

HOUSE BILL 386

E1, R4
HB 197/13 – JUD

4r1157
CF SB 390

By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Clippinger, Conaway, Glenn, Hammen, Harper, Mitchell, Oaks, Rosenberg, Stukes, Tarrant, and M. Washington**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2014

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Illegal Dumping and Litter Control Law – Driver’s License –**
3 **Penalty and Points**

4 FOR the purpose of increasing the penalty for a certain violation of the Illegal
5 Dumping and Litter Control Law; requiring a court to notify the Motor Vehicle
6 Administration of a certain violation of the Illegal Dumping and Litter Control
7 Law; requiring the Chief Judge of the District Court and the Administrative
8 Office of the Courts, in conjunction with the Administration, to establish certain
9 procedures; requiring a certain number of driver’s license points to be assessed
10 against an individual who is convicted of ~~a violation~~ certain violations of the
11 Illegal Dumping and Litter Control Law under certain circumstances; making a
12 certain conforming change; and generally relating to illegal dumping and litter
13 control.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–110(f)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 16–402(a) and 26–305(a)

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 (2012 Replacement Volume and 2013 Supplement)

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

5 **Article – Criminal Law**

6 10–110.

7 (f) (1) A person who violates this section is subject to the penalties
8 provided in this subsection.

9 (2) (i) A person who disposes of litter in violation of this section in
10 an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is
11 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30
12 days or a fine not exceeding \$1,500 or both.

13 (ii) A person who disposes of litter in violation of this section in
14 an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
15 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
16 subject to imprisonment not exceeding ~~1 year~~ **3 YEARS** or a fine not exceeding \$12,500
17 or both.

18 (iii) A person who disposes of litter in violation of this section in
19 an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial
20 gain is guilty of a misdemeanor and on conviction is subject to imprisonment not
21 exceeding 5 years or a fine not exceeding \$30,000 or both.

22 (3) In addition to the penalties provided under paragraph (2) of this
23 subsection, a court may order the violator to:

24 (i) remove or render harmless the litter disposed of in violation
25 of this section;

26 (ii) repair or restore any property damaged by, or pay damages
27 for, the disposal of the litter in violation of this section;

28 (iii) perform public service relating to the removal of litter
29 disposed of in violation of this section or to the restoration of an area polluted by litter
30 disposed of in violation of this section; or

31 (iv) reimburse the State, county, municipal corporation, or
32 bi-county unit for its costs incurred in removing the litter disposed of in violation of
33 this section.

1 (4) **(I)** [In addition to, or instead of, the penalties provided in
 2 paragraphs (2) and (3) of this subsection,] **IF A PERSON IS CONVICTED OF A**
 3 **VIOLATION UNDER THIS SECTION AND THE PERSON USED A MOTOR VEHICLE IN**
 4 **THE COMMISSION OF THE VIOLATION,** the court [may suspend for up to 7 days the
 5 license of the person to operate the type of conveyance used in the violation who is
 6 presumed to be responsible for the violation under subsection (d) of this section]
 7 **SHALL NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE VIOLATION.**

8 **(II) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE**
 9 **ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR**
 10 **VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR**
 11 **REPORTING A VIOLATION UNDER THIS PARAGRAPH.**

12 **Article – Transportation**

13 16–402.

14 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 15 2–209, [or] § 3–211, **OR § 10–110** of the Criminal Law Article, or of the vehicle laws or
 16 regulations of this State or of any local authority, points shall be assessed against the
 17 individual as of the date of violation and as follows:

- 18 (1) Any moving violation not listed below and not contributing to an
 19 accident.....1 point
- 20 (2) Following another vehicle too closely 2 points
- 21 (3) Speeding in excess of the posted speed limit by 10 miles an hour or
 22 more.....2 points
- 23 (4) Driving with an improper class of license 2 points
- 24 (5) Failing to stop for a school vehicle with activated alternately
 25 flashing red lights.....3 points
- 26 (6) Any violation of § 21–1111 of this article 2 points
- 27 (7) Passing an emergency or police vehicle under the provisions of §
 28 21–405(d) of this article..... 2 points
- 29 (8) A violation of § 21–511(a) of this article 2 points
- 30 (9) Failure to stop a vehicle for a steady red traffic signal in violation
 31 of § 21–202 of this article or a nonfunctioning traffic control signal in violation of §
 32 21–209 of this article.....2 points

1 (10) Operating a limousine in violation of § 21-1127(a) of this
2 article..... 2 points

3 (11) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL
4 DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(I) OF THE
5 CRIMINAL LAW ARTICLE..... 2 POINTS

6 (12) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL
7 DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(II) OF THE
8 CRIMINAL LAW ARTICLE..... 3 POINTS

9 ~~(11)~~ (13) Any moving violation contributing to an accident..... 3 points

10 ~~(12)~~ (14) Any violation of § 16-303(h) or (i) of this title 3 points

11 ~~(13)~~ (15) Any violation, except violations committed on the John F.
12 Kennedy Memorial Highway, of § 21-1411 of this article 3 points

