

## Chapter 55

## (Senate Bill 165)

AN ACT concerning

**Code Revision – Maryland Vehicle Law – Penalties**

FOR the purpose of revising, restating, and recodifying the laws of this State relating to penalties for violations of the Maryland Vehicle Law; repealing certain redundant provisions; clarifying language; making certain technical and stylistic changes; providing for the construction of this Act; providing for the effect and construction of certain provisions of this Act; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the Maryland Vehicle Law.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 12–301, 13–402, 13–402.1, 13–616, 13–616.1, 13–616.2, 13–704, 14–102, 14–103, 14–104, 14–107, 14–110, 15–302, 15–311.2, 15–312, 15–313, 15–314, 15–402, 15–411, 15–502, 15–509, 16–101, 16–102, 16–113, 16–301, 16–303, 16–806, 16–807, 16–808, 16–812, 16–813.1, 16–815, 17–107, 17–110, 18–104, 20–102, 20–103, 20–104, 20–105, 20–108, 21–206, 21–502, 21–706, 21–802.1, 21–803.1, 21–901.1, 21–902, 21–902.1, 21–904, 21–1003, 21–1010, 21–1116, 21–1122, 21–1124.3, 21–1126, 21–1127, 21–1128, 21–1411, 21–1414, 22–404.4, 22–404.5, 22–405.1, 22–409, 22–415, 22–611, 23–305, 23–403, 24–107, 24–111, 24–111.1, 24–112, 24–304, 25–110, 25–111, 25–112, 25–209, and 26–305

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY adding to

Article – Transportation

Section 15–515, 16–303.1, 21–406, 21–902.2, 21–902.3, 21–902.4, 21–10A–07; 24–401 to be under the new subtitle “Subtitle 4. Penalties for Certain Weight Violations”; and 27–101 through 27–104

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–401, 21–401.1, 21–402 through 21–404, 21–404.1, 21–405, 21–10A–01 through 21–10A–06, and 24–303

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

**Article – Transportation**

Section 23–109

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 91 of the Acts of the General Assembly of 2014)

BY repealing

**Article – Transportation**

Section 27–101

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

BY repealing

**Article – Transportation**Section 27–101.1, 27–101.2, 27–102 through 27–107, 27–107.1, and 27–108 through  
27–115

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

**Article – Transportation**

12–301.

(a) On application, the Administration shall issue an identification card to any applicant who:

- (1) Is a resident of this State;
- (2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration;

(4) Provides satisfactory documentary evidence that the applicant has lawful status;

(5) (i) Provides satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

- 1. A current W–2 form;

2. A current SSA-1099 form;
3. A current non-SSA-1099 form; or
4. A current pay stub with the applicant's name and Social Security number on it; or

(ii) Provides satisfactory documentary evidence that the applicant is not eligible for a Social Security number; and

(6) Presents a completed application for an identification card on a form furnished by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall establish a fee for the issuance of an identification card and for issuance of a duplicate identification card.

(2) A fee is not required if the applicant for the card:

(i) Is 65 years old or older;

(ii) Is legally blind;

(iii) Has permanently lost the use of a leg or an arm;

(iv) Is permanently disabled so severely that the applicant cannot move without the aid of crutches or a wheelchair; or

(v) Has a physical or mental impairment that substantially limits a "major life activity" as defined in the federal Americans with Disabilities Act.

(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.

(e) A person may not commit any fraud in using an identification card issued under this section.

(f) A person may not make any misrepresentation in using an identification card issued under this section.

(g) (1) An identification card shall be:

(i) Of the size and design that the Administration requires; and

(ii) Tamperproof, to the extent possible.

(2) The card shall contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

(iii) The sex of the applicant;

(iv) A description of the applicant;

(v) A color photograph of the applicant taken by the procedure that the Administration requires;

(vi) The expiration date of the identification card;

(vii) The signature of the applicant; and

(viii) The signature and seal of the issuing agent.

(h) An identification card may be used as legal identification of the individual to whom it is issued for any purpose.

(i) (1) Subject to paragraph (2) of this subsection, an identification card issued to an applicant expires at the end of a period of not more than 8 years determined in regulations adopted by the Administration.

(2) (i) If an applicant has temporary lawful status, the Administration may not issue an identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of an identification card for a period longer than the period described in paragraph (1) of this subsection.

(iii) The Administration shall indicate on the face and in the machine-readable zone of a temporary identification card issued under this paragraph that the card is a temporary identification card.

(3) An identification card may be renewed on application and payment of the fee required by this section.

(j) The identification card shall be surrendered by the holder upon being issued a Maryland driver's license.

(k) The Administrator may issue an identification card to an applicant:

(1) Whose privilege to drive has been refused, canceled, suspended, or revoked; or

(2) Who has been issued a temporary license under § 16–205.1(b)(3)(iii) of this article.

(l) (1) The Administration may cancel an identification card issued under this section if the Administration determines that the holder of the identification card:

(i) Was not entitled to be issued the identification card;

(ii) Failed to provide accurate or required information in the application for the identification card;

(iii) Fraudulently applied for or obtained the identification card; or

(iv) Is otherwise in violation of subsection (c), (d), (e), or (f) of this section.

(2) If the Administration cancels an identification card under paragraph (1) of this subsection, the holder of the identification card immediately shall surrender the canceled identification card to the Administration.

**(M) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C) OR (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (E) OR (F) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (m) of this section is new language derived without substantive change from former § 27–101(c)(1) and, as it related to this section, (cc) of this article.

13–402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(2) If a motor vehicle required to be registered under this subtitle is not registered, a person may not park the unregistered motor vehicle on any:

(i) Public alley, street, or highway; or

(ii) Private property used by the public in general, including parking lots of shopping centers, condominiums, apartments, or town house developments.

(3) The provisions of paragraph (2) of this subsection do not apply to a motor vehicle that is exempt from registration under this section or § 13-402.1 of this subtitle.

(b) Except as otherwise expressly authorized in this title, the Administration may not register or renew the registration of a vehicle unless the Administration has issued to the owner a certificate of title of the vehicle or has received an application for the certificate of title.

(c) Registration under this subtitle is not required for:

(1) A vehicle that is driven on a highway:

(i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or

(ii) Under a temporary registration card issued by the Administration;

(2) A vehicle owned and used by the United States, unless an authorized officer or employee of the United States requests registration of the vehicle;

(3) A farm tractor or any farm equipment;

(4) A vehicle the front or rear wheels of which are lifted from the highway;

(5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;

(6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;

(8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;

(9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

(11) A golf cart that is operated on a highway on Smith Island, provided that the golf cart is equipped with lighting devices as required by the Administration if it is operated on a highway between dusk and dawn;

(12) A golf cart that is operated on a highway in the City of Crisfield, Somerset County, in accordance with § 21–104.2 of this article;

(13) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article; or

(14) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government.

(d) (1) If a motor vehicle, trailer, or semitrailer is registered in another state, displays current registration plates issued for it by that state, and is brought into this State by a nonresident for transporting seasonal farm workers to be employed on farms in this State or for work incidental to seasonal crop operations on farms in this State, the vehicle need not be registered in this State if:

(i) The vehicle is being used as an incidental part of harvesting operations within a distance of not more than 35 miles from the source of the crop; and

(ii) The owner of the vehicle has obtained an exemption permit for the vehicle, as provided in this subsection.

(2) When the Administration receives a certification by the Secretary of State Police that a vehicle is entitled to an exemption under this subsection, the Administration shall issue an exemption permit on the form the Secretary of State Police approves. The form shall be carried at all times by the driver of the vehicle for which it is issued or in a conspicuous place on the vehicle.

(3) The exemption permit is:

(i) Valid for a period of 90 days from the date of issue; and

(ii) Eligible for renewal under the procedure set forth in this subsection for an additional period of not more than 90 days in any 1 calendar year.

(4) The Secretary of State Police:

(i) May require a certificate of inspection of the equipment of the vehicle; and

(ii) Shall require a certificate of insurance by a company authorized to do business in this State, certifying that the vehicle is insured to the same extent as required of vehicles registered in this State.

(e) Except for members elected from this State, if a member of the United States Congress resides in this State during his term of office in the Congress, he need not register his vehicles in this State during that time.

(f) A trailer or semitrailer operated in intrastate service need not be registered in this State if:

(1) It is registered in another state;

(2) The truck tractor or other vehicle that is towing it is registered in this State; and

(3) The registered owner of the truck tractor or other towing vehicle has at least one trailer or semitrailer registered in this State for each truck tractor also registered in this State.

(g) (1) A trailer or semitrailer rented or leased in intrastate service need not be registered in this State if, subject to paragraph (2) of this subsection:

(i) The trailer or semitrailer has a chassis weight of 1,000 pounds or less;

(ii) The trailer or semitrailer is registered in another state; and

(iii) The owner of the trailer or semitrailer annually has registered in this State a number of these trailers and semitrailers that is at least equal to the average number of these trailers and semitrailers that the owner annually will have available in this State for rent or lease in intrastate service.

(2) If a person claims exemption for a trailer or semitrailer under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such trailers and semitrailers that the person has available in all states for rent or lease:

- (i) The total number annually registered in all states;
- (ii) The total number annually registered in this State; and
- (iii) The average total number annually available for rent or lease in this State.

(h) (1) A motor vehicle rented in intrastate service need not be registered in this State if, subject to paragraph (3) of this subsection:

- (i) The motor vehicle is registered in another state; and
- (ii) The owner of the motor vehicle annually has registered in this State a percentage of the total number of these motor vehicles in a rental fleet as determined under paragraph (2) of this subsection.

(2) The percentage of the total number of motor vehicles in a rental fleet that must be registered in this State is determined by dividing the gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in this State by the total gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions in which the rental fleet is operated. The resulting percentage shall be applied to the total number of motor vehicles in the rental fleet and that figure, to the nearest whole number, shall be the number of rental motor vehicles that shall be fully registered and titled in this State.

(3) If a person claims exemption for a motor vehicle under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such motor vehicles that the person has available in all states for rent:

(i) The gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in Maryland; and

(ii) The total gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions.

**[(4)] (I) (1)** A person [who rents] **MAY NOT RENT** to another person a motor vehicle or [attempts] **ATTEMPT** to rent to another person a motor vehicle in this State in violation of [any of the provisions of] this section [is guilty of a misdemeanor].

**[(i)] (2)** A person [who drives or attempts] **MAY NOT DRIVE OR ATTEMPT** to drive a vehicle on any highway in this State in violation of [any of the provisions of] this section [is guilty of a misdemeanor].

REVISOR'S NOTE: Subsections (h)(4) and (i) of this section are revised in standard language used to state a prohibition.

The former references to being “guilty of a misdemeanor” are repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

### 13–402.1.

(a) A nonresident may drive or permit the driving of a foreign vehicle in this State, without registering the vehicle in this State, if:

(1) At all times while driven in this State, the vehicle:

(i) Is registered in and displays current registration plates issued for it in the owner's place of residence; and

(ii) Carries as provided in § 13–409(a) of this subtitle, a current registration card issued for it in the owner's place of residence; and

(2) Except as otherwise provided in this section or under an agreement in compliance with Title 12, Subtitle 4 of this article, the vehicle is not:

(i) Used for transporting persons for hire, compensation, or profit;

(ii) Regularly operated in carrying on business in this State;

(iii) Designed, used, or maintained primarily for the transportation of property; or

(iv) In the custody of any resident for more than 30 days during any registration year.

(b) With the approval of the Governor, the Administration may permit a foreign vehicle to be driven in this State by:

(1) Issuing complimentary guest cards, permits, or licenses to persons visiting this State from any foreign country; or

(2) Recognizing and permitting the use of guest cards, permits, or licenses granted by other states.

(c) If a nonresident is a member of the armed forces of the United States or of the United States Public Health Service and is serving on active duty in this State or an

adjoining state or the District of Columbia, the nonresident need not register his personal passenger vehicles in this State if the vehicles are registered in the state of his residence.

(d) If a nonresident is a student enrolled in an accredited school, college, or university of this State or of a bordering state or is serving a medical internship in this State, the nonresident need not register his vehicles in this State if:

(1) The state of which the nonresident is a resident extends the same privileges to the residents of this State; and

(2) The nonresident meets the required security provisions of the Maryland Vehicle Law as to any vehicle to which this exemption applies.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, if a nonresident temporarily maintains or occupies a dwelling in this State for a period in excess of 30 days but not in excess of 1 year, the nonresident shall obtain a nonresident's permit from the Administration, in lieu of registration, within 10 days immediately following the 30-day period.

(2) A nonresident exempt from registration under subsection (d) of this section shall obtain a nonresident's permit from the Administration, in lieu of registration, within 30 days of maintaining or occupying a dwelling in this State.

(3) A nonresident exempt from registration under subsection (c) of this section may obtain a nonresident's permit from the Administration, in lieu of registration, if the permit application is made within 10 days immediately following the 30-day period.

(4) (i) On application, a nonresident's permit may be issued by the Administration, or an agent designated by the Administration, in a form determined by the Administration.

(ii) For each nonresident permit it issues, an agent designated by the Administration may collect a fee not to exceed \$4 in addition to the nonresident permit fee to offset expenses incurred in the issuance of nonresident permits.

(5) The application shall be accompanied by:

(i) A fee established by the Administration;

(ii) Evidence to reasonably establish that the applicant has a domicile outside of this State and is not a resident as defined in § 11-149 of this article; and

(iii) Evidence that the nonresident meets the required security provisions of the Maryland Vehicle Law.

(6) The nonresident permit shall be displayed on the windshield of the nonresident's exempt vehicle in the place and manner prescribed by the Administration.

(7) (i) A nonresident permit issued under paragraph (1) or (2) of this subsection shall be issued for a period not to exceed 1 year.

(ii) A nonresident permit issued under paragraph (3) of this subsection shall be valid until the expiration date of the registration plates of the vehicle to which it is issued.

(iii) 1. A nonresident permit issued under paragraph (2) of this subsection may be renewed annually in accordance with the nonresident's eligibility for the exemption provided in subsection (d) of this section.

2. A renewal fee established by the Administration shall be paid at the time of renewal.

(8) (i) Of the funds collected under paragraphs (5)(i) and (7)(iii)2 of this subsection, the Administration shall retain an amount equal to its administrative costs under this section.

(ii) Any excess funds shall be credited to the Gasoline and Motor Vehicle Revenue Account for distribution as highway user revenues in accordance with §§ 8–403 and 8–404 of this article.

(f) A person [who drives or attempts] **MAY NOT DRIVE OR ATTEMPT** to drive a vehicle on any highway in this State in violation of [any of the provisions of] this section [is guilty of a misdemeanor].

REVISOR'S NOTE: Subsection (f) of this section is revised in standard language used to state a prohibition.

The former reference to being "guilty of a misdemeanor" is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–616.

(a) (1) In this subtitle the following words have the meanings indicated.

(2) "Certified nurse practitioner" means an individual who is licensed by the State Board of Nursing to practice registered nursing as described in § 8–101 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing.

(3) "Licensed chiropractor" means a chiropractor who is licensed by the State Board of Chiropractic and Massage Therapy Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

(4) "Licensed optometrist" means an optometrist who is licensed by the State Board of Examiners in Optometry to practice optometry as described in § 11–101 of the Health Occupations Article.

(5) "Licensed physical therapist" means a physical therapist who is licensed by the State Board of Physical Therapy Examiners to practice physical therapy as described in § 13–101 of the Health Occupations Article.

(6) "Licensed physician" means a physician, including a doctor of osteopathy, who is licensed by the State Board of Physicians to practice medicine as described in § 14–101 of the Health Occupations Article.

(7) "Licensed physician assistant" means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

(8) "Licensed podiatrist" means a podiatrist who is licensed by the State Board of Podiatric Medical Examiners to practice podiatry as described in § 16–101 of the Health Occupations Article.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO<sub>2</sub>) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

- (vi) Has lost a foot, leg, hand, or arm;
- (vii) Has lost the use of a foot, leg, hand, or arm;
- (viii) Has a permanent impairment of both eyes so that:
  - 1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:

(i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

(ii) A licensed chiropractor, licensed podiatrist, or licensed physical therapist may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

(iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and

(iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full-service Motor Vehicle Administration office during normal business hours.

(3) This section applies only to:

- (i) A Class A (passenger) vehicle;
- (ii) A Class D (motorcycle) vehicle;
- (iii) A Class M (multipurpose) vehicle;

(iv) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity; or

(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(4) (i) Notwithstanding the provisions of paragraph (1) of this subsection, a nursing home, health care facility, adult day care facility, retirement home, or other facility that regularly provides transportation for individuals with disabilities may apply to the Administration for special disability registration for vehicles owned by the facility.

(ii) An application for special disability registration under this paragraph shall contain:

1. The certification of the owner or operator of the facility that the vehicle for which the registration is sought is used exclusively for the transportation of individuals with disabilities as described in paragraph (1) of this subsection; and

2. Any other information or documentation concerning the facility or the vehicle that the Administration requires.

(c) (1) Except as otherwise provided in subsection (b)(4) of this section, special registration and special registration plates may be issued under this section only if the applicant submits proof satisfactory to the Administration that the applicant is an individual with a disability described in subsection (b)(1) of this section.

(2) Except as provided by paragraph (3) of this subsection and subsection (b)(4) of this section, the Administration may not accept applications for special registration under this section from an applicant who, at the time of application:

(i) Possesses one valid special registration issued under this section; or

(ii) Possesses two parking placards issued under § 13–616.1 of this subtitle.

(3) An individual may possess two valid special registrations for Class D motorcycles in addition to the special registration authorized under subsection (b) of this section and the parking placards authorized under § 13–616.1 of this subtitle.

(d) Except as provided under §§ 13–951 and 13–952 of this title, no fee in addition to the annual registration fee otherwise required by this title is required for special registration under this section.

(e) A special registration number assigned under this section shall:

(1) Consist of the letters, numerals, or both that the Administration specifies; and

(2) Be displayed on special registration plates issued for the vehicle, together with the International Symbol of Access.

(f) (1) In this subsection, “special types of vehicles” means:

(i) Emergency vehicles defined under § 11–118 of this article;

(ii) Service vehicles defined under § 22–201 of this article;

(iii) Class B (for hire) vehicles;

(iv) Class C (funeral and ambulance) vehicles;

(v) Class H (school) vehicles;

(vi) Class I (charter bus) vehicles;

(vii) Class J (vanpool) vehicles;

(viii) Class P (passenger bus) vehicles;

(ix) Class Q (limousine) vehicles; and

(x) State or local government vehicles.

(2) The person for whom special registration plates are issued under this section or under a similar provision of any other state or country:

(i) 1. Except as provided in items (ii) and (iii) of this paragraph, may park for unlimited periods in parking zones restricted as to the length of parking time permitted; and

2. Is not required to pay any parking meter fees of this State or of any political subdivision of this State where parking meters do not meet the requirements of the Americans with Disabilities Act;

(ii) May park in a parking space equipped with a parking meter only for:

1. Except as provided in item 2 of this item, twice the maximum time period permitted on the parking meter but not to exceed a maximum of 4 hours; and

2. If the parking meter permits parking for more than 4 hours, the period permitted on the parking meter; and

(iii) Subject to the posted time restriction specified for the parking zone, may park in a designated zone for the handicapped established:

1. At any State-owned airport; or

2. By Baltimore County on any county highway.

(3) The provisions of this subsection supersede any local ordinance, except that they do not apply:

(i) To zones where stopping, standing, or parking is prohibited to all vehicles;

(ii) To zones that are reserved for special types of vehicles;

(iii) Where there is a local ordinance that prohibits parking during heavy traffic periods in morning, afternoon, or evening rush hours, or where parking clearly would present a traffic hazard; or

(iv) In Baltimore City, where there is a local ordinance that restricts parking for vehicles that do not display a specified residential parking permit.

(g) When using the parking privileges granted under this section:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in subsection (b)(1) of this section; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) A person may not commit any fraud or make any misrepresentation in applying for disability registration plates, using special disability registration plates, or

certifying an individual with a disability as defined in subsection (b)(1) of this section for special disability registration under this section.

(i) A person who operates a motor vehicle with a special disability registration number or special disability registration plates may not use the privileges granted under this section, unless the person:

(1) Is a person with a disability who meets the requirements of subsection (b)(1) of this section; or

(2) Is accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of subsection (b)(1) of this section.

(j) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a registration that is issued by the Administration under this subsection and:

(1) If the Administration finds it necessary to review the severity or permanency of a registration holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article; and

(2) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the registration.

(k) [Any person who violates the provisions of this section is guilty of a misdemeanor, in accordance with the terms of § 27–101 of this article.

(l)] The Administration shall administer the special registration plates program in accordance with the provisions of this section.

[(m)] (L) In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

REVISOR'S NOTE: Subsection (k) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–616.1.

(a) A person may apply to the Administration for a parking placard on a form provided by the Administration if the applicant:

- (1) Is a resident of the State; and
  - (2)
    - (i) Has a permanent disability as described in § 13–616(b)(1) of this subtitle and as certified by a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as defined in § 13–616(a) of this subtitle; or
    - (ii) Has a permanent disability as described in § 13–616(b)(1)(vi) of this subtitle and as self-certified as provided by § 13–616(b)(2)(iv) of this subtitle.
- (b) (1) A parking placard for a person with a disability may be issued to an applicant described in subsection (a) of this section only if the applicant submits proof satisfactory to the Administration that the applicant is a person with a disability as described in § 13–616(b) of this subtitle.
- (2) A parent or legal guardian may apply for a special disability parking placard on behalf of a qualified minor.
- (c) (1) Except as provided in § 13–616(c) of this subtitle, the Administration may not issue to an applicant:
- (i) More than one placard if the applicant requests one set of special registration plates under § 13–616 of this subtitle; or
  - (ii) More than two placards if the applicant does not request a set of special registration plates under § 13–616 of this subtitle.
- (2) Except as provided in § 13–616(c) of this subtitle, the Administration may not issue to a person issued special vehicle registration plates under § 13–616 of this subtitle a combination of special disability registration plates and placards exceeding two.
- (d) (1) A placard issued under this section to an applicant described in subsection (a) of this section expires 4 years from the date of issue.
- (2) The placard may be renewed by the placard holder on an application form approved by the Administration.
- (e) (1) A parking placard for a person with a disability shall be issued:
- (i) Except as provided in item (ii) or item (iii) of this paragraph, in the form of a removable windshield placard capable of being hung from the inside rearview mirror and of a size and design as determined by the Administration;
  - (ii) For a vehicle not equipped with an inside rearview mirror or in which the inside rearview mirror is not visible from the rear of the vehicle, in the form of a windshield placard of a size and design as determined by the Administration; or

(iii) For a Class D (motorcycle) vehicle, in the form of a sticker of a size and design as designated by the Administration.

(2) A person to whom a parking placard for a person with a disability is issued shall display the placard described in this section:

(i) In a Class A (passenger) vehicle or a Class M (multipurpose) vehicle;

(ii) On a Class D (motorcycle) vehicle as required by the Administration;

(iii) In a Class E (truck) vehicle with a one ton or less manufacturer's rated capacity and specially equipped for the transportation of or operation by an individual with a disability; or

(iv) In a Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(f) (1) Except as provided in paragraph (3) of this subsection, when displayed by the person to whom a removable windshield placard is issued, the removable windshield placard shall be hung from the inside rearview mirror when the vehicle is parked.

(2) A person may not drive a vehicle while a removable windshield placard described under paragraph (1) of this subsection is hanging from the inside rearview mirror.

(3) The removable windshield placard shall be placed inside a vehicle that is not equipped with an inside rearview mirror, in a position from which the removable windshield placard can be viewed from the outside of the vehicle through the lower portion of the windshield on the driver's side of the vehicle.

(4) When displayed, the person to whom a removable windshield placard is issued under this section or under a similar provision of law of any state or country is accorded the privileges contained in § 13–616(f) of this subtitle.

(g) When using the parking privileges granted under § 13–616(f) of this subtitle:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in § 13–616(b)(1) of this subtitle; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) (1) A person may not commit any fraud or make any misrepresentation in certifying a person's disability or applying for or using a parking placard for a person with a disability.

(2) A person who operates a motor vehicle displaying a parking placard for a person with a disability may not use the privileges granted under this section, unless the person is:

(i) A person with a disability who meets the requirements of § 13–616(b)(1) of this subtitle; or

(ii) Accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of § 13–616(b)(1) of this subtitle.

(3) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a parking placard for a person with a disability that is issued by the Administration under this section and:

(i) If the Administration finds it necessary to review the severity or permanency of a placard holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article; and

(ii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the parking placard for a person with a disability.

(i) [Any person who violates the provisions of this section is guilty of a misdemeanor.

(j)] The Administration shall:

(1) Administer the removable windshield placard program in accordance with the provisions of this section; and

(2) By July 1, 2001, establish an automated system for recording the issuance, renewal, and expiration of placards in a timely manner to ensure that the objectives of the placard program are achieved in an efficient and orderly manner.

**[(k)] (J)** In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system, with which the Administration can interface and verify licensure.

REVISOR'S NOTE: Subsection (i) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13-616.2.

(a) A person may apply to the Administration for a temporary parking placard on a form provided by the Administration if:

(1) The applicant, a dependent of the applicant, or any individual who depends on the applicant for transportation has a disability, as described in § 13-616(b)(1) of this subtitle; and

(2) A licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as defined in § 13-616(a) of this subtitle, certifies that the disability is not permanent but would substantially impair the applicant's mobility or limit or impair the applicant's ability to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or be subject to risk of injury if the temporary parking placard were denied.

(b) An application under subsection (a) of this section shall be accompanied by:

(1) Proof satisfactory to the Administration that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is a person with a disability under subsection (a) of this section; and

(2) The certification of a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is disabled, including an estimate of the length of time the disability will continue.

(c) (1) A temporary parking placard for a person with a disability issued under this section shall be valid for a period of time the licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist has determined that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is likely to have the disability, not to exceed 6 months.

(2) The person to whom a temporary parking placard was issued under this section shall return the placard to the Administration within 5 calendar days of the placard's expiration.

(d) (1) A temporary parking placard for a person with a disability shall be issued in the form, size, and design determined by the Administration.

(2) A person to whom a temporary parking placard is issued shall display the placard described in this section in a vehicle described in § 13–616.1(e)(2) of this subtitle.

(3) This section applies only to vehicles defined in §§ 13–616(b)(3) and 13–616.1(e)(2) of this subtitle.

(e) (1) Except as provided in paragraph (3) of this subsection, when displayed by the person to whom a temporary parking placard is issued, the temporary parking placard shall be hung from the inside rearview mirror when the vehicle is parked.

(2) A person may not drive a vehicle while a temporary parking placard described under paragraph (1) of this subsection is hanging from the inside rearview mirror.

(3) The temporary parking placard shall be placed inside a vehicle that is not equipped with an inside rearview mirror, in a position from which the temporary parking placard can be viewed from the outside of the vehicle through the lower portion of the windshield on the driver's side of the vehicle.

(4) When displayed, the person to whom a temporary parking placard is issued under this section or under a similar provision of law of any state or country is accorded the privileges contained in § 13–616(f) of this subtitle.

(f) (1) A person may not commit any fraud or make any misrepresentations in certifying a person's disability or applying for or using a temporary parking placard.

(2) (i) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a temporary parking placard that is issued by the Administration under this section.

(ii) If the Administration finds it necessary to review the severity of a placard holder's disability or the current status of the temporary disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article.

(iii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the temporary parking placard.

(g) [Any person who violates the provisions of this section is guilty of a misdemeanor.

(h)] The Administration shall:

(1) Administer the temporary parking placard program in accordance with the provisions of this section; and

(2) By July 1, 2001, establish an automated system for recording the issuance, renewal, and expiration of temporary placards in a timely manner to ensure that the objectives of the temporary placard program are achieved in an efficient and orderly manner.

[(i)] (H) In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

REVISOR'S NOTE: Subsection (g) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13-704.

(a) In any application for a certificate of title, a person may not:

- (1) Fraudulently use a false or fictitious name;
- (2) Knowingly make a false statement;
- (3) Knowingly conceal a material fact; or
- (4) Otherwise commit a fraud in making the application.

(b) In any application for the registration of a vehicle, a person may not:

- (1) Fraudulently use a false or fictitious name;
- (2) Knowingly make a false statement;
- (3) Knowingly conceal a material fact; or
- (4) Otherwise commit a fraud in making the application.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(g)(1) of this article.

14-102.

(a) A person may not drive any vehicle without the consent of its owner and with intent to deprive the owner temporarily of his possession of the vehicle, even if without intent to steal it.

(b) A person may not take a vehicle without the consent of the owner of the vehicle and with the intent to deprive the owner temporarily of the owner's possession of the vehicle, even if without the intent to steal the vehicle.

(c) The consent of the owner of a vehicle to the driving or taking of the vehicle may not in any case be presumed or implied because of the owner's consent on a previous occasion to the driving or taking of the vehicle by the same or a different person.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(c)(2) of this article.

14-103.

