

SENATE BILL 799

R4

7lr3024
CF HB 844

By: **Senators Muse, Currie, Smith, and Young**
Introduced and read first time: February 3, 2017
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 2017

CHAPTER _____

1 AN ACT concerning

2 **Driver's Driver Improvement Program and Failure to Pay Child Support –**
3 **Driver's License Suspensions – Penalties and Assessment of Points**

4 FOR the purpose of ~~repealing the term of imprisonment for a person convicted of driving a~~
5 ~~vehicle on a highway or certain property while the person's driver's license or~~
6 ~~privilege to drive is suspended in the State; reducing the number of points assessed~~
7 ~~to a person convicted of driving a vehicle on a highway or certain property while the~~
8 ~~person's driver's license or privilege to drive is suspended in the State; repealing the~~
9 ~~term of imprisonment for a person convicted of driving a vehicle on a highway or~~
10 ~~certain property while the person's driver's license issued by another state is~~
11 ~~suspended under the laws of the State or the traffic laws or regulations of another~~
12 ~~state under certain circumstances; reducing the number of points assessed to a~~
13 ~~person convicted of driving a vehicle on a highway or certain property while the~~
14 ~~person's driver's license issued by another state is suspended under the laws of the~~
15 ~~State or the traffic laws or regulations of another state under certain circumstances;~~
16 altering the assessment of points and the penalties associated with the suspension
17 of a driver's license or privilege to drive for failure to attend a certain driver
18 improvement program or make certain child support payments; making conforming
19 changes; providing for the effective date of certain provisions of this Act; providing
20 for the termination of certain provisions of this Act; and generally relating to
21 penalties for driver's license suspensions for failure to attend a certain driver
22 improvement program or make certain child support payments.

23 BY repealing and reenacting, without amendments,
24 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 16-203(b), 16-206(a)(2), and 16-402(a)(14)
 2 Annotated Code of Maryland
 3 (2012 Replacement Volume and 2016 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – Transportation
 6 Section 16-303, ~~16-402(a)(14) and (34), 27-101(e)(12) through (26) and (h), and~~
 7 ~~27-111(e)(1) and (3)(i)~~
 8 Annotated Code of Maryland
 9 (2012 Replacement Volume and 2016 Supplement)

10 BY repealing and reenacting, ~~with~~ without amendments,
 11 Article – Transportation
 12 Section 27-101(gg)
 13 Annotated Code of Maryland
 14 (2012 Replacement Volume and 2016 Supplement)
 15 (As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

16 ~~BY repealing and reenacting, with amendments,~~
 17 ~~Article – Transportation~~
 18 ~~Section 16-303(k)~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(2012 Replacement Volume and 2016 Supplement)~~
 21 ~~(As enacted by Chapter (S.B. 165) of the Acts of the General Assembly of 2017)~~

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

24 Article – Transportation

25 16-203.

26 (b) On notification by the Child Support Enforcement Administration in
 27 accordance with § 10-119 of the Family Law Article that an obligor is 60 days or more out
 28 of compliance with the most recent order of the court in making child support payments,
 29 the Administration:

30 (1) Shall suspend an obligor's license or privilege to drive in the State; and
 31 (2) May issue a work-restricted license or work-restricted privilege to
 32 drive.

33 16-206.

34 (a) (2) The Administration may suspend a license to drive of an individual who
 35 fails to attend:

1 (i) A driver improvement program or an alcohol education program
 2 required under § 16–212 of this subtitle; or

3 (ii) A private alternative program or an alternative program that is
 4 provided by a political subdivision of this State under § 16–212 of this subtitle.

5 16–303.

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

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

12 (c) ~~¶~~A person may not drive a motor vehicle on any highway or on any property
 13 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
 14 suspended in this State.

15 (d)~~¶~~ A person may not drive a motor vehicle on any highway or on any property
 16 specified in § 21–101.1 of this article while the person’s license or privilege to drive is
 17 revoked in this State.

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

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

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

27 ~~¶(h) (E)~~ A person may not drive a motor vehicle on any highway or on any
 28 property specified in § 21–101.1 of this article while:

29 ~~(1) [the] THE~~ person’s license or privilege to drive is suspended ~~¶~~under §
 30 16–203, § 16–206(A)(2) FOR FAILURE TO ATTEND A DRIVER IMPROVEMENT
 31 PROGRAM, § 17–106, § 26–204, § 26–206, or § 27–103 of this article] IN THIS STATE;

32 ~~(2) THE PERSON’S LICENSE ISSUED BY ANY OTHER STATE IS~~
 33 ~~SUSPENDED; OR~~

~~(3) THE PERSON'S LICENSE OR PRIVILEGE TO DRIVE IS SUSPENDED UNDER THE TRAFFIC LAWS OR REGULATIONS OF ANY OTHER 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~~

~~(h) FAILURE TO PAY A FINE FOR A VIOLATION OF ANY TRAFFIC LAWS OR REGULATIONS OF THAT STATE.~~

~~(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)~~ ~~(g)~~ (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)~~ ~~(f)~~ of this section shall be assessed the points as provided for in § 16-402(a)(14) of this title.

16-402.

