

HOUSE BILL 1025

R5, C2

0lr2770
CF 0lr3329

By: **Delegates Tarrant, Anderson, Branch, Carter, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, McHale, McIntosh, Oaks, Robinson, Rosenberg, and Stukes**

Introduced and read first time: February 15, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition**

3 FOR the purpose of requiring a retail service station dealer in Baltimore City to post a
4 certain sign in a conspicuous location at a retail service station that states
5 certain prohibitions relating to dispensing motor fuel into a dirt bike; requiring
6 the Comptroller, in consultation with a certain organization, to adopt guidelines
7 for the design of the sign; requiring a court, in making a disposition on a finding
8 that a child has committed a certain violation of this Act, to order the Motor
9 Vehicle Administration to suspend the driving privilege of the child for a certain
10 period of time; prohibiting, in Baltimore City, a person who is not an owner or
11 employee of a service station who is subject to certain prohibitions under local
12 law from dispensing motor fuel into a dirt bike from a retail pump at a service
13 station; requiring the court to notify the Administration if a person is convicted
14 of a certain violation of this Act; authorizing the Administration to suspend a
15 person's driver's license for a certain period of time under certain
16 circumstances; requiring the Administration to suspend a person's driver's
17 license for a certain period of time under certain circumstances; establishing
18 certain penalties; authorizing the court to order a minor's parent or guardian to
19 pay a certain fine under certain circumstances; providing for the application of
20 certain provisions of this Act; defining certain terms; and generally relating to
21 the sale of motor fuel for dirt bikes.

22 BY repealing and reenacting, without amendments,
23 Article – Business Regulation
24 Section 10–101(k)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2009 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Regulation

Section 10–503

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 3–8A–19(e)(5)

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 16–206(c)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation

Section 21–1128 and 27–101(dd)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Business Regulation

10–101.

(k) “Retail service station dealer” means a person who operates a retail place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.

10–503.

(A) IN THIS SECTION, “DIRT BIKE” HAS THE MEANING STATED IN §
21–1128 OF THE TRANSPORTATION ARTICLE.

(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

(C) A RETAIL SERVICE STATION DEALER SHALL POST A SIGN IN A
CONSPICUOUS LOCATION AT THE RETAIL SERVICE STATION THAT STATES:

(1) THE PROVISIONS OF THE BALTIMORE CITY CODE THAT
PROHIBIT A SERVICE STATION OR ANY OTHER PERSON FROM SELLING,

1 TRANSFERRING, OR DISPENSING MOTOR FUEL FOR DELIVERY INTO A DIRT BIKE;
2 AND

3 (2) THE PROVISIONS OF § 21-1128 OF THE TRANSPORTATION
4 ARTICLE THAT PROHIBIT A PERSON FROM DISPENSING MOTOR FUEL INTO A
5 DIRT BIKE.

6 (D) THE COMPTROLLER, IN CONSULTATION WITH THE WASHINGTON,
7 MARYLAND, DELAWARE SERVICE STATION AND AUTOMOTIVE REPAIR
8 ASSOCIATION, SHALL ADOPT GUIDELINES FOR THE DESIGN OF A SIGN
9 REQUIRED UNDER THIS SECTION.

10 (E) IF A RETAIL SERVICE STATION DEALER DOES NOT POST A SIGN AS
11 REQUIRED BY THIS SECTION, THE RETAIL SERVICE STATION DEALER:

12 (1) FOR A FIRST OFFENSE, SHALL RECEIVE A WARNING; AND

13 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS SUBJECT TO A
14 CIVIL PENALTY OF \$100.

15 Article – Courts and Judicial Proceedings

16 3-8A-19.

17 (e) (5) (I) IN MAKING A DISPOSITION ON A FINDING THAT THE
18 CHILD HAS COMMITTED A VIOLATION UNDER § 21-1128 OF THE
19 TRANSPORTATION ARTICLE, THE COURT SHALL ORDER THE MOTOR VEHICLE
20 ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS,
21 TO SUSPEND THE DRIVING PRIVILEGE OF A CHILD LICENSED TO OPERATE A
22 MOTOR VEHICLE BY THE MOTOR VEHICLE ADMINISTRATION FOR A SPECIFIED
23 PERIOD OF NOT LESS THAN 30 DAYS NOR MORE THAN 90 DAYS.

