

HOUSE BILL 806

R4
HB 1204/10 – JUD

11r2556

By: **Delegate Niemann**
Introduced and read first time: February 11, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driving While License Refused, Suspended, Canceled, or**
3 **Revoked – Penalty**

4 FOR the purpose of altering certain provisions relating to driving a motor vehicle
5 while a license or privilege to drive issued by this State or any other state is
6 refused, suspended, canceled, or revoked; providing that in a certain prosecution
7 certain records shall be prima facie evidence of certain facts; providing that the
8 introduction of certain records does not preclude the introduction of certain
9 other evidence; altering certain penalties and a certain assessment of points for
10 certain offenses relating to driving a motor vehicle while a license or privilege to
11 drive issued by this State or any other state has been refused, suspended,
12 canceled, or revoked; making certain technical corrections; and generally
13 relating to driving while a license or privilege to drive has been refused,
14 suspended, canceled, or revoked.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 16–303, 16–402(a)(12), 16–404.1(b)(3) and (4), and 27–101(c) and (h)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 BY repealing
21 Article – Transportation
22 Section 16–402(a)(31)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2010 Supplement)

25 BY adding to
26 Article – Transportation
27 Section 27–101(ee)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2010 Supplement)

2 BY renumbering

3 Article – Transportation

4 Section 16–402(a)(32) through (38), respectively

5 to be Section 16–402(a)(31) through (37), respectively

6 Annotated Code of Maryland

7 (2009 Replacement Volume and 2010 Supplement)

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

10 **Article – Transportation**

11 16–303.

12 (a) A person may not drive a motor vehicle on any highway or on any
13 property specified in § 21–101.1 of this article while the person’s license or privilege to
14 drive is refused [in this State or any other state], **SUSPENDED, CANCELED, OR**
15 **REVOKED IN THIS STATE.**

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

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

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

25 (e)] A person may not drive a motor vehicle on any highway or on any
26 property specified in § 21–101.1 of this article while the person’s license issued by any
27 other state is **REFUSED, SUSPENDED, canceled, OR REVOKED.**

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

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

1 (h) A person may not drive a motor vehicle on any highway or on any
2 property specified in § 21–101.1 of this article while the person’s license or privilege to
3 drive is suspended under § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

4 (i) (1) This subsection applies only to a person whose license or privilege
5 to drive is suspended under the traffic laws or regulations of another state for:

6 (i) Failure to comply with a notice to appear in a court of that
7 state contained in a traffic citation issued to the person; or

8 (ii) Failure to pay a fine for a violation of any traffic laws or
9 regulations of that state.

10 (2) A person may not drive a motor vehicle on any highway or on any
11 property specified in § 21–101.1 of this article while the person’s license or privilege to
12 drive is suspended under the traffic laws or regulations of any other state as described
13 in paragraph (1) of this subsection.

14 (j) (1) Except as provided in paragraph (2) of this subsection, any
15 individual who violates a provision of this section shall be assessed the points as
16 provided for in § 16–402(a)(31) of this title.

17 (2) Any individual who violates a provision of subsection (h) or
18 subsection (i) of this section shall be assessed the points as provided for in § 16–402(a)
19 (12) of this title.]

20 **(c) (1) IN ANY PROSECUTION UNDER THIS SECTION THE**
21 **INTRODUCTION OF THE OFFICIAL RECORDS OF THE ADMINISTRATION AS**
22 **PROVIDED IN § 12–113 OF THIS ARTICLE SHOWING A NOTATION IN THE**
23 **RECORDS THAT NOTICE OF THE REFUSAL, SUSPENSION, CANCELLATION, OR**
24 **REVOCAION OF A DEFENDANT’S LICENSE OR PRIVILEGE TO DRIVE WAS SENT**
25 **TO THE LAST KNOWN ADDRESS OF THE DEFENDANT SHALL BE PRIMA FACIE**
26 **EVIDENCE THAT THE DEFENDANT KNOWS OR HAS REASON TO KNOW THAT THE**
27 **LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED, SUSPENDED, CANCELED,**
28 **OR REVOKED IN THIS STATE OR ANY OTHER STATE.**

29 **(2) THE INTRODUCTION OF EVIDENCE OF THE RECORDS OF THE**
30 **ADMINISTRATION MAY NOT LIMIT THE INTRODUCTION OF OTHER EVIDENCE**
31 **BEARING ON WHETHER THE DEFENDANT KNOWS OR HAS REASON TO KNOW**
32 **THAT THE DEFENDANT’S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,**
33 **SUSPENDED, CANCELED, OR REVOKED.**

34 16–402.

35 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
36 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of

1 this State or of any local authority, points shall be assessed against the individual as
2 of the date of violation and as follows:

3 (12) Any violation of [§ 16-303(h) or (i)] **§ 16-303** of this title 3 points

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

6 16-404.1.