13 ~~(14)~~ (16) Speeding in excess of the posted speed limit by 30 miles an
14 hour or more..... 5 points

15 ~~(15)~~ (17) Driving while not licensed 5 points

16 ~~(16)~~ (18) Failure to report an accident 5 points

17 ~~(17)~~ (19) Driving on a learner’s permit unaccompanied..... 5 points

18 ~~(18)~~ (20) Any violation of § 17-107 of this article..... 5 points

19 ~~(19)~~ (21) Participating in a race or speed contest on a
20 highway..... 5 points

21 ~~(20)~~ (22) Any violation of § 16-304 or § 16-305 of this title 5 points

22 ~~(21)~~ (23) Any violation of § 22-404.5 of this article..... 5 points

23 ~~(22)~~ (24) Speeding in excess of a posted speed limit of 65 miles an
24 hour by 20 miles an hour or more 5 points

25 ~~(23)~~ (25) Aggressive driving in violation of § 21-901.2 of this
26 article..... 5 points

27 (26) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL
28 DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(III) OF THE
29 CRIMINAL LAW ARTICLE..... 5 POINTS

1 ~~(24)~~ **(27)** Reckless driving 6 points

2 ~~(25) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL~~
3 ~~DUMPING AND LITTER CONTROL LAW UNDER § 10-110 OF THE CRIMINAL LAW~~
4 ~~ARTICLE..... 8 POINTS~~

5 [(25)] ~~(26)~~ **(28)** Driving while impaired by alcohol or while impaired
6 by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or
7 driving within 12 hours after arrest under § 21-902.1 of this article.....8 points

8 [(26)] ~~(27)~~ **(29)** Turning off lights of a vehicle to avoid
9 identification.....8 points

10 [(27)] ~~(28)~~ **(30)** Failing to stop after accident resulting in damage to
11 attended vehicle or property.....8 points

12 [(28)] ~~(29)~~ **(31)** Failing to stop after accident resulting in damage to
13 unattended vehicle or property.....8 points

14 [(29)] ~~(30)~~ **(32)** Any violation of § 16-815 or § 16-816 of this
15 title..... 8 points

16 [(30)] ~~(31)~~ **(33)** Failing to stop after an accident resulting in bodily
17 injury or death.....12 points

18 [(31)] ~~(32)~~ **(34)** Any violation of § 16-303 of this title, excluding §
19 16-303(h) or (i).....12 points

20 [(32)] ~~(33)~~ **(35)** Any violation of § 16-301, § 16-302, § 16-804, or §
21 16-808(a)(1) through (9) or (b) of this title..... 12 points

22 [(33)] ~~(34)~~ **(36)** Homicide, life threatening injury under § 3-211 of the
23 Criminal Law Article, or assault committed by means of a vehicle 12 points

24 [(34)] ~~(35)~~ **(37)** Driving while under the influence of alcohol, while
25 under the influence of alcohol per se, or while impaired by an illegally used controlled
26 dangerous substance..... 12 points

27 [(35)] ~~(36)~~ **(38)** Any felony involving use of a vehicle..... 12 points

28 [(36)] ~~(37)~~ **(39)** Fleeing or attempting to elude a police
29 officer.....12 points

30 [(37)] ~~(38)~~ **(40)** The making of a false affidavit or statement under
31 oath, or falsely certifying to the truth of any fact or information to the Administration

1 under the Maryland Vehicle Law or under any law relating to the ownership or
2 operation of motor vehicles..... 12 points

3 ~~[(38)]~~ ~~(39)~~ **(41)** Any violation involving an unlawful taking or
4 unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law
5 Article, or § 14–102 of this article 12 points

6 26–305.

7 (a) The Administration may not register or transfer the registration of any
8 vehicle involved in a parking violation under this subtitle, a violation under any
9 federal parking regulation that applies to property in this State under the jurisdiction
10 of the U.S. government, a violation of § 21–202(h) of this article as determined under §
11 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
12 21–809 or § 21–810 of this article, or a violation of the [State litter control law]
13 **ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10–110 OF THE**
14 **CRIMINAL LAW ARTICLE** or a local law or ordinance adopted by Baltimore City
15 relating to the unlawful disposal of litter as determined under § 10–112 of the
16 Criminal Law Article, if:

17 (1) It is notified by a political subdivision or authorized State agency
18 that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or §
19 21–810 of this article, or § 10–112 of the Criminal Law Article has failed to either:

20 (i) Pay the fine for the violation by the date specified in the
21 citation; or

22 (ii) File a notice of his intention to stand trial for the violation;

23 (2) It is notified by the District Court that a person who has elected to
24 stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or §
25 21–810 of this article, or under § 10–112 of the Criminal Law Article has failed to
26 appear for trial; or

27 (3) It is notified by a U.S. District Court that a person cited for a
28 violation under a federal parking regulation:

29 (i) Has failed to pay the fine for the violation by the date
30 specified in the federal citation; or

31 (ii) Either has failed to file a notice of the person's intention to
32 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2014.