24 (II) IF A CHILD SUBJECT TO A SUSPENSION UNDER THIS
25 PARAGRAPH DOES NOT POSSESS THE PRIVILEGE TO DRIVE ON THE DATE OF THE
26 DISPOSITION, THE SUSPENSION SHALL COMMENCE:

27 1. IF, ON THE DATE OF THE DISPOSITION, THE CHILD
28 IS AT AN AGE THAT MAKES A CHILD ELIGIBLE TO OBTAIN THE PRIVILEGE TO
29 DRIVE, ON THE DATE OF THE DISPOSITION; OR

30 2. IF, ON THE DATE OF THE DISPOSITION, THE CHILD
31 IS YOUNGER THAN AN AGE THAT MAKES A CHILD ELIGIBLE TO OBTAIN THE
32 PRIVILEGE TO DRIVE, ON THE DATE THE CHILD IS ELIGIBLE TO OBTAIN DRIVING
33 PRIVILEGES.

Article – Transportation

16–206.

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

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

(i) If the child is at least 16 years of age 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) On receipt of a notice described under § 10–119(k) of the Criminal Law Article, the Administration shall suspend the license of an individual described under § 10–119(k) of the Criminal Law Article:

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

(ii) For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer.

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

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

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

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

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

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

21-1128.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "DIRT BIKE" MEANS ANY MOTORCYCLE OR SIMILAR VEHICLE THAT IS NOT REQUIRED TO BE REGISTERED UNDER TITLE 13 OF THIS ARTICLE.

(II) "DIRT BIKE" INCLUDES:

1. A MOTORIZED MINIBIKE, AS DEFINED IN § 11-134.4 OF THIS ARTICLE; AND

2. AN ALL-TERRAIN VEHICLE WITH EITHER 3 OR 4 WHEELS.

(III) "DIRT BIKE" DOES NOT INCLUDE:

1. A MOPED, AS DEFINED IN § 11-134.1 OF THIS ARTICLE; OR

2. A MOTOR SCOOTER, AS DEFINED IN § 11-134.5 OF THIS ARTICLE.

(3) "SERVICE STATION" MEANS A PLACE OF BUSINESS WHERE MOTOR FUEL IS SOLD AND DELIVERED INTO THE FUEL SUPPLY TANKS OF MOTOR VEHICLES.

(B) (1) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

(2) THIS SECTION DOES NOT APPLY TO AN OWNER OR EMPLOYEE OF A SERVICE STATION WHO IS SUBJECT TO THE PROVISIONS OF THE BALTIMORE CITY CODE PROHIBITING THE SELLING, TRANSFERRING, OR DISPENSING OF MOTOR FUEL FOR DELIVERY INTO A DIRT BIKE.

(C) A PERSON MAY NOT DISPENSE MOTOR FUEL INTO A DIRT BIKE FROM A RETAIL PUMP AT A SERVICE STATION.

1 **(D) (1) IF A PERSON IS CONVICTED OF A VIOLATION OF THIS**
2 **SECTION, THE COURT SHALL NOTIFY THE ADMINISTRATION OF THE**
3 **CONVICTION.**

4 **(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS**
5 **SUBSECTION, ON RECEIPT OF THE NOTICE DESCRIBED UNDER PARAGRAPH (1)**
6 **OF THIS SUBSECTION THE ADMINISTRATION:**

7 **(I) FOR A FIRST VIOLATION, MAY SUSPEND THE PERSON'S**
8 **DRIVER'S LICENSE FOR UP TO 30 DAYS; AND**

9 **(II) FOR A SECOND OR SUBSEQUENT VIOLATION, SHALL**
10 **SUSPEND THE PERSON'S DRIVER'S LICENSE FOR 30 DAYS.**

11 **(3) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF**
12 **THIS ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER**
13 **THIS SECTION.**

14 27-101.

15 **(DD) (1) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF §**
16 **21-1128 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR**
17 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH.**

18 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH**
19 **AND NOTWITHSTANDING ANY OTHER LAW, IF A MINOR IS THE DEFENDANT OR**
20 **CHILD RESPONDENT IN A PROCEEDING UNDER § 21-1128 OF THIS ARTICLE, THE**
21 **COURT MAY ORDER THAT A FINE IMPOSED UNDER THIS SUBSECTION BE PAID**
22 **BY:**

- 23 **1. THE MINOR;**
- 24 **2. THE PARENT OR GUARDIAN OF THE MINOR; OR**
- 25 **3. BOTH THE MINOR AND THE MINOR'S PARENT OR**
26 **GUARDIAN.**

27 **(II) 1. A COURT MAY NOT ORDER A PARENT OR**
28 **GUARDIAN OF A MINOR TO PAY A FINE UNDER THIS PARAGRAPH UNLESS THE**
29 **PARENT OR GUARDIAN HAS BEEN GIVEN A REASONABLE OPPORTUNITY TO BE**
30 **HEARD AND TO PRESENT EVIDENCE.**

31 **2. A HEARING UNDER THIS SUBPARAGRAPH MAY BE**
32 **HELD AS PART OF THE SENTENCING OR DISPOSITION HEARING.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.