

HOUSE BILL 31

R7

7lr0378

(PRE-FILED)

By: **Delegate Conaway**

Requested: June 16, 2016

Introduced and read first time: January 11, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Public Records Inspections – Young Persons**

3 FOR the purpose of prohibiting the Motor Vehicle Administration from opening to public
4 inspection certain records of certain driver's license suspensions that apply to certain
5 young persons until a certain date; creating certain exceptions to the prohibition;
6 and generally relating to authorized public inspections of the driving records of
7 young persons.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–19(e)(5) and 3–8A–23(a)(4) and (5)
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 10–113 and 10–119(k)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2016 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 12–111
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2016 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Transportation
25 Section 13–401(b), 16–206(b)(1) through (3) and (c)(1) through (4), 20–102, 20–103,
26 21–902, 21–904(b) and (c), and 21–1128(b)(1) and (c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 – Courts and Judicial Proceedings

3–8A–19.

(e) (5) (i) In making a disposition on a finding that the child has committed a violation under § 21–1128 of the Transportation Article, the court shall order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified period of not less than 30 days nor more than 90 days.

(ii) If a child subject to a suspension under this paragraph does not possess the privilege to drive on the date of the disposition, the suspension shall commence:

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

2. If, on the date of the disposition, the child is younger than an age that makes a child eligible to obtain the privilege to drive, on the date the child is eligible to obtain driving privileges.

3–8A–23.

(a) (4) (i) An adjudication of a child as delinquent by reason of the child's violation of § 21–902 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of § 21–902 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration which shall suspend the child's license to drive as provided in § 16–206(b) of the Transportation Article:

1. For 1 year for a first adjudication as delinquent or finding of a delinquent act for a violation of § 21–902 of the Transportation Article; and

2. For 2 years for a second or subsequent adjudication as delinquent or finding of a delinquent act for a violation of § 21–902 of the Transportation Article.

(ii) In the case of a finding, without an adjudication, that a child has violated § 21–902 of the Transportation Article, the Motor Vehicle Administration shall retain the report in accordance with § 16–117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.

(5) (i) An adjudication of a child as delinquent by reason of the child's violation of § 13-401(b)(2), § 20-102, § 20-103, or § 21-904 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of § 13-401(b)(2), § 20-102, § 20-103, or § 21-904 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration that shall suspend the child's license to drive as provided in § 16-206(b) of the Transportation Article:

1. For 6 months for a first adjudication as delinquent or finding of a delinquent act for a violation of § 13-401(b)(2), § 20-102, § 20-103, or § 21-904 of the Transportation Article; and

2. For 1 year for a second or subsequent adjudication as delinquent or finding of a delinquent act for a violation of § 13-401(b)(2), § 20-102, § 20-103, or § 21-904 of the Transportation Article.

(ii) In the case of a finding, without an adjudication, that a child has violated § 13-401(b)(2), § 20-102, § 20-103, or § 21-904 of the Transportation Article, the Motor Vehicle Administration shall retain the report in accordance with § 16-117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.

Article – Criminal Law

10-113.

An individual may not knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual.

10-119.

(k) (1) In this subsection, "driver's license" means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(2) This subsection applies only to:

(i) a person who is at least 18 but under 21 years of age; or

(ii) a minor if the minor is subject to the jurisdiction of the court.

(3) If a person is found guilty of a Code violation under § 10-113 of this part that involved the use of a driver's license or a document purporting to be a driver's license, the court shall notify the Motor Vehicle Administration of the violation.

(4) The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code violations described in this subsection.

Article – Transportation

12–111.

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

(b) (1) Subject to § 4–320 of the General Provisions Article, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

(2) Subject to paragraph (4) of this subsection, the Administrator may classify as confidential and not open to public inspection any record or record entry:

(i) That is over 5 years old; or

(ii) That relates to any happening that occurred over 5 years earlier.

(3) Subject to § 4–320 of the General Provisions Article, a record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.

(4) Subject to paragraph (3) of this subsection, the Administrator may not open to public inspection any record or record entry that is:

(i) All or part of a licensed driver's public driving record; and

(ii) Over 3 years old.

(5) **(I)** Subject to [paragraph (6) of this subsection] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the Administration may not permit public inspection of a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration.

[(6)] (II) The Administration may make a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration available to:

[(i)] 1. The courts;

[(ii)] 2. Criminal justice agencies;

- 1 [(iii)] 3. Driver license authorities;
- 2 [(iv)] 4. The individual;
- 3 [(v)] 5. The individual's attorney;
- 4 [(vi)] 6. Third parties designated by the individual; and
- 5 [(vii)] 7. The Child Support Enforcement Administration.