(a) No person, except a person while making lawful use of it in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of his duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to open any motor vehicle in this State.

(b) No person, except a person while making lawful use of a motor vehicle master key in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of the law enforcement officer's duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to operate any motor vehicle in this State.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(f)(1) of this article.

14-104.

(a) A person may not willfully damage or tamper with any vehicle without the consent of its owner.

(b) A person may not drop or throw stones or other objects at any vehicle or at occupants of a vehicle.

(c) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, climb into or on any vehicle, whether it is in motion or at rest.

(d) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, manipulate or attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of any vehicle while the vehicle is at rest and unattended.

**(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(c)(3) of this article.

14-107.

(a) (1) In this section the following words have the meanings indicated.

(2) "Falsify" includes alter, counterfeit, duplicate, or forge.

(3) "Identification number" includes any vehicle identification number, serial number, transmission number, federal vehicle certification label, engine number, or other distinguishing number or mark placed on a vehicle or engine:

(i) By its manufacturer;

(ii) By authority of the Administration; or

(iii) In accordance with the laws of the federal government or another state or country.

(4) "Remove" includes deface, cover, or destroy.

(b) A person may not willfully remove any identification number of a vehicle.

(c) A person may not willfully falsify any identification number of a vehicle.

- (d) A person may not willfully remove any identification number of an engine for a vehicle.
- (e) A person may not willfully falsify any identification number of an engine for a vehicle.
- (f) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been removed.
- (g) A person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been falsified.
- (h) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been removed.
- (i) A person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been falsified.
- (j) A person may not, with intent to conceal or misrepresent the identity of a vehicle or its owner, remove a registration card or registration plate from the vehicle.
- (k) A person may not, with intent to conceal or misrepresent the identity of a vehicle or the owner of the vehicle, attach to the vehicle a registration plate not authorized by law for use on it.
- (l) An identification number may be:
  - (1) Placed on a vehicle or engine by its manufacturer in the regular course of business; or
  - (2) Placed or restored on a vehicle or engine by authority of the Administration.
- (m) (1) An insurance company or its insurance producer may buy, receive, and possess a motor vehicle knowing that the identification number of the vehicle has been removed, if the vehicle is the subject of a total loss settlement by the insurance company.
- (2) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:
  - (i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is not rebuildable; and

(iv) The transfer is to a licensed automotive dismantler and recycler or licensed scrap processor.

(3) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

(i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is rebuildable;

(iv) The transfer is to a licensed dealer, licensed automotive dismantler and recycler, or licensed scrap processor; and

(v) The transferee is advised that the vehicle may not be offered for resale to any other person until after the vehicle has been assigned a distinguishing number under § 13–106.1 of this article.

**(N) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (n) of this section is new language derived without substantive change from former § 27–101(c)(4) of this article.

14–110.

(a) (1) In this section the following words have the meanings indicated.

(2) “Falsify” includes alter, counterfeit, duplicate, or forge.

(3) “Registration plate” means every plate or marker required by law to be attached to a vehicle, but does not include the temporary number plate referred to in § 13–415(e)(1) of this article.

(b) A person may not, with fraudulent intent, falsify or attempt to falsify any certificate of title, registration card, registration plate, validation tab, permit, or any other official document issued by the Administration.

(c) A person may not, with fraudulent intent, manufacture, construct, or possess any paraphernalia for use in any falsification prohibited by this section.

(d) A person may not, with fraudulent intent, possess, give away, sell, or attempt to sell any item falsified in violation of this section.

(e) A person may not, with fraudulent intent, falsify any assignment on a certificate of title.

(f) A person may not hold any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

(g) A person may not use any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

**(H) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (h) of this section is new language derived without substantive change from former § 27-101(c)(5) of this article.

15-302.

(a) A person may not conduct the business of a dealer unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a dealer's license in this State or whose dealer's license is revoked or suspended may not conduct the business of a dealer under any license, permit, or registration certificate issued by any other jurisdiction.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(v) of this article.

15-311.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Agent” means a business entity that is authorized by an obligor or a licensed vehicle dealer to sell a mechanical repair contract.

(3) (i) “Mechanical repair contract” means any agreement or contract sold by a licensed vehicle dealer, an obligor, or an agent under which the obligor agrees to perform over a fixed period of time, for a specific duration, and for a specific identifiable price, provided that the purchase of the contract is optional to the purchaser, any of the following services:

1. The repair, replacement, or maintenance of a motor vehicle, or the indemnification for the repair, replacement, or maintenance of a motor vehicle, for the operational or structural failure of the motor vehicle due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity for services including towing, rental and emergency road service, and road hazard protection;

2. The repair, replacement, or maintenance of a motor vehicle for the operational or structural failure of one or more parts or systems of the motor vehicle brought about by the failure of an additive product to perform as represented;

3. The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards, including potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;

4. The removal and repair of dents, dings, or creases on a motor vehicle using the process of paintless dent removal;

5. The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

6. The replacement of a motor vehicle key or key fob if the key or key fob becomes inoperable or is lost or stolen; or

7. Other services or products that may be approved by the Insurance Commissioner if consistent with the provisions of this section.

(ii) “Mechanical repair contract” includes extended warranties and extended service contracts.

(iii) “Mechanical repair contract” does not include:

1. Warranties under the Magnuson–Moss Warranty Act, 15 U.S.C. § 2301, et seq.;

2. Contracts or agreements for regular maintenance only; or

3. An agreement between a motor club, as defined in § 26–101 of the Insurance Article, and a member or subscriber of the motor club.

(4) (i) “Obligor” means the person specified in a mechanical repair contract that is contractually obligated to perform the services set forth in the mechanical repair contract.

(ii) “Obligor” does not include an insurer that provides insurance coverage in accordance with subsection (b) of this section.

(b) (1) (i) An obligor under a mechanical repair contract shall maintain adequate insurance reserves, as defined by the Insurance Commissioner, for each such contract for the protection of the purchasing consumer.

(ii) A policy of insurance providing coverage for all obligations and liabilities incurred by an obligor under the terms of a mechanical repair contract shall constitute adequate insurance reserves.

(2) The reserves shall be maintained with an insurer authorized to do business in Maryland on an admitted or surplus lines basis.

(3) A purchaser of a mechanical repair contract shall be entitled to make a direct claim against the insurer issuing a policy of insurance under this subsection upon failure of the obligor to pay any claim or make any refund or consideration due within 60 days after the proof is filed with the obligor.

(4) (i) At least 45 days before selling a mechanical repair contract, the obligor shall file the contract with the Insurance Commissioner along with evidence that the obligor maintains adequate insurance reserves as required under this section.

(ii) Except as provided in subparagraphs (iv) through (vii) of this paragraph, a filing required under this subsection is not subject to the approval of the Insurance Commissioner.

(iii) An obligor that is required to file a mechanical repair contract under this subsection shall pay a filing fee as provided in § 2–112(a)(9) of the Insurance Article.

(iv) The Commissioner may investigate and determine whether a mechanical repair contract filed under this paragraph is in compliance with this section.

(v) If, after a hearing, the Commissioner finds that a mechanical repair contract is not in compliance with this section, the Commissioner shall issue an order that requires that use of the mechanical repair contract be discontinued after a date specified in the order.

(vi) Pending a hearing, the Commissioner may issue an order that suspends use of a mechanical repair contract filed by an obligor if the Commissioner has reasonable cause to believe that:

1. The mechanical repair contract is in violation of this section;

2. Unless the order of suspension is issued, purchasers of the mechanical repair contract will suffer irreparable harm;

3. The harm that purchasers of the mechanical repair contract will suffer in the absence of the order of suspension outweighs the harm that the obligor would suffer if the order of suspension were issued; and

4. The order of suspension will not cause substantial harm to the public.

(vii) Unless the obligor waives a hearing, the Commissioner:

1. Shall hold a hearing within 15 business days after issuing the order of suspension; and

2. Within 15 business days after the conclusion of the hearing, shall make a determination and issue an order as to whether the mechanical repair contract should be disapproved.

(c) (1) An obligor shall register with the Insurance Commissioner each year.

(2) As part of registration, an obligor shall provide the following information for registration with the Commissioner:

(i) The name, corporate address, and telephone number of the obligor;

(ii) The name, address, and telephone number of an individual designated to receive correspondence on behalf of the obligor; and

(iii) The name and address of a designated agent authorized to accept service on behalf of the obligor in the State.

(3) An obligor shall notify the Commissioner within 30 days of any change to the registration information required under this subsection.

(4) An obligor that is required to register under this section shall pay an annual registration fee as provided in § 2-112(a)(11) of the Insurance Article.

(5) (i) Only a licensed vehicle dealer, an agent, or a registered obligor, or an employee of a licensed vehicle dealer, an agent, or a registered obligor may offer, sell, or negotiate a mechanical repair contract.

(ii) An obligor or a licensed vehicle dealer is liable for the actions of its agent when the agent is offering or selling a mechanical repair contract on behalf of the obligor or vehicle dealer.

(iii) The Commissioner may pursue an action against a person that violates this paragraph.

(6) Subject to paragraph (7) of this subsection, the Commissioner shall register each obligor that meets the requirements of this section.

(7) The Commissioner may deny a registration to an applicant or refuse to renew, suspend, or revoke the registration of a registrant, after notice and an opportunity for a hearing under §§ 2–210 through 2–214 of the Insurance Article, if the applicant or registrant, or an officer, director, or employee of the applicant or registrant:

(i) Makes a material misstatement or misrepresentation in an application for registration;

(ii) Fraudulently or deceptively obtains or attempts to obtain a registration for the applicant, the registrant, or another person;

(iii) Has been convicted of a felony or of a misdemeanor involving moral turpitude in connection with the sale, solicitation, negotiation, or administration of a mechanical repair contract;

(iv) Commits fraud or engages in illegal or dishonest activities in connection with the administration of a mechanical repair contract; or

(v) Has violated any provision of this section or a regulation adopted under this section.

(8) Instead of, or in addition to, suspending or revoking a registration, the Commissioner may impose on the registrant a civil penalty of:

(i) Not less than \$100 but not exceeding \$1,000 for each violation of this section; and

(ii) Not less than \$100 but not exceeding \$5,000 for each violation of this section committed by an agent or the agent's employee while offering or selling a mechanical repair contract on behalf of the registrant.

(d) (1) An obligor or a licensed vehicle dealer that uses an agent to sell a mechanical repair contract shall:

(i) Maintain a list of its agents; and

(ii) Make the list available to the Insurance Commissioner on request.

(2) An agent shall:

(i) Maintain a list containing the names of each employee who is authorized to sell a mechanical repair contract; and

(ii) On request, provide the list to its obligor or licensed vehicle dealer within 10 business days from receipt of the request.

(3) A list maintained under this subsection may be stored in an electronic format.

(e) A mechanical repair contract shall be offered in addition to any express warranty originally included as part of the contract for sale of a new motor vehicle.

(f) A mechanical repair contract shall clearly and conspicuously set forth the date when the warranty begins.

(g) A mechanical repair contract shall clearly and conspicuously set forth the date or the odometer reading at which the warranty expires and the name and address of the insurer issuing the policy of insurance as described in subsection (b) of this section.

(h) The repair of a malfunction or defect covered under a mechanical repair contract shall include the cost of the teardown and diagnosing the malfunction or defect.

(i) The provisions of the Maryland Consumer Products Guaranty Act, Title 14, Subtitle 4 of the Commercial Law Article, apply to a mechanical repair contract sold in the State.

(j) The provisions of this section do not apply to mechanical repair contracts issued by the motor vehicle manufacturer or the distributor or a wholly owned subsidiary of the manufacturer or the distributor as defined in § 15–201 of this title.

(k) Notwithstanding subsection (j) of this section, licensed vehicle dealers and obligors who sell mechanical repair contracts shall have the same obligations as a seller under § 2–314 of the Commercial Law Article.

(l) A person that sells a mechanical repair contract may not, directly or indirectly, make a false, deceptive, or misleading statement with respect to:

(1) The person's affiliation with a motor vehicle manufacturer, manufacturer's subsidiary, distributor, factory branch, or dealer;

(2) The person's possession of information regarding the manufacturer's original equipment warranty for a motor vehicle;

(3) The expiration of a manufacturer's original equipment warranty for a motor vehicle; or

(4) A requirement that a motor vehicle owner register for a new mechanical repair contract with the person in order to maintain coverage under the owner's current mechanical repair contract or the manufacturer's original equipment warranty.

(m) Except as expressly provided under this section, an obligor that complies with this section is not required to comply with any other provisions of the Insurance Article.

(n) Unless specifically described in subsection (a)(3) of this section, a mechanical repair contract may not provide indemnification for a loss caused by collision or by perils that are commonly covered by comprehensive or collision provisions of a motor vehicle insurance policy.

(o) In addition to any applicable disclosures required by the Maryland Consumer Products Guaranty Act, (Title 14, Subtitle 4 of the Commercial Law Article), a mechanical repair contract shall include the following disclosures:

(1) The name, corporate address, and telephone number of the obligor and the mechanical repair contract seller; and

(2) The right of the purchaser of the mechanical repair contract to make a direct claim against the insurer issuing a policy of insurance as provided in subsection (b)(3) of this section.

**(P) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C)(5) OF THIS SECTION:**

**(1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND**

**(2) MAY BE REQUIRED TO PAY RESTITUTION.**

REVISOR'S NOTE: Subsection (p) of this section is new language derived without substantive change from former § 27-101(ff) of this article.

(a) A dealer or an agent or employee of a dealer may not permit any individual to road test a motor vehicle if he knows that the other individual does not have a license to drive of the appropriate class.

(b) A dealer or an agent or employee of a dealer may not make any material misrepresentation in obtaining a vehicle sales contract.

(c) A dealer or an agent or employee of a dealer may not commit any fraud in the execution of or any material alteration of a contract, power of attorney, or other document incident to a sales transaction.

(d) A dealer or an agent or employee of a dealer may not prepare or accept any promissory note or other evidence of indebtedness on a vehicle sales contract knowing that it requires the debtor to pay an amount greater than that agreed on in the written contract for the sale of the vehicle.

(e) A dealer or an agent or employee of a dealer may not willfully fail to perform, without justification, any vehicle sales contract.

(f) A dealer or an agent or employee of a dealer may not materially deviate from or disregard, without the consent of the buyer, any of the original terms of the contract.

(g) A dealer or an agent or employee of a dealer may not willfully fail to comply with the terms of a warranty or guarantee.

(h) A dealer or an agent or employee of a dealer may not rent a dealer registration plate issued by the Administration.

**(I) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (i) of this section is new language derived without substantive change from former § 27-101(c)(6) of this article.

15-313.

(a) A dealer or an agent or employee of a dealer may not use any advertisement that is in any way false, deceptive, or misleading.

(b) A dealer or an agent or employee of a dealer may not by any means advertise or offer to the public any vehicle without intent to sell it as advertised or offered.

(c) (1) A dealer or an agent or employee of a dealer:

(i) May not state the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15–311.1 of this subtitle; and

(ii) Shall print the full delivered purchase price in a vehicle advertisement in the largest font used in the advertisement to provide any information related to the price of the vehicle.

(2) The advertisement of a leased vehicle by a dealer is governed under Title 14, Subtitle 20 of the Commercial Law Article.

(d) (1) A dealer or an agent or employee of a dealer may not place on a vehicle an insignia, logo, or other plate that advertises the name of the dealer, unless:

(i) The contract of sale for the vehicle contains a notice of the rights of the buyer described in this subsection; and

(ii) The buyer of the vehicle consents to the placement of the insignia, logo, or other plate on the vehicle.

(2) A dealer or an agent or employee of a dealer may enter into an agreement with a buyer of a vehicle to compensate the buyer in exchange for the buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that advertises the name of the dealer.

(3) If a dealer or an agent or employee of a dealer places an insignia, logo, or other plate that advertises the name of the dealer without obtaining a buyer's consent, the dealer shall, at the request of the buyer, remove the advertising and make all repairs necessary to restore the vehicle to its original appearance at no charge to the buyer.

(e) A dealer or an agent or employee of a dealer may not sell a Class A (passenger) or Class M (multipurpose) vehicle that has a maximum speed capability of more than 25 miles per hour but less than 55 miles per hour unless the dealer:

(1) Permanently affixes an emblem to the vehicle in accordance with § 21–805.1 of this article; and

(2) Informs the buyer in writing that the vehicle may be driven lawfully only on highways on which the speed capability of the vehicle exceeds the posted maximum speed limit for the highway by at least 5 miles per hour.

**(F) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27-101(c)(7) of this article.

15-314.

(a) A dealer or an agent or employee of a dealer may not misrepresent any material fact in obtaining a license.

(b) A dealer or an agent or employee of a dealer may not conduct a dealership in any name other than the one in which the dealer is licensed.

(c) A dealer or an agent or employee of a dealer may not willfully fail to notify the Administration of any change of ownership, management, business name, or location or of the employment of vehicle salesmen, as required by this title.

(d) A dealer or an agent or employee of a dealer may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(e) A dealer or an agent or employee of a dealer may not sell any new motor vehicle, or new two-stage motor vehicle unless the manufacturer or distributor of the vehicle is licensed as required by this title.

(f) A dealer or an agent or employee of a dealer may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

(g) A dealer or an agent or employee of a dealer may not willfully violate any of the dealer licensing laws of this State.

**(H) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (h) of this section is new language derived without substantive change from former § 27-101(c)(8) of this article.

15-402.

(a) A person may not act as a vehicle salesman unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a vehicle salesman's license in this State or whose vehicle salesman's license is revoked or suspended may not conduct the business of a vehicle salesman under any license, permit, or registration certificate issued by any other jurisdiction.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(i) of this article, as it related to this section.

15–411.

(a) A vehicle salesman may not fail to account for and remit to his dealership any payment received by him in connection with a vehicle sales contract.

(b) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15–312 of this title as to vehicle sales transactions.

(c) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15–313 of this title on prohibited advertising practices.

(d) A vehicle salesman may not misrepresent any material fact in obtaining a license.

(e) A vehicle salesman may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(f) A vehicle salesman may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

**(G) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27–101(c)(9) of this article.

15–502.

(a) A person may not conduct the business of an automotive dismantler and recycler or a scrap processor, or engage in the business of acquiring or offering to purchase

or remove vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, unless the person is licensed by the Administration under this subtitle.

(b) (1) A person may not advertise for the purchase, towing, or removal of junk or abandoned vehicles unless the person is licensed by the Administration under this subtitle.

(2) Any advertisement for the purchase, towing, or removal of junk or abandoned vehicles by a licensee under this subtitle shall include the license number of the licensee.

(c) A person may not store on any private property for more than 30 days any vehicle that is to be dismantled, destroyed, or scrapped, unless the person is an automotive dismantler and recycler or a scrap processor licensed under this subtitle.

(d) This section does not prohibit an unlicensed person from purchasing, transporting, towing, or removing a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.

**(E) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(i) of this article, as it related to this section.

15-509.

(a) (1) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle from a person other than the owner of the vehicle and does not receive a certificate of title, a certificate of authority under § 25-209 of this article, or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

(2) This section does not apply to a vehicle towed from residential or commercial property under a continuing contract to tow unauthorized vehicles, for which a certificate of authority is required to be obtained under § 25-209 of this article.

(b) (1) As soon as reasonably possible and within 7 days after it takes a vehicle into possession from a person other than the owner of the vehicle, an automotive dismantler and recycler or scrap processor shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) The last known registered owner of the vehicle; and

(ii) Each secured party, as shown on the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Give the location of the facility where the vehicle is held;

(iv) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the date of the notice, on payment of all towing, recovery, and storage charges owed to the automotive dismantler and recycler or scrap processor resulting from taking or holding the vehicle; and

(v) State that the failure of the owner or secured party to exercise this right in the time provided is:

1. A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle; and

2. A consent to the dismantling, destroying, or scrapping of the vehicle.

(c) If the automotive dismantler and recycler or scrap processor receives with the vehicle documentary proof that the notification procedures of subsection (b) of this section already have been completed by another person before taking possession of the vehicle or that the vehicle is being received from the owner of the vehicle or an agent of the owner, the automotive dismantler and recycler or scrap processor may accept documentation as to notice or ownership as proof of compliance and is not required to repeat provision of this notification.

(d) In addition to documentation of notice under subsections (b) and (c) of this section, an automotive dismantler and recycler or scrap processor shall obtain from a person who provides the vehicle:

- (1) An affidavit in a form approved by the Administration signed under penalty of perjury by the person providing the vehicle;
- (2) A copy of the driver's license of the person who provides the vehicle;
- (3) Any proof of ownership documents acceptable to the Administration, if available; and
- (4) If the vehicle is transported by a tow vehicle, a copy of the registration of the tow vehicle.

(e) An affidavit under subsection (d) of this section shall include:

- (1) A statement that the person providing the vehicle has the lawful right to possess the vehicle and the basis of that right;
- (2) A statement that, except as provided in § 25–209 of this article, the vehicle may not be retitled and may only be dismantled, destroyed, or scrapped;
- (3) A description of the vehicle, including year, make, model, color, and vehicle identification number;
- (4) The name, address, driver's license number, and signature of the person providing the vehicle;
- (5) An acknowledgement that:
  - (i) The form is being signed under penalty of perjury; and
  - (ii) The penalties established under [§ 27–101.2 of this article]  
**SUBSECTION (K) OF THIS SECTION** apply;
- (6) The date the vehicle is provided to the automotive dismantler and recycler or scrap processor;
- (7) The name, address, and State-issued license number of the automotive dismantler and recycler or scrap processor acquiring the vehicle; and
- (8) The printed name, title, and signature of the person accepting the vehicle.

(f) The automotive dismantler and recycler or scrap processor shall keep and make available for inspection by a law enforcement agency for 3 years under procedures adopted by the Administration by regulation:

(1) All documentation of notice provided under subsection (b) or (c) of this section; and

(2) All additional documentation required to be obtained or kept on file under subsection (d) of this section.

(g) An automotive dismantler and recycler or scrap processor may not accept a vehicle that is transported by a tow truck unless the tow truck is registered under § 13–920 of this article.

(h) On receipt of a vehicle, an automotive dismantler and recycler or scrap processor shall comply with procedures for notification, reporting, and document retention as established by the Administration by regulation.

(i) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle for the purpose of dismantling, recycling, or scrap processing, without having to obtain a certificate of title for it in his own name, if:

(1) The automotive dismantler and recycler or scrap processor has complied with this section; and

(2) The vehicle has not been recovered or reclaimed, before the end of the 11–working day period specified in the notice, by the owner, secured party, or other person entitled to its possession.

**(J) A PERSON MAY NOT KNOWINGLY MAKE A FALSE STATEMENT ON AN AFFIDAVIT OF LAWFUL POSSESSION UNDER THIS SECTION.**

**(K) A PERSON WHO VIOLATES SUBSECTION (J) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsections (j) and (k) of this section are new language derived without substantive change from former § 27–101.2 of this article, as it related to this section.

In subsection (e)(5)(ii) of this section, the correction to the cross-reference is made due to the recodification of former § 27–101.2 as subsection (k) of this section.

Subsection (j) of this section is revised in standard language used to state a prohibition.

**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON CONVICTED OF A VIOLATION OF THIS SUBTITLE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-101(d)(5) of this article.

16-101.

(a) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:

- (1) The individual holds a driver's license issued under this title;
- (2) The individual is expressly exempt from the licensing requirements of this title; or
- (3) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.

(b) Each individual operating on any highway in this State a moped, as defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.5 of this article, shall have with the individual:

(1) A driver's license issued to the individual under this title, which license may be of any class issued by the Administration;

(2) If the individual is a nonresident of this State, a license to drive issued to the individual by the state or country of the individual's residence, which license may be for any class of vehicle; or

(3) A moped operator's permit issued to the individual under this subtitle.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(y) of this article.

16–102.

(a) The licensing requirements of this title do not apply to:

(1) An officer or employee of the United States while driving on official business a motor vehicle other than a commercial motor vehicle owned or operated by the United States;

(2) Except for members elected from this State, a member of the United States Congress who resides in this State during his term of office in the Congress;

(3) An individual while driving any road machine, farm tractor, or farm equipment temporarily driven on a highway in this State, or dock equipment at Dundalk or Locust Point marine terminals which does not require registration under the provisions of this article;

(4) An individual who, while driving a mobile crane on a highway to or from a construction site in this State, has with him a valid Class A, B, or C license issued to him under § 16–104.1 of this subtitle or a Class A or B commercial driver's license issued to him under this title;

(5) A nonresident student enrolled in an accredited school, college, or university of this State or of a bordering state or serving a medical internship in this State, if:

(i) The state of which the student is a resident extends the same privileges to the residents of this State;

(ii) The student has with him a license to drive issued to him by the state of which he is a resident; and

(iii) The license authorizes the student to drive in the state of which he is a resident vehicles of the class he is driving in this State;

(6) A new resident of this State during the first 60 days of residency, if:

(i) The individual has a valid license issued by the state of which the individual formerly was a resident;

(ii) The license authorizes the individual to drive in the state of former residence vehicles of the class the individual is driving in this State; and

(iii) The individual is at least the same age as that required for a resident to drive a vehicle of the same class the individual is driving in this State;

(7) A member of the armed forces of the United States or of the United States Public Health Service who is serving on active duty and any dependent of the member, if:

(i) The driver has with him a license to drive issued to him by his state of domicile; and

(ii) The license authorizes the driver to drive in his state of domicile vehicles of the class he is driving in this State;

(8) For not more than 30 days after he returns to the United States, a member of the armed forces of the United States who is returning from active duty outside the United States and any dependent of the member who is returning from residence with the member outside the United States; if:

(i) The driver has with him a license to drive issued to him by the armed forces of the United States in a place outside the United States; and

(ii) The license authorizes the driver to drive vehicles of the class he is driving in this State;

(9) A nonresident of this State if:

(i) He has with him a license to drive issued to him by the state of his residence;

(ii) His license authorizes him to drive in that state vehicles of the class he is driving in this State; and

(iii) He is at least the same age as that required of a resident for the vehicle he is driving in this State;

(10) A nonresident of the United States if:

(i) The individual has a valid license to drive issued to the individual by the country of residence;

(ii) The individual's license authorizes him to drive in that country vehicles of the class he is driving in this State;

(iii) The individual is at least the same age as that required of a resident for the vehicle he is driving in this State; and

(iv) Except as provided for in Subtitle 8 of this title, the vehicle is not a commercial motor vehicle;

(11) A member of the Maryland National Guard or a National Guard military technician if:

(i) The driver is driving a military vehicle in the performance of duty; and

(ii) The driver has with him an operator's identification card issued by the Maryland National Guard for the type of military vehicle being driven; and

(12) A member or employee of a fire department, rescue squad, emergency medical services unit, or volunteer fire company while driving an emergency vehicle if the driver:

(i) Holds a valid Class C license issued to the driver under § 16–104.1 of this subtitle;

(ii) Has been authorized by the political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department to operate the type of emergency vehicle being driven; and

(iii) Is driving the emergency vehicle in the performance of the official duties of the driver in or out of this State.

(b) (1) The Administration shall adopt regulations that establish mandatory training and testing requirements that a political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department must implement before the political subdivision may authorize an individual to operate an emergency vehicle in accordance with subsection (a)(12) of this section.

(2) The Administration shall adopt the regulations required under this subsection in consultation with:

(i) The Maryland Firemen's Association;

(ii) The Maryland Fire Chief's Association;

(iii) The Professional Firefighters Association of Maryland;

(iv) The Metropolitan Fire Chief's Council; and

(v) The Maryland Fire and Rescue Institute of the University of Maryland.

[(c) An individual who is subject to the provisions of this section and who fails to comply with the provisions of this section is guilty of a misdemeanor.]

REVISOR'S NOTE: Subsection (c) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided, and § 27-102 of this article, which makes it a misdemeanor to violate a regulation adopted under the Maryland Vehicle Law.

16-113.

(a) (1) In addition to the vision and other restrictions provided for in this subtitle, when it issues a driver's license, the Administration for good cause may impose on the licensee:

(i) Any restrictions suitable to the licensee's driving ability with respect to the type of special mechanical control devices required on motor vehicles that the licensee may drive;

(ii) An alcohol restriction which prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

(iii) Any other restrictions applicable to the licensee that the Administration determines appropriate to assure the safe driving of a motor vehicle by the licensee.

(2) An alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood may, as described in subsections (b) and (g) of this section, include a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a participant in the Ignition Interlock System Program established under § 16-404.1 of this title.

(b) (1) Notwithstanding the licensee's driving record, the Administration shall impose on each licensee under the age of 21 years an alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood.

(2) An alcohol restriction imposed under this subsection expires when the licensee reaches the age of 21 years.

(3) This subsection may not be construed or applied to limit:

(i) The authority of the Administration to impose on a licensee an alcohol restriction described in subsection (a)(2) of this section; or

(ii) The application of any other provision of law that prohibits consumption of an alcoholic beverage by an individual under the age of 21 years.

