

HOUSE BILL 1069

R4

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CF SB 525

By: **Delegates Weir, Boteler, Carr, Glenn, Hucker, Niemann, Norman, Shewell, and Sossi**

Introduced and read first time: February 17, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driver Improvement Programs – Deduction of Accumulated**
3 **Points**

4 FOR the purpose of requiring the Motor Vehicle Administration to deduct a certain
5 number of points from a certain individual's driving record if the individual
6 attends a certain driver improvement program or driver safety program;
7 prohibiting the Administration from deducting more than a certain number of
8 points from an individual's driving record in a certain time period; requiring the
9 Administration to apply a certain point deduction in a certain manner;
10 requiring the Administration to include a certain statement in a warning letter
11 sent to an individual who accumulates a certain number of points on the
12 individual's driving record in a certain time period; requiring an individual
13 attending a certain driver improvement program to pay a certain fee; requiring
14 a certain program provider to collect a certain fee and remit it to the
15 Administration; and generally relating to the accumulation of points against a
16 driving record.

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 16–212 and 16–404
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2009 Supplement)

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

24 **Article – Transportation**

25 16–212.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) The Administration may conduct:

(1) A driver improvement program, including a driver improvement program designed specifically for young drivers; and

(2) An alcohol education program.

(b) (1) The purpose of the programs authorized under this section is to provide driver rehabilitation.

(2) The Administration shall determine the content of the programs.

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

(1) Notwithstanding item (2) of this subsection, after a hearing as provided in Title 12, Subtitle 2 of this article, as a condition of reinstatement of a driver's license, the Administration may require an individual to attend a driver improvement program or alcohol education program; or

(2) A court may require an individual to attend a driver improvement program or alcohol education program.

(d) In carrying out an order of the court, a probation officer or health department officer may assign an individual to attend a driver improvement program or alcohol education program.

(e) (1) An individual who attends a program under this section shall pay, in advance, a fee as provided in this subsection.

(2) The Administration shall set a reasonable fee based on the costs of operating the programs authorized by this section.

(3) (I) IN ADDITION TO THE FEE PROVIDED FOR IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL ATTENDING A DRIVER IMPROVEMENT PROGRAM SHALL PAY A \$5 FEE TO THE ADMINISTRATION.

(II) THE PROGRAM PROVIDER SHALL COLLECT THE FEE AND REMIT IT TO THE ADMINISTRATION.

(4) The funds collected by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(f) (1) The Administration may waive attendance at an alcohol education program conducted by the Administration if an individual attends a private alcohol education program or an alcohol education program provided by a political subdivision

1 of the State that is approved by the Alcohol and Drug Abuse Administration and the
2 Administration.

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

7 (3) The Administration shall establish criteria for approving private
8 providers of alcohol education or driver improvement programs provided by a political
9 subdivision of the State.

10 (4) Upon application for approval to provide the programs allowed
11 under this section, a private provider shall pay an application fee established by the
12 Administration.

13 16-404.

14 (a) (1) The Administration shall take the following actions for points
15 accumulated within any 2-year period:

16 [(1)] (I) Send a warning letter to each individual who accumulates 3
17 points;

18 [(2)] (II) Require attendance at a driver improvement program
19 conducted under § 16-212 of this title by each individual who accumulates 5 points,
20 except that a Class A, B, or C licensee who submits evidence acceptable to the
21 Administration that he is a professional driver may not be called in until he
22 accumulates 8 points; and

23 [(3)] (III) Except as provided in § 16-405 of this subtitle:

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

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

28 (2) **A WARNING LETTER SENT IN ACCORDANCE WITH PARAGRAPH**
29 **(1)(I) OF THIS SUBSECTION SHALL INCLUDE A STATEMENT NOTIFYING THE**
30 **INDIVIDUAL OF THE RIGHT TO HAVE 2 POINTS DEDUCTED IN ACCORDANCE WITH**
31 **SUBSECTION (E) OF THIS SECTION.**

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

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

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

3 (2) Each notice shall:

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

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

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

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

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

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

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

17 (2) Subject to the provisions of paragraph (3) of this subsection, the
18 following suspension periods may apply to a suspension for an accumulation of points
19 under § 16-402(a)(25) of this subtitle for a violation of § 21-902(b) or (c) of this article
20 or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

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

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

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

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

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

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

1 (d) (1) If the holder of a provisional driver's license who is under the age
2 of 18 years accumulates 5 or more points in a 12-month period, the Administration
3 shall suspend the individual's driver's license:

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

5 (ii) For a second or subsequent offense, for 1 year.

6 (2) An individual subject to a license suspension under this subsection
7 may request a hearing as provided for a suspension or revocation under Title 12,
8 Subtitle 2 of this article.

9 **(E) (1) THE ADMINISTRATION SHALL DEDUCT 2 POINTS FROM THE**
10 **DRIVING RECORD OF AN INDIVIDUAL WHO ACCUMULATES 2, 3, OR 4 POINTS ON**
11 **THE INDIVIDUAL'S DRIVING RECORD IF THE INDIVIDUAL ATTENDS:**

12 **(I) A DRIVER IMPROVEMENT PROGRAM CONDUCTED BY**
13 **THE ADMINISTRATION UNDER § 16-212 OF THIS TITLE;**

14 **(II) A PRIVATE DRIVER IMPROVEMENT PROGRAM**
15 **APPROVED BY THE ADMINISTRATION IN ACCORDANCE WITH § 16-212 OF THIS**
16 **TITLE;**

17 **(III) A DRIVER IMPROVEMENT PROGRAM PROVIDED BY A**
18 **POLITICAL SUBDIVISION OF THE STATE AND APPROVED BY THE**
19 **ADMINISTRATION IN ACCORDANCE WITH § 16-212 OF THIS TITLE; OR**

20 **(IV) AN EQUIVALENT DRIVER SAFETY PROGRAM APPROVED**
21 **BY THE ADMINISTRATION.**

22 **(2) THE ADMINISTRATION MAY NOT DEDUCT MORE THAN 2**
23 **POINTS IN A 2-YEAR PERIOD FROM AN INDIVIDUAL'S DRIVING RECORD UNDER**
24 **THIS SUBSECTION.**

25 **(3) THE ADMINISTRATION SHALL APPLY ANY POINT DEDUCTIONS**
26 **AWARDED UNDER THIS SUBSECTION CHRONOLOGICALLY TO THE EARLIEST**
27 **CONVICTIONS FOR WHICH POINTS HAVE BEEN ASSESSED.**

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