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

(14) Any violation of ~~§~~ 16-303(h) or ~~(i)~~ ~~§ 16-303(f)~~ of this title...3 points
27-101.

(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 (1) Is subject to a fine of not more than \$500;

2 (2) Must appear in court; and

3 (3) May not prepay the fine.

4 ~~(34) Any violation of § 16-303 of this title, excluding [§ 16-303(h) or (i)] §~~
 5 ~~16-303(F)..... 12 points~~

6 ~~27-111.~~

7 ~~(e) (1) As a sentence, a part of a sentence, or a condition of probation, a court~~
 8 ~~may order, for not more than 180 days, the impoundment or immobilization of a solely~~
 9 ~~owned vehicle used in the commission of a violation of § 16-303(e) or [(d)] (F)(1) of this~~
 10 ~~article if, at the time of the violation:~~

11 ~~(i) The owner of the vehicle was driving the vehicle; and~~

12 ~~(ii) The owner's license was suspended or revoked under § 16-205 of~~
 13 ~~this article.~~

14 ~~(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph,~~
 15 ~~impoundment or immobilization of a vehicle may not be ordered under this section, if the~~
 16 ~~registered owner of the vehicle made a bona fide sale, gift, or other transfer of the vehicle~~
 17 ~~to another person before the date of the finding of a violation of § 16-303(e) or [(d)] (F)(1)~~
 18 ~~of this article.~~

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 20 ~~as follows:~~

21 ~~Article — Transportation~~

22 ~~27-101.~~

23 ~~(e) Any person who is convicted of a violation of any of the provisions of the~~
 24 ~~following sections of this article is subject to a fine of not more than \$500 or imprisonment~~
 25 ~~for not more than 2 months or both:~~

26 ~~(12) [§ 16-303(h) (“Licenses suspended under certain provisions of Code”);~~

27 ~~(13) § 16-303(i) (“Licenses suspended under certain provisions of the traffic~~
 28 ~~laws or regulations of another state”);~~

29 ~~(14) Repealed.~~

~~(15) § 20-103 (“Driver to remain at scene — Accidents resulting only in damage to attended vehicle or property”);~~

~~[(16)] (13) § 20-104 (“Duty to give information and render aid”);~~

~~[(17)] (14) § 20-105 (“Duty on striking unattended vehicle or other property”);~~

~~[(18)] (15) § 20-108 (“False reports prohibited”);~~

~~[(19)] (16) § 21-206 (“Interference with traffic control devices or railroad signs and signals”);~~

~~[(20)] (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;~~

~~[(21)] (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;~~

~~[(22)] (19) Except as provided in subsections (f) and (g) of this section, § 21-902(b) (“Driving while impaired by alcohol”);~~

~~[(23)] (20) Except as provided in subsections (f) and (g) of this section, § 21-902(e) (“Driving while impaired by drugs or drugs and alcohol”);~~

~~[(24)] (21) § 21-902.1 (“Driving within 12 hours after arrest”);~~

~~[(25)] (22) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or~~

~~[(26)] (23) § 27-107(d), (e), (f), or (g) (“Prohibited acts — Ignition interlock systems”);~~

~~(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), OR (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.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article — Transportation~~

~~27-101.~~

~~(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), OR (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.~~

~~(gg) A person who is convicted of a violation of [§ 16-303(h)] § 16-303(f) (“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.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article — Transportation~~

~~16-303.~~

~~[(k)] (H) (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~~

1 (ii) ~~For a second or subsequent offense, imprisonment not exceeding~~
2 ~~2 years or a fine not exceeding \$1,000 or both.~~

3 (2) ~~A person convicted of a violation of subsection [(h) or (i)] (F) of this~~
4 ~~section:~~

5 (i) ~~Is subject to a fine not exceeding \$500;~~

6 (ii) ~~Must appear in court; and~~

7 (iii) ~~May not prepay the fine.~~

8 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, if Section 3 or 4 of this Act~~
9 ~~takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.~~

10 ~~SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take~~
11 ~~effect October 1, 2017, the effective date of Section 4 of Chapter 515 of the Acts of the~~
12 ~~General Assembly of 2016. If the effective date of Section 4 of Chapter 515 is amended,~~
13 ~~Section 3 of this Act shall take effect on the taking effect of Section 4 of Chapter 515. If~~
14 ~~Section 4 of Chapter 515 does not take effect or if Section 4 of this Act takes effect, Section~~
15 ~~3 of this Act shall be abrogated and of no further force and effect.~~

16 ~~SECTION 7. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take~~
17 ~~effect October 1, 2017, the effective date of Chapter (S.B. 165) of the Acts of the General~~
18 ~~Assembly of 2017. If the effective date of Chapter (S.B. 165) is amended, Section 4 of this~~
19 ~~Act shall take effect on the taking effect of Chapter (S.B. 165). If Chapter (S.B. 165) does~~
20 ~~not take effect, Section 4 of this Act shall be abrogated and of no further force and effect.~~

21 ~~SECTION 8. 2. AND BE IT FURTHER ENACTED, That, subject to the provisions~~
22 ~~of Sections 5, 6, and 7 of this Act, this Act shall take effect October 1, 2017.~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.