

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

A BILL ENTITLED

1 AN ACT concerning

2 **Driver's License Suspensions – Penalties and Assessment of Points**

3 FOR the purpose of repealing the term of imprisonment for a person convicted of driving a
4 vehicle on a highway or certain property while the person's driver's license or
5 privilege to drive is suspended in the State; reducing the number of points assessed
6 to a person convicted of driving a vehicle on a highway or certain property while the
7 person's driver's license or privilege to drive is suspended in the State; repealing the
8 term of imprisonment for a person convicted of driving a vehicle on a highway or
9 certain property while the person's driver's license issued by another state is
10 suspended under the laws of the State or the traffic laws or regulations of another
11 state under certain circumstances; reducing the number of points assessed to a
12 person convicted of driving a vehicle on a highway or certain property while the
13 person's driver's license issued by another state is suspended under the laws of the
14 State or the traffic laws or regulations of another state under certain circumstances;
15 making conforming changes; providing for the effective date of certain provisions of
16 this Act; providing for the termination of certain provisions of this Act; and generally
17 relating to penalties for driver's license suspensions.

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 16–303, 16–402(a)(14) and (34), 27–101(c)(12) through (26) and (h), and
21 27–111(c)(1) and (3)(i)

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2016 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Transportation

26 Section 27–101(gg)

27 Annotated Code of Maryland

28 (2012 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

Article – Transportation

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)] (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 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)] (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 revoked.

[(h)] (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:

(1) [the] THE person's license or privilege to drive is suspended [under § 17–106, § 26–204, § 26–206, or § 27–103 of this article] IN THIS STATE;

(2) THE PERSON'S LICENSE ISSUED BY ANY OTHER STATE IS 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

(II) 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:

1 (14) Any violation of [§ 16–303(h) or (i)] **§ 16–303(F)** of this title...3 points

2 (34) Any violation of § 16–303 of this title, excluding [§ 16–303(h) or (i)] **§**
 3 **16–303(F)**12 points

4 27–111.

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

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

10 (ii) The owner’s license was suspended or revoked under § 16–205 of
 11 this article.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 18 as follows:

19 Article – Transportation

20 27–101.

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

24 (12) [§ 16–303(h) (“Licenses suspended under certain provisions of Code”);

25 (13) § 16–303(i) (“Licenses suspended under certain provisions of the traffic
 26 laws or regulations of another state”);

27 (14) Repealed.

28 (15)] § 20–103 (“Driver to remain at scene – Accidents resulting only in
 29 damage to attended vehicle or property”);

30 [(16)] **(13)** § 20–104 (“Duty to give information and render aid”);

1 ~~[(17)] (14)~~ § 20–105 (“Duty on striking unattended vehicle or other
2 property”);

3 ~~[(18)] (15)~~ § 20–108 (“False reports prohibited”);

4 ~~[(19)] (16)~~ § 21–206 (“Interference with traffic control devices or railroad
5 signs and signals”);

6 ~~[(20)] (17)~~ As to a pedestrian in a marked crosswalk, § 21–502(a)
7 (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an
8 accident;

9 ~~[(21)] (18)~~ As to another vehicle stopped at a marked crosswalk, § 21–502(c)
10 (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an
11 accident;

12 ~~[(22)] (19)~~ Except as provided in subsections (f) and (q) of this section, §
13 21–902(b) (“Driving while impaired by alcohol”);

14 ~~[(23)] (20)~~ Except as provided in subsections (f) and (q) of this section, §
15 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

16 ~~[(24)] (21)~~ § 21–902.1 (“Driving within 12 hours after arrest”);

17 ~~[(25)] (22)~~ Title 21, Subtitle 10A (“Towing or Removal of Vehicles from
18 Parking Lots”); or

19 ~~[(26)] (23)~~ § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock
20 systems”).

21 (h) Any person who is convicted of a violation of any of the provisions of §
22 16–113(k) of this article (“Ignition Interlock System Program participant driving vehicle
23 without ignition interlock”), § 16–303(a), (b), (c), (d), **OR** (e)[, (f), or (g)] of this article
24 (“Driving while license is canceled, [suspended,] refused, or revoked”), § 17–107 of this
25 article (“Prohibitions”), or § 17–110 of this article (“Providing false evidence of required
26 security”) is subject to:

27 (1) For a first offense, a fine of not more than \$1,000, or imprisonment for
28 not more than 1 year, or both; and

29 (2) For any subsequent offense, a fine of not more than \$1,000, or
30 imprisonment for not more than 2 years, or both.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
32 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

(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)] (F)** of this section:

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

2 (ii) Must appear in court; and

3 (iii) May not prepay the fine.

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

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

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

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