

HOUSE BILL 386

E1, R4

(4lr1157)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Clippinger, Conaway, Glenn, Hammen, Harper, Mitchell, Oaks, Rosenberg, Stukes, Tarrant, and M. Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Illegal Dumping and Litter Control Law – Driver’s License –**
3 **Penalty and Points**

4 FOR the purpose of ~~increasing the penalty for a certain violation of the Illegal~~
5 ~~Dumping and Litter Control Law;~~ requiring a court to notify the Motor Vehicle
6 Administration of a certain violation of the Illegal Dumping and Litter Control
7 Law; requiring the Chief Judge of the District Court and the Administrative
8 Office of the Courts, in conjunction with the Administration, to establish certain
9 procedures; requiring a certain number of driver’s license points to be assessed
10 against an individual who is convicted of ~~a violation~~ certain violations of the
11 Illegal Dumping and Litter Control Law under certain circumstances; making a

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.

Italics indicate opposite chamber/conference committee amendments.



1 certain conforming change; and generally relating to illegal dumping and litter
2 control.

3 BY repealing and reenacting, with amendments,
4 Article – Criminal Law
5 Section 10–110(f)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2013 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 16–402(a) and 26–305(a)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2013 Supplement)

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

15 **Article – Criminal Law**

16 10–110.

17 (f) (1) A person who violates this section is subject to the penalties
18 provided in this subsection.

19 (2) (i) A person who disposes of litter in violation of this section in
20 an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is
21 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30
22 days or a fine not exceeding \$1,500 or both.

23 (ii) A person who disposes of litter in violation of this section in
24 an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
25 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
26 subject to imprisonment not exceeding ~~1 year~~ **3 YEARS** 1 year or a fine not exceeding
27 \$12,500 or both.

28 (iii) A person who disposes of litter in violation of this section in
29 an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial
30 gain is guilty of a misdemeanor and on conviction is subject to imprisonment not
31 exceeding 5 years or a fine not exceeding \$30,000 or both.

32 (3) In addition to the penalties provided under paragraph (2) of this
33 subsection, a court may order the violator to:

34 (i) remove or render harmless the litter disposed of in violation
35 of this section;

1 (ii) repair or restore any property damaged by, or pay damages
2 for, the disposal of the litter in violation of this section;

3 (iii) perform public service relating to the removal of litter
4 disposed of in violation of this section or to the restoration of an area polluted by litter
5 disposed of in violation of this section; or

6 (iv) reimburse the State, county, municipal corporation, or
7 bi-county unit for its costs incurred in removing the litter disposed of in violation of
8 this section.

9 (4) (I) [In addition to, or instead of, the penalties provided in
10 paragraphs (2) and (3) of this subsection,] **IF A PERSON IS CONVICTED OF A**
11 **VIOLATION UNDER THIS SECTION AND THE PERSON USED A MOTOR VEHICLE IN**
12 **THE COMMISSION OF THE VIOLATION,** the court [may suspend for up to 7 days the
13 license of the person to operate the type of conveyance used in the violation who is
14 presumed to be responsible for the violation under subsection (d) of this section]
15 **SHALL NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE VIOLATION.**

16 (II) **THE CHIEF JUDGE OF THE DISTRICT COURT AND THE**
17 **ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR**
18 **VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR**
19 **REPORTING A VIOLATION UNDER THIS PARAGRAPH.**

20 **Article – Transportation**

21 16-402.

22 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
23 2-209, [or] § 3-211, **OR § 10-110** of the Criminal Law Article, or of the vehicle laws or
24 regulations of this State or of any local authority, points shall be assessed against the
25 individual as of the date of violation and as follows:

26 (1) Any moving violation not listed below and not contributing to an
27 accident.....1 point

28 (2) Following another vehicle too closely 2 points

29 (3) Speeding in excess of the posted speed limit by 10 miles an hour or
30 more.....2 points

31 (4) Driving with an improper class of license 2 points

32 (5) Failing to stop for a school vehicle with activated alternately
33 flashing red lights.....3 points

1 (6) Any violation of § 21-1111 of this article 2 points

2 (7) Passing an emergency or police vehicle under the provisions of §
3 21-405(d) of this article..... 2 points

4 (8) A violation of § 21-511(a) of this article 2 points

5 (9) Failure to stop a vehicle for a steady red traffic signal in violation
6 of § 21-202 of this article or a nonfunctioning traffic control signal in violation of §
7 21-209 of this article.....2 points

8 (10) Operating a limousine in violation of § 21-1127(a) of this
9 article..... 2 points

10 **(11) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**
11 **DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(I) OF THE**
12 **CRIMINAL LAW ARTICLE..... 2 POINTS**

13 **(12) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**
14 **DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(II) OF THE**
15 **CRIMINAL LAW ARTICLE..... 3 POINTS**

16 ~~(11)~~ **(13)** Any moving violation contributing to an accident..... 3 points

17 ~~(12)~~ **(14)** Any violation of § 16-303(h) or (i) of this title 3 points

18 ~~(13)~~ **(15)** Any violation, except violations committed on the John F.
19 Kennedy Memorial Highway, of § 21-1411 of this article 3 points

