

HOUSE BILL 801

R4, E3

3lr2183

By: **Delegates Tarrant, Anderson, Branch, Clippinger, Hammen, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Stukes, and M. Washington**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 29, 2013

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Unlawful Use of Off-Highway Recreational Vehicles –**
3 **Administrative Penalties**

4 FOR the purpose of requiring the clerk of the court to report to the Motor Vehicle
5 Administration the adjudication of a minor as delinquent or a finding that a
6 minor has committed a delinquent act for a certain highway violation involving
7 the use of an off-highway recreational vehicle; requiring the Administration to
8 suspend the driver's license of a minor for certain time periods if it receives a
9 certain report from the clerk of the court; requiring the Administration to
10 maintain certain records under certain circumstances; requiring a court to
11 notify the Administration if a person is convicted of a certain highway violation
12 involving the use of an off-highway recreational vehicle; requiring the Chief
13 Judge of the District Court, in conjunction with the Administration, to adopt
14 certain reporting procedures; requiring the Administration to suspend the
15 driver's license of a person for certain time periods if it receives certain notice
16 from a court; requiring the Administration to assess points against a minor if
17 the minor is adjudicated as delinquent or has committed a delinquent act for a
18 certain highway violation; and generally relating to administrative penalties for
19 the unlawful use of off-highway recreational vehicles.

20 BY repealing and reenacting, with amendments,
21 Article – Courts and Judicial Proceedings
22 Section 3–8A–23(a)(3) and (5)

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.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2012 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 13–401(b) and 16–206(b)(2) and (4) and (c)(3) and (4)
6 Annotated Code of Maryland
7 (2012 Replacement Volume)

8 BY repealing and reenacting, without amendments,
9 Article – Transportation
10 Section 16–206(b)(3) and (c)(5)
11 Annotated Code of Maryland
12 (2012 Replacement Volume)

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

15 **Article – Courts and Judicial Proceedings**

16 3–8A–23.

17 (a) (3) Subject to paragraph (4) of this subsection, an adjudication of a
18 child as delinquent by reason of the child’s violation of the State vehicle laws,
19 including a violation involving an unlawful taking or unauthorized use of a motor
20 vehicle under § 7–105 or § 7–203 of the Criminal Law Article or § 14–102 of the
21 Transportation Article **OR DRIVING AN OFF–HIGHWAY RECREATIONAL VEHICLE**
22 **ON A HIGHWAY UNDER § 13–401(B)(2) OF THE TRANSPORTATION ARTICLE** shall
23 be reported by the clerk of the court to the Motor Vehicle Administration, which shall
24 assess points against the child under Title 16, Subtitle 4 of the Transportation Article,
25 in the same manner and to the same effect as if the child had been convicted of the
26 offense.

27 (5) (i) An adjudication of a child as delinquent by reason of the
28 child’s violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of the
29 Transportation Article or a finding that a child has committed a delinquent act by
30 reason of the child’s violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or § 21–904 of
31 the Transportation Article, without an adjudication of the child as delinquent, shall be
32 reported by the clerk of the court to the Motor Vehicle Administration that shall
33 suspend the child’s license to drive as provided in § 16–206(b) of the Transportation
34 Article:

35 1. For 6 months for a first adjudication as delinquent or
36 finding of a delinquent act for a violation of **§ 13–401(B)(2)**, § 20–102, § 20–103, or §
37 21–904 of the Transportation Article; and

1 (i) Be concurrent with any other suspension or revocation
 2 imposed by the Administration that arises out of the circumstances of the adjudication
 3 of delinquency or finding that the child is in violation of **§ 13-401(B)(2)**, § 20-102, §
 4 20-103, § 21-902, or § 21-904 of this article as described in this subsection; and

5 (ii) Receive credit for any suspension period imposed under §
 6 16-113(f) of this title or § 16-205.1 of this subtitle that arises out of the circumstances
 7 of the violation of § 21-902 of this article described in this subsection.

8 (c) (3) **(I)** On receipt of a notice described under ~~§ 13-401(B)(2) OF~~
 9 ~~THIS ARTICLE OR~~ § 10-119(k) of the Criminal Law Article, the Administration shall
 10 suspend the license of an individual described under ~~§ 13-401(B)(2) OF THIS~~
 11 ~~ARTICLE OR~~ § 10-119(k) of the Criminal Law Article:

12 ~~(i)~~ **1.** For a first offense, for 6 months; and

13 ~~(ii)~~ **2.** For a second or subsequent offense, until the
 14 individual is 21 years old or for a period of 1 year, whichever is longer.

15 **(II) ON RECEIPT OF A NOTICE DESCRIBED UNDER §**
 16 **13-401(B)(2) OF THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND THE**
 17 **LICENSE OF AN INDIVIDUAL DESCRIBED UNDER § 13-401(B)(2) OF THIS**
 18 **ARTICLE:**

19 **1. FOR A FIRST OFFENSE, FOR 6 MONTHS; AND**

20 **2. FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 1**
 21 **YEAR.**

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

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

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

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.