(4) An individual under the age of 21 years who is convicted of a violation of § 21–902(a), (b), or (c) of this article may be required, for a period of not more than 3 years, to participate in the Ignition Interlock System Program in order to retain the individual's driver's license.

(c) (1) Subject to the provisions of paragraph (2) of this subsection, the Administration may:

- (i) Issue a special restricted license; or
- (ii) Set forth the restrictions on the usual license form.

(2) The Administration shall indicate on the license of a licensee under the age of 21 years that an alcohol restriction has been imposed on the licensee under subsection (b) of this section.

(d) (1) Notwithstanding the licensee's driving record, the Administration shall impose an hour restriction on a provisional driver's license issued to an applicant under the age of 18.

(2) The restriction under this subsection shall limit the holder of a provisional license to driving unsupervised only between the hours of 5 a.m. and 12 midnight.

(3) This subsection does not preclude the holder of a provisional license from driving between the hours of 12 midnight and 5 a.m. the following day if the licensee is:

- 21 years old:
  - (i) Accompanied and supervised by a licensed driver who is at least 21 years old;
  - (ii) Driving to or from or in the course of the licensee's employment;
  - (iii) Driving to or from a school class or official school activity;
  - (iv) Driving to or from an organized volunteer program; or
  - (v) Driving to or from an opportunity to participate in an athletic event or related training session.

(4) The hour restriction and the supervision requirement under this subsection expire on the date the holder of the provisional license turns 18 years of age.

(d-1) (1) Notwithstanding the licensee's driving record, and subject to paragraph (2) of this subsection, the Administration shall impose a restriction on each provisional driver's license prohibiting the licensee from operating a motor vehicle if the driver and

each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat.

(2) It is not a violation of the restriction under paragraph (1) of this subsection if an individual covered by a medical exception under § 22-412.2(f) or § 22-412.3(d) and (e) of this article is not restrained.

(3) The restrictions under paragraph (1) of this subsection expire on the date that the holder of a provisional license turns 18 years of age.

(e) (1) In addition to the other restrictions provided under this subtitle, the Administration may issue:

(i) A driver's license that is valid only in the State of Maryland to an applicant who has been suspended in another jurisdiction as a result of failing to comply with the financial responsibility requirements of that jurisdiction; or

(ii) A temporary driver's license that is valid only in the State of Maryland to an applicant for reinstatement of a suspended or revoked driver's license, renewal of a driver's license, or a duplicate or corrected driver's license if, at the time of application:

1. The applicant's privilege to drive in another jurisdiction is revoked or suspended as a result of failing to comply with the licensing requirements of that jurisdiction for which a comparable violation in this State would not have resulted in revocation or suspension;

2. The initial violation that led to the revocation or suspension did not occur within the preceding 5 years;

3. The applicant is otherwise qualified to be licensed in this State; and

4. The Administration determines that the applicant will be able to take any actions required by the other jurisdiction for reinstatement of the privilege to drive in that jurisdiction.

(2) A temporary license issued under paragraph (1) of this subsection shall be valid for 90 days.

(3) The Administration shall adopt regulations for the issuance of temporary licenses under paragraph (1) of this subsection.

(f) After receiving satisfactory evidence of any violation of a restricted or provisional driver's license, the Administration may suspend or revoke the license.

However, the licensee may request a hearing as provided for a suspension or revocation under Subtitle 2 of this title.

(g) (1) The Administration shall impose an alcohol restriction under subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years from driving or attempting to drive with alcohol in the individual's blood on any licensee who is convicted within 5 years of any combination of two or more violations under § 21–902(a), (b), or (c) of this article.

(2) If a circuit court or the District Court orders a licensee not to drive or attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under § 27–107 of this article, the licensee to participate in the Ignition Interlock System Program established under § 16–404.1 of this title, the Administration shall have the licensee's driving record and driver's license reflect that the court ordered restriction was imposed, and shall keep records of the order.

(h) An individual may not drive a vehicle in any manner that violates any restriction imposed by the Administration in a restricted license issued to the individual.

(i) An individual may not drive a vehicle in any manner that violates any restriction imposed in a provisional license issued to the individual.

(j) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual's blood in violation of a restriction.

(k) A participant in the Ignition Interlock System Program under § 16–404.1 of this title may not drive or attempt to drive a vehicle that is not equipped with an ignition interlock system in violation of an ignition interlock system restriction on a license issued to the participant.

**(L) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (J) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (K) OF THIS SECTION IS SUBJECT TO:**

**(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsection (l) of this section is new language derived without substantive change from former § 27-101(c)(10) and, as it related to this section, (h) of this article.

16-301.

- (a) A person may not knowingly or fraudulently obtain or attempt to obtain a license to drive or a moped operator's permit by misrepresentation.
- (b) A person may not in any application for a license to drive or a moped operator's permit:
  - (1) Use a false or fictitious name;
  - (2) Knowingly make a false statement;
  - (3) Knowingly conceal a material fact;
  - (4) Use a false, fictitious, or fraudulently altered document; or
  - (5) Otherwise commit a fraud.
- (c) A person may not display or cause or permit to be displayed any canceled license.
- (d) A person may not display or cause or permit to be displayed any revoked license.
- (e) A person may not display or cause or permit to be displayed any suspended license.
- (f) A person may not display or cause or permit to be displayed any fictitious license.
- (g) A person may not display or cause or permit to be displayed any fraudulently altered license.
- (h) A person may not possess any canceled license.
- (i) A person may not possess any revoked license.
- (j) A person may not possess any suspended license.
- (k) A person may not possess any fictitious license.
- (l) A person may not possess any fraudulently altered license.

(m) A person may not lend his license to any other person or knowingly permit the use of his license by another.

(n) A person may not display or represent as his own any license not issued to him.

(o) A person may not fail or refuse to surrender to the Administration on its lawful demand any license that has been suspended, revoked, or canceled.

(p) A person may not permit any unlawful use of a license issued to him.

(q) A person may not do any act forbidden or fail to perform any act required by this title.

**(R) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OR (B) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

REVISOR'S NOTE: Subsection (r) of this section is new language derived without substantive change from former § 27-101(c)(11) and, as it related to this section, (cc) of this article.

16-303.

(a) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is refused in this State or any other state.

(b) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is canceled in this State.

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is suspended in this State.

(d) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is revoked in this State.

(e) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is canceled.

(f) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is suspended.

(g) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is revoked.

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended under § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

(i) (1) This subsection applies only to a person whose license or privilege to drive is suspended under the traffic laws or regulations of another state for:

(i) Failure to comply with a notice to appear in a court of that state contained in a traffic citation issued to the person; or

(ii) Failure to pay a fine for a violation of any traffic laws or regulations of that state.

(2) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended under the traffic laws or regulations of any other state as described in paragraph (1) of this subsection.

(j) (1) Except as provided in paragraph (2) of this subsection, any individual who violates a provision of this section shall be assessed the points as provided for in § 16–402(a)(34) of this title.

(2) Any individual who violates a provision of subsection (h) or subsection (i) of this section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

**(K) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (H) OR (I) OF THIS SECTION:**

- (I) IS SUBJECT TO A FINE NOT EXCEEDING \$500;**
- (II) MUST APPEAR IN COURT; AND**
- (III) MAY NOT PREPAY THE FINE.**

REVISOR'S NOTE: Subsection (k) of this section is new language derived without substantive change from former § 27-101(gg) and, as it related to this section, (h) of this article.

**16-303.1.**

**(A) IN THIS SECTION, "POLICE DEPARTMENT" HAS THE MEANING STATED IN § 25-201 OF THIS ARTICLE.**

**(B) (1) FOR THE PURPOSE OF IMPOUNDING OR IMMOBILIZING A VEHICLE UNDER THIS SECTION, THE POLICE DEPARTMENT MAY USE ITS OWN PERSONNEL, EQUIPMENT, AND FACILITIES OR, SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, USE OTHER PERSONS, EQUIPMENT, AND FACILITIES FOR IMMOBILIZING VEHICLES OR REMOVING, PRESERVING, AND STORING IMPOUNDED VEHICLES.**

**(2) A POLICE DEPARTMENT MAY NOT AUTHORIZE THE USE OF A TOW TRUCK UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE TOW TRUCK IS REGISTERED UNDER § 13-920 OF THIS ARTICLE.**

**(C) (1) AS A SENTENCE, A PART OF A SENTENCE, OR A CONDITION OF PROBATION, A COURT MAY ORDER, FOR NOT MORE THAN 180 DAYS, THE IMPOUNDMENT OR IMMOBILIZATION OF A SOLELY OWNED VEHICLE USED IN THE COMMISSION OF A VIOLATION OF § 16-303(C) OR (D) OF THIS SUBTITLE IF, AT THE TIME OF THE VIOLATION:**

**(I) THE OWNER OF THE VEHICLE WAS DRIVING THE VEHICLE; AND**

**(II) THE OWNER'S LICENSE WAS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE.**

(2) AMONG THE FACTORS THAT A COURT MAY CONSIDER BEFORE ORDERING AN IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE IS WHETHER THE VEHICLE IS THE PRIMARY MEANS OF TRANSPORTATION AVAILABLE FOR THE USE OF THE INDIVIDUAL'S IMMEDIATE FAMILY.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COURT MAY NOT ORDER IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE UNDER THIS SECTION IF THE REGISTERED OWNER OF THE VEHICLE MADE A BONA FIDE SALE, GIFT, OR OTHER TRANSFER OF THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE FINDING OF A VIOLATION OF § 16-303(C) OR (D) OF THIS SUBTITLE.

(II) THE REGISTERED OWNER OF THE VEHICLE HAS THE BURDEN OF PROVING THAT A BONA FIDE SALE, GIFT, OR OTHER TRANSFER OF THE VEHICLE HAS OCCURRED.

(D) (1) THE REGISTERED OWNER OF A VEHICLE IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION IS RESPONSIBLE FOR ALL ACTUAL COSTS INCURRED AS A RESULT OF THE IMMOBILIZATION OF THE VEHICLE OR THE TOWING, PRESERVING, AND STORING OF THE IMPOUNDED VEHICLE.

(2) THE COURT MAY REQUIRE THE REGISTERED OWNER OF A VEHICLE IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION TO POST A BOND OR OTHER ADEQUATE SECURITY EQUAL TO THE ACTUAL COSTS OF IMMOBILIZING THE VEHICLE OR TOWING, PRESERVING, AND STORING THE VEHICLE AND PROVIDING THE NOTICES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(3) SUBJECT TO THIS SECTION, A POLICE DEPARTMENT THAT IMPOUNDS A VEHICLE BY TAKING THE VEHICLE INTO CUSTODY OR IMMOBILIZES A VEHICLE UNDER THIS SECTION PROMPTLY SHALL RETURN POSSESSION OR USE OF THE VEHICLE TO THE REGISTERED OWNER OF THE VEHICLE ON PAYMENT OF ALL ACTUAL COSTS OF IMMOBILIZING THE VEHICLE OR TOWING, PRESERVING, AND STORING THE IMPOUNDED VEHICLE AND PROVIDING THE NOTICES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(E) IF A COURT ORDERS THE IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE UNDER THIS SECTION, THE COURT SHALL PROVIDE FOR THE EXECUTION OF THE IMPOUNDMENT OR IMMOBILIZATION BY A POLICE DEPARTMENT.

(F) (1) IF A COURT ORDERS THE IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE UNDER THIS SECTION, THE POLICE DEPARTMENT THAT EXECUTES THE IMMOBILIZATION OR THE IMPOUNDMENT BY TAKING THE VEHICLE INTO CUSTODY,

SHALL, AS SOON AS REASONABLY POSSIBLE AND WITHIN 7 DAYS AFTER THE POLICE DEPARTMENT EXECUTES THE COURT ORDER, SEND A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO:

(I) EACH REGISTERED OWNER OF THE VEHICLE AS SHOWN IN THE RECORDS OF THE ADMINISTRATION; AND

(II) EACH SECURED PARTY, AS SHOWN IN THE RECORDS OF THE ADMINISTRATION.

(2) THE NOTICE SHALL:

(I) STATE THAT THE VEHICLE HAS BEEN IMMOBILIZED OR IMPOUNDED BY BEING TAKEN INTO CUSTODY;

(II) DESCRIBE THE YEAR, MAKE, MODEL, AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE;

(III) PROVIDE THE LOCATION WHERE THE VEHICLE IS IMMOBILIZED OR THE LOCATION OF THE FACILITY WHERE THE VEHICLE IS IMPOUNDED;

(IV) INCLUDE THE AMOUNT OF THE ACTUAL COSTS OF IMMOBILIZATION OR TOWING, PRESERVATION, AND STORAGE OF AN IMPOUNDED VEHICLE;

(V) INCLUDE THE AMOUNT OF THE ACTUAL COSTS OF THE NOTICES REQUIRED UNDER THIS SUBSECTION; AND

(VI) PROVIDE THAT, IF AN IMPOUNDED VEHICLE IS NOT RECLAIMED WITHIN 10 DAYS AFTER THE DATE SPECIFIED IN A COURT ORDER UNDER THIS SECTION, THE IMPOUNDED VEHICLE WILL BE CONSIDERED AN ABANDONED VEHICLE AND SUBJECT TO TITLE 25, SUBTITLE 2 OF THIS ARTICLE.

(3) IF AN IMPOUNDED VEHICLE IS NOT RECLAIMED WITHIN 10 DAYS AFTER THE DATE SPECIFIED IN A COURT ORDER UNDER THIS SECTION, THE VEHICLE SHALL BE CONSIDERED AN ABANDONED VEHICLE SUBJECT TO TITLE 25, SUBTITLE 2 OF THIS ARTICLE.

(G) (1) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A LIENHOLDER FROM EXERCISING ITS RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL A VEHICLE THAT HAS BEEN IMPOUNDED OR IMMOBILIZED

UNDER THIS SECTION, IN THE EVENT OF A DEFAULT IN THE OBLIGATION GIVING RISE TO THE LIEN.

(2) (I) A LIENHOLDER THAT EXERCISES THE RIGHT TO SELL A VEHICLE THAT HAS BEEN IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION SHALL NOTIFY, IN WRITING, THE POLICE DEPARTMENT WITH CUSTODY OF THE VEHICLE OF THE LIENHOLDER'S INTENTION TO SELL THE VEHICLE.

(II) THE NOTICE SHALL BE ACCCOMPANIED BY A COPY OF EACH DOCUMENT GIVING RISE TO THE LIEN AND SHALL INCLUDE AN AFFIDAVIT UNDER OATH BY THE LIENHOLDER THAT THE UNDERLYING OBLIGATION IS IN DEFAULT AND THE REASONS FOR THE DEFAULT.

(III) ON REQUEST OF THE LIENHOLDER AND ON PAYMENT OF ALL COSTS REQUIRED UNDER THIS SECTION, THE VEHICLE SHALL BE RELEASED TO THE LIENHOLDER.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE RIGHTS AND DUTIES PROVIDED BY LAW TO THE LIENHOLDER FOR THE SALE OF COLLATERAL SECURING AN OBLIGATION IN DEFAULT SHALL GOVERN THE REPOSSESSION AND SALE OF THE VEHICLE.

(4) (I) THE LIENHOLDER MAY NOT BE REQUIRED TO TAKE POSSESSION OF THE VEHICLE BEFORE A SALE OF THE VEHICLE.

(II) THE PROCEEDS OF ANY SALE SHALL BE APPLIED FIRST TO THE ACTUAL COSTS OF IMMOBILIZATION OR TOWING, PRESERVATION, AND STORAGE OF AN IMPOUNDED VEHICLE AND THE ACTUAL COSTS OF THE NOTICES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION, THEN AS PROVIDED BY LAW FOR DISTRIBUTION OF PROCEEDS OF A SALE BY THE LIENHOLDER.

(5) (I) IF THE INTEREST OF THE OWNER IN THE VEHICLE IS REDEEMED, THE LIENHOLDER SHALL, WITHIN 10 DAYS AFTER THE REDEMPTION, MAIL A NOTICE OF THE REDEMPTION TO THE POLICE DEPARTMENT THAT IMPOUNDED OR IMMOBILIZED THE VEHICLE.

(II) IF THE VEHICLE HAS BEEN REPOSSESSED OR OTHERWISE LAWFULLY TAKEN BY THE LIENHOLDER AND THE TIME SPECIFIED BY A COURT ORDER UNDER THIS SECTION HAS NOT EXPIRED, THE LIENHOLDER SHALL RETURN THE VEHICLE WITHIN 21 DAYS AFTER THE REDEMPTION TO THE POLICE DEPARTMENT THAT IMPOUNDED OR IMMOBILIZED THE VEHICLE.

**(H) THIS SECTION DOES NOT AFFECT THE REQUIREMENTS OF TITLE 25, SUBTITLE 2 OF THIS ARTICLE REGARDING ABANDONED VEHICLES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–111 of this article.

In subsection (c)(3)(i) of this section, the phrase “a court may not order” is substituted for the former phrase “may not be ordered” for clarity.

In subsection (f)(2)(v) of this section, the reference to “this subsection” is substituted for the former reference to “this paragraph” for accuracy.

In subsection (f)(2)(vi) of this section, the reference to an impounded vehicle not being reclaimed “within 10 days after the date specified in a court order under this section” is substituted for the former reference to an impounded vehicle not being reclaimed “as required under this subsection” for accuracy and consistency within this subsection.

In subsection (g)(2)(ii) of this section, the reference to “a copy of each document” giving rise to the lien is substituted for the former reference to “copies of documents” giving rise to the lien for clarity.

16–806.

(a) Each employer shall require the information specified in § 16–805(c) of this subtitle to be provided by the applicant.

(b) An employer may not knowingly allow, require, permit, or authorize a driver to drive a commercial motor vehicle in the United States:

(1) During any period in which the driver has a driver's license suspended, revoked, or canceled by a state or has lost the privilege to operate a commercial motor vehicle in a state;

(2) During any period in which the driver has been disqualified from driving a commercial motor vehicle;

(3) During any period in which the driver has more than 1 driver's license;

(4) During any period in which the driver, the motor vehicle he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or

(5) In violation of any of the provisions of §§ 21–701 through 21–704 of this article pertaining to railroad crossings or any other federal, state, or local law or regulation substantially similar to a provision of §§ 21–701 through 21–704 of this article, pertaining to railroad grade crossings.

**(C) AN EMPLOYER THAT IS CONVICTED OF VIOLATING SUBSECTION (B)(4) OR (5) OF THIS SECTION IS SUBJECT TO THE CIVIL PENALTIES SPECIFIED IN REGULATION BY THE UNITED STATES SECRETARY OF TRANSPORTATION.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101.1(b) of this article.

16-807.

(a) (1) Except when driving under a commercial driver's instructional permit and accompanied by the holder of a driver's license valid for the class of vehicle being driven, an individual may not drive a commercial motor vehicle unless the individual:

(i) Has been issued a commercial driver's license that:

1. Is valid for the class of vehicle being operated; and

2. Has the proper endorsements for the specific vehicle or vehicle combination being operated or for the passengers or type of cargo being transported; and

(ii) Is in immediate possession of a driver's license valid for the class of vehicle being driven.

(2) It shall be a valid defense to a charge of violating paragraph (1)(ii) of this subsection for the driver to provide a certified record either from the Administration or from the licensing authority of the driver's home state showing that the driver held a valid commercial driver's license on the date of the violation.

(b) (1) Except as provided in § 16-807.1 of this subtitle, an individual may not be issued a commercial driver's license until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570), and has satisfied all other requirements of that act as well as any other requirements of this title.

(2) The tests shall be prescribed and conducted at the direction of the Administration.

(3) The Administration shall adopt regulations to waive the skill test required under paragraph (1) of this subsection in a manner consistent with 49 C.F.R. § 383.77.

(c) A commercial driver's license may be issued only to:

(1) An individual who drives or will drive a commercial motor vehicle and who is a resident of this State; and

(2) Those nonresidents who may qualify under § 16–817 of this subtitle.

(d) A commercial driver's license may not be issued to an individual:

(1) While the individual is disqualified from driving a commercial motor vehicle;

(2) While the individual's driver's license is suspended, revoked, or canceled in this State or any other state; or

(3) While the individual holds a commercial driver's license or driver's license issued by any other jurisdiction, unless the individual surrenders that license for return to the issuing jurisdiction for cancellation.

(e) (1) A commercial driver's instructional permit may be issued for the class of commercial driver's license applied for only to an individual who has passed the appropriate knowledge and vision screening tests.

(2) The holder of a commercial driver's instructional permit may drive a commercial motor vehicle on a highway only when the individual is accompanied by and under the immediate supervision of the holder of a driver's license valid for the type of vehicle driven, if the accompanying driver:

(i) Is at least 21 years old; and

(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.

**(F) EXCEPT AS PROVIDED IN § 16–101 OF THIS TITLE, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;**

**(2) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(3) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27-101(t) of this article, as it related to this section.

In the introductory language of subsection (f) of this section, the cross-reference to “§ 16-101 of this title”, which now includes former § 27-101(y), is substituted for the erroneous cross-reference to former § 27-101(f) for accuracy. The source law for subsection (f) of this section provides an exception to the enhanced penalties for violations relating to commercial driver’s licenses. The applicable exception, former § 27-101(f), sets forth penalties for violations relating to possession of a motor vehicle master key and repeat drunk and drugged driving offenses and does not explicitly reference commercial driver’s licenses. When former § 27-101(t) was enacted by Chapter 112 of 2000, however, § 27-101(f) also included enhanced penalties for driving without a license, which penalties were undoubtedly intended to be the exception to the enhanced penalties under the source law. Chapter 329 of 2006 moved the enhanced penalties for driving without a license to be under former § 27-101(y).

16-808.

(a) A person may not drive a commercial motor vehicle on any highway or any property specified in § 21-101.1 of this article:

- (1) Unless authorized to do so under this title;
- (2) While the person’s driver’s license or privilege to drive is refused in this State or any other state;
- (3) While the person’s driver’s license or privilege to drive is canceled in this State;
- (4) While the person’s driver’s license or privilege to drive is canceled by any other state;
- (5) While the person’s driver’s license or privilege to drive is suspended in this State;
- (6) While the person’s driver’s license or privilege to drive is suspended by any other state;
- (7) While the person’s driver’s license or privilege to drive is revoked in this State;
- (8) While the person’s driver’s license or privilege to drive is revoked by any other state; or

(9) While the person is:

(i) Disqualified from driving a commercial motor vehicle in this State or any other state; or

(ii) Disqualified from driving a commercial motor vehicle by the United States Department of Transportation.

(b) While a person is subject to a driver or vehicle out-of-service order, as defined in § 16–812(i)(1)(ii) of this subtitle, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

(1) While transporting nonhazardous materials;

(2) While transporting hazardous materials required to be placarded; or

(3) While operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) If a person has been issued a valid commercial driver's license, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article without the valid commercial driver's license in the person's possession.

**(D) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C) OF THIS SECTION IS SUBJECT TO:**

**(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH;**

**(II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND**

**(III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(s)(1) and (2) of this article.

In subsection (d)(1) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

16–812.

(a) The Administration shall disqualify any individual from driving a commercial motor vehicle for a period of 1 year if:

(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:

(i) A violation of § 21–902 of this article;

(ii) A violation of a federal law or any other state’s law which is substantially similar in nature to the provisions in § 21–902 of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation;

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(v) A violation of § 25–112 of this article; or

(vi) A violation of § 2–209, § 2–503, § 2–504, § 2–505, or § 2–506 of the Criminal Law Article;

(2) The individual holds a commercial instructional permit or commercial driver’s license and is convicted of committing any of the following offenses while driving a noncommercial motor vehicle:

(i) A violation of § 21–902(a), (c), or (d) of this article;

(ii) A violation of a federal law or any other state’s law which is substantially similar in nature to the provisions in § 21–902(a), (c), or (d) of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation; or

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(3) The individual, while driving a commercial motor vehicle or while holding a commercial instructional permit or commercial driver’s license, refuses to

undergo testing as provided in § 16–205.1 of this title or as is required by any other state's law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table 1, or 49 C.F.R. §§ 392.5(a)(2);

(4) The individual drives or attempts to drive a commercial motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or greater; or

(5) The individual drives a commercial motor vehicle when, as a result of prior violations committed while driving a commercial motor vehicle, the driver's commercial instructional permit or commercial driver's license is revoked, suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

(b) If any of the offenses in subsection (a) of this section occurred while transporting a hazardous material required to be placarded, the Administration shall disqualify the individual for a period of 3 years.

(c) The Administration shall disqualify any person from driving a commercial motor vehicle for life for 2 or more violations of any of the offenses specified in subsection (a) or (b) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

(d) The Administration shall adopt regulations establishing guidelines, including conditions, under which a disqualification for life may be reduced to a period of time which may be permitted by federal regulations.

(e) The Administration shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled dangerous substance, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance.

(f) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted under the laws of this State or any other state of 2 serious traffic violations arising from separate incidents occurring within a 3–year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(g) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 120 days if convicted under the laws of this State or any other state of 3 serious traffic violations arising from separate incidents occurring within a 3–year period committed:

- (1) While operating a commercial motor vehicle; or
- (2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial motor vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(h) The Administration may disqualify a person from driving a commercial motor vehicle for a controlled dangerous substance offense in the manner provided under Article 41, Title 1, Subtitle 5 of the Code.

(i) (1) In this subsection the following terms have the meanings indicated:

(i) "Commercial motor vehicle" means:

1. A "commercial motor vehicle" as defined in § 16–803 of this subtitle; and

2. Except as provided in § 16–803(c)(2) of this subtitle, any self-propelled or towed vehicle used on a public highway to transport passengers or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

(ii) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is put out of service pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal Regulations, compatible laws, or the North American Uniform Out-of-Service Criteria.

(2) A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is [disqualified]:

**(I) DISQUALIFIED** for the period of time specified in regulation by the United States Secretary of Transportation; AND

**(II) SUBJECT TO THE CIVIL PENALTIES SPECIFIED IN REGULATION BY THE UNITED STATES SECRETARY OF TRANSPORTATION.**

(j) A driver who is convicted of a violation of any of the provisions of §§ 21–701 through 21–704 of this article pertaining to railroad grade crossings or any other federal, state, or local law or regulation pertaining to railroad grade crossings that is substantially similar to §§ 21–701 through 21–704 of this article, while operating a commercial motor vehicle, is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(k) (1) The Administration shall cancel a commercial instructional permit or commercial driver's license if the applicant provides information that is incomplete or incorrect.

(2) If the Administration determines, in its check of an applicant's license status and record prior to issuing a commercial instructional permit or commercial driver's license, or at any time after the commercial instructional permit or commercial driver's license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a commercial instructional permit or commercial driver's license, the Administration shall suspend, cancel, or revoke the commercial instructional permit or commercial driver's license or pending application, or disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

(3) The Administration shall cancel the commercial driver's license of any individual who fails to submit to the Administration a current certificate of physical examination, as required under 49 C.F.R. § 391.43 and § 391.45.

(l) After suspending, revoking, or canceling a commercial instructional permit or commercial driver's license, or after disqualifying a person who holds a commercial instructional permit or commercial driver's license from operating a commercial motor vehicle, the Administration shall update its records to reflect that action within 10 days.

(m) After suspending, revoking, or canceling a nonresident commercial driver's privilege, or after disqualifying a nonresident driver from operating a commercial motor vehicle, the Administration shall notify the licensing authority of the state which issued the commercial instructional permit or commercial driver's license within 10 days.

(n) An individual who is disqualified from driving a commercial motor vehicle under this section shall surrender the individual's driver's license to the Administration.

(o) (1) The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified or whose commercial driver's license is canceled under this section if:

(i) The individual surrenders the commercial instructional permit or commercial driver's license; and

(ii) The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(2) (i) The Administration may immediately reinstate an individual's noncommercial driving privilege and, subject to subparagraph (ii) of this paragraph, issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled under subsection (k)(3) of this section if:

1. The cancellation results solely from the failure to submit a certificate of physical examination;

2. The individual's driving privilege is not expired; and

3. The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(ii) The Administration may not issue a noncommercial driver's license under this paragraph unless the individual surrenders the commercial driver's license.

(p) (1) (i) On termination of a disqualification period of less than 1 year, an individual may apply for restoration of the individual's commercial instructional permit or commercial driver's license.

(ii) The Administration shall reissue a commercial instructional permit or commercial driver's license under this paragraph when the applicant pays any required fees.

(2) On termination of a disqualification period of at least 1 year, an individual may apply for a new commercial instructional permit or commercial driver's license.

(3) The Administration shall issue a commercial instructional permit or commercial driver's license to the applicant when the applicant:

(i) Passes the skills and knowledge tests required by this subtitle;

(ii) Is eligible to drive pursuant to the Commercial Driver's License Information System, and National Driver's Register;

(iii) Surrenders any previously issued driver's instructional permit or license; and

(iv) Pays the fees required by § 16–818(a)(1) of this subtitle.

(q) If an individual is disqualified based on multiple offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall disqualify the individual from driving a commercial motor vehicle for the offense which results in the lengthiest period of disqualification; and

(2) May not impose any additional periods of disqualification for the remainder of the offenses.