20 ~~(14)~~ **(16)** Speeding in excess of the posted speed limit by 30 miles an
21 hour or more..... 5 points

22 ~~(15)~~ **(17)** Driving while not licensed 5 points

23 ~~(16)~~ **(18)** Failure to report an accident 5 points

24 ~~(17)~~ **(19)** Driving on a learner’s permit unaccompanied..... 5 points

25 ~~(18)~~ **(20)** Any violation of § 17-107 of this article..... 5 points

26 ~~(19)~~ **(21)** Participating in a race or speed contest on a
27 highway.....5 points

28 ~~(20)~~ **(22)** Any violation of § 16-304 or § 16-305 of this title 5 points

1 ~~(21)~~ **(23)** Any violation of § 22–404.5 of this article..... 5 points

2 ~~(22)~~ **(24)** Speeding in excess of a posted speed limit of 65 miles an
3 hour by 20 miles an hour or more 5 points

4 ~~(23)~~ **(25)** Aggressive driving in violation of § 21–901.2 of this
5 article..... 5 points

6 **(26) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**
7 **DUMPING AND LITTER CONTROL LAW UNDER § 10–110(F)(2)(III) OF THE**
8 **CRIMINAL LAW ARTICLE.....5 POINTS**

9 ~~(24)~~ **(27)** Reckless driving 6 points

10 ~~**(25) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL**~~
11 ~~**DUMPING AND LITTER CONTROL LAW UNDER § 10–110 OF THE CRIMINAL LAW**~~
12 ~~**ARTICLE.....8 POINTS**~~

13 **[(25)] ~~(26)~~ (28)** Driving while impaired by alcohol or while impaired
14 by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or
15 driving within 12 hours after arrest under § 21–902.1 of this article.....8 points

16 **[(26)] ~~(27)~~ (29)** Turning off lights of a vehicle to avoid
17 identification.....8 points

18 **[(27)] ~~(28)~~ (30)** Failing to stop after accident resulting in damage to
19 attended vehicle or property.....8 points

20 **[(28)] ~~(29)~~ (31)** Failing to stop after accident resulting in damage to
21 unattended vehicle or property.....8 points

22 **[(29)] ~~(30)~~ (32)** Any violation of § 16–815 or § 16–816 of this
23 title..... 8 points

24 **[(30)] ~~(31)~~ (33)** Failing to stop after an accident resulting in bodily
25 injury or death.....12 points

26 **[(31)] ~~(32)~~ (34)** Any violation of § 16–303 of this title, excluding §
27 16–303(h) or (i)..... 12 points

28 **[(32)] ~~(33)~~ (35)** Any violation of § 16–301, § 16–302, § 16–804, or §
29 16–808(a)(1) through (9) or (b) of this title 12 points

30 **[(33)] ~~(34)~~ (36)** Homicide, life threatening injury under § 3–211 of the
31 Criminal Law Article, or assault committed by means of a vehicle 12 points

1 ~~[(34)]~~ ~~(35)~~ **(37)** Driving while under the influence of alcohol, while
2 under the influence of alcohol per se, or while impaired by an illegally used controlled
3 dangerous substance.....12 points

4 ~~[(35)]~~ ~~(36)~~ **(38)** Any felony involving use of a vehicle..... 12 points

5 ~~[(36)]~~ ~~(37)~~ **(39)** Fleeing or attempting to elude a police
6 officer.....12 points

7 ~~[(37)]~~ ~~(38)~~ **(40)** The making of a false affidavit or statement under
8 oath, or falsely certifying to the truth of any fact or information to the Administration
9 under the Maryland Vehicle Law or under any law relating to the ownership or
10 operation of motor vehicles.....12 points

11 ~~[(38)]~~ ~~(39)~~ **(41)** Any violation involving an unlawful taking or
12 unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law
13 Article, or § 14–102 of this article 12 points

14 26–305.

15 (a) The Administration may not register or transfer the registration of any
16 vehicle involved in a parking violation under this subtitle, a violation under any
17 federal parking regulation that applies to property in this State under the jurisdiction
18 of the U.S. government, a violation of § 21–202(h) of this article as determined under §
19 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
20 21–809 or § 21–810 of this article, or a violation of the [State litter control law]
21 **ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10–110 OF THE**
22 **CRIMINAL LAW ARTICLE** or a local law or ordinance adopted by Baltimore City
23 relating to the unlawful disposal of litter as determined under § 10–112 of the
24 Criminal Law Article, if:

25 (1) It is notified by a political subdivision or authorized State agency
26 that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or §
27 21–810 of this article, or § 10–112 of the Criminal Law Article has failed to either:

28 (i) Pay the fine for the violation by the date specified in the
29 citation; or

30 (ii) File a notice of his intention to stand trial for the violation;

31 (2) It is notified by the District Court that a person who has elected to
32 stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or §
33 21–810 of this article, or under § 10–112 of the Criminal Law Article has failed to
34 appear for trial; or

1 (3) It is notified by a U.S. District Court that a person cited for a
2 violation under a federal parking regulation:

3 (i) Has failed to pay the fine for the violation by the date
4 specified in the federal citation; or

5 (ii) Either has failed to file a notice of the person's intention to
6 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.