

HOUSE BILL 969

D1, R5

7lr3009

By: **Delegate Conaway**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Suspension of Driving Privileges – Dispensing Motor Fuel Into Dirt Bike**

3 FOR the purpose of establishing that the requirement that a court shall order the Motor
4 Vehicle Administration to suspend the driving privilege of a child for a certain period
5 of time if the court finds that the child has unlawfully dispensed motor fuel into a
6 dirt bike applies only to a child who is at least a certain age; repealing certain
7 provisions of law governing the suspension of driving privileges for a child under a
8 certain age for unlawfully dispensing motor fuel into a dirt bike; establishing that
9 certain provisions of law governing the authority of a court to suspend the driving
10 privileges of a child do not apply to a violation for unlawfully dispensing motor fuel
11 into a dirt bike; making certain conforming changes; making certain technical
12 corrections; and generally relating to the suspension of driving privileges for
13 unlawfully dispensing motor fuel into a dirt bike.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–19(e)(5)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Transportation
21 Section 21–1128
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2016 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-8A-19.

2 (e) (5) (i) **PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO**
 3 **A CHILD FOUND TO HAVE COMMITTED A VIOLATION OF § 21-1128 OF THE**
 4 **TRANSPORTATION ARTICLE.**

5 (II) In making a disposition on a finding that [the] A child **WHO WAS**
 6 **AT LEAST 15 YEARS, 9 MONTHS OLD AT THE TIME OF THE VIOLATION** has committed
 7 a violation under § 21-1128 of the Transportation Article, the court shall order the Motor
 8 Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the
 9 driving privilege of [a] **THE** child [licensed to operate a motor vehicle by the Motor Vehicle
 10 Administration] for a specified period of not less than 30 days nor more than 90 days.

11 [(ii)] (III) If a child subject to a suspension under this paragraph
 12 does not possess [the privilege to drive] **A DRIVER'S LICENSE OR LEARNER'S**
 13 **INSTRUCTIONAL PERMIT** on the date of the disposition, the [suspension shall commence:

14 1. If, on the date of the disposition, the child is at an age that
 15 makes a child eligible to obtain the privilege to drive, on the date of the disposition; or

16 2. If, on the date of the disposition, the child is younger than
 17 an age that makes a child eligible to obtain the privilege to drive, on the date the child is
 18 eligible to obtain driving privileges] **MOTOR VEHICLE ADMINISTRATION SHALL**
 19 **SUSPEND THE DRIVING PRIVILEGE OF THE CHILD COMMENCING ON THE DATE OF**
 20 **DISPOSITION.**

21 Article – Transportation

22 21-1128.

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

24 (2) (i) “Dirt bike” means any motorcycle or similar vehicle that is not
 25 required to be registered under Title 13 of this article.

26 (ii) “Dirt bike” includes:

27 1. A motorized minibike, as defined in § 11-134.4 of this
 28 article; and

29 2. An all-terrain vehicle with either 3 or 4 wheels.

30 (iii) “Dirt bike” does not include:

31 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) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.