

Article - Transportation

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§16–404.

(a) The Administration shall take the following actions for points accumulated within any 2–year period:

(1) Send a warning letter to each individual who accumulates 3 points;

(2) Require attendance at a driver improvement program conducted under § 16–212 of this title by each individual who accumulates 5 points, except that a Class A, B, or C licensee who submits evidence acceptable to the Administration that he is a professional driver may not be called in until he accumulates 8 points; and

(3) Except as provided in § 16–405 of this subtitle:

(i) Suspend the license of each individual who accumulates 8 points; and

(ii) Revoke the license of each individual who accumulates 12 points.

(b) (1) Except as provided in § 16–405 of this subtitle:

(i) If an individual accumulates 8 points, the Administration shall issue a notice of suspension; and

(ii) If an individual accumulates 12 points, the Administration shall issue a notice of revocation.

(2) Each notice shall:

(i) Be personally served or sent by certified mail, bearing a postmark from the United States Postal Service;

(ii) State the duration of the suspension or revocation; and

(iii) Advise the individual of his right, within 10 days after the notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written request for a hearing before the Administrator.

(3) Unless a hearing is requested, each notice of suspension or revocation is effective at the end of the 10–day period after the notice is sent.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection:

(i) An initial suspension may not be for less than 2 days nor more than 30 days; and

(ii) Any subsequent suspension may not be for less than 15 days nor more than 90 days.

(2) Subject to the provisions of paragraph (3) of this subsection, the following suspension periods may apply to a suspension for an accumulation of points under § 16–402(a)(28) of this subtitle for a violation of § 21–902(b) or (c) of this article or a suspension imposed under § 16–404.1(f)(1)(iii) of this subtitle:

(i) For a first conviction, not more than 6 months;

(ii) For a second conviction at least 5 years after the date of the first conviction, not more than 9 months;

(iii) For a second conviction less than 5 years after the date of the first conviction or for a third conviction, not more than 12 months; and

(iv) For a fourth or subsequent conviction, not more than 24 months.

(3) The Administration may issue a restrictive license for the period of the suspension to an individual who participates in the Administration’s Ignition Interlock System Program under § 16–404.1 of this subtitle.

(4) This subsection does not limit the authority of the Administration to issue a restrictive license or modify a suspension imposed under this subsection.

(d) (1) If the holder of a provisional driver’s license who is under the age of 18 years accumulates 5 or more points in a 12–month period, the Administration shall suspend the individual’s driver’s license:

(i) For a first offense, for 6 months; and

(ii) For a second or subsequent offense, for 1 year.

(2) An individual subject to a license suspension under this subsection may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

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