(r) Notwithstanding any other provision of law, an offense described in this section or § 16–205.1 of this title committed by an individual in a noncommercial motor vehicle may not be considered an offense for the purposes of disqualification if the offense occurred before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

REVISOR'S NOTE: Subsection (i)(2)(ii) of this section is new language derived without substantive change from former § 27–101.1(a) of this article.

16–813.1.

**(A)** A person may not knowingly or fraudulently obtain a commercial driver's license by misrepresentation.

**(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27–101(s)(3) of this article.

In subsection (b) of this section, the former reference to a person being "guilty of a misdemeanor" is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

16–815.

(a) (1) A Class A commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds if the GVWR of the vehicles being towed is in excess of 10,000 pounds; and

(ii) Any vehicle or combination of vehicles that a Class B commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class A commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class A commercial driver's license or an appropriately endorsed Class A

commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(b) (1) A Class B commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds;

(ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and

(iii) Any vehicle that a Class C commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class B commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class B commercial driver's license or an appropriately endorsed Class B commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(c) (1) A Class C commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any single vehicle less than 26,001 pounds gross vehicle weight rating (GVWR);

(ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and

(iii) Any vehicle which a noncommercial Class C driver's license authorizes its holder to drive, except for motorcycles.

(2) An individual who is issued a Class C commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class C commercial driver's license or an appropriately endorsed Class C commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(d) (1) A commercial driver's instructional permit authorizes the holder to operate commercial motor vehicles of Class A, B, and C subject to the conditions of Subtitle 1 of this title.

(2) An instructional permit is not a license within the meaning of the single license restriction placed upon drivers of commercial motor vehicles.

(e) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain State-issued endorsements of an operator's commercial driver's license to operate commercial motor vehicles which are:

(i) Double/triple trailers;

(ii) Vehicles designed to transport 16 or more passengers including the driver (passenger vehicles);

(iii) School buses; or

(iv) Tank vehicles.

(2) A school bus endorsement authorized under this subsection is also an endorsement for vehicles designed to transport 16 or more passengers including the driver (passenger vehicles).

(f) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain a State-issued endorsement of an operator's commercial driver's license to operate a commercial motor vehicle that is required to be placarded for hazardous materials.

(2) Before an operator can obtain a State-issued endorsement under this subsection, the operator shall apply to the Criminal Justice Information System Central Repository for a national and State criminal history records check.

(3) The Administration may not issue a hazardous materials endorsement of a commercial driver's license without the approval of the Transportation Security Administration of the federal Department of Homeland Security.

(4) The Department of Public Safety and Correctional Services and the Director of the Criminal Justice Information System Central Repository, in consultation with the Administration, may adopt regulations to carry out this section.

(g) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) An operator requesting a State-issued endorsement under subsection (f) of this section shall apply to the Central Repository for a national and a State criminal history records check.

(3) As part of the application for a criminal history records check, the operator shall submit to the Central Repository:

(i) Two complete sets of the operator's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) (i) The Central Repository shall provide a receipt to the operator for the fees paid under paragraph (3)(ii) and (iii) of this subsection.

(ii) The operator's employer may pay the fees or reimburse the operator for the fees required under paragraph (3)(ii) and (iii) of this subsection.

(5) (i) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the operator and the Transportation Security Administration of the federal Department of Homeland Security, a printed statement of the operator's criminal history record information.

(ii) If criminal history record information is reported to the Central Repository after the date of the criminal history records check, the Central Repository shall provide to the Transportation Security Administration of the federal Department of Homeland Security and the operator a revised printed statement of the operator's criminal history record information.

(6) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the Administration shall verify periodically a list of operators of commercial motor vehicles that are required to be placarded for hazardous materials.

(7) Information obtained from the Central Repository under this section shall be:

(i) Confidential and may not be disseminated; and

(ii) Used only for the purpose authorized by this section.

(8) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

**(H) EXCEPT AS PROVIDED IN § 16–101 OF THIS TITLE, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (E) OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;**

**(2) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(3) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: Subsection (h) of this section is new language derived without substantive change from former § 27–101(t) of this article, as it related to this section.

In the introductory language of subsection (h) of this section, the cross-reference to “§ 16–101 of this title”, which now includes former § 27–101(y), is substituted for the erroneous cross-reference to former § 27–101(f) for accuracy. The source law for subsection (f) of this section provides an exception to the enhanced penalties for violations relating to commercial driver’s licenses. The applicable exception, former § 27–101(f), sets forth penalties for violations relating to possession of a motor vehicle master key and repeat drunk and drugged driving offenses and does not explicitly reference commercial driver’s licenses. When former § 27–101(t) was enacted by Chapter 112 of 2000, however, § 27–101(f) also included enhanced penalties for driving without a license, which penalties were undoubtedly intended to be the exception to the enhanced penalties under the source law. Chapter 329 of 2006 moved the enhanced penalties for driving without a license to be under former § 27–101(y).

17–107.

(a) A person who knows or has reason to know that a motor vehicle is not covered by the required security may not:

- (1) Drive the vehicle; or
- (2) If he is an owner of the vehicle, knowingly permit another person to drive it.

(b) (1) In any prosecution under subsection (a) of this section the introduction of the official records of the Motor Vehicle Administration showing the absence of a record that the vehicle is covered by the security required under § 17–104 of this subtitle shall be *prima facie* evidence that a person knows or has reason to know that a motor vehicle is not covered by the required security.

(2) The introduction of evidence of the records of the Administration may not limit the introduction of other evidence bearing upon whether the vehicle was covered by the required security.

(c) An owner or lessee of any motor vehicle registered under Title 13 of this article may not raise the defense of sovereign or governmental immunity as described under § 5–524 of the Courts and Judicial Proceedings Article.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(h) of this article, as it related to this section.

17–110.

**(A)** Whenever evidence of security is required under this subtitle, a person may not willfully and knowingly create, certify, file, or provide false evidence of required security.

**(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27–101(h) of this article, as it related to this section.

18–104.

**(a)** A person may not, with intent to defraud, rent to any other person any motor vehicle for which any charge is based on the distance traveled, if the person knows that the vehicle's odometer does not record correctly its actual accumulated mileage.

(b) A person may not otherwise rent to any other person any motor vehicle for which any charge is based on the distance traveled and deceive that other person as to the distance that the vehicle traveled during the rental period.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(d)(1) of this article.

20-102.

(a) (1) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

(b) (1) The driver of each vehicle involved in an accident that results in the death of another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in the death of another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

**(C) (1) IN THIS SUBSECTION, "SERIOUS BODILY INJURY" MEANS AN INJURY THAT:**

**(I) CREATES A SUBSTANTIAL RISK OF DEATH;**

**(II) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED DISFIGUREMENT;**

**(III) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED LOSS OF THE FUNCTION OF ANY BODY PART, ORGAN, OR MENTAL FACULTY; OR**

**(IV) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED IMPAIRMENT OF THE FUNCTION OF ANY BODY PART OR ORGAN.**

(2) (i) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(ii) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(3) (i) A PERSON WHO VIOLATES THIS SECTION AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT MIGHT RESULT IN SERIOUS BODILY INJURY TO ANOTHER PERSON AND SERIOUS BODILY INJURY ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(ii) A PERSON WHO VIOLATES THIS SECTION AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT MIGHT RESULT IN THE DEATH OF ANOTHER PERSON AND DEATH ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former §§ 27-113 and 27-101(o) of this article.

In subsection (c)(1)(iv) of this section, the reference to any "body part" is substituted for the former reference to any "bodily member" for consistency with subsection (c)(1)(iii) of this section.

The Department of Legislative Services notes, for consideration by the General Assembly, that the definition of "serious bodily injury" in subsection (c)(1)(iii) of this section includes an injury that causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty. The definition also includes, in subsection (c)(1)(iv) of this section, an injury that causes serious permanent or serious protracted impairment of the function of any body part or organ, but does not include an injury that causes serious permanent or serious protracted impairment of the function of any mental faculty. The General Assembly may wish to address this inconsistency.

(a) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property shall return to and remain at the scene of the accident until he has complied with § 20–104 of this title.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(c)(12) of this article.

20–104.

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.

(b) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give his name, his address, and the registration number of the vehicle he is driving and, on request, exhibit his license to drive, if it is available, to:

(1) Any person injured in the accident; and

(2) The driver, occupant of, or person attending any vehicle or other property damaged in the accident.

(c) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give the same information described in subsection (b) of this section and, on request, exhibit his license to drive, if it is available, to any police officer who is at the scene of or otherwise is investigating the accident.

(d) If a police officer is not present and none of the specified persons is in condition to receive the information to which the person otherwise would be entitled under this section, the driver, after fulfilling to the extent possible every other requirement of § 20–102 of this title and subsection (a) of this section, immediately shall report the accident

to the nearest office of an authorized police authority and give the information specified in subsection (b) of this section.

**(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(c)(13) of this article.

20-105.

(a) The driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) Subject to the provisions of subsection (c) of this section, the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property shall attempt to locate the driver, owner, or person in charge of the damaged vehicle or other property and notify him of:

- (1) His name and address;
- (2) The registration number of the vehicle he is driving; and
- (3) The name and address of the owner of that vehicle.

(c) If the driver, owner, or person in charge of the damaged vehicle or other property cannot be located, **THE DRIVER OF EACH VEHICLE INVOLVED IN AN ACCIDENT THAT RESULTS IN DAMAGE TO AN UNATTENDED VEHICLE OR OTHER UNATTENDED PROPERTY SHALL** leave in a conspicuous, secure place in or on the damaged vehicle or other property a written notice [giving the same] **PROVIDING THE** information **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(c)(14) of this article.

In subsection (c) of this section, the reference to "the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property" is added for clarity.

Also in subsection (c) of this section, the reference to the information “required under subsection (b) of this section” is substituted for the former reference to the “same” information for clarity.

20–108.

(A) A person may not give any information that he knows or has reason to believe is false in any oral or written report required by this title.

**(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27–101(c)(15) of this article.

21–206.

(a) A person without lawful authority may not willfully alter, or interfere with the operation of, any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(b) A person without lawful authority may not willfully deface any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(c) A person without lawful authority may not willfully injure any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(d) A person without lawful authority may not willfully knock down any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(e) A person without lawful authority may not willfully change the direction of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(f) A person without lawful authority may not willfully twist any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(g) A person without lawful authority may not willfully remove any part of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(h) A person without lawful authority may not possess, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control

device or a railroad sign or signal for the purpose of altering or otherwise interfering with the operation of the traffic control device or a railroad sign or signal.

**(I) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (i) of this section is new language derived without substantive change from former § 27-101(c)(16) of this article.

21-401.

Except at through highways, or as otherwise provided in this subtitle, a vehicle at an intersection:

- (1) Has the right-of-way over any other vehicle approaching from the left; and
- (2) Shall yield the right-of-way to any other vehicle approaching from the right.

21-401.1.

At a "T" intersection with no traffic control device, any person driving a vehicle on a highway that intersects but does not cross the other highway, shall yield the right-of-way to any vehicle traveling on the other highway.

21-402.

(a) If the driver of a vehicle intends to turn to the left in an intersection or into an alley or a private road or driveway, the driver shall yield the right-of-way to any other vehicle that is approaching from the opposite direction and is in the intersection or so near to it as to be an immediate danger.

(b) If the driver of a vehicle intends to turn to go in the opposite direction, the driver shall yield the right-of-way to any approaching vehicle that is so near as to be an immediate danger.

21-403.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs placed in accordance with the Maryland Vehicle Law.

(b) If the driver of a vehicle approaches a through highway, the driver shall:

- (1) Stop at the entrance to the through highway; and

(2) Yield the right-of-way to any other vehicle approaching on the through highway.

(c) If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not part of a through highway, the driver of a vehicle approaching the intersecting highway shall:

(1) Stop in obedience to the stop sign; and

(2) Yield the right-of-way to any other vehicle approaching on the intersecting highway.

(d) If a "yield" sign facing the driver of a vehicle is placed on the approach to an intersection, the driver shall:

(1) Approach the intersection with caution;

(2) Yield the right-of-way to any other vehicle approaching on the other highway; and

(3) If necessary, stop in order to yield this right-of-way.

21-404.

(a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall stop.

(b) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall yield the right-of-way to any other vehicle approaching on the highway.

(c) In this section, "paved highway" means a highway that has a hard, smooth surface of gravel, shells, crushed stone, paving blocks, asphalt, concrete, or other similar substance.

(d) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall stop.

(e) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall yield the right-of-way to any other vehicle approaching on the paved highway.

21-404.1.

(a) The driver of a vehicle about to enter or cross any other part of a highway from a crossover, whether or not sign posted, shall yield the right-of-way to any other vehicle approaching on that part of the highway.

(b) The approach to and method of making a left turn at a crossover shall be made as required by § 21-601(b) and (c) of this title.

21-405.

(a) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right-of-way.

(b) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.

(c) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.

(d) A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or a police vehicle lawfully using an audible signal unless:

- (1) The emergency vehicle has stopped; or
- (2) Otherwise directed by a police officer.

(e) Unless otherwise directed by a police officer or a traffic control device, when an emergency vehicle or a tow truck that is properly registered in accordance with § 13-920 of this article using any visual signal that meets the requirements of § 22-218 of this article is stopped, standing, or parked on a highway, the driver of a motor vehicle approaching the emergency vehicle or tow truck from the rear shall:

(1) If practicable and not otherwise prohibited, make a lane change into an available lane not immediately adjacent to the emergency vehicle or tow truck with due regard for safety and traffic conditions; or

(2) If the driver of the motor vehicle is unable to make a lane change in accordance with item (1) of this subsection, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(f) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

**21–406.**

**(A) A PERSON MAY NOT COMMIT A VIOLATION OF THIS SUBTITLE THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN THE DEATH OR, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER PERSON.**

**(B) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

**(2) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A PERSON CONVICTED OF A VIOLATION OF THIS SECTION FOR A PERIOD NOT EXCEEDING 180 DAYS.**

**(II) IN ACCORDANCE WITH TITLE 12, SUBTITLE 12 OF THIS ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A LICENSE SUSPENSION IMPOSED UNDER THIS PARAGRAPH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–114 of this article.

In subsection (a) of this section, the reference to the serious bodily injury of another “person” is added for clarity and consistency with § 20–102(c) of this article.

In subsection (b)(1) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

**21–502.**

(a) (1) This subsection does not apply where:

(i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21–503(b) of this subtitle; or

(ii) A traffic control signal is in operation.

(2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:

- (i) On the half of the roadway on which the vehicle is traveling; or
- (ii) Approaching from an adjacent lane on the other half of the roadway.

(b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) If, at a marked crosswalk or at an unmarked crosswalk at an intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

**(D) A PERSON MAY NOT COMMIT A VIOLATION OF SUBSECTION (A) OR (C) OF THIS SECTION THAT CONTRIBUTES TO AN ACCIDENT.**

**(E) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsections (d) and (e) of this section are new language derived without substantive change from former § 27-101(c)(17) and (18) of this article.

Subsection (d) of this section is revised in standard language used to state a prohibition.

In subsection (d) of this section, the former phrases “[a]s to a pedestrian in a marked crosswalk,” and “[a]s to another vehicle stopped at a marked crosswalk,” are deleted as surplusage.

21-706.

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(g)(2) of this article.

21-802.1.

(a) In this section, "highway work zone" means a construction or maintenance area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that work is in progress.

(b) (1) The State Highway Administration may reduce established speed limits in a highway work zone upon a determination that the change is necessary to ensure the public safety.

(2) A county may:

(i) Designate an area on a county highway or a highway on which the county is authorized to do work pursuant to a maintenance agreement as a highway work zone; and

(ii) Reduce established speed limits in the highway work zone after a determination that the change is necessary to ensure the public safety.

(3) A municipal corporation may:

(i) Designate an area on a municipal highway or a highway on which the municipal corporation is authorized to do work pursuant to a maintenance agreement as a highway work zone; and

(ii) Reduce established speed limits in the highway work zone after a determination that the change is necessary to ensure the public safety.

(c) A speed limit established under this section shall become effective when posted.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(m) of this article.

21-803.1.

(a) (1) Subject to subsection (f) of this section, within a half-mile radius of any school, the State Highway Administration or a local authority:

(i) May establish a school zone and maximum speed limits applicable in the school zone; and

(ii) Subject to subsection (d) of this section, may provide that fines are to be doubled for speeding violations within the school zone.

(2) (i) The State Highway Administration may establish a school zone under paragraph (1) of this subsection on any State highway or, at the request of a local authority, on any highway under the jurisdiction of the local authority.

(ii) A local authority may establish a school zone under paragraph (1) of this subsection on any highway under its jurisdiction.

(iii) In Prince George's County, a municipal corporation may establish a school zone under paragraph (1) of this subsection on any highway that:

1. Is not under State jurisdiction; and
2. Is located within the corporate limits of the municipal corporation.

(b) (1) On each highway where a school zone is established under this section, in accordance with specifications of the State Highway Administration, the State Highway Administration or local authority:

- (i) Shall place signs designating the school zone; and
- (ii) May place other traffic control devices, including timed flashing warning lights.

(2) The signs designating a school zone shall indicate the maximum speed limit applicable in the school zone.

(3) The local authority shall pay the State Highway Administration the cost of placing and maintaining signs and other traffic control devices on highways under the jurisdiction of the local authority when the State Highway Administration establishes the school zone at the local authority's request.

(4) In Prince George's County, a municipal corporation shall be responsible for the cost of placing and maintaining signs and other traffic control devices for a school zone that the municipal corporation establishes on a highway within its corporate limits.

(c) A maximum speed limit in a school zone established under this section is in effect when posted on appropriate signs giving notice of the limit.

(d) The fines for speeding in a school zone are double the amount that would otherwise apply if, in accordance with specifications adopted by the State Highway Administration:

(1) (i) A sign designating a school zone under this section is equipped with timed flashing warning lights and indicates that fines for speeding are doubled when the lights are activated; and

(ii) The lights are activated at the time the violation occurs; or

(2) A sign designating a school zone under this section indicates that fines for speeding are doubled during school hours.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a school zone established in accordance with subsection (d) of this section.

(f) In any school zone where a school crossing guard is posted to assist students in crossing a highway, the maximum speed limit may not exceed 35 miles per hour in the school zone during the hours posted on signs designating the school zone.

**(G) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (E) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27-101(r) of this article.

21-901.1.

(a) A person is guilty of reckless driving if he drives a motor vehicle:

(1) In wanton or willful disregard for the safety of persons or property; or

(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.

(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.

**(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(g)(3) of this article.

21-902.

(a) (1) **(I)** A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

**[(2)] (II)** A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

**(III) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:**

**1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH;**

**2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND**

**3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.**

**(IV) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (B), (C), OR (D) OF THIS SECTION, WITHIN 5 YEARS BEFORE THE CONVICTION FOR A VIOLATION OF THIS PARAGRAPH, SHALL BE CONSIDERED A PRIOR CONVICTION.**

**[(3)] (2) (I)** A person may not violate paragraph (1) [or (2)] of this subsection while transporting a minor.

**(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:**

**1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH;**

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (B)(2), (C)(2), OR (D)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(b) (1) (I) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (A), (C), OR (D) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(2) (I) A person may not violate paragraph (1) of this subsection while transporting a minor.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

**2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND**

**3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.**

**(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (A)(2), (C)(2), OR (D)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.**

**(c) (1) (I) A person may not drive or attempt to drive any vehicle while [he is] so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that [he] THE PERSON cannot drive a vehicle safely.**

**(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:**

**1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;**

**2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

**3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.**

**(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (A), (B), OR (D) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.**

**[(2)] (IV) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.**

**[(3)] (2) (I) A person may not violate paragraph (1) of this subsection while transporting a minor.**

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (A)(2), (B)(2), OR (D)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(d) (1) (I) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (A), (B), OR (C) OF THIS SECTION, WITHIN 5 YEARS BEFORE THE CONVICTION FOR A VIOLATION OF THIS PARAGRAPH, SHALL BE CONSIDERED A PRIOR CONVICTION.

(2) (I) A person may not violate paragraph (1) of this subsection while transporting a minor.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (A)(2), (B)(2), OR (C)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(e) For purposes of the application of subsequent offender penalties under [§ 27-101 of this article] THIS SECTION, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection [(a), (b), (c), or (d)] (A)(1) OR (2), (B)(1) OR (2), (C)(1) OR (2), OR (D)(1) OR (2) of this section shall be considered a violation of subsection [(a), (b), (c), or (d)] (A)(1) OR (2), (B)(1) OR (2), (C)(1) OR (2), OR (D)(1) OR (2) of this section.

(F) (1) IN THIS SUBSECTION, “IMPRISONMENT” INCLUDES CONFINEMENT IN:

(I) AN INPATIENT REHABILITATION OR TREATMENT CENTER; OR

(II) HOME DETENTION THAT INCLUDES ELECTRONIC MONITORING FOR THE PURPOSE OF PARTICIPATING IN AN ALCOHOL TREATMENT PROGRAM THAT IS:

1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

**2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT HAS POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR**

**3. APPROVED BY THE COURT.**

**(2) (I) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 5 DAYS.**

**(II) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE UNDER SUBSECTION (A) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 10 DAYS.**

**(3) (I) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (D) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 5 DAYS.**

**(II) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE UNDER SUBSECTION (D) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 10 DAYS.**

**(4) A PERSON WHO IS CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION SHALL BE REQUIRED BY THE COURT TO:**

**(I) UNDERGO A COMPREHENSIVE ALCOHOL ABUSE ASSESSMENT; AND**

**(II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT, PARTICIPATE IN AN ALCOHOL PROGRAM AS ORDERED BY THE COURT THAT IS:**

**1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;**

**2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT HAS POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR**

**3. APPROVED BY THE COURT.**

**(5) A PERSON WHO IS CONVICTED OF AN OFFENSE UNDER SUBSECTION (D) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION SHALL BE REQUIRED BY THE COURT TO:**

**(I) UNDERGO A COMPREHENSIVE DRUG ABUSE ASSESSMENT; AND**

**(II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT, PARTICIPATE IN A DRUG PROGRAM AS ORDERED BY THE COURT THAT IS:**

**1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;**

**2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT HAS POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR**

**3. APPROVED BY THE COURT.**

**(6) THE PENALTIES PROVIDED UNDER THIS SUBSECTION ARE MANDATORY AND ARE NOT SUBJECT TO SUSPENSION OR PROBATION.**

**(G) (1) IN THIS SUBSECTION, "TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS ARTICLE.**

**(2) THE PENALTIES UNDER THIS SUBSECTION ARE IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF THIS SECTION.**

**(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF A PERSON IS CONVICTED OF A VIOLATION OF THIS SECTION AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON KNOWINGLY REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION, THE PERSON IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

**(4) A COURT MAY NOT IMPOSE AN ADDITIONAL PENALTY UNDER THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE OF THE ALLEGED TEST REFUSAL ON THE DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE EARLIER OF:**

**(I) ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE;****OR****(II) AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN THE DISTRICT COURT.**

REVISOR'S NOTE: Subsection (a)(1)(iii) and (iv) of this section is new language derived without substantive change from former § 27-101(k)(1) and (2) of this article.

Subsections (a)(2)(ii) and (iii) and (d)(2)(ii) and (iii) of this section are new language derived without substantive change from former § 27-101(q)(1) and (3) of this article.

Subsection (b)(1)(ii) and (iii) of this section is new language derived without substantive change from former § 27-101(c)(19) and (f)(1)(ii)1, (2), and (3) of this article.

Subsections (b)(2)(ii) and (iii) and (c)(2)(ii) and (iii) of this section are new language derived without substantive change from former § 27-101(q)(2) and (3) of this article.

Subsection (c)(1)(ii) and (iii) of this section is new language derived without substantive change from former § 27-101(c)(20) and (f)(1)(ii)2, (2), and (4) of this article.

Subsection (d)(1)(ii) and (iii) of this section is new language derived without substantive change from former § 27-101(k)(1) and (3) of this article.

Subsection (f) of this section is new language derived without substantive change from former § 27-101(j) of this article.

Subsection (g) of this section is new language derived without substantive change from former § 27-101(x) of this article.

Throughout this section, the former references to "second or" subsequent offender penalties are deleted as surplusage. No substantive change is intended.

In subsections (a)(1)(iv), (b)(1)(iii), (c)(1)(iii), and (d)(1)(iii) of this section, the references to "determining" subsequent offender penalties are added for clarity and consistency throughout this section.

Also in subsections (a)(1)(iv), (b)(1)(iii), (c)(1)(iii), and (d)(1)(iii) of this section, the references to a prior conviction “under this subsection” are added for clarity.

Also in subsections (a)(1)(iv), (b)(1)(iii), (c)(1)(iii), and (d)(1)(iii) of this section, the references to being considered a “prior conviction” is substituted for the former reference to a “conviction under [this paragraph]” for clarity and consistency throughout this section.

In subsections (a)(1)(iv) and (d)(1)(iii) of this section, the references to “within 5 years before the conviction” are substituted for the former references to “within 5 years of the conviction” for clarity.

In subsection (c)(1)(i) of this section, the reference to “the person” is substituted for the former reference to “he” for consistency within this section.

Subsection (e) of this section is rewritten to clarify, for purposes of the application of certain subsequent offender penalties, the convictions for a crime committed in another state or federal jurisdiction that constitute a prior violation of certain offenses.

In the introductory language of subsection (f)(4) and (5) of this section, the references to “within 5 years after a prior conviction” are substituted for the former references to “within 5 years of a prior conviction” for clarity.

Also in the introductory language of subsection (f)(4) and (5) of this section, the former references to a prior conviction “of any offense” are deleted as surplusage.

In subsection (g)(2) of this section, the former reference to a penalty “under this title” is deleted as surplusage.

## 21–902.1.

(a) In this section, “arrestee” means a person who has been arrested for a violation of § 21–902 of this subtitle or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article.

(b) An arrestee may not drive a motor vehicle within 12 hours after the arrestee’s arrest for a violation of § 21–902 of this subtitle or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(c)(21) of this article.

**21-902.2.**

(A) IN THIS SECTION, "IGNITION INTERLOCK SYSTEM" MEANS A DEVICE THAT:

(1) CONNECTS A MOTOR VEHICLE IGNITION SYSTEM TO A BREATH ANALYZER THAT MEASURES A DRIVER'S BLOOD ALCOHOL LEVEL; AND

(2) PREVENTS A MOTOR VEHICLE IGNITION FROM STARTING IF A DRIVER'S BLOOD ALCOHOL LEVEL EXCEEDS THE CALIBRATED SETTING ON THE DEVICE.

(B) IN ADDITION TO ANY OTHER PENALTY FOR A VIOLATION OF § 21-902(A) OR (B) OF THIS SUBTITLE OR IN ADDITION TO ANY OTHER CONDITION OF PROBATION, A COURT MAY PROHIBIT A PERSON WHO IS CONVICTED OF, OR GRANTED PROBATION UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, A VIOLATION OF § 21-902(A) OR (B) OF THIS SUBTITLE FROM OPERATING FOR NOT MORE THAN 3 YEARS A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(C) IF THE COURT IMPOSES THE USE OF AN IGNITION INTERLOCK SYSTEM AS A SENTENCE, PART OF A SENTENCE, OR CONDITION OF PROBATION, THE COURT:

(1) SHALL STATE ON THE RECORD THE REQUIREMENT FOR AND THE PERIOD OF THE USE OF THE SYSTEM AND SO NOTIFY THE ADMINISTRATION;

(2) SHALL DIRECT THAT THE RECORDS OF THE ADMINISTRATION REFLECT:

(I) THAT THE PERSON MAY NOT OPERATE A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM; AND

(II) WHETHER THE COURT HAS EXPRESSLY ALLOWED THE PERSON TO OPERATE A MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM UNDER SUBSECTION (G)(2) OF THIS SECTION;

(3) SHALL DIRECT THE ADMINISTRATION TO NOTE ON THE PERSON'S LICENSE IN AN APPROPRIATE MANNER A RESTRICTION IMPOSED UNDER PARAGRAPH (2)(I) OR (II) OF THIS SUBSECTION;

(4) SHALL REQUIRE PROOF OF THE INSTALLATION OF THE SYSTEM AND PERIODIC REPORTING BY THE PERSON FOR VERIFICATION OF THE PROPER OPERATION OF THE SYSTEM;

(5) SHALL REQUIRE THE PERSON TO HAVE THE SYSTEM MONITORED FOR PROPER USE AND ACCURACY AT LEAST SEMIANNUALLY, OR MORE FREQUENTLY AS THE CIRCUMSTANCES MAY REQUIRE, BY AN ENTITY APPROVED BY THE ADMINISTRATION; AND

(6) (I) SHALL REQUIRE THE PERSON TO PAY THE REASONABLE COST OF LEASING OR BUYING, MONITORING, AND MAINTAINING THE SYSTEM; AND

(II) MAY ESTABLISH A PAYMENT SCHEDULE.

