings

3–8A–01.

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

3–8A–03.

(d) The court does not have jurisdiction over:

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

~~3-8A-10.~~

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

~~(ii) In this paragraph, "driver's license" means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.~~

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

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

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

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

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

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

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

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

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

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

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

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

3-8A-23.

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

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

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

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

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

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

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

(5) (I) AN ADJUDICATION OF A CHILD AS DELINQUENT BY REASON OF THE CHILD'S VIOLATION OF § 20-102, § 20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE OR A FINDING THAT A CHILD HAS COMMITTED A DELINQUENT ACT BY REASON OF THE CHILD'S VIOLATION OF § 20-102, § 20-103, OR § 21-904 OF THE TRANSPORTATION ARTICLE, WITHOUT AN ADJUDICATION OF THE CHILD AS DELINQUENT, SHALL BE REPORTED BY THE CLERK OF THE COURT TO THE MOTOR VEHICLE ADMINISTRATION THAT SHALL SUSPEND THE CHILD'S LICENSE TO DRIVE AS PROVIDED IN § 16-206(B) OF THE TRANSPORTATION ARTICLE:

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

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

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

Article - Transportation

16-206.

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

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

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

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

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

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

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

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

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

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

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

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

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

16-404.

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

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

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

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

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

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

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

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

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

(2) Each notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) (1) IF THE HOLDER OF A PROVISIONAL DRIVER'S LICENSE WHO IS UNDER THE AGE OF 18 YEARS ACCUMULATES 5 OR MORE POINTS IN A

12-MONTH PERIOD, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S DRIVER'S LICENSE:

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

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

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

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

21-905.

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

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

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

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

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

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

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

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

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

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

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

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

21-1123.

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

(i) Is at least 21 years old;

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2009.