7 (b) (3) An individual may be a participant if:

8 (i) The individual’s license is suspended or revoked for a
9 violation of § 21-902(a), (b), or (c) of this article or an accumulation of points under [§
10 16-402(a)(25) or (34)] **§ 16-402(A)(33)** of this subtitle;

11 (ii) The individual is ordered to participate in the Program by a
12 court under § 27-107 of this article;

13 (iii) The individual’s license has an alcohol restriction imposed
14 under § 16-113(b) or (g) of this title; or

15 (iv) The Administration modifies a suspension or issues a
16 restrictive license to the individual under § 16-205.1(b)(3)(vii) or (n)(2) or (4) of this
17 title.

18 (4) The Administration may:

19 (i) Issue a restrictive license to an individual who is a
20 participant in the Program during the suspension period as provided under
21 § 16-404(c)(3) of this subtitle;

22 (ii) Reinstate the driver’s license of a participant whose license
23 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
24 an accumulation of points under [§ 16-402(a)(34)] **§ 16-402(A)(33)** of this subtitle for
25 a violation of § 21-902(a) of this article; and

26 (iii) Notwithstanding any other provision of law, impose on a
27 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
28 subtitle in lieu of a license revocation for:

29 1. A violation of § 21-902(a), (b), or (c) of this article; or

30 2. An accumulation of points under [§ 16-402(a)(34)] **§**
31 **16-402(A)(33)** of this subtitle for a violation of § 21-902(a) of this article.

32 27-101.

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

4 (1) § 12–301(e) or (f) (“Special identification cards: Unlawful use of
5 identification card prohibited”);

6 (2) § 14–102 (“Taking or driving vehicle without consent of owner”);

7 (3) § 14–104 (“Damaging or tampering with vehicle”);

8 (4) § 14–107 (“Removed, falsified, or unauthorized identification
9 number or registration card or plate”);

10 (5) § 14–110 (“Altered or forged documents and plates”);

11 (6) § 15–312 (“Dealers: Prohibited acts – Vehicle sales transactions”);

12 (7) § 15–313 (“Dealers: Prohibited acts – Advertising practices”);

13 (8) § 15–314 (“Dealers: Prohibited acts – Violation of licensing laws”);

14 (9) § 15–411 (“Vehicle salesmen: Prohibited acts”);

15 (10) § 15–502(c) (“Storage of certain vehicles by unlicensed persons
16 prohibited”);

17 (11) § 16–113(j) (“Violation of alcohol restriction”);

18 (12) § 16–301, except § 16–301(a) or (b) (“Unlawful use of license”);

19 (13) [§ 16–303(h) (“Licenses suspended under certain provisions of
20 Code”);

21 (14) § 16–303(i) (“Licenses suspended under certain provisions of the
22 traffic laws or regulations of another state”);

23 (15)] § 18–106 (“Unauthorized use of rented motor vehicle”);

24 [(16)] (14) § 20–103 (“Driver to remain at scene – Accidents resulting
25 only in damage to attended vehicle or property”);

26 [(17)] (15) § 20–104 (“Duty to give information and render aid”);

27 [(18)] (16) § 20–105 (“Duty on striking unattended vehicle or other
28 property”);

1 [(19)] **(17)** § 20–108 (“False reports prohibited”);

2 [(20)] **(18)** § 21–206 (“Interference with traffic control devices or
3 railroad signs and signals”);

4 [(21)] **(19)** As to a pedestrian in a marked crosswalk, § 21–502(a)
5 (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to
6 an accident;

7 [(22)] **(20)** As to another vehicle stopped at a marked crosswalk, §
8 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation
9 contributes to an accident;

10 [(23)] **(21)** Except as provided in subsections (f) and (q) of this section, §
11 21–902(b) (“Driving while impaired by alcohol”);

12 [(24)] **(22)** Except as provided in subsections (f) and (q) of this section, §
13 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

14 [(25)] **(23)** § 21–902.1 (“Driving within 12 hours after arrest”); or

15 [(26)] **(24)** § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition
16 interlock systems”).

17 (h) Any person who is convicted of a violation of any of the provisions of [§
18 16–303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled,
19 suspended, refused, or revoked”),] § 17–107 of this article (“Prohibitions”)[,] or §
20 17–110 of this article (“Providing false evidence of required security”) is subject to:

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

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

25 **(EE) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16–303 OF**
26 **THIS ARTICLE IS SUBJECT TO:**

27 **(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500 OR**
28 **IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH;**

29 **(2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$1,000**
30 **OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH; AND**

1 **(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT**
2 **MORE THAN \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–402(a)(32)
4 through (38), respectively, of Article – Transportation of the Annotated Code of
5 Maryland be renumbered to be Section(s) 16–402(a)(31) through (37), respectively.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2011.