(D) A PERSON PROHIBITED UNDER THIS SECTION OR TITLE 16 OF THIS ARTICLE FROM OPERATING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM MAY NOT SOLICIT OR HAVE ANOTHER PERSON START OR ATTEMPT TO START A MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(E) A PERSON MAY NOT START OR ATTEMPT TO START A MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE PURPOSE OF PROVIDING AN OPERABLE MOTOR VEHICLE TO A PERSON WHO IS PROHIBITED UNDER THIS SECTION OR TITLE 16 OF THIS ARTICLE FROM OPERATING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(F) A PERSON MAY NOT TAMPER WITH, OR IN ANY WAY ATTEMPT TO CIRCUMVENT, THE OPERATION OF AN IGNITION INTERLOCK SYSTEM THAT HAS BEEN INSTALLED IN THE MOTOR VEHICLE OF A PERSON UNDER THIS SECTION OR TITLE 16 OF THIS ARTICLE.

(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT KNOWINGLY FURNISH A MOTOR VEHICLE NOT EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM TO ANOTHER PERSON WHO THE PERSON KNOWS IS PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION OR TITLE 16 OF THIS ARTICLE FROM OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(2) (I) THIS PARAGRAPH DOES NOT LIMIT OR OTHERWISE AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER OF A COMMERCIAL DRIVER'S LICENSE.

(II) IF A PERSON IS REQUIRED IN THE COURSE OF THE PERSON'S EMPLOYMENT TO OPERATE A MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER, THE PERSON MAY OPERATE THAT MOTOR VEHICLE IN THE COURSE OF THE PERSON'S EMPLOYMENT WITHOUT INSTALLATION OF AN IGNITION INTERLOCK SYSTEM IF:

1. THE PERSON HAS NOT BEEN CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

B. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS SUBTITLE; OR

C. A VIOLATION OF § 21-902(D) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS SUBTITLE; AND

2. THE COURT OR THE ADMINISTRATION HAS EXPRESSLY ALLOWED THE PERSON TO OPERATE IN THE COURSE OF THE PERSON'S EMPLOYMENT A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(III) THE ADMINISTRATION MAY ALLOW A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE TO OPERATE IN THE COURSE OF THE PERSON'S EMPLOYMENT A MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF:

1. THE PERSON PROVIDES INFORMATION ACCEPTABLE TO THE ADMINISTRATION REGARDING THE PERSON'S CURRENT EMPLOYMENT AND THE NEED FOR THE PERSON TO OPERATE THE MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT; AND

2. THE PERSON HAS NOT BEEN CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

B. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS SUBTITLE; OR

**C. A VIOLATION OF § 21-902(D) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS SUBTITLE.**

**(H) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D), (E), (F), OR (G) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former §§ 27-107 and 27-101(c)(23) of this article.

In subsection (b) of this section, the former reference to a penalty "provided in this title" is deleted as surplusage.

**21-902.3.**

**(A) IN THIS SECTION, "TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS ARTICLE.**

**(B) IF A PERSON IS CONVICTED OF A VIOLATION OF § 21-902(B) OR (C) OF THIS SUBTITLE AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR 1 YEAR.**

**(C) THE PENALTY PROVIDED UNDER THIS SECTION SHALL BE:**

**(1) IN ADDITION TO ANY OTHER CRIMINAL PENALTY FOR A VIOLATION OF § 21-902(B) OR (C) OF THIS SUBTITLE; AND**

**(2) CONCURRENT WITH ANY OTHER PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ORDERED BY THE ADMINISTRATION UNDER ANY OTHER PROVISION OF THIS ARTICLE.**

**(D) IF A PERSON SUBJECT TO THIS SECTION PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-205.1 OF THIS ARTICLE, THE PERSON SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ARISING OUT OF THE SAME INCIDENT REQUIRED UNDER THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–107.1 of this article.

**21–902.4.**

**(A) (1) THE ADMINISTRATION SHALL CERTIFY OR CAUSE TO BE CERTIFIED IGNITION INTERLOCK SYSTEMS FOR USE IN THE STATE AND ADOPT REGULATIONS FOR THE CERTIFICATION OF THE IGNITION INTERLOCK SYSTEMS.**

**(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE REQUIREMENTS THAT AN IGNITION INTERLOCK SYSTEM:**

- (I) DOES NOT IMPEDE THE SAFE OPERATION OF THE VEHICLE;**
- (II) MINIMIZES OPPORTUNITIES TO BE BYPASSED;**
- (III) CORRELATES ACCURATELY WITH ESTABLISHED MEASURES OF BLOOD ALCOHOL LEVELS;**
- (IV) WORKS ACCURATELY AND RELIABLY IN AN UNSUPERVISED ENVIRONMENT;**
- (V) REQUIRES A PROPER AND ACCURATE MEASURE OF BLOOD ALCOHOL LEVELS;**

**(VI) IS INSTALLED IN A TAMPER–PROOF MANNER AND PROVIDES EVIDENCE OF ATTEMPTED TAMPERING;**

**(VII) IS DIFFICULT TO CIRCUMVENT AND REQUIRES PREMEDITATION TO CIRCUMVENT;**

**(VIII) MINIMIZES INCONVENIENCE TO A SOBER USER;**

**(IX) IS MANUFACTURED BY A PARTY RESPONSIBLE FOR INSTALLATION, USER TRAINING, SERVICE, AND MAINTENANCE;**

**(X) OPERATES RELIABLY OVER THE RANGE OF MOTOR VEHICLE ENVIRONMENTS OR MOTOR VEHICLE MANUFACTURING STANDARDS;**

**(XI) IS MANUFACTURED BY A PERSON THAT IS ADEQUATELY INSURED FOR PRODUCTS LIABILITY;**

(xii) PROVIDES THE OPTION FOR AN ELECTRONIC LOG OF THE DRIVER'S EXPERIENCE WITH THE SYSTEM; AND

(xiii) IS CERTIFIED BY A QUALIFIED LABORATORY APPROVED BY THE ADMINISTRATION.

(3) (i) THE ADMINISTRATION SHALL DESIGN AND ADOPT A WARNING LABEL TO BE AFFIXED TO AN IGNITION INTERLOCK SYSTEM ON INSTALLATION.

(ii) THE WARNING LABEL SHALL STATE THAT A PERSON TAMPERING WITH, CIRCUMVENTING, OR OTHERWISE MISUSING THE IGNITION INTERLOCK SYSTEM IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OR IMPRISONMENT OR BOTH.

(4) (i) THE ADMINISTRATION SHALL PUBLISH A LIST OF CERTIFIED IGNITION INTERLOCK SYSTEMS.

(ii) A MANUFACTURER OF AN IGNITION INTERLOCK SYSTEM THAT SEEKS TO SELL OR LEASE THE IGNITION INTERLOCK SYSTEM TO PERSONS SUBJECT TO § 21-902.2 OF THIS SUBTITLE IN THE STATE SHALL PAY THE COSTS OF OBTAINING THE REQUIRED CERTIFICATION.

(B) A PERSON MAY NOT SELL OR LEASE OR OFFER TO SELL OR LEASE AN IGNITION INTERLOCK SYSTEM TO A PERSON SUBJECT TO § 21-902.2 OF THIS SUBTITLE IN THE STATE UNLESS:

(1) THE SYSTEM HAS BEEN CERTIFIED BY THE ADMINISTRATION; AND

(2) A WARNING LABEL APPROVED BY THE ADMINISTRATION IS AFFIXED TO THE SYSTEM STATING THAT A PERSON WHO TAMPERS, CIRCUMVENTS, OR OTHERWISE MISUSES THE SYSTEM IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OR IMPRISONMENT OR BOTH.

(C) A PERSON THAT SELLS OR LEASES AN IGNITION INTERLOCK SYSTEM IN THE STATE SHALL:

(1) MONITOR THE USE OF THE SYSTEM AS REQUIRED BY THE COURT; AND

(2) ISSUE A REPORT OF THE RESULTS OF THE MONITORING TO THE APPROPRIATE OFFICE OF THE DIVISION OF PAROLE AND PROBATION.

**(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR THE CERTIFICATION OF AN APPROVED SERVICE PROVIDER, INCLUDING:**

**(1) THE MINIMUM QUALIFICATIONS DESCRIBED UNDER § 16–404.1 OF THIS ARTICLE; AND**

**(2) A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER SHALL MAINTAIN SERVICE AND INSTALLATION RECORDS AND PROVIDE THESE RECORDS FOR INSPECTION ON THE REQUEST OF THE ADMINISTRATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–108 of this article.

In subsection (a)(1) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

21–904.

(a) In this section, “visual or audible signal” includes a signal by hand, voice, emergency light or siren.

(b) If a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer’s badge or other insignia of office, a driver of a vehicle may not attempt to elude the police officer by:

- (1) Willfully failing to stop the driver’s vehicle;
- (2) Fleeing on foot; or
- (3) Any other means.

(c) If a police officer gives a visual or audible signal to stop and the police officer, whether or not in uniform, is in a vehicle appropriately marked as an official police vehicle, a driver of a vehicle may not attempt to elude the police officer by:

- (1) Willfully failing to stop the driver’s vehicle;
- (2) Fleeing on foot; or
- (3) Any other means.

(d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in bodily injury to another person.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in death of another person.

(e) (1) In this subsection, “crime of violence” has the meaning stated in § 14–101 of the Criminal Law Article.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section while the driver is attempting to elude a police officer who is signaling for the driver to stop for the purpose of apprehending the driver for the commission of a crime of violence for which the driver is subsequently convicted.

**(F) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D)(1) OR (E) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

**(3) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D)(2) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

REVISOR’S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27–101(p) of this article.

21–1003.

(a) The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(b) A person may not stop, stand, or park a vehicle in front of a public driveway.

(c) A person may not stop, stand, or park a vehicle on a sidewalk.

(d) A person may not stop, stand, or park a vehicle in an intersection.

- (e) A person may not stop, stand, or park a vehicle on a crosswalk.
- (f) A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.
- (g) A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.
- (h) A person may not stop, stand, or park a vehicle on any bridge or other elevated structure on a highway.
- (i) A person may not stop, stand, or park a vehicle in a highway tunnel.
- (j) A person may not stop, stand, or park a vehicle at any place where stopping is prohibited by an official sign.
- (k) A person may not stop, stand, or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.
- (l) A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.
- (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.
- (n) (1) This subsection does not apply in Baltimore City.
  - (2) A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.
- (o) A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.
- (p) A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly signposted.
- (q) A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.
- (r) A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.

(s) A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

(t) A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.

(u) A person may not stop, stand, or park a vehicle unless for the use of an individual with a disability, in a space or zone marked as restricted for the use of individuals with disabilities.

(v) A person may not park a vehicle on any property owned by the Board of Education of Montgomery County or Montgomery College where parking is prohibited by an official sign.

(w) A person may not park a vehicle on any property owned by the Board of Education of Baltimore County or the community colleges of Baltimore County where parking is prohibited by an official sign.

(x) A person may not park a vehicle on any property owned by the Board of Education of Wicomico County or the community colleges of Wicomico County where parking is prohibited by an official sign.

(y) A person may not park a vehicle on any property owned by the Board of Education of Prince George's County where parking is prohibited by an official sign.

(z) A person may not park a vehicle on any property owned by the Board of Education of Calvert County, Charles County, or St. Mary's County or the community colleges of Calvert County, Charles County, or St. Mary's County where parking is prohibited by an official sign.

(aa) A person may not park a vehicle at any other place where parking is prohibited by an official sign.

(bb) A person may not move a vehicle that he does not lawfully control into any prohibited area.

(cc) A person may not move a vehicle that the person does not lawfully control away from a curb for an unlawful distance.

(dd) A person may not stop, stand, or park a vehicle in front of a curb ramp designed for the use of individuals with disabilities.

(ee) A person may not stop, stand, or park a vehicle in front of or on a passenger loading zone designed or marked for the use of individuals with disabilities.

**(FF) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (J) OF THIS SECTION WHILE OPERATING A COMMERCIAL MOTOR VEHICLE IN ANNE ARUNDEL COUNTY IS SUBJECT TO:**

- (I) FOR A FIRST OFFENSE, A FINE OF \$100;**
- (II) FOR A SECOND OFFENSE, A FINE OF \$250; AND**
- (III) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF \$500.**

**(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (U) OR (DD) OF THIS SECTION IS SUBJECT TO A FINE OF \$25.**

REVISOR'S NOTE: Subsection (ff) of this section is new language derived without substantive change from former §§ 27-101(w) and 27-106(b) of this article.

21-1010.

(a) In this section, "commercial vehicle" means a vehicle that:

- (1) Is used to transport property;
- (2) Is owned by, or used in conjunction with, a business enterprise; and
- (3) Is of a type capable of being registered:

(i) Other than under § 13-917 of this article, as a Class E (truck) vehicle under this article;

- (ii) As a Class F (tractor) vehicle under this article; or
- (iii) As a Class G (trailer) vehicle under this article.

(b) This section does not apply to any vehicle that is of a type capable of being registered:

- (1) As a Class A (passenger) vehicle under § 13-912 of this article; or
- (2) As a Class E (truck) vehicle under § 13-917 of this article.

(c) This section does not apply in any municipal corporation in Prince George's County.

(d) (1) Except as provided in paragraph (2) of this subsection, in Prince George's County, a person may not park a commercial vehicle on any street, highway,

driveway, or other property in an area specified as a residential zone under the zoning regulations of Prince George's County.

(2) This subsection does not apply if the parking of the commercial vehicle is essential to the immediate use then being made of the commercial vehicle in conjunction with a commercial transaction for a business enterprise.

(e) [(1) Subject to paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of \$500.]

[(2)] (1) In the case of a combination tractor and trailer, a person who violates this section is subject to a separate fine for each vehicle.

[(3)] (2) For the purpose of determining the penalty under this section, each day of a violation is a separate offense.

REVISOR'S NOTE: Subsection (e)(1) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

21-10A-01.

(a) In this subtitle, "parking lot" means a privately owned facility consisting of 3 or more spaces for motor vehicle parking that is:

(1) Accessible to the general public; and

(2) Intended by the owner of the facility to be used primarily by the owner's customers, clientele, residents, lessees, or guests.

(b) (1) This subtitle applies only to the towing or removal of vehicles from parking lots.

(2) Nothing in this subtitle prevents a local authority from exercising any power to adopt local laws or regulations relating to the registration or licensing of persons engaged in, or otherwise regulating in a more stringent manner, the parking, towing or removal, or impounding of vehicles.

21-10A-02.

(a) The owner or operator of a parking lot or the owner's or operator's agent may not have a vehicle towed or otherwise removed from the parking lot unless the owner, operator, or agent has placed in conspicuous locations, as described in subsection (b) of this section, signs that:

- (1) Are at least 24 inches high and 30 inches wide;
  - (2) Are clearly visible to the driver of a motor vehicle entering or being parked in the parking lot;
  - (3) State the location to which the vehicle will be towed or removed and the name of the towing company;
  - (4) State that State law requires that the vehicle be available for reclamation 24 hours per day, 7 days per week;
  - (5) State the maximum amount that the owner of the vehicle may be charged for the towing or removal of the vehicle; and
  - (6) Provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vehicle by its owner or the owner's agent.
- (b) The signs described in subsection (a) of this section shall be placed to provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

21–10A–03.

- (a) A vehicle may not be towed or otherwise removed from a parking lot to a location that is:
- (1) Subject to subsection (b) of this section, more than 15 miles from the parking lot; or
  - (2) Outside the State.

(b) A local jurisdiction may establish a maximum distance from a parking lot to a towed vehicle storage facility that is different than that established under subsection (a)(1) of this section.

21–10A–04.

- (a) Unless otherwise set by local law, a person who undertakes the towing or removal of a vehicle from a parking lot:
- (1) May not charge the owner of the vehicle, the owner's agent, the insurer of record, or any secured party more than:
    - (i) Twice the amount of the total fees normally charged or authorized by the political subdivision for the public safety impound towing of vehicles;

(ii) Notwithstanding § 16–207(f)(1) of the Commercial Law Article, the fee normally charged or authorized by the political subdivision from which the vehicle was towed for the daily storage of impounded vehicles;

(iii) If a political subdivision does not establish a fee limit for the public safety towing, recovery, or storage of impounded vehicles, \$250 for towing and recovering a vehicle and \$30 per day for vehicle storage; and

(iv) Subject to subsection (b) of this section, the actual cost of providing notice under this section;

(2) Shall notify the police department in the jurisdiction where the parking lot is located within 1 hour after towing or removing the vehicle from the parking lot, and shall provide the following information:

(i) A description of the vehicle including the vehicle's registration plate number and vehicle identification number;

(ii) The date and time the vehicle was towed or removed;

(iii) The reason the vehicle was towed or removed; and

(iv) The locations from which and to which the vehicle was towed or removed;

(3) Shall notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first-class mail within 7 days, exclusive of days that the towing business is closed, after towing or removing the vehicle, and shall provide the same information required in a notice to a police department under item (2) of this subsection;

(4) Shall provide to the owner, any secured party, and the insurer of record the itemized actual costs of providing notice under this section;

(5) Before towing or removing the vehicle, shall have authorization of the parking lot owner which shall include:

(i) The name of the person authorizing the tow or removal;

(ii) A statement that the vehicle is being towed or removed at the request of the parking lot owner; and

(iii) Photographic evidence of the violation or event that precipitated the towing of the vehicle;

(6) Shall obtain commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce to cover the cost of any damage to the vehicle resulting from the person's negligence;

(7) May not employ or otherwise compensate individuals, commonly referred to as "spotters", whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing or removal, and impounding;

(8) May not pay any remuneration to the owner, agent, or employee of the parking lot; and

(9) May not tow a vehicle solely for a violation of failure to display a valid current registration under § 13–411 of this article until 72 hours after a notice of violation is placed on the vehicle.

(b) A person may not charge for the actual cost of providing notice under subsection (a)(1)(iv) of this section if the vehicle owner, the owner's agent, the insurer of record, or any secured party retakes possession of the vehicle within 48 hours after the vehicle was received at the storage facility.

(c) The Administration shall:

(1) Establish and maintain a database containing the proper address for providing notice to an insurer under subsection (a)(3) of this section for each insurer authorized to write a vehicle liability insurance policy in the State; and

(2) Make the database available to any tower free of charge.

21–10A–05.

(a) Subject to subsection (b) of this section, if a vehicle is towed or otherwise removed from a parking lot, the person in possession of the vehicle:

(1) Shall immediately deliver the vehicle directly to the storage facility stated on the signs posted in accordance with § 21–10A–02 of this subtitle;

(2) May not move the towed vehicle from that storage facility to another storage facility for at least 72 hours; and

(3) Shall provide the owner of the vehicle or the owner's agent immediate and continuous opportunity, 24 hours per day, 7 days per week, from the time the vehicle was received at the storage facility, to retake possession of the vehicle.

(b) Before a vehicle is removed from a parking lot, a tower who possesses the vehicle shall release the vehicle to the owner or an agent of the owner:

- (1) If the owner or agent requests that the tower release the vehicle;
- (2) If the vehicle can be driven under its own power;
- (3) Whether or not the vehicle has been lifted off the ground; and
- (4) If the owner or agent pays a drop fee to the tower in an amount not exceeding 50% of the cost of a full tow.

(c) (1) Subject to paragraph (2) of this subsection, a storage facility that is in possession of a towed vehicle shall:

(i) Accept payment for outstanding towing, recovery, or storage charges by cash or at least two major, nationally recognized credit cards; and

(ii) If the storage facility accepts only cash, have an operable automatic teller machine available on the premises.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a storage facility is unable to process a credit card payment and does not have an operable automatic teller machine on the premises, the storage facility shall accept a personal check as payment for outstanding towing, recovery, and storage charges.

(ii) A storage facility may refuse to accept a personal check as payment if it is unable to process a credit card for the payment because use of the credit card has been declined by the credit card company.

(3) A storage facility that is in possession of a towed vehicle shall make the vehicle available to the owner, the owner's agent, the insurer of record, or a secured party, under the supervision of the storage facility, for:

(i) Inspection; or

(ii) Retrieval from the vehicle of personal property that is not attached to the vehicle.

21-10A-06.

Any person who undertakes the towing or removal of a vehicle from a parking lot in violation of any provision of this subtitle:

(1) Shall be liable for actual damages sustained by any person as a direct result of the violation; and

(2) Shall be liable to the vehicle owner, a secured party, an insurer, or a successor in interest for triple the amount paid by the owner or the owner's agent to retake possession of the vehicle.

**21–10A–07.**

**A PERSON CONVICTED OF A VIOLATION OF THIS SUBTITLE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–101(c)(22) of this article.

21–1116.

(a) Except as provided in § 21–1211 of this title, on any highway or on any private property that is used by the public in general, a person may not drive a vehicle in a race or speed contest, whether or not on a wager or for a prize or reward.

(b) Except as provided in § 21–1211 of this title, a person may not participate as a timekeeper or flagman in any race or speed contest specified in subsection (a) of this section.

**(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION THAT RESULTS IN SERIOUS BODILY INJURY TO ANOTHER PERSON, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(ee) of this article.

21–1122.

(a) In this section, "sound amplification system" means a compact disc player, a radio, a tape player, or a similar device.

(b) This section does not apply to:

(1) Authorized emergency vehicles;

(2) Vehicles operated by communications, electric, gas, or water utilities;

(3) A sound amplification system operated to request assistance or to warn of a hazardous situation; or

(4) Unless otherwise prohibited by local law, a sound amplification system used for advertising, parades, or for political or other special events.

(c) When a motor vehicle is being operated on a highway, the driver of the vehicle may not operate or permit the operation of a sound amplification system from the vehicle that can be heard outside the vehicle from 50 or more feet.

(d) [(1) A person who violates this section is subject to criminal penalties under § 27-101 of this article.

(2)] A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

REVISOR'S NOTE: Subsection (d)(1) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

21-1124.3.

(A) A person may not commit a violation of § 21-1124.1 or § 21-1124.2 of this subtitle that causes an accident that directly results in the death or, as defined in [§ 27-113] **§ 20-102(C)** of this article, serious bodily injury of another PERSON.

**(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

**(C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONCURRENT WITH ANY OTHER SENTENCE IMPOSED FOR ANY CRIME BASED WHOLLY OR PARTLY ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

REVISOR'S NOTE: Subsections (b) and (c) of this section are new language derived without substantive change from former § 27-115 of this article.

In subsection (a) of this section, the reference to the serious bodily injury of another “person” is added for clarity and consistency with § 20-102(c) of this article.

In subsection (b) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

21-1126.

(a) In this section, “violation” means:

- (1) A violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment; or
- (2) A violation of § 21–901.1(a) of this title.

(b) A person may not commit or engage another person to commit a violation for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission for the commission of the violation from:

- (1) The Secretary of State Police, or the Secretary’s designee; or
- (2) The chief executive officer of the governing body of the county in which the violation is to occur, or the chief executive officer’s designee.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR’S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(z) of this article, as it related to this section.

In subsection (c) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

21–1127.

(a) An individual may not operate for hire a limousine designed to carry 15 or fewer individuals, including the driver, unless the individual holds a valid for-hire driver’s license issued by the Public Service Commission.

(b) A person may not allow an individual to operate for hire a limousine designed to carry 15 or fewer individuals, including the driver, unless:

(1) The individual operating the limousine holds a valid for-hire driver’s license issued by the Public Service Commission; and

(2) The limousine displays special limousine vehicle registration plates issued under § 13–939 of this article.

**(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(z) of this article, as it related to this section.

In subsection (c) of this section, the former reference to a person being "guilty of a misdemeanor" is deleted as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

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.

**(D) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

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

- 1. THE MINOR;**
- 2. A PARENT OR GUARDIAN OF THE MINOR; OR**
- 3. BOTH THE MINOR AND A PARENT OR GUARDIAN OF THE MINOR.**

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

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

**[(d)] (E) (1) If a person is convicted of a violation of this section, the court shall notify the Administration of the conviction.**

**(2) Subject to the provisions of paragraph (3) of this subsection, on receipt of the notice described under paragraph (1) of this subsection the Administration:**

**(i) For a first violation, may suspend the person's driver's license for up to 30 days; and**

**(ii) For a second or subsequent violation, shall suspend the person's driver's license for 30 days.**

**(3) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a suspension under this section.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(dd) of this article.

(a) Except as [permitted] ALLOWED by the rules and regulations of the Maryland Transportation Authority and to the extent [permitted] ALLOWED by federal law, a person may not transport or knowingly cause to be transported any of the following hazardous materials across or through any Authority highway:

- (1) Combustible liquids;
- (2) Compressed gases;
- (3) Corrosive liquids;
- (4) Explosives;
- (5) Flammable liquids;
- (6) Flammable solids;
- (7) Oxidizing materials;
- (8) Poisonous articles; or
- (9) Radioactive materials.

(b) The provisions of § 22–409 of this article shall apply to the transportation of any permitted hazardous material across or through any Authority highway.

(c) To secure and preserve life and property, the Maryland Transportation Authority may adopt rules and regulations to carry out the provisions of subsection (a) of this section.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(e) of this article.

In the introductory language of subsection (a) of this section, the reference to “allowed” is substituted for the former reference to “permitted” for clarity.

21-1414.

(a) (1) In this section the following words have the meanings indicated.

(2) "Authority" means the Maryland Transportation Authority.

(3) "Electronic toll collection" means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.

(4) "Notice of toll due" or "notice" means an administrative notice of a video toll transaction.

(5) "Person alleged to be liable" means:

(i) The registered owner of a motor vehicle involved in a video toll transaction; or

(ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.

(6) "Recorded image" means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:

(i) On:

1. One or more photographs, micrographs, or electronic images;

2. Videotape; or

3. Any other medium; and

(ii) Showing either the front or rear of the motor vehicle on at least one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

(7) "Registered owner" means, with respect to a motor vehicle, the person or persons designated as the registered owner in the records of the government agency that is responsible for motor vehicle registration.

(8) "Toll collection facility" means any point on an Authority highway where a toll is incurred and is required to be paid.

(9) "Toll violation" means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due.

(10) “Video monitoring system” means a device installed to work in conjunction with a toll collection facility that produces a recorded image when a video toll transaction occurs.

(11) “Video toll” means the amount assessed by the Authority when a video toll transaction occurs.

(12) “Video toll transaction” means any transaction in which a motor vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system.

(b) (1) Except as provided in subsection (g) of this section, the registered owner of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for in the regulations of the Authority.

(2) The Authority shall send the registered owner of a motor vehicle that has incurred a video toll a notice of toll due.

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due shall have at least 30 days to pay the video toll.

(c) (1) Failure of the person alleged to be liable to pay the video toll under a notice of toll due by the date stated on the notice shall constitute a toll violation subject to a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation occurs, as provided for in the regulations of the Authority.

(2) A registered owner of a motor vehicle shall not be liable for a civil penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

(d) (1) The Authority or its duly authorized agent shall send a citation via first-class mail, no later than 60 days after the toll violation, to the person alleged to be liable under this section.

(2) Personal service of the citation on the person alleged to be liable shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the notice of toll due and citation.

(3) A citation shall contain:

(i) The name and address of the person alleged to be liable under this section;

(ii) The license plate number and state of registration of the motor vehicle involved in the video toll transaction;

(iii) The location where the video toll transaction took place;

(iv) The date and time of the video toll transaction;

(v) The amount of the video toll and the date it was due as stated on the notice of toll due;

(vi) A copy of the recorded image;

(vii) A statement that the video toll was not paid before the civil penalty was assessed;

(viii) The amount of the civil penalty; and

(ix) The date by which the video toll and civil penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person alleged to be liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection (g) of this section that were originally included in the notice of toll due; and

(iii) A warning that failure to pay the video toll and civil penalty, to contest liability in the manner and time prescribed, or to appear at a trial requested is an admission of liability and a waiver of available defenses, and may result in the refusal or suspension of the motor vehicle registration and referral for collection.

(5) A person alleged to be liable receiving the citation for a toll violation under this section may:

(i) Pay the video toll and the civil penalty directly to the Authority; or

(ii) Elect to stand trial for the alleged violation.

(6) (i) If the person alleged to be liable under this section fails to elect to stand trial or to pay the prescribed video toll and civil penalty within 30 days after mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial after having elected to stand trial, the Authority or its duly authorized agent may:

1. Collect the video toll and the civil penalty by any means of collection as provided by law; and

2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with [§ 27–110 of this article] **SUBSECTION (I) OF THIS SECTION.**

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the [registered] MOTOR vehicle of the REGISTERED owner under [§ 27–110 of this article] **SUBSECTION (I) OF THIS SECTION.**

(e) (1) A certificate alleging that a toll violation occurred and that the video toll payment was not received before the civil penalty was assessed, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.

(2) The citation, including the certificate, shall constitute prima facie evidence of liability for the toll violation and civil penalty.

(f) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the Authority identifying the lessee, including the person's name, address, and driver's

license identification number or federal employer identification number, then the lessee shall be liable under this section and shall be sent a notice of toll due.