6 **(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
7 **ADMINISTRATION MAY NOT OPEN TO PUBLIC INSPECTION ANY RECORD OR RECORD**
8 **ENTRY OF A DRIVER'S LICENSE SUSPENSION IMPOSED UNDER § 16-206(B) OR (C) OF**
9 **THIS ARTICLE UNTIL THE DATE THAT THE SUSPENSION COMMENCES.**

10 **(II) THE ADMINISTRATION MAY MAKE A RECORD OR RECORD**
11 **ENTRY OF A DRIVER'S LICENSE SUSPENSION IMPOSED UNDER § 16-206(B) OR (C) OF**
12 **THIS ARTICLE BEFORE THE DATE THAT THE SUSPENSION COMMENCES AVAILABLE**
13 **TO:**

- 14 1. **THE COURTS;**
- 15 2. **CRIMINAL JUSTICE AGENCIES;**
- 16 3. **DRIVER LICENSE AUTHORITIES;**
- 17 4. **THE INDIVIDUAL;**
- 18 5. **THE INDIVIDUAL'S ATTORNEY;**
- 19 6. **THIRD PARTIES DESIGNATED BY THE INDIVIDUAL;**
- 20 **AND**
- 21 7. **THE CHILD SUPPORT ENFORCEMENT**
22 **ADMINISTRATION.**

23 (c) Except for records required by law to be kept in their original or other specified
24 form, the Administrator may order any record of the Administration to be kept on microfilm
25 or in other microform, and the original destroyed.

26 (d) Except for records required by law to be kept longer, the Administrator may
27 destroy any record of the Administration that it has kept for 3 years or more and that the
28 Administrator considers obsolete and unnecessary to the work of the Administration.

1 13–401.

2 (b) (1) If a vehicle is not registered, a person may not drive the vehicle on a
3 highway in this State.

4 (2) (i) If a person is convicted of a violation of this subsection that
5 involved the use of an off-highway recreational vehicle on a highway, the court shall notify
6 the Administration of the violation.

7 (ii) The Chief Judge of the District Court, in conjunction with the
8 Administration, shall establish uniform procedures for reporting convictions described in
9 this paragraph.

10 16–206.

11 (b) (1) Upon notification by the clerk of the court that a child has been
12 adjudicated delinquent for a violation of § 21–902 of this article, or that a finding has been
13 made that a child violated § 21–902 of this article, the Administration shall suspend the
14 license to drive of the child in accordance with § 3–8A–23(a)(4)(i) of the Courts Article.

15 (2) On notification by the clerk of the court that a child has been
16 adjudicated delinquent for a violation of § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of
17 this article, or that a finding has been made that a child violated § 13–401(b)(2), § 20–102,
18 § 20–103, or § 21–904 of this article, the Administration shall suspend the child's license to
19 drive in accordance with § 3–8A–23(a)(5) of the Courts Article.

20 (3) If a child subject to a suspension under this subsection does not hold a
21 license to operate a motor vehicle on the date of the disposition, the suspension shall
22 commence:

23 (i) If the child is at least 16 years old on the date of the disposition,
24 on the date of the disposition; or

25 (ii) If the child is younger than 16 years of age on the date of the
26 disposition, on the date the child reaches the child's 16th birthday.

27 (c) (1) Pursuant to a court order under § 3–8A–19(e) of the Courts Article, the
28 Administration shall initiate an action to suspend the driving privilege of a child for the
29 time specified by the court.

30 (2) If a child subject to a suspension under § 3–8A–19(e) of the Courts
31 Article does not hold a license to operate a motor vehicle on the date of the court order, the
32 suspension shall commence:

33 (i) If the child is at least 16 years of age on the date of the
34 disposition, on the date of the disposition; or

(ii) If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(3) (i) On receipt of a notice described under § 10–119(k) of the Criminal Law Article, the Administration shall suspend the license of an individual described under § 10–119(k) of the Criminal Law Article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer.

(ii) On receipt of a notice described under § 13–401(b)(2) of this article, the Administration shall suspend the license of an individual described under § 13–401(b)(2) of this article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, for 1 year.

(4) If an individual subject to a suspension under paragraph (3) of this subsection does not hold a license to operate a motor vehicle on the date that the individual is found guilty of the violation, the suspension shall begin on the date that the license is issued, or after the individual applies and becomes qualified to receive a license, or on the individual's twenty-first birthday, whichever occurs first.

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.

20–103.

(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.

21–902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(3) A person may not violate paragraph (1) or (2) of this subsection while transporting a minor.

(b) (1) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(c) (1) 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 cannot drive a vehicle safely.

(2) 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) A person may not violate paragraph (1) of this subsection while transporting a minor.

(d) (1) 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.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(e) For purposes of the application of subsequent offender penalties under § 27–101 of this article, 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) of this section shall be considered a violation of subsection (a), (b), (c), or (d) of this section.

21–904.

(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.

21–1128.

(b) (1) This section applies only in Baltimore City.

(c) A person may not dispense motor fuel into a dirt bike from a retail pump at a service station.

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