(3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person, including the person's name, address, and driver's license identification number, who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

(4) If a motor vehicle or registration plate number is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.

(h) Notwithstanding any other provision of law, until the Authority refers the debt to the Central Collection Unit, the Authority may waive any portion of the video toll due or civil penalty assessed under this section.

**(I) (1) THE ADMINISTRATION SHALL REFUSE OR SUSPEND THE REGISTRATION OF A MOTOR VEHICLE THAT INCURS A TOLL VIOLATION UNDER THIS SECTION IF:**

**(I) THE MARYLAND TRANSPORTATION AUTHORITY NOTIFIES THE ADMINISTRATION THAT A REGISTERED OWNER OF THE MOTOR VEHICLE HAS BEEN SERVED WITH A CITATION IN ACCORDANCE WITH THIS SECTION AND HAS FAILED TO:**

**1. PAY THE VIDEO TOLL AND THE CIVIL PENALTY FOR THE TOLL VIOLATION BY THE DATE SPECIFIED IN THE CITATION; AND**

**2. CONTEST LIABILITY FOR THE TOLL VIOLATION BY THE DATE IDENTIFIED AND IN THE MANNER SPECIFIED IN THE CITATION; OR**

**(II) THE MARYLAND TRANSPORTATION AUTHORITY OR THE DISTRICT COURT NOTIFIES THE ADMINISTRATION THAT A PERSON WHO ELECTED TO CONTEST LIABILITY FOR A TOLL VIOLATION UNDER THIS SECTION HAS FAILED TO:**

**1. APPEAR FOR TRIAL OR HAS BEEN DETERMINED TO BE GUILTY OF THE TOLL VIOLATION; AND**

**2. PAY THE VIDEO TOLL AND CIVIL PENALTY.**

**(2) IN CONJUNCTION WITH THE MARYLAND TRANSPORTATION AUTHORITY, THE ADMINISTRATION MAY ADOPT REGULATIONS AND DEVELOP PROCEDURES TO CARRY OUT THE REFUSAL OR SUSPENSION OF A REGISTRATION UNDER THIS SUBSECTION.**

**(3) THE PROCEDURES IN THIS SUBSECTION ARE IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW FOR A TOLL VIOLATION UNDER THIS SECTION.**

**(4) THIS SUBSECTION MAY BE APPLIED TO ENFORCE A RECIPROCAL AGREEMENT ENTERED INTO BY THE STATE AND ANOTHER JURISDICTION IN ACCORDANCE WITH § 21-1415 OF THIS SUBTITLE.**

REVISOR'S NOTE: Subsection (i) of this section is new language derived without substantive change from former § 27-110 of this article.

In subsection (d)(6) of this section, corrections to cross-references and related conforming changes are made due to the recodification of former § 27-110 as subsection (i) of this section.

In subsection (i)(1)(i)1 of this section, the conjunction "and" is substituted for the former conjunction "or" for accuracy. No substantive change is intended.

In subsection (i)(1)(ii)2 of this section, the former reference to the "related" civil penalty is deleted as surplusage.

22-404.4.

(a) A person who operates on any public road a motor vehicle that is registered in this State is subject to the provisions of this section.

(b) (1) Each motor vehicle that is operated on any public road and powered by propane fuel shall be identified by vehicle identification decals issued by the Office of the Fire Marshal or from a propane industry source.

(2) The vehicle identification decal required by this section shall be a diamond shaped design consisting of the word "propane" in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border.

(3) The vehicle identification decal shall be attached to the left front and right rear bumper of the vehicle.

(c) The Office of the Fire Marshal or propane industry source that issues the vehicle identification decal shall charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE OF \$250.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-106(a) of this article.

22-404.5.

(a) In this section, "power booster system" means any device installed in a motor vehicle which allows liquid nitrous oxide to combine with gasoline for the purpose of increasing engine power.

(b) Except as provided in subsection (c) of this section, a person may not operate on a highway a motor vehicle equipped with a power booster system.

(c) A person may operate on a highway a motor vehicle equipped with a power booster if:

(1) The vehicle is enroute to or from a track where the vehicle is used for racing and the power booster system is inoperative; or

(2) The container of nitrous oxide has been removed from the vehicle.

(d) Every motor vehicle equipped with a power booster system shall be identified with a decal that:

(1) Is a diamond shaped design consisting of the words "Compressed Gas D.O.T. No. 1070" in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border;

(2) Is issued by the Office of the Fire Marshal or from a nitrous oxide industry source; and

(3) Is attached to the left front and right rear bumper of the vehicle.

(e) The Office of the Fire Marshal may adopt regulations necessary to carry out the provisions of this section.

(f) The Office of the Fire Marshal or nitrous oxide industry source that issues the vehicle identification decal may charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

**(G) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27-109 of this article.

22-405.1.

(a) A person may not sell or offer for sale any tire that has been regrooved or recut unless:

(1) The tire is specifically designed to be regrooved or recut; and

(2) Following such procedure, the tire complies with standards established by the United States Department of Transportation.

(b) A person may not sell or transfer any vehicle that is equipped with regrooved or recut tires, unless the tires comply with the requirements of subsection (a) of this section.

(c) A person may not drive or otherwise move on any highway in this State any vehicle that is equipped with regrooved or recut tires, unless the tires comply with the requirements of subsection (a) of this section.

(d) A person may not sell, offer for sale, or have in his possession with intent to sell, any motor vehicle tire or motorcycle tire that has had its tread regrooved without the fact being plainly shown by a marking or label in the English language on the shoulder sidewall of the tire.

**(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(d)(2) of this article.

22-409.

(a) (1) The Administrator and the Secretary of the Department of the Environment jointly shall adopt such regulations as are necessary for the safe transportation of hazardous materials.

(2) The regulations adopted under this subsection shall duplicate or be consistent with the hazardous materials transportation regulations contained in 49 C.F.R., Parts 107 through 180, and all amendments to those regulations.

(b) (1) Any person engaged in the shipping and transporting of hazardous materials, regardless of whether the person's functions are related to the preparation or transportation of the materials or whether the transporting involves interstate or intrastate movements, shall comply with the regulations adopted under this section.

(2) All persons engaged in the manufacture, fabrication, marking, maintenance, reconditioning, repair, or retesting of packaging shall comply with the regulations adopted under this section.

(c) The Administrator may exempt through regulation certain persons from the regulations adopted under this section if the Administrator determines based on the evidence presented that public and environmental safety would not be adversely affected.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**
- (2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(l) of this article, as it related to this section.

22-415.

**(A)** It is unlawful for any person to:

(1) Advertise for sale, sell, use or install or cause to be installed any device which causes an odometer to register any mileage other than the true mileage driven;

(2) Tamper with, damage, interfere with, disconnect, reset, or alter or cause to be disconnected, reset, or altered the odometer of any motor vehicle with intent to change the number of miles indicated;

(3) Operate a motor vehicle, with intent to defraud, knowing the odometer is disconnected or nonfunctional; or

(4) With intent to defraud, offer for sale or sell any vehicle in which the odometer has been changed or altered to misrepresent the actual accumulated mileage.

**(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27-101(d)(3) of this article.

22-611.

(a) In this section, "engine brake" means an add-on engine compression brake for diesel engines.

(b) A person may not operate a commercial motor vehicle equipped with an engine brake unless the engine brake is connected to a properly functioning exhaust muffler system in constant operation when the vehicle's ignition is engaged.

(c) A person may not disable the exhaust muffler system of a commercial motor vehicle that is equipped with an engine brake except to make a bona fide repair or replacement.

**(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$250 AND NOT EXCEEDING \$1,000; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$500 AND NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(aa) of this article.

In subsection (d)(1) of this section, the reference to a fine "of not less than \$250" is retained although it is unenforceable in light of § 14-102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character. Similarly, in subsection (d)(2) of this section, the reference to a fine "of not less than \$500" is retained although unenforceable.

23-109.

(a) An inspection station or any of its employees may not issue an inspection certificate for a vehicle without having inspected its equipment.

(b) An inspection station or any of its employees may not issue a repair order certification for any specified equipment without having inspected that equipment.

(c) An inspection station or any of its employees may not willfully issue an inspection certificate for a vehicle the equipment of which does not meet or exceed the standards established under this subtitle.

(d) An inspection station or any of its employees may not willfully issue a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established under this subtitle.

(e) In this section, "fictitious" includes an imitation, counterfeit, or altered certificate or certification.

(f) A person may not make, issue, or knowingly use any fictitious inspection certificate or repair order certification.

(g) A person may not attach or cause or permit to be attached to any vehicle an inspection certificate knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(h) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(i) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

(j) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

(k) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

**(L) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH FOR EACH VEHICLE FOR WHICH THERE IS A VIOLATION.**

REVISOR'S NOTE: Subsection (l) of this section is new language derived without substantive change from former § 27-101(d)(4) of this article.

23–305.

[(a) A violation of the provisions of this subtitle, including any regulation adopted under this subtitle, constitutes a misdemeanor and is subject to the penalties under Title 27 of this article.

(b)] The Administration may suspend the registration of any vehicle that does not meet the requirements established under this subtitle.

REVISOR'S NOTE: Subsection (a) of this section is repealed as unnecessary in light of §§ 27–101 and 27–102 of this article, which make any violation of the Maryland Vehicle Law or any regulation adopted under the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

23–403.

(a) The operation of a diesel vehicle on any highway in this State constitutes the consent of the driver and owner of the diesel vehicle to be subject to an emissions test established under this subtitle.

(b) The driver of a diesel vehicle shall obey any sign or direction of a police officer to stop the diesel vehicle and submit it to an emissions test administered by an emissions inspector:

(1) When a diesel vehicle is required to submit to:

(i) Weighing and measuring under § 24–111 of this article; or

(ii) A motor carrier safety inspection under § 25–111 of this article;

or

(2) At any location or time, when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards established under this subtitle.

**(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**

**(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**

**(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(l) of this article, as it related to this section.

24-107.

(a) (1) In this section the following words have the meanings indicated.

(2) "Primary connecting system" means the combination of devices and their attaching structures that are used to connect a towed vehicle to a towing vehicle.

(3) "Safety chain" means a flexible tension member connected from the front of the towed vehicle to the rear of the towing vehicle for the purpose of retaining the connection between the towed and towing vehicles if the connection provided by the primary connecting system fails.

(4) "Tow dolly" means a vehicle having a tongue or towbar attachment designed to tow other vehicles and used to tow:

(i) Another vehicle when the front or rear wheels of the towed vehicle are placed in a cradle-like device that lifts the wheels from the highway; or

(ii) A trailer or semitrailer when the towing vehicle has a fifth-wheel attachment device.

(5) "Towbar" means a strut or column-like device temporarily attached between the rear of a towing vehicle and the front of the towed vehicle.

(b) When towing another vehicle, the driver shall ensure that:

(1) The towed vehicle is securely attached to the towing vehicle by a primary connecting system;

(2) The connection used is:

(i) Structurally adequate for the weight drawn; and

(ii) Mounted properly and securely, without excessive slack, but with enough slack to allow for articulation of the connection;

(3) The locking device that prevents separation of the towed and towing vehicles is working properly and is locked in place; and

(4) One or more safety chains are attached to the towed vehicle and the frame of the towing vehicle and have no more slack than is necessary for proper turning.

(c) Attachment of the safety chains to the pintle hook does not satisfy the requirements of this section.

(d) Except for the connection between any two vehicles carrying poles, pipes, machinery, or other objects that cannot be readily dismembered, the connection between vehicles may not exceed 15 feet.

(e) A connection made with a fifth-wheel connection device is not required to use safety chains or cables as additional securing devices.

(f) If a vehicle is towed by a rope, chain, or cable, a driver must be in and capable of steering the towed vehicle.

(g) A primary connecting system used in a combination of vehicles shall be designed, constructed, and installed to insure that a towed vehicle does not shift or swerve more than 6 inches to either side of the path of the towing vehicle while the towing vehicle is moving in a straight line on a level, smooth, paved surface.

(h) While one vehicle is towing another and the connection is a chain, rope, or cable, a white, red, or orange-fluorescent warning flag or cloth at least 18 inches square shall be displayed on the connection.

(i) Except as otherwise provided in this title, or when one tow dolly is used to tow one other vehicle, a vehicle may not be operated in combination with more than one other vehicle.

(j) (1) The Administration may adopt regulations that establish standards for hitching devices and towing procedures for towing and towed vehicles.

(2) Except as otherwise provided in this section, this subsection applies to tractor-trailer combinations, semitrailer combinations, and any other vehicle combinations designed and used for carrying freight or merchandise in furtherance of any commercial enterprise.

**(K) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION THAT RESULTS IN THE DEATH OR, AS DEFINED IN § 20-102(C) OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER PERSON IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: Subsection (k) of this section is new language derived without substantive change from former § 27-101(bb) of this article.

In subsection (k) of this section, the reference to the serious bodily injury "of another person" is added for clarity and consistency with § 20-102(c) of this article.

(a) (1) In this section and in § 24–111.1 of this subtitle the following words have the meanings indicated.

(2) “CVISN” means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(3) “CVISN transponder” means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(4) “Police officer” means:

(i) Any uniformed police officer;

(ii) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle, but only while acting under written authorization of the Secretary of State Police; or

(iii) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform the weighing and measurement authorized under this section.

(b) (1) The driver of a vehicle must stop and submit the vehicle to a measurement or weighing:

(i) When directed by a police officer who has reason to believe that the size or weight of a vehicle being driven on a highway violates this subtitle; or

(ii) When directed by an electronic signal to a CVISN transponder.

(2) The weighing authorized by this subsection:

(i) May be done with either portable or stationary scales; and

(ii) In either case, shall be done by methods established by experts in the field of weights and measures and adopted by rule or regulation of the Department of State Police.

(3) If more than 1 statutory weight limit tolerance applies to a vehicle being weighed under this section, the police officer shall grant only the greatest applicable tolerance.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the measurement and weighing provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit it to measurement or weighing.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to measurement or weighing, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of weighing and measuring.

(3) The police officer may utilize resources specified in [§ 27-111(b)] § 16-303.1(B) of this article to conduct the weighing or measuring.

(4) In addition to any fine or penalty attributable to the weighing and measuring, or other offense, the driver is[:]

(i) Subject to a fine and penalty specified in § 27-101(l) of this article; and

(ii) Responsible] **RESPONSIBLE** for any actual costs incurred in weighing and measuring the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this title.

**(F) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D) OR (E) OF THIS SECTION IS SUBJECT TO:**

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**
- (2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27-101(l) of this article, as it related to this section.

In subsection (d)(4) of this section, the former reference to penalties "specified in § 27-101(l) of this article" is deleted as unnecessary in light of the incorporation of those penalties into this section.

The Department of Legislative Services notes, for consideration by the General Assembly, that the source law for this revised section imposes two separate duties on drivers. Under subsection (b) of this section, a driver is required to stop and submit a vehicle to measurement or weighing when directed by (1) a police officer "who has reason to believe" that a size or weight violation exists; or (2) a commercial vehicle information systems and network signal (CVISN). Under subsection (d) of this section, a driver is required to obey a signal or direction of a police officer or a CVISN transponder to stop the vehicle and submit to measurement or weighing. The duties imposed under subsection (b) of this section are wholly included under the duties imposed under subsection (d) of this section.

The enhanced penalties that are being revised into this section explicitly do not apply to subsection (b) of this section. In fact, the penalty deposit schedule produced by the District Court establishes prepay penalties for subsection (d) of this section in accordance with the enhanced penalties but does not include any prepay penalties for a violation of subsection (b) of this section. The General Assembly may wish to clarify this section by repealing subsection (b) of this section.

#### 24-111.1.

(a) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight does not exceed 5,000 pounds, a police officer may require the driver to unload the excess weight.

(b) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight exceeds 5,000 pounds, the vehicle may not be moved until the excess weight is unloaded.

(c) Except on interstate highways, if an overweight vehicle bears registration plates issued by this State and is transporting liquid milk in bulk from the producer, the vehicle may be granted a 5 percent tolerance on the applicable registration or statutory gross weight limit. However, a tolerance granted under this subsection may not permit the gross weight of the vehicle to exceed 80,000 pounds.

(d) As to an overweight vehicle carrying an indivisible load:

(1) If it is the first indivisible load overweight violation by the driver of the vehicle, the vehicle may be allowed to proceed, after a permit to do so is obtained from the State Highway Administration; and

(2) If it is a second or subsequent indivisible load overweight violation by the driver of the vehicle, the vehicle shall return with its load to its place of entry or origin in this State, after a permit to do so is obtained from the State Highway Administration.

(e) As to an overweight vehicle carrying perishable products as its only load, the vehicle shall be allowed to proceed to its destination if:

(1) It is the first perishable load overweight violation by the driver of the vehicle following a period of at least 365 consecutive days without a perishable load overweight violation; and

(2) The overweight does not exceed 5,000 pounds.

(f) All material or cargo unloaded under this section shall be cared for by the motor carrier or operator of the vehicle at the risk of the motor carrier or operator.

**(G) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B), (D)(2), OR (E) OF THIS SECTION IS SUBJECT TO:**

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**
- (2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27-101(l) of this article, as it related to this section.

In the introductory language of subsection (g) of this section, the cross-reference to subsection (e) of this section is substituted for the former cross-reference to subsection (e)(2) of this section for accuracy. Chapter 177 of 2012 amended § 24-111.1 of this article to be in its present form. Before Chapter 177 was enacted, subsection (e)(1) of the former law authorized the driver of a vehicle with an overweight load of perishable products to proceed to the vehicle's destination if it was the first perishable load overweight violation by the driver in the calendar year. Subsection (e)(2) of the former law established a duty for a second or subsequent violation in a calendar year that any excess weight be unloaded before moving the vehicle. Section 27-101(l) of this article provided enhanced penalties for failure to unload excess perishable

goods under subsection (e)(2) of the former law (the only provision of subsection (e) that imposed a duty on the driver). Chapter 177, however, rewrote § 24-111.1(e) of this article to authorize the driver of a vehicle with an overweight load of perishable products to proceed to the vehicle's destination if (1) it is the first perishable load overweight violation by the driver in the previous 365 days (under new subsection (e)(1)); and (2) the overweight does not exceed 5,000 pounds (under new subsection (e)(2)). Thus, a person must fail to meet both conditions under subsection (e)(1) and (2) before a duty is imposed. Chapter 177, however, did not amend § 27-101(l) by correcting the cross-reference to reflect the new formulation of the required duty (i.e., from subsection "(e)(2)" to subsection "(e)").

24-112.

(a) (1) The State Highway Administration may issue a permit allowing an oversized vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than \$30.

(b) (1) The State Highway Administration may issue a permit allowing an overweight vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than:

(i) \$30 for the first 45 tons (90,000 pounds) or less of gross weight of the vehicle; and

(ii) \$5 for each additional ton (2,000 pounds) or part of a ton in excess of 45 tons.

(c) The Secretary is authorized to promulgate rules and regulations for the purpose of establishing a schedule of fees for permits issued under this section using dollar amounts that will recover but not exceed the administrative costs associated with issuance and use of the permits, including compliance monitoring.

(d) Each permit issued under this section shall specify:

(1) The maximum size or weight permitted;

(2) The route to be followed; and

(3) The date and hour on which the trip is to be made.

(e) (1) A person may not violate any condition of a permit issued under this section.

(2) A person may not move an oversized or overweight load which requires a permit under this section without first obtaining the permit and having the permit in the person's possession.

**(F) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

- (1) FOR THE FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**
- (2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27-101(u) of this article.

24-303.

(a) (1) When located on the right-of-way of any State highway, a mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, unless the vendor has a lease from the State that allows the vendor to sell, or offer for sale, seafood or produce.

(2) The State may require a mobile seafood or produce vendor to submit an application and pay a reasonable fee to be applied to administrative costs.

(3) The State may not enter into a lease with a mobile produce vendor unless the applicable county licenses mobile produce vendors.

(b) A mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, when located:

(1) Within 50 yards of any vehicular entrance to or exit from a school or place of worship, unless the vendor has written permission of the applicable school board or person who is responsible for the buildings and grounds of the place of worship;

(2) Within 100 yards of any vehicular entrance to or exit from any shopping center;

(3) In the parking lot of any shopping center, unless the vendor has written permission of the owner of the shopping center and conforms to applicable local laws and ordinances;

(4) Within an unsafe distance, as determined by the local authorities, from the edge of any roadway;

(5) On any roadway; or

(6) On private property adjoining a State highway, unless the vendor owns or leases the property or has written permission from the property owner.

(c) The State Highway Administration may adopt regulations to implement this section.

24-304.

(a) [A violation of this subtitle is a misdemeanor punishable by the penalty specified in § 27-101(b) of this article.

(b)] The charging of a person with a violation of this subtitle shall be by means of a traffic citation in the form determined under § 1-605(d) of the Courts Article.

[(c)] (B) The charging of a person with a violation of this section may be performed by any State or local police officer.

REVISOR'S NOTE: Subsection (a) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

#### **SUBTITLE 4. PENALTIES FOR CERTAIN WEIGHT VIOLATIONS.**

24-401.

(A) (1) THIS SECTION APPLIES TO A PERSON WHO VIOLATES THE MARYLAND VEHICLE LAW BY EXCEEDING, AS TO ANY VEHICLE OR COMBINATION OF VEHICLES:

(I) THE MAXIMUM WEIGHT LIMIT FOR WHICH THE VEHICLE OR COMBINATION OF VEHICLES IS REGISTERED;

(II) A STATUTORY WEIGHT LIMIT; OR

(III) SUBJECT TO PARAGRAPH (2)(I) OF THIS SUBSECTION, THE MAXIMUM WEIGHT LIMIT IMPOSED BY SIGNS THAT HAVE BEEN PLACED TO

REGULATE THE WEIGHT OF A VEHICLE PASSING OVER A BRIDGE OR CULVERT UNDER § 24-206 OF THIS TITLE.

(2) THIS SECTION DOES NOT APPLY TO A PERSON WHO:

(I) VIOLATES A WEIGHT LIMIT IMPOSED BY SIGNS IF THERE ARE NO SIGNS POSTING THE WEIGHT LIMIT LOCATED:

1. AT THE BRIDGE OR CULVERT; AND

2. BEFORE THE LAST AVAILABLE ALTERNATE ROUTE THAT BYPASSES THE BRIDGE OR CULVERT; OR

(II) IS OPERATING AN EMERGENCY VEHICLE WHEN RESPONDING TO AN EMERGENCY.

(B) EXCEPT ON AN INTERSTATE HIGHWAY, A TOLERANCE OF 1,000 POUNDS OVER A WEIGHT LIMIT TO WHICH THIS SECTION APPLIES IS ALLOWED, AND ONLY WEIGHT IN EXCESS OF THIS TOLERANCE IS A VIOLATION, IF:

(1) THE OVERALL GROSS WEIGHT DOES NOT EXCEED 80,000 POUNDS, INCLUDING ANY ENFORCEMENT OR STATUTORY TOLERANCES; OR

(2) THE VEHICLE IS BEING OPERATED UNDER A VALID PERMIT FOR GROSS WEIGHT EXCEEDING 80,000 POUNDS.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON CONVICTED OF A WEIGHT VIOLATION TO WHICH THIS SECTION APPLIES ON ANY HIGHWAY IN THE STATE, INCLUDING AN INTERSTATE HIGHWAY, IS SUBJECT TO THE FOLLOWING FINES:

(1) 1 CENT FOR EACH POUND FOR THE FIRST 1,000 POUNDS OF WEIGHT OVER ANY ALLOWABLE WEIGHT;

(2) 5 CENTS FOR EACH POUND OF EXCESS WEIGHT OVER 1,000 POUNDS BUT LESS THAN 5,001 POUNDS;

(3) 12 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 5,000 POUNDS BUT LESS THAN 10,001 POUNDS;

(4) 20 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 10,000 POUNDS BUT LESS THAN 20,001 POUNDS; AND

(5) 40 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 20,000 POUNDS.

(D) A PERSON CONVICTED OF A WEIGHT VIOLATION TO WHICH THIS SECTION APPLIES ON THE WILLIAM PRESTON LANE, JR. MEMORIAL (CHESAPEAKE BAY) BRIDGE, OR ITS APPURTEnant APPROACHES THAT ARE UNDER THE JURISDICTION OF THE MARYLAND TRANSPORTATION AUTHORITY, IS SUBJECT TO THE FOLLOWING FINES:

(1) 1 CENT FOR EACH POUND FOR THE FIRST 1,000 POUNDS OVER ANY ALLOWABLE WEIGHT;

(2) 5 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 1,000 POUNDS BUT LESS THAN 2,001 POUNDS;

(3) 10 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 2,000 POUNDS BUT LESS THAN 5,001 POUNDS;

(4) 24 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 5,000 POUNDS BUT LESS THAN 10,001 POUNDS;

(5) 40 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 10,000 POUNDS BUT LESS THAN 20,001 POUNDS; AND

(6) 80 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 20,000 POUNDS.

(E) IN COMPUTING A FINE UNDER THIS SECTION, A CREDIT FOR ANY EXCESS WEIGHT CAUSED BY AN ACCUMULATION OF CINDERS, SNOW, OR ICE SHALL BE GRANTED.

(F) NOTWITHSTANDING ANY OTHER LAW, A COURT MAY NOT SUSPEND OR REDUCE A FINE IMPOSED FOR A CONVICTION FOR A WEIGHT VIOLATION.

(G) (1) IF AN OUT-OF-STATE VEHICLE IS SUBJECT TO A WEIGHT VIOLATION OR AN OUT-OF-STATE PERSON IS RESPONSIBLE FOR OR OPERATING A VEHICLE SUBJECT TO A WEIGHT VIOLATION:

(I) THE PERSON IS SUBJECT TO A CITATION AND FURTHER PROCEEDINGS UNDER TITLE 26 OF THIS ARTICLE; OR

(II) THE VEHICLE SHALL BE IMPOUNDED UNTIL THE FINE IS PAID OR ACCEPTABLE COLLATERAL IS POSTED.

**(2) CARGO CONTAINED IN THE VEHICLE MAY NOT BE IMPOUNDED.**

**(3) IF THE FINE HAS NOT BEEN PAID OR ACCEPTABLE COLLATERAL HAS NOT BEEN POSTED WITHIN 90 DAYS AFTER THE DATE OF IMPOUNDMENT, THE VEHICLE MAY BE SOLD AT PUBLIC AUCTION UNDER THE JURISDICTION OF THE COURT TO SATISFY THE FINE, ACCRUED INTEREST, AND COSTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-105 of this article.

In the introductory language of subsection (a)(1) of this section, the former inaccurate reference to a person who is “charged with” a weight violation is deleted as the penalties implicitly apply to a person who is convicted of a weight violation.

In subsection (a)(1)(i) of this section, the former redundant reference to the maximum “registered” weight limit is deleted as included in the reference to the maximum weight limit for which the vehicle “is registered”.

In subsection (a)(1)(ii) of this section, the former redundant reference to a statutory weight limit “set forth in the Maryland Vehicle Law” is deleted as included in the reference to weight violations under “the Maryland Vehicle Law” in the introductory language of subsection (a)(1) of this section.

The introductory language of subsection (a)(2) of this section is added for clarity and consistency with subsection (a)(1) of this section.

In subsection (a)(2)(i) of this section, the reference to posting the “weight limit” is substituted for the former reference to posting the “restriction” for clarity and consistency within this section.

In subsection (a)(2)(ii) of this section, the former clause “, as defined in § 11-118 of this article,” is deleted as unnecessary because all of the defined terms in Title 11 of this article apply throughout the Maryland Vehicle Law.

In the introductory language of subsections (b), (c), and (d) of this section, the references to a “weight limit [or violation] to which this section applies” are substituted for the former references to a “registered weight limit, statutory weight limit, or weight limit imposed by signs” for clarity and brevity.

In the introductory language of subsection (b) of this section, the former reference to a “loading error” is deleted as included in the reference to a “tolerance”.

In the introductory language of subsections (c) and (d) of this section, the former references to fines “in addition to court costs” are deleted because court costs are separate from and paid in addition to a fine for a traffic violation. *See* § 7–301 of the Courts Article. In addition, prepay fines for traffic violations set by the District Court in the penalty deposit schedule include court costs.

Also in the introductory language of subsections (c) and (d) of this section, the former redundant references to “weight violations that occur” on any highway or the Chesapeake Bay Bridge are deleted as included in the references to a “weight violation to which this section applies” on any highway or the Chesapeake Bay Bridge for clarity and brevity.

In subsection (f) and the introductory language of subsection (g)(1) of this section, the references to a “weight” violation are added for clarity and consistency within this section.

In subsection (f) of this section, the reference prohibiting “a court” from suspending or reducing a fine is added for clarity.

In the introductory language of subsection (g)(1) of this section, the reference to an out-of-state vehicle “subject to a weight violation” is substituted for the former reference to an out-of-state vehicle “being operated at the time the offense is committed” for clarity, brevity, and to more explicitly connect the vehicle to the violation.

In subsection (g)(1)(i) of this section, the reference to a person being subject to “a citation” and further proceedings is added for clarity.

Subsection (g)(2) of this section, formerly § 27–105(f)(2), is rewritten for clarity and brevity.

In subsection (g)(2) of this section, the former clause “, and the cargo may not be held” is deleted as implicit in the prohibition against impounding cargo.

The Department of Legislative Services notes, for consideration by the General Assembly, that there are overlaps in the graduated schedules of excess weight fines in subsections (c) and (d) of this section (*e.g.*, “over 5,000 pounds” and “less than 5,001 pounds”). The General Assembly may wish to amend these subsections to eliminate the overlaps.

The Department of Legislative Services further notes, for consideration by the General Assembly, that revised subsection (g)(1)(ii) of this section (former § 27–105(f)), among other things, requires the impoundment of an out-of-state vehicle subject to a weight violation. This provision may well raise constitutional issues under the federal “dormant” commerce clause, in that it could be interpreted as interfering with interstate commerce. As a practical

matter, the Department of State Police states that it does not impound these vehicles and has not done so for decades (if ever). The General Assembly may wish to repeal this provision.

25–110.

(a) (1) With the advice of the State Department of Education, the Motor Vehicle Administration shall adopt and enforce rules and regulations not inconsistent with the Maryland Vehicle Law to govern the safe operation of all school vehicles.

(2) The following shall be subject to the rules and regulations adopted under this section:

- (i) Every school or school district and its officers and employees;
- (ii) Every person employed under contract by a school or school district; and
- (iii) Every person that owns or operates a school vehicle.

(b) (1) Any officer or employee of any school or school district who violates any rule or regulation adopted under this section or fails to include the obligation to comply with these rules and regulations in any contract executed by him on behalf of a school or school district is guilty of misconduct and subject to removal from office or employment.

(2) **(I)** [Any] A person that owns or operates a school vehicle [and violates] **MAY NOT VIOLATE** any rule or regulation adopted under this section [is guilty of a misdemeanor and the].

**(II)** A vehicle involved **IN A VIOLATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH** is subject to suspension or revocation of its registration.

REVISOR'S NOTE: Subsection (b)(2) of this section is revised in standard language used to state a prohibition.

The former reference to being “guilty of a misdemeanor” is repealed as unnecessary in light of § 27–101 of this article, which makes a violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

25–111.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Direct assistance" means the provision of transportation and other relief services by a motor carrier or its drivers for the immediate restoration of essential services or the delivery of essential supplies.

(ii) "Direct assistance" does not include:

1. Transportation related to the long-term rehabilitation of damaged physical infrastructure; or

2. Routine commercial deliveries made after the initial threat to life or property caused by a transportation emergency has passed.

(3) "Emergency relief" means an operation for which a motor carrier or driver of a commercial motor vehicle, in response to a transportation emergency, provides direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health or safety.

(4) "Essential services" includes electric or natural gas service, medical care, sewer service, water service, telecommunications service, or telecommunication transmissions.

(5) "Essential supplies" includes food or fuel.

(6) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this section.

(7) "Natural or man-made emergency" means a hurricane, a tornado, a thunderstorm, a snowstorm, an ice storm, a blizzard, a flood, wind-driven water, a tidal wave, a tsunami, an earthquake, a volcanic eruption, a mud slide, a drought, a forest fire, an explosion, an electricity blackout, or any other similar occurrence.

(8) "Police officer" means:

(i) Any uniformed law enforcement officer who is certified or under the direction of a law enforcement officer who is certified by the Department of State Police to perform an inspection authorized under this section;

(ii) Any civilian employee of the Department of State Police assigned to enforce any regulation adopted under this section, but only while acting under written authorization of the Secretary of State Police;

(iii) Any civilian employee of the Maryland Transportation Authority Police who is:

1. Acting under the immediate direction and control of a uniformed police officer;
  2. Acting under the written authorization of the Secretary of State Police; and
3. Certified by the Department of State Police to perform an inspection authorized under this section; or
    - (iv) Any civilian employee of a local government who is:
      1. Acting under the immediate direction and control of a uniformed police officer;
      2. Acting under the written authorization of the Secretary of State Police; and

(9) “Public Service Commission inspector” means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this section.

(10) “Transportation emergency” means any natural or man-made emergency that interrupts or may interrupt the delivery of essential services or essential supplies or otherwise immediately threatens human life or public welfare.

(b) (1) Upon direction by a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject to any regulation adopted under this section shall stop and submit to an inspection:

- (i) All applicable driver records, including driver’s license, driver hours of service record and certificate of physical examination;
- (ii) All load manifests, including bills of lading or other shipping documents; and
- (iii) All cargo and cargo areas.

(2) A police officer who is certified by the Department of State Police to perform an inspection authorized under this section, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection of the vehicle that is subject to a regulation adopted under this section or § 22–409 of this article.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the inspection provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit to the required inspection.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to the required inspection, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of inspecting the vehicle, load, its equipment, or documents.

(3) The police officer may utilize resources as specified in [§ 27-111(b)] § 16-303.1(B) of this article to conduct the safety inspection.

(4) In addition to any fine or penalty attributable to the inspection, or other offense, the driver is:

(i) Subject to a fine and penalty as specified in § 27-101(l) of this article; and

(ii) Responsible] **RESPONSIBLE** for any additional costs incurred in inspecting the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this section.

(f) (1) Except as provided in subsection (i) of this section, the Administration may adopt regulations as are necessary for the safe operation of vehicles that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds;

(ii) Are required to be marked or placarded for the transportation of hazardous materials; or

(iii) Are designed to transport 16 or more passengers including the driver over the highways of this State.

(2) Any regulation adopted pursuant to this subsection shall:

(i) Be formulated jointly by the Administration and the Department of State Police;

(ii) Duplicate or be consistent with the Federal Motor Carrier Safety Regulations contained in:

1. 49 C.F.R., Part 40 (“Procedures for Transportation Workplace Drug and Alcohol Testing Programs”) and Part 382 (“Controlled Substances and Alcohol Use and Testing”), with respect to drug and alcohol testing regulations applicable to drivers required by regulation to possess a commercial driver’s license;

2. 49 C.F.R., Part 385, Subparts A, C, and D (“New Entrant Safety Assurance Program”);

3. 49 C.F.R., Part 386, Subparts F and G (“Injunctions and Imminent Hazards; Penalties”); and

4. 49 C.F.R., Parts 390 through 399 (“General Safety Requirements”);

(iii) Apply to all vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are subject to the Federal Motor Carrier Safety Regulations; and

(iv) Apply to vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are not subject to the Federal Motor Carrier Safety Regulations, if the regulation adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle.

(3) The regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledge of applicable federal and State motor carrier safety regulations.

(g) Any motor carrier or driver operating a vehicle that is subject to the regulations adopted under this section shall, at all times when operating the vehicle on a highway in this State, comply with the regulations adopted under this section.

(h) (1) During normal business hours, a police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records of motor carriers subject to the regulations adopted under § 22–409 or § 23–302 of this article, Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, or Public Service Commission laws and regulations.

(2) During normal business hours, trained personnel from the Commercial Vehicle Enforcement Division of the Department of State Police may enter the premises and inspect, review, and copy records of motor carriers subject to the regulations adopted under this section, § 22–409 of this article, or § 23–302 of this article, including:

- (i) Any record required by this section;
- (ii) Driver qualification files;
- (iii) Hours of service records;
- (iv) Drug and alcohol testing records of drivers required to be tested under this section; and
- (v) Insurance records.

(i) (1) Except as provided for in paragraph (2) of this subsection, regulations adopted under this section for intrastate motor carrier transportation may not:

(i) Apply the provisions of § 391.21, § 391.23, § 391.31, or § 391.35 of the Federal Motor Carrier Safety Regulations to:

1. A driver who is a regularly employed driver of a motor carrier for a continuous period that began before July 1, 1986, if the driver continues to be a regularly employed driver of the motor carrier; or

2. The motor carrier, with regard to a driver described under item 1 of this item, if the motor carrier continues to employ the driver;

(ii) Limit a driver's time or hours on duty if:

1. The driver operates only within a 150 air mile radius of the driver's normal work reporting location;

2. The driver returns to the driver's normal work reporting location;

3. The driver is released from work within a period of 16 consecutive hours, not more than 12 of which are dedicated to driving, and is given at least 8 consecutive hours off duty; and

4. Regardless of the number of motor carriers using the driver's services, the driver:

A. If the employing motor carrier does not operate motor vehicles every day of the week, has been on duty no more than 70 hours in a period of 7 consecutive days; or

B. If the employing motor carrier operates motor vehicles every day of the week, has been on duty no more than 80 hours in a period of 8 consecutive days;

(iii) Require a driver to maintain a record of duty status if the driver is not subject to item (ii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:

1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and

2. For all time on duty in excess of 12 hours, conforms to the recording requirements provided in federal regulations; or

(iv) Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations before October 1, 2023 to any person who:

1. On October 1, 2003, was otherwise qualified to operate and operated a vehicle or vehicle combination used in intrastate commerce with a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more and, after October 1, 2003, remained qualified to operate and continued to operate such a vehicle;

2. Operates only in intrastate commerce; and

3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

A. The condition existed on October 1, 2003 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and

B. A physician who has examined the person has determined that the condition has not substantially worsened and that no other disqualifying medical or physical condition has developed since October 1, 2003 or the time of the first required physical examination after that date.

(2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:

(i) In interstate commerce;

(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or

(iii) Designed to transport 16 or more passengers, including the driver.

(j) (1) Notwithstanding the provisions of § 14–107 of the Public Safety Article, the Governor may delegate the power to declare a transportation emergency to the Secretary or the Secretary's designee.

(2) (i) The Secretary or the Secretary's designee may declare a transportation emergency.

(ii) 1. During the time in which a transportation emergency declared under this subsection exists, the Secretary or the Secretary's designee may waive all or part of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Parts 390–399 that have been adopted for intrastate motor carrier transportation under this section if the Secretary or the Secretary's designee reasonably expects that the waiver will facilitate emergency relief efforts.

2. A. This waiver shall apply only to motor carriers and drivers operating commercial motor vehicles while providing emergency relief.

B. When a transportation emergency terminates, an empty motor carrier or the driver of an empty motor carrier may return to the motor carrier's terminal or the driver's normal work reporting location.

(3) (i) All declarations issued under this subsection shall indicate the nature of the transportation emergency, the area or areas threatened, and the conditions which have brought it about.

(ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.

(4) Within 10 days of the issuance of any declaration issued under this subsection, the Secretary or the Secretary's designee shall notify the Governor of the nature of the declaration.

(5) (i) A transportation emergency declared by the Secretary or the Secretary's designee lasts for the lesser of 5 days from the date of the initial declaration or for the duration of the emergency conditions.

(ii) If conditions warrant, the Secretary or the Secretary's designee may renew a transportation emergency beyond the initial 5-day period for up to three renewal periods of 5 days each.

(iii) 1. A transportation emergency may not extend for more than 20 days.

2. If the duration of the transportation emergency conditions extends for more than 20 days, the Governor may take any action authorized under this

subsection to facilitate emergency relief efforts through a declaration of a state of emergency under § 14–107 of the Public Safety Article.

(k) For the purposes of subsection (i) of this section, the Administration shall adopt regulations requiring physical examinations for intrastate commercial motor vehicle drivers.

**(L) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:**

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**
- (2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (l) of this section is new language derived without substantive change from former § 27–101(l) of this article, as it related to this section. Correspondingly, subsection (d)(4)(i) of this section is deleted as unnecessary.

25–112.

(a) (1) In this section and in § 25–111 of this subtitle the following words have the meanings indicated.

(2) “Cloned CVISN transponder” means a CVISN transponder or other electronic device that has been converted with the electronic serial number or other proprietary information obtained without the consent of the State.

(3) “CVISN” means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(4) “CVISN transponder” means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(5) “Manufacture” means to produce, assemble, modify, alter, program, reprogram, or tamper with a CVISN transponder without the consent of the State.

(6) “Sell” means to sell, exchange, give, or dispose of to another, or to offer or agree to do the same.

(b) (1) A person may not knowingly possess or use a cloned CVISN transponder or possess a CVISN transponder with the intent to manufacture a cloned CVISN transponder.

(2) A person may not knowingly distribute or possess with intent to distribute, manufacture, or sell a cloned CVISN transponder.

(3) A person may not knowingly remove a CVISN transponder from the commercial vehicle to which it is registered and place it in another vehicle.

(c) (1) Except as provided in paragraph (2) of this subsection, if the operator of a motor vehicle is in possession of a cloned CVISN transponder or a CVISN transponder placed in a commercial vehicle to which it is not registered, the registered owner of the motor vehicle shall be liable for the violation under this section.

(2) A registered owner is not liable for a violation under this section if:

(i) The operator of the vehicle has been adjudicated to be solely responsible for the violation;

(ii) A person other than the registered owner has been adjudicated to be responsible for the violation; or

(iii) 1. The registered owner is a lessor of the motor vehicle;

2. At the time of the violation, the motor vehicle involved was in the possession of a lessee; and

3. The lessor, within 30 days of the issuance of the citation, provides the Department or its authorized agent with a copy of the lease agreement identifying the lessee.

**(D) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, INCLUDING BEING DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE UNDER § 16–812 OF THIS ARTICLE, A DRIVER OR AN OWNER CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

**(2) THE ADMINISTRATION MAY NOT REGISTER OR TRANSFER THE REGISTRATION OF ANY VEHICLE INVOLVED IN A VIOLATION OF THIS SECTION UNTIL FINAL DISPOSITION OF THE VIOLATION.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–112 of this article.

(a) A person who owns a vehicle, on whose property is found an abandoned vehicle, or who has lawful, documented possession of a vehicle for which the certificate of title is defective, lost, or destroyed, may apply to a law enforcement agency for the jurisdiction in which the vehicle is located for authority to transfer the vehicle to an automotive dismantler and recycler or scrap processor.

(b) The application shall be made under penalty of perjury and shall include:

(1) The name and address of the applicant;

(2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying features of the vehicle;

(3) A concise statement of the facts about the abandonment of the vehicle or the loss, destruction, or defect of the certificate of title of the vehicle; and

(4) An affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) If a law enforcement agency finds that the application is executed in proper form and shows either that the vehicle has been abandoned on the property of the applicant or, if the vehicle is not abandoned, that the applicant appears to be the rightful owner, the law enforcement agency may:

(i) If the applicant appears to be the rightful owner, approve the request on verification of the information in the application; or

(ii) If the application is made by a person other than the rightful owner, follow the notification procedures of §§ 25–204 and 25–205 of this subtitle.

(c–1) If the applicant submits with the application documentary proof that the notification procedures of §§ 25–204 and 25–205 of this subtitle already have been complied with, the law enforcement agency shall accept the document as proof of compliance and the agency is not required to provide this notification.

(d) (1) If an abandoned vehicle is not reclaimed in the time required by this subtitle or notice has already been provided to the owner and any secured party, the law enforcement agency shall give the applicant a certificate of authority to transfer the vehicle to:

(i) Any automotive dismantler and recycler for:

1. Dismantling, destroying, or scrapping; or

2. Salvaging as authorized under § 13–506 of this article; or

(ii) Any scrap processor for dismantling, destroying, or scrapping.

(2) The automotive dismantler and recycler or scrap processor shall accept the certificate of authority instead of the certificate of title of the vehicle.

(3) The automotive dismantler and recycler may apply for a salvage certificate as provided in § 13–506 of this article.

**(E) A PERSON MAY NOT KNOWINGLY MAKE A FALSE STATEMENT ON AN APPLICATION FOR A CERTIFICATE OF AUTHORITY UNDER THIS SECTION.**

**(F) A PERSON WHO VIOLATES SUBSECTION (E) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

REVISOR'S NOTE: Subsections (e) and (f) of this section are new language derived without substantive change from former § 27–101.2 of this article, as it related to this section.

Subsection (e) of this section is revised in standard language used to state a prohibition.

26–305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of this article, or a violation of the Illegal Dumping and Litter Control Law under § 10–110 of the Criminal Law Article or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or § 21–810 of this article, or § 10–110 or § 10–112 of the Criminal Law Article has failed to either:

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

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

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or § 21–810 of this

article, or under § 10–110 or § 10–112 of the Criminal Law Article has failed to appear for trial; or

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

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

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

(b) (1) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a parking violation under this subtitle or a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government if notified in accordance with subsection (a) of this section that the violator is a chronic offender.

(2) The Administration may adopt rules and regulations to define chronic offender and develop procedures to carry out the suspension of registration as authorized by this subsection.

(c) The Administration shall continue the suspension and refusal to register or transfer a registration of the vehicle until:

(1) If the suspension or refusal was required under subsection (a)(1) or (b)(1) of this section, the political subdivision or State agency notifies the Administration that the charge has been satisfied;

(2) If the suspension or refusal was required under subsection (a)(2) or (b)(1) of this section, the District Court notifies the Administration that the person cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

(3) If the suspension or refusal was required under subsection (a)(3) or (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has been satisfied.

(d) [(1)] If the registration of the vehicle has been suspended in accordance with subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this State.

[(2) A person convicted under paragraph (1) of this subsection is subject to the penalty set forth in § 27–101(b) of this article.]

(e) The procedures specified in this section are in addition to any other penalty provided by law for the failure to pay a fine or stand trial for a parking violation.

(f) The Administration shall adopt procedures by which the political subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it of any restrictions and any rescission of restrictions placed on the registration of vehicles under this section.

(g) (1) In addition to any other fee or penalty provided by law, an owner of a vehicle who is denied registration of the vehicle under the provisions of this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee described under paragraph (1) of this subsection:

(i) May be distributed in part to a political subdivision acting as an agent of the Administration in the registration of a vehicle under § 13–404 of this article if, based upon information provided to the Administration by the political subdivision under this section, the vehicle's prior registration was suspended or the vehicle's registration renewal was denied; and

(ii) Except as provided under item (i) of this paragraph, shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

REVISOR'S NOTE: Subsection (d)(2) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

[27–101.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

- (1) § 12–301(e) or (f) (“Special identification cards: Unlawful use of identification card prohibited”);
- (2) § 14–102 (“Taking or driving vehicle without consent of owner”);
- (3) § 14–104 (“Damaging or tampering with vehicle”);
- (4) § 14–107 (“Removed, falsified, or unauthorized identification number or registration card or plate”);
- (5) § 14–110 (“Altered or forged documents and plates”);
- (6) § 15–312 (“Dealers: Prohibited acts – Vehicle sales transactions”);
- (7) § 15–313 (“Dealers: Prohibited acts – Advertising practices”);
- (8) § 15–314 (“Dealers: Prohibited acts – Violation of licensing laws”);
- (9) § 15–411 (“Vehicle salesmen: Prohibited acts”);
- (10) § 16–113(j) (“Violation of alcohol restriction”);
- (11) § 16–301, except § 16–301(a) or (b) (“Unlawful use of license”);
- (12) § 20–103 (“Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property”);
- (13) § 20–104 (“Duty to give information and render aid”);
- (14) § 20–105 (“Duty on striking unattended vehicle or other property”);
- (15) § 20–108 (“False reports prohibited”);
- (16) § 21–206 (“Interference with traffic control devices or railroad signs and signals”);
- (17) As to a pedestrian in a marked crosswalk, § 21–502(a) (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an accident;
- (18) As to another vehicle stopped at a marked crosswalk, § 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;
- (19) Except as provided in subsections (f) and (q) of this section, § 21–902(b) (“Driving while impaired by alcohol”);

(20) Except as provided in subsections (f) and (q) of this section, § 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

(21) § 21–902.1 (“Driving within 12 hours after arrest”);

(22) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or

(23) § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).

(d) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both:

(1) § 18–104 (“Renting motor vehicle with incorrect odometer”);

(2) § 22–405.1 (“Regrooved tires”);

(3) § 22–415 (“Tampering with or altering odometer”);

(4) For each vehicle for which there is a violation, § 23–109 (“Inspections of used vehicles and warnings for defective equipment: Prohibited activities”); or

(5) Except as provided in subsection (i) of this section and § 27–101.2 of this title, Title 15, Subtitle 5 of this article.

(e) Any person who is convicted of a violation of any of the provisions of § 21–1411 of this article (“Transportation of hazardous materials”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(2) For any subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both, if the person is convicted of:

(i) A violation of § 14–103 of this article (“Possession of motor vehicle master key”); or

(ii) Except as provided in subsection (q) of this section, a second violation of:

1. § 21–902(b) of this article (“Driving while impaired by alcohol”); or

2. § 21–902(c) of this article (“Driving while impaired by drugs or drugs and alcohol”).

(2) Except as provided in subsection (q) of this section, a person who is convicted of a third or subsequent violation of § 21–902(b) or (c) of this article is subject to a fine not exceeding \$3,000 or imprisonment not exceeding 3 years or both.

(3) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(b) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (c), or (d) of this article shall be considered a conviction of § 21–902(b) of this article.

(4) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(c) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (b), or (d) of this article shall be considered a conviction of § 21–902(c) of this article.

(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than \$1,000:

(1) § 13–704 (“Fraud in application”);

(2) § 21–706 (“Overtaking and passing school vehicle”); or

(3) § 21–901.1(a) (“Reckless driving”).

(h) Any person who is convicted of a violation of any of the provisions of § 16–113(k) of this article (“Ignition Interlock System Program participant driving vehicle without ignition interlock”), § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled, suspended, refused, or revoked”), § 17–107 of this article (“Prohibitions”), or § 17–110 of this article (“Providing false evidence of required security”) is subject to:

(1) For a first offense, a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than \$1,000, or imprisonment for not more than 2 years, or both.

(i) Any person who is convicted of a violation of any of the provisions of § 15–402 of this article (“Vehicle salesman’s license required”) or § 15–502(a) of this article (“Automotive dismantler and recycler or scrap processor – License required”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(2) For any subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(j) (1) In this subsection, "imprisonment" includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(2) (i) A person who is convicted of a violation of § 21–902(a) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(a) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(3) (i) A person who is convicted of a violation of § 21–902(d) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(d) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(4) A person who is convicted of an offense under § 21–902(a) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;
2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or
3. Approved by the court.

(5) A person who is convicted of an offense under § 21–902(d) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

- (i) Undergo a comprehensive drug abuse assessment; and
- (ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:
  1. Certified by the Department of Health and Mental Hygiene;
  2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or
  3. Approved by the court.

(6) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21–902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”) or § 21–902(d) of this article (“Driving while impaired by controlled dangerous substance”):

- (i) For a first offense, shall be subject to a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both;
- (ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and
- (iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

(2) For the purpose of second or subsequent offender penalties for violation of § 21–902(a) of this article provided under this subsection, a prior conviction under § 21–902(b), (c), or (d) of this article, within 5 years of the conviction for a violation of § 21–902(a) of this article, shall be considered a conviction under § 21–902(a) of this article.

(3) For the purpose of second or subsequent offender penalties for violation of § 21–902(d) of this article provided under this subsection, a prior conviction under § 21–902(a), (b), or (c) of this article, within 5 years of the conviction for a violation of § 21–902(d) of this article, shall be considered a conviction under § 21–902(d) of this article.

(l) Any person who is convicted of a violation of any of the provisions of § 22–409 of this article (“Transportation of hazardous materials”), § 23–403(b) of this article (Obeying signs to stop for a diesel emissions test), § 24–111(d) or (e) of this article (Obeying signs to stop for inspection), § 24–111.1(b), (d)(2), or (e)(2) of this article (Overweight vehicles), or § 25–111 of this article (Motor carrier safety violations) is subject to a fine of:

- (1) Not more than \$1,000 for a first offense;
- (2) Not more than \$2,000 for a second offense; and
- (3) Not more than \$3,000 for a third or subsequent offense.

(m) Any person who is convicted of a violation of any of the provisions of § 21–802.1 of this article (Exceeding speed limit within highway work zone) is subject to a fine of not more than \$1,000.

(n) If a different penalty for the violation of any provision of the Maryland Vehicle Law is provided for in the Maryland Vehicle Law or in any other law of this State, the specific penalty prevails over the penalty provided for in this section.

(o) (1) Any person who is convicted of a violation of § 20–102(a) of this article is subject to a fine of not more than \$3,000 or imprisonment for not more than 1 year or both.

(2) Any person who is convicted of a violation of § 20–102(b) of this article is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(p) (1) Except as otherwise provided in this subsection, any person who is convicted of a violation of any of the provisions of § 21–904 of this article (“Fleeing or eluding police”) is subject to:

(i) For a first offense, a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both; and

(ii) For any subsequent offense, a fine of not more than \$1,000, or imprisonment for not more than 2 years, or both.

(2) Any person who is convicted of a violation of § 21–904(d)(1) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both.

(3) Any person who is convicted of a violation of § 21–904(d)(2) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 10 years, or both.

(4) Any person who is convicted of a violation of § 21–904(e) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both.

(q) (1) Any person who is convicted of a violation of § 21–902(a)(3) or (d)(2) of this article is subject to:

(i) For a first offense, a fine of not more than \$2,000 or imprisonment for not more than 2 years or both;

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21–902(b)(2) or (c)(3) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

(ii) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(3) For the purpose of determining second or subsequent offender penalties provided under this subsection, a prior conviction of any provision of § 21–902 of this article that subjected a person to the penalties under this subsection shall be considered a prior conviction.

(r) Any person who is convicted of a violation of § 21–803.1(e) of this article (Fines doubled for speeding within school zones) is subject to a fine of not more than \$1,000.

(s) (1) Any person who is convicted of a violation of § 16–808(a) of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(2) Any person who is convicted of a violation of § 16–808(c) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

(ii) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than \$3,000 or imprisonment for not more than 2 years or both.

(3) Any person who is convicted of a violation of § 16–813.1 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(t) Except as provided in subsection (f) of this section, any person who is convicted of a violation of any provisions of § 16–807(a) of this article (“Commercial driver’s license requirements”) or § 16–815(e) of this article (“Additional endorsements”) is subject to:

(1) For a first offense, a fine of not more than \$500 or imprisonment for not more than 2 months or both;

(2) For a second offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(3) For a third or subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(u) Any person who is convicted of a violation of § 24–112 of this article is subject to:

(1) For the first offense, a fine of not more than \$1,000;

(2) For a second offense, a fine of not more than \$2,000; and

(3) For a third or subsequent offense, a fine of not more than \$3,000.

(v) Any person who is convicted of a violation of § 15–302 of this article is subject to a fine of not more than \$5,000 or imprisonment for not more than 1 year or both.

(w) Any person who is convicted of committing a violation of § 21–1003(j) of this article while operating a commercial motor vehicle in Anne Arundel County is subject to:

- (1) For a first offense, a fine of \$100;
- (2) For a second offense, a fine of \$250; and
- (3) For a third or subsequent offense, a fine of \$500.

(x) (1) In this section, “test” has the meaning stated in § 16–205.1 of this article.

(2) The penalties in this subsection are in addition to any other penalty under this title imposed for a violation of § 21–902 of this article.

(3) Subject to paragraph (4) of this subsection, if a person is convicted of a violation of § 21–902 of this article and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take a test arising out of the same circumstances as the violation, the person is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both.

(4) A court may not impose an additional penalty under this subsection unless the State’s Attorney serves notice of the alleged test refusal on the defendant or the defendant’s counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial in a circuit court or 5 days before trial in the District Court, whichever is earlier.

(y) Any person who is convicted of a violation of § 16–101 of this article (“Drivers must be licensed”) is subject to:

(1) For a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days or both; and

(2) For a second or subsequent offense, a fine of not more than \$500 or imprisonment for not more than 1 year or both.

(z) Any person who is convicted of a violation of § 21–1126 or § 21–1127 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(aa) Any person who is convicted of a violation of § 22–611 of this article is subject to:

(1) For a first offense, a fine of not less than \$250 and not more than \$1,000; and

(2) For a second or subsequent offense, a fine of not less than \$500 and not more than \$1,000.

(bb) Any person who is convicted of a violation of § 24–107 of this article that results in serious bodily injury as defined in § 27–113 of this title or death is subject to a fine of not more than \$1,000.

(cc) Any person who is convicted of a violation of § 12–301(c) or (d) of this article (“Fraud or misrepresentation in obtaining or application for an identification card”) or § 16–301(a) or (b) of this article (“Fraud or misrepresentation in obtaining or application for a license”) is subject to a fine of not more than \$2,500 or imprisonment for not more than 3 years or both.

(dd) (1) Any person who is convicted of a violation of § 21–1128 of this article is subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days or both.

(2) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other law, if a minor is the defendant or child respondent in a proceeding under § 21–1128 of this article, the court may order that a fine imposed under this subsection be paid by:

1. The minor;
2. The parent or guardian of the minor; or
3. Both the minor and the minor’s parent or guardian.

(ii) 1. A court may not order a parent or guardian of a minor to pay a fine under this paragraph unless the parent or guardian has been given a reasonable opportunity to be heard and to present evidence.

2. A hearing under this subparagraph may be held as part of the sentencing or disposition hearing.

(ee) Any person who is convicted of a violation of § 21–1116(a) of this article that results in serious bodily injury to another person as defined in § 27–113 of this title is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both.

(ff) A person that is convicted of a violation of § 15–311.2(c)(5) of this article:

(1) Is subject to a fine of not more than \$5,000 or imprisonment for not more than 1 year or both; and

(2) May be required to pay restitution.

(gg) A person who is convicted of a violation of § 16–303(h) (“Licenses suspended under certain provisions of Code”) or § 16–303(i) (“Licenses suspended under certain provisions of the traffic laws or regulations of another state”) of this article:

- (1) Is subject to a fine of not more than \$500;
- (2) Must appear in court; and
- (3) May not prepay the fine.]

**27–101.**

**(A) A PERSON WHO VIOLATES A PROVISION OF THE MARYLAND VEHICLE LAW IS GUILTY OF A MISDEMEANOR UNLESS THE VIOLATION:**

- (1) IS A FELONY UNDER THE MARYLAND VEHICLE LAW; OR**
- (2) IS PUNISHABLE BY A CIVIL PENALTY UNDER THE APPLICABLE PROVISION OF THE MARYLAND VEHICLE LAW.**

**(B) EXCEPT AS OTHERWISE PROVIDED IN THE MARYLAND VEHICLE LAW, A PERSON CONVICTED OF A MISDEMEANOR FOR A VIOLATION OF A PROVISION OF THE MARYLAND VEHICLE LAW IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former § 27–101(a) and (b) of this article.

In subsection (a)(1) of this section, the reference to “any other law of this State” is deleted as unnecessary because no other State law makes a violation of the Maryland Vehicle Law a felony.

In subsection (b) of this section, the reference to “the Maryland Vehicle Law” is substituted for the former reference to “this section” to reflect the revision of former § 27–101(c) through (m) and (o) through (gg) in the appropriate sections of the Maryland Vehicle Law.

Former § 27–101(n) of this article is deleted as unnecessary in light of the reorganization by this Act of the penalties for violations of the Maryland Vehicle Law.

The balance of former § 27–101 of this article is revised as follows:

Subsection (c)(1) is revised in § 12–301 of this article.

Subsection (c)(2) is revised in § 14–102 of this article.

Subsection (c)(3) is revised in § 14–104 of this article.

Subsection (c)(4) is revised in § 14–107 of this article.

Subsection (c)(5) is revised in § 14–110 of this article.

Subsection (c)(6) is revised in § 15–312 of this article.

Subsection (c)(7) is revised in § 15–313 of this article.

Subsection (c)(8) is revised in § 15–314 of this article.

Subsection (c)(9) is revised in § 15–402 of this article.

Subsection (c)(10) is revised in § 16–113 of this article.

Subsection (c)(11) is revised in § 16–301 of this article.

Subsection (c)(12) is revised in § 20–103 of this article.

Subsection (c)(13) is revised in § 20–104 of this article.

Subsection (c)(14) is revised in § 20–105 of this article.

Subsection (c)(15) is revised in § 20–108 of this article.

Subsection (c)(16) is revised in § 21–206 of this article.

Subsection (c)(17) and (18) is revised in § 21–502 of this article.

Subsection (c)(19) and (20) is revised in § 21–902 of this article.

Subsection (c)(21) is revised in § 21–902.1 of this article.

Subsection (c)(22) is revised in § 21–10A–07 of this article.

Subsection (c)(23) is revised in § 21–902.2 of this article.

Subsection (d)(1) is revised in § 18–104 of this article.

Subsection (d)(2) is revised in § 22–405.1 of this article.

Subsection (d)(3) is revised in § 22–415 of this article.

Subsection (d)(4) is revised in § 23–109 of this article.

Subsection (d)(5) is revised in § 15–515 of this article.

Subsection (e) is revised in § 21–1411 of this article.

Subsection (f)(1)(i) is revised in § 14–103 of this article.

Subsection (f)(1)(ii), (2), (3), and (4) is revised in § 21–902 of this article.

Subsection (g)(1) is revised in § 13–704 of this article.

Subsection (g)(2) is revised in § 21–706 of this article.

Subsection (g)(3) is revised in § 21–901.1 of this article.

Subsection (h) is revised in §§ 16–113, 16–303, 17–107, and 17–110 of this article.

Subsection (i) is revised in §§ 15–402 and 15–502 of this article.

Subsections (j) and (k) are revised in § 21–902 of this article.

Subsection (l) is revised in §§ 22–409, 23–403, 24–111, 24–111.1, and 25–111 of this article.

Subsection (m) is revised in § 21–802.1 of this article.

Subsection (o) is revised in § 21–102 of this article.

Subsection (p) is revised in § 21–904 of this article.

Subsection (q) is revised in § 21–902 of this article.

Subsection (r) is revised in § 21–803.1 of this article.

Subsection (s)(1) and (2) is revised in § 16–808 of this article.

Subsection (s)(3) is revised in § 16–813.1 of this article.

Subsection (t) is revised in §§ 16–807 and 16–815 of this article.

Subsection (u) is revised in § 24–112 of this article.

Subsection (v) is revised in § 15–302 of this article.

Subsection (w) is revised in § 21–1003 of this article.

Subsection (x) is revised in § 21–902 of this article.

Subsection (y) is revised in § 16–101 of this article.

Subsection (z) is revised in §§ 21–1126 and 21–1127 of this article.

Subsection (aa) is revised in § 22–611 of this article.

Subsection (bb) is revised in § 24–107 of this article.

Subsection (cc) is revised in §§ 12–301 and 16–301 of this article.

Subsection (dd) is revised in § 21–1128 of this article.

Subsection (ee) is revised in § 21–1116 of this article.

Subsection (ff) is revised in § 15–311.2 of this article.

Subsection (gg) is revised in § 16–303 of this article.

[27–101.1.

(a) In addition to being disqualified from driving a commercial motor vehicle under § 16–812(i) of this article, a driver who is convicted of violating an out-of-service order shall be subject to the civil penalties specified by regulation by the United States Secretary of Transportation.

(b) An employer who is convicted of violating § 16–806(b)(4) or (5) of this article shall be subject to the civil penalties specified by regulation by the United States Secretary of Transportation.]

REVISOR'S NOTE: Former § 27–101.1(a) of this article is revised in § 16–812 of this article; former subsection (b) is revised in § 16–806 of this article.

[27–101.2.

A person who knowingly makes a false statement on an affidavit of lawful possession under § 15–509 of this article or on an application for a certificate of authority under § 25–209 of this article is guilty of a felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 10 years or both.]

REVISOR'S NOTE: Former § 27–101.2 of this article is revised in §§ 15–509 and 25–209 of this article.

[27–102.

Except as provided in § 21–1207.1 of this article, any person who violates a restriction imposed on any license under the Maryland Vehicle Law or who violates any rule or regulation adopted under any provision of the Maryland Vehicle Law is guilty of a misdemeanor and, in addition to any administrative penalty provided for in the Maryland Vehicle Law, is subject to the penalties provided for in § 27–101(b) or (c) of this title or, if greater, to the same penalties as are provided for a violation of the statute for or under which the restriction is imposed or the rule or regulation adopted.]

**27–102.**

**EXCEPT AS PROVIDED IN § 21–1207.1 OF THIS ARTICLE, A PERSON WHO VIOLATES A RESTRICTION IMPOSED ON ANY LICENSE UNDER THE MARYLAND VEHICLE LAW OR WHO VIOLATES A REGULATION ADOPTED UNDER THE MARYLAND VEHICLE LAW IS GUILTY OF A MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY ADMINISTRATIVE PENALTY PROVIDED IN THE MARYLAND VEHICLE LAW, IS SUBJECT TO THE GREATER OF:**

- (1) THE PENALTY PROVIDED IN § 27–101(B) OF THIS TITLE;**
- (2) THE PENALTY PROVIDED FOR A VIOLATION OF § 16–113(J) OF THIS ARTICLE; OR**
- (3) THE PENALTY PROVIDED FOR A VIOLATION OF THE STATUTE UNDER WHICH THE RESTRICTION IS IMPOSED OR THE REGULATION ADOPTED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–102 of this article.

In the introductory language and in item (3) of this section, the former references to a “rule” are deleted as included in the references to a “regulation”.

In item (2) of this section, the reference to “[t]he penalty provided for a violation of § 16–113(j) of this article” is substituted for the former overly broad reference to former “§ 27–101... (c) of this title”.

[27–103.

(a) If a person fined under the Maryland Vehicle Law or under any federal traffic law or regulation for a violation occurring in Maryland does not pay the fine in accordance with the court's directive:

- (1) The court may so certify to the Administration; and

(2) On such certification, after giving the person 10 days advance written notice, the Administration may suspend the driving privileges or license of the person until the fine has been paid.

(b) With the cooperation of the District Court and the U. S. District Court, the Administration shall develop procedures to carry out the provisions of this section.]

**27-103.**

**(A) (1) IF A PERSON FINED UNDER THE MARYLAND VEHICLE LAW OR UNDER A FEDERAL TRAFFIC LAW OR REGULATION FOR A VIOLATION OCCURRING IN THE STATE DOES NOT PAY THE FINE IN ACCORDANCE WITH THE COURT'S DIRECTIVE, THE COURT MAY CERTIFY THE FAILURE TO PAY TO THE ADMINISTRATION.**

**(2) WHEN THE ADMINISTRATION RECEIVES A CERTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, AFTER GIVING THE PERSON 10 DAYS ADVANCE WRITTEN NOTICE, THE ADMINISTRATION MAY SUSPEND THE DRIVING PRIVILEGES OR LICENSE OF THE PERSON UNTIL THE FINE HAS BEEN PAID.**

**(B) WITH THE COOPERATION OF THE DISTRICT COURT AND THE U.S. DISTRICT COURT, THE ADMINISTRATION SHALL DEVELOP PROCEDURES TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-103 of this article.

In subsection (a)(1) of this section, the reference to "certify[ing] the failure to pay" is substituted for the former reference to "so certify[ing]" for clarity.

**[27-104.**

(a) The State Comptroller shall reimburse a defendant for any forfeited bond or collateral that has been received by the Comptroller after a District Court judge has stricken out the forfeiture, if the defendant is found not guilty of the offense charged.

(b) If the defendant is found guilty of the offense charged, but his fine is less than the amount of the forfeited bond or collateral, the State Comptroller shall reimburse the defendant for any amount received by the Comptroller that is in excess of the fine.]

**27-104.**

**(A) IF A DEFENDANT IS FOUND NOT GUILTY OF THE OFFENSE CHARGED, THE COMPTROLLER SHALL REIMBURSE THE DEFENDANT FOR ANY FORFEITED BOND OR COLLATERAL RECEIVED BY THE COMPTROLLER AFTER A DISTRICT COURT JUDGE HAS STRICKEN THE FORFEITURE.**

**(B) IF A DEFENDANT IS FOUND GUILTY OF THE OFFENSE CHARGED, BUT THE FINE IS LESS THAN THE AMOUNT OF THE FORFEITED BOND OR COLLATERAL, THE COMPTROLLER SHALL REIMBURSE THE DEFENDANT FOR ANY AMOUNT RECEIVED BY THE COMPTROLLER THAT EXCEEDS THE FINE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-104 of this article.

[27-105.

(a) (1) This section applies to any person charged with a violation of the Maryland Vehicle Law for exceeding, as to any vehicle or combination of vehicles:

(i) The maximum registered weight limit for which the vehicle or combination is registered;

(ii) Any statutory weight limit set forth in the Maryland Vehicle Law; or

(iii) The maximum weight limit imposed by signs which have been placed to regulate the weight of any vehicle passing over any bridge or culvert as provided for in § 24-206 of this article, provided that signs posting the restriction are located at the bridge or culvert and also prior to the last available alternate route that bypasses the bridge or culvert.

(2) On conviction of any person for a violation of any of these limits, fines shall be imposed as provided in this section.

(b) Except on interstate highways, a loading error or tolerance of 1,000 pounds over a registered weight limit, statutory weight limit, or weight limit imposed by signs is allowed and only weight in excess of this tolerance is a violation provided that:

(1) An overall gross weight may not exceed 80,000 pounds, including any enforcement or statutory tolerances; or

(2) The vehicle is being operated under a valid permit for gross weight in excess of 80,000 pounds.

(c) Subject to subsection (d) of this section, the following fines, in addition to court costs, are applicable to weight violations over the registered weight limit, statutory weight

limit, or weight limit imposed by signs, and for weight violations that occur on any highway of this State, including interstate highways:

(1) 1 cent for each pound for the first 1,000 pounds of weight over any allowable weight;

(2) 5 cents for each pound of excess weight over 1,000 pounds, but less than 5,001 pounds;

(3) 12 cents for each additional pound of excess weight over 5,000 pounds and less than 10,001 pounds;

(4) 20 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(5) 40 cents for each additional pound of excess weight over 20,000 pounds.

(d) The following fines, in addition to court costs, are applicable to weight violations over the registered weight limit, statutory weight limit, or weight limit imposed by signs, and to any other weight violations that occur on the William Preston Lane, Jr. Memorial (Chesapeake Bay) Bridge or its appurtenant approaches under the jurisdiction of the Maryland Transportation Authority:

(1) 1 cent for each pound for the first 1,000 pounds over any allowable weight;

(2) 5 cents for each additional pound of excess weight over 1,000 pounds but less than 2,001 pounds;

(3) 10 cents for each additional pound of excess weight over 2,000 pounds but less than 5,001 pounds;

(4) 24 cents for each additional pound of excess weight over 5,000 pounds but less than 10,001 pounds;

(5) 40 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(6) 80 cents for each additional pound of excess weight over 20,000 pounds.

(e) Notwithstanding any other provision of law, on conviction for a violation, no fine may be suspended or reduced. However, in computing the fine, a credit for any excess weight caused by an accumulation of cinders, snow, or ice shall be given.

(f) (1) If the vehicle being operated at the time the offense is committed is registered outside of this State, or if the person responsible for the violation or the person

operating the vehicle is a nonresident of this State, further proceedings shall be had as to the person under Title 26 of this article or the vehicle shall be impounded until the fine is paid or acceptable collateral posted.

(2) The impounding of the vehicle does not include the cargo, and the cargo may not be held.

(3) If, after 90 days from the date the vehicle was impounded, the fine has not been paid or acceptable collateral posted, the vehicle may be sold at public auction under the jurisdiction of the court to satisfy the fine, accrued interest, and costs.

(g) The provisions of this section do not apply to an “emergency vehicle”, as defined in § 11–118 of this article, when responding to an emergency.]

REVISOR’S NOTE: Former § 27–105 of this article is revised in § 24–401 of this article.

[27–106.

(a) Any person who is convicted of a violation of § 22–404.4 of this article shall be fined \$250.

(b) Any person who is convicted of a violation of § 21–1003(u) or (dd) of this article is subject to a fine of \$25.]

REVISOR’S NOTE: Former § 27–106(a) of this article is revised in § 22–404.4 of this article; former subsection (b) is revised in § 21–1003 of this article.

[27–107.

(a) In this section, “ignition interlock system” means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a driver’s blood alcohol level; and

(2) Prevents a motor vehicle ignition from starting if a driver’s blood alcohol level exceeds the calibrated setting on the device.

(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21–902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”), or § 21–902(b) of this article (“Driving while impaired by alcohol”), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6–220 of the Criminal Procedure Article for, a violation of § 21–902(a) or § 21–902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

(c) If the court imposes the use of an ignition interlock system as a sentence, part of a sentence, or a condition of probation, the court:

(1) Shall state on the record the requirement for, and the period of the use of the system, and so notify the Administration;

(2) Shall direct that the records of the Administration reflect:

(i) That the person may not operate a motor vehicle that is not equipped with an ignition interlock system; and

(ii) Whether the court has expressly permitted the person to operate a motor vehicle without an ignition interlock system under subsection (g)(2) of this section;

(3) Shall direct the Administration to note in an appropriate manner a restriction on the person's license imposed under paragraph (2)(i) or (ii) of this subsection;

(4) Shall require proof of the installation of the system and periodic reporting by the person for verification of the proper operation of the system;

(5) Shall require the person to have the system monitored for proper use and accuracy by an entity approved by the Administration at least semiannually, or more frequently as the circumstances may require; and

(6) (i) Shall require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system; and

(ii) May establish a payment schedule.

(d) A person prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system may not solicit or have another person attempt to start or start a motor vehicle equipped with an ignition interlock system.

(e) A person may not attempt to start or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system.

(f) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section or Title 16 of this article.

(g) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not knowingly furnish a motor vehicle not equipped with a functioning ignition

interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.

(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.

(ii) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if:

1. The person has not been convicted of:

A. A violation of § 21-902(a) of this article more than once within a 5-year period;

B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

C. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; and

2. The court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16-404.1 of this article to operate, in the course of the person's employment, a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if:

1. The person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; and

2. The person has not been convicted of:

A. A violation of § 21-902(a) of this article more than once within a 5-year period;

B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

C. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.]

REVISOR'S NOTE: Former § 27–107 of this article is revised in § 21–902.2 of this article.

[27–107.1.

(a) In this section, “test” has the meaning stated in § 16–205.1 of this article.

(b) If a person is convicted of a violation under § 21–902(b) or (c) of this article and the trier of fact finds beyond a reasonable doubt that the person refused to take a test arising out of the same circumstances as the violation, the court shall require the person to participate in the Ignition Interlock System Program under § 16–404.1 of this article for 1 year.

(c) The penalty provided in this section shall be:

(1) In addition to any other criminal penalty for a violation of § 21–902(b) or (c) of this article;

(2) Concurrent with any other participation in the Ignition Interlock System Program ordered by the Administration under any other provision of this article.

(d) If a person subject to this section participates in the Ignition Interlock System Program under § 16–205.1 of this article, the person shall receive credit toward the length of participation in the Ignition Interlock System Program arising out of the same incident required under this section.]

REVISOR'S NOTE: Former § 27–107.1 of this article is revised in § 21–902.3 of this article.

[27–108.

(a) (1) The Administration shall certify or cause to be certified ignition interlock systems for use in the State and adopt rules and regulations for the certification of the ignition interlock systems.

(2) The regulations adopted under paragraph (1) of this subsection shall include requirements that ignition interlock systems:

(i) Do not impede the safe operation of the vehicle;

(ii) Minimize opportunities to be bypassed;

- (iii) Correlate accurately with established measures of blood alcohol levels;
- (iv) Work accurately and reliably in an unsupervised environment;
- (v) Require a proper and accurate measure of blood alcohol levels;
- (vi) Are installed in a tamper proof manner and provide evidence of attempted tampering;
- (vii) Are difficult to circumvent, and require premeditation to circumvent;
- (viii) Minimize inconvenience to a sober user;
- (ix) Are manufactured by a party responsible for installation, user training, service, and maintenance;
- (x) Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;
- (xi) Are manufactured by a person who is adequately insured for products liability;
- (xii) Provide the option for an electronic log of the driver's experience with the system; and
- (xiii) Are certified by a qualified laboratory approved by the Administration.

(3) (i) The Administration shall design and adopt a warning label to be affixed to an ignition interlock system on installation.

(ii) The warning label shall state that a person tampering with, circumventing, or otherwise misusing the ignition interlock system is guilty of a misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.

(4) (i) The Administration shall publish a list of certified ignition interlock systems.

(ii) A manufacturer of an ignition interlock system that seeks to sell or lease the ignition interlock system to persons subject to the provisions of § 27–107 of this title in the State shall pay the costs of obtaining the required certification.

(b) A person may not sell or lease or offer to sell or lease an ignition interlock system to a person subject to the provisions of § 27–107 of this title in the State unless:

- (1) The system has been certified by the Administration; and
  - (2) A warning label approved by the Administration is affixed to the system stating that a person who tampers, circumvents, or otherwise misuses the system is guilty of a misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.
- (c) A person who sells or leases an ignition interlock system in the State shall:
- (1) Monitor the use of the system as required by the court; and
  - (2) Issue a report of the results of the monitoring to the appropriate office of the Division of Parole and Probation.
- (d) The Administration shall adopt regulations establishing minimum standards for the certification of an approved service provider, including:

- (1) The minimum qualifications described under § 16–404.1 of this article; and
- (2) A requirement that an approved service provider shall maintain service and installation records and provide these records for inspection on the request of the Administration.]

REVISOR'S NOTE: Former § 27–108 of this article is revised in § 21–902.4 of this article.

[27–109.

Any person who is convicted of a violation of § 22–404.5 of this article is subject to a fine of not more than \$1,000.]

REVISOR'S NOTE: Former § 27–109 of this article is revised in § 22–404.5 of this article.

[27–110.

(a) The Administration shall refuse or suspend the registration of any motor vehicle incurring a toll violation under § 21–1414 of this article if:

(1) It is notified by the Maryland Transportation Authority that a registered owner has been served with a citation in accordance with § 21–1414 of this article and:

(i) Has failed to pay the video toll and the civil penalty for the toll violation by the date specified in the citation; or

(ii) Has failed to contest liability for the toll violation by the date identified and in the manner specified in the citation; or

(2) It is notified by the Maryland Transportation Authority or the District Court that a person who elected to contest liability for a toll violation under § 21–1414 of this article has failed to appear for trial or has been determined to be guilty of the toll violation and has failed to pay the video toll and related civil penalty.

(b) In conjunction with the Maryland Transportation Authority, the Administration may adopt regulations and develop procedures to carry out the refusal or suspension of a registration as authorized by this section.

(c) The procedures specified in this section are in addition to any other penalty provided by law for toll violations under § 21–1414 of this article.

(d) The provisions of this section may be applied to enforce a reciprocal agreement entered into by the State and another jurisdiction in accordance with § 21–1415 of this article.]

REVISOR'S NOTE: Former § 27–110 of this article is revised in § 21–1414 of this article.

[27–111.

(a) In this section, “police department” has the same meaning indicated in § 25–201 of this article.

(b) (1) For the purpose of impounding or immobilizing a vehicle under this section, the police department may use its own personnel, equipment, and facilities or, subject to the provisions of paragraph (2) of this subsection, use other persons, equipment, and facilities for immobilizing vehicles or removing, preserving, and storing impounded vehicles.

(2) A police department may not authorize the use of a tow truck under paragraph (1) of this subsection unless the tow truck is registered under § 13–920 of this article.

(c) (1) As a sentence, a part of a sentence, or a condition of probation, a court may order, for not more than 180 days, the impoundment or immobilization of a solely owned vehicle used in the commission of a violation of § 16–303(c) or (d) of this article if, at the time of the violation:

(i) The owner of the vehicle was driving the vehicle; and

(ii) The owner's license was suspended or revoked under § 16–205 of this article.

(2) Among the factors that a court may consider in determining whether to order an impoundment or immobilization of a vehicle is whether the vehicle is the primary means of transportation available for the use of the individual's immediate family.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, impoundment or immobilization of a vehicle may not be ordered under this section, if the registered owner of the vehicle made a bona fide sale, gift, or other transfer of the vehicle to another person before the date of the finding of a violation of § 16–303(c) or (d) of this article.

(ii) The registered owner of the vehicle has the burden of proving that a bona fide sale, gift, or other transfer of the vehicle has occurred.

(d) (1) The registered owner of a vehicle impounded or immobilized under this section is responsible for all actual costs incurred as a result of the immobilizing of the vehicle, or the towing, preserving, and storing of the impounded vehicle.

(2) The court may require the registered owner of a vehicle impounded or immobilized under this section to post a bond or other adequate security to equal the actual costs of immobilizing the vehicle, or towing, preserving, and storing the vehicle, and providing the notices required under subsection (f) of this section.

(3) Subject to the provisions of this section, a police department that impounds a vehicle by taking the vehicle into custody or immobilizes a vehicle under this section promptly shall return possession or use of the vehicle to the registered owner of the vehicle on payment of all actual costs of immobilizing the vehicle, or towing, preserving, and storing the impounded vehicle, and providing the notices required under subsection (f) of this section.

(e) If a court orders the impoundment or immobilization of a vehicle under this section, the court shall provide for the execution of the impoundment or immobilization by a police department.

(f) (1) If a court orders the impoundment or immobilization of a vehicle under this section, the police department that executes the immobilization, or the impoundment by taking the vehicle into custody, shall, as soon as reasonably possible and within 7 days after the police department executes the court order, send a notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) Each registered owner of the vehicle as shown in the records of the Administration; and

(ii) Each secured party, as shown in the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been immobilized, or impounded by being taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Provide the location of where the vehicle is immobilized or the location of the facility where the vehicle is impounded;

(iv) Include the amount of the actual costs of immobilization, or towing, preservation, and storage of an impounded vehicle;

(v) Include the amount of the actual costs of the notices required under this paragraph; and

(vi) Provide that, if an impounded vehicle is not reclaimed as required under this subsection, within 10 days after the date specified in the court order, the impounded vehicle will be considered an abandoned vehicle and subject to the provisions of Title 25, Subtitle 2 of this article.

(3) If an impounded vehicle is not reclaimed within 10 days after the date specified in a court order under this section, the vehicle shall be considered an abandoned vehicle subject to the provisions of Title 25, Subtitle 2 of this article.

(g) (1) This section may not be construed to prohibit a lienholder from exercising its rights under applicable law, including the right to sell a vehicle that has been impounded or immobilized under this section, in the event of a default in the obligation giving rise to the lien.

(2) (i) A lienholder exercising the right to sell a vehicle that has been impounded or immobilized under this section shall notify, in writing, the police department with custody of the vehicle of the lienholder's intention to sell the vehicle.

(ii) The notice shall be accompanied by copies of documents giving rise to the lien and shall include an affidavit under oath by the lienholder that the underlying obligation is in default and the reasons for the default.

(iii) On request of the lienholder and on payment of all costs required under this section, the vehicle shall be released to the lienholder.

(3) Except as provided in paragraph (4) of this subsection, the rights and duties provided by law to the lienholder for the sale of collateral securing an obligation in default shall govern the repossession and sale of the vehicle.

(4) (i) The lienholder may not be required to take possession of the vehicle before a sale of the vehicle.

(ii) The proceeds of any sale shall be applied first to the actual costs of immobilization, or towing, preservation, and storage of an impounded vehicle, and the actual costs of the notices required under subsection (f) of this section, then as provided by law for distribution of proceeds of a sale by the lienholder.

(5) (i) If the interest of the owner in the vehicle is redeemed, the lienholder shall, within 10 days after the redemption, mail a notice of the redemption to the police department who impounded or immobilized the vehicle.

(ii) If the vehicle has been repossessed or otherwise lawfully taken by the lienholder and the time specified by a court order under this section has not expired, the lienholder shall return the vehicle within 21 days after the redemption to the police department who impounded or immobilized the vehicle.

(h) This section does not affect the requirements of Title 25, Subtitle 2 of this article regarding abandoned vehicles.]

REVISOR'S NOTE: Former § 27-111 of this article is revised in § 16-303.1 of this article.

[27-112.

(a) In addition to being disqualified from driving a commercial motor vehicle under § 16-812 of this article, a driver or owner who is convicted of violating § 25-112 of this article is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both.

(b) The Administration may not register or transfer the registration of any vehicle involved in a violation under § 25-112 of this article until final disposition of the violation.

(c) The penalties specified in this section are in addition to any other penalty provided by law for a violation of § 25-112 of this article.]

REVISOR'S NOTE: Former § 27-112 of this article is revised in § 25-112 of this article.

[27-113.

(a) In this section, "serious bodily injury" means an injury that:

- (1) Creates a substantial risk of death;
  - (2) Causes serious permanent or serious protracted disfigurement;
  - (3) Causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or
  - (4) Causes serious permanent or serious protracted impairment of the function of any bodily member or organ.
- (b) A person who violates § 20–102 of this article (“Driver to remain at scene — Accident resulting in bodily injury or death”) and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 5 years or a fine of not more than \$5,000 or both.
- (c) A person who violates § 20–102 of this article (“Driver to remain at scene — Accident resulting in bodily injury or death”) and who knew or reasonably should have known that the accident might result in the death of another person and death actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 10 years or a fine of not more than \$10,000 or both.]

REVISOR’S NOTE: Former § 27–113 of this article is revised in § 20–102 of this article.

[27–114.

(a) If a person violates any provision of Title 21, Subtitle 4 of this article and the violation contributes to an accident that results in the death or, as defined in § 27–113 of this title, serious bodily injury of another, the person is guilty of a misdemeanor and on conviction:

- (1) The person is subject to a fine of not more than \$1,000; and
- (2) The Administration may suspend the person’s license for not more than 180 days.

(b) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a license suspension imposed under this section.]

REVISOR’S NOTE: Former § 27–114 of this article is revised in § 21–406 of this article.

[27–115.

(a) A person who violates § 21–1124.3 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 1 year or a fine of not more than \$5,000 or both.

(b) A sentence imposed under this section shall be separate from and concurrent with a sentence for another crime based in whole or part on the act establishing the violation of § 21–1124.3 of this article.]

REVISOR'S NOTE: Former § 27–115 of this article is revised in § 21–1124.3 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That the Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, April 11, 2017.**