

CHAPTER 462

(House Bill 1412)

AN ACT concerning

Vehicle Laws – Motor Vehicle Administration Point System

FOR the purpose of repealing certain provisions of law relating to the authority of the Motor Vehicle Administration to conduct point system conferences; clarifying certain statutory references related to the assessment of points for certain moving violations; providing for the assessment of points for a certain violation involving the unlawful operation of a commercial motor vehicle; altering the requirements for certain individuals who accumulate a certain minimum number of points; eliminating the requirement to attend a point system conference based on the accumulation of a certain number of points; removing a requirement for a return receipt for certain certified letters; repealing a certain provision requiring a minimum number of points to suspend or revoke the driving privilege under certain circumstances; making technical and conforming changes; and generally relating to the Motor Vehicle Administration point system.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–212, 16–402(a), 16–404, and 16–405
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Transportation

16–212.

(a) The Administration may conduct:

- (1) A driver improvement program; **AND**
- (2) An alcohol education program[; and
- (3) Point system conferences].

(b) (1) The purpose of the programs [and conferences] authorized under this section is to provide driver rehabilitation.

(2) The Administration shall determine the content of the programs [and conferences].

(c) If an individual is convicted of 1 or more moving violations:

(1) [After a conference or] **NOTWITHSTANDING § ~~16-213(c)(2)~~ 16-212(C)(2) OF THIS SUBTITLE, AFTER** a hearing as provided in Title 12, Subtitle 2 of this article, as a condition of reinstatement of a driver's license, [or if an individual fails to attend a conference as required by § 16-404(a)(2) of this title,] the Administration may require an individual to attend a driver improvement program or alcohol education program; or

(2) A court may require an individual to attend a driver improvement program or alcohol education program.

(d) In carrying out an order of the court, a probation officer or health department officer may assign an individual to attend a driver improvement program or alcohol education program.

(e) (1) An individual who attends a program [or conference] under this section shall pay, in advance, a fee as provided in this subsection.

(2) The Administration shall set a reasonable fee based on the costs of operating the programs [and conferences] authorized by this section.

(3) The funds collected by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(f) (1) The Administration may waive attendance at an alcohol education program conducted by the Administration if an individual attends a private alcohol education program or an alcohol education program provided by a political subdivision of the State that is approved by the Alcohol and Drug Abuse Administration and the Administration.

(2) The Administration may waive attendance at a driver improvement program conducted by the Administration if an individual attends a private driver improvement program or a driver improvement program provided by a political subdivision of the State that is approved by the Administration.

(3) [The Administration may waive attendance at a point system conference conducted by the Administration if an individual attends a point system conference conducted by a private provider that is approved by the Administration.

(4)] The Administration shall establish criteria for approving private providers of [point system conferences and alcohol education or driver improvement programs and] alcohol education or driver improvement programs provided by a political subdivision of the State.

[(5)] (4) Upon application for approval to provide the programs [and conferences] allowed under this section, a private provider shall pay an application fee established by the Administration.

16-402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2-209, or § 3-211 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:

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|------|---|----------|
| (1) | Any moving violation not listed below and not contributing to an accident | 1 point |
| (2) | Following another vehicle too closely | 2 points |
| (3) | Speeding in excess of the posted speed limit by 10 miles an hour or more | 2 points |
| (4) | Driving with an improper class of license | 2 points |
| (5) | Failing to stop for a school vehicle with activated alternately flashing red lights..... | 3 points |
| (6) | Any violation of § 21-1111 of this article | 2 points |
| (7) | Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article..... | 2 points |
| (8) | A violation of § 21-511(a) of this article..... | 2 points |
| (9) | Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article or a nonfunctioning traffic control signal in violation of § 21-209 of this article | 2 points |
| (10) | Any moving violation contributing to an accident | 3 points |
| (11) | [Driving after suspension of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title] ANY VIOLATION OF § 16-303(H) OR (I) OF THIS TITLE | 3 points |
| (12) | Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article..... | 3 points |
| (13) | Speeding in excess of the posted speed limit by 30 miles an hour or more | 5 points |
| (14) | Driving while not licensed..... | 5 points |
| (15) | Failure to report an accident | 5 points |
| (16) | Driving on a learner's permit unaccompanied | 5 points |
| (17) | Any violation of § 17-107 of this article | 5 points |
| (18) | Participating in a race or speed contest on a highway | 5 points |

(19)	Any violation of § 16–304 or § 16–305 of this title.....	5 points
(20)	Any violation of § 22–404.5 of this article.....	5 points
(21)	Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more	5 points
(22)	Aggressive driving in violation of § 21–901.2 of this article.....	5 points
(23)	Reckless driving.....	6 points
(24)	Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or driving within 12 hours after arrest under § 21–902.1 of this article.....	8 points
(25)	Turning off lights of a vehicle to avoid identification	8 points
(26)	Failing to stop after accident resulting in damage to attended vehicle or property.....	8 points
(27)	Failing to stop after accident resulting in damage to unattended vehicle or property.....	8 points
(28)	Any violation of § 16–815 or § 16–816 of this title.....	8 points
(29)	Failing to stop after an accident resulting in bodily injury or death	12 points
(30)	[Driving after refusal, suspension, cancellation, or revocation of license except for suspensions of license under the provisions of § 17–106, § 26–204, § 26–206, or § 27–103 of this article, or under the traffic laws or regulations of another state as described in § 16–303(i) of this title] ANY VIOLATION OF § 16–303 OF THIS TITLE, EXCLUDING § 16–303(H) OR (I)	12 points
(31)	Any violation of § 16–301, § 16–302, § 16–804, or § 16–808(a)(1) through (9) OR (B) of this title.....	12 points
(32)	Homicide, life threatening injury under § 3–211 of the Criminal Law Article, or assault committed by means of a vehicle.....	12 points
(33)	Driving while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by an illegally used controlled dangerous substance.....	12 points
(34)	Any felony involving use of a vehicle.....	12 points
(35)	Fleeing or attempting to elude a police officer.....	12 points
(36)	The making of a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Administration under the Maryland Vehicle Law or under any law relating to the ownership or operation of motor vehicles	12 points
(37)	Any violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law Article, or § 14–102 of this article.....	12 points

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 [conference] **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, [return receipt requested,] 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)(24) of this subtitle for a violation of § 21–902(b) or (c) of this article or a suspension imposed under § 16–404.1(b)(4)(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.

16–405.

[(a)] Except as provided in §§ 16–205(e) and 16–205.1 of this title, if the suspension or revocation of a license would affect adversely the employment or opportunity for employment of a licensee, the hearing officer may:

- (1) Decline to order the suspension or revocation; or
- (2) [Cancel or modify] **MODIFY** the suspension or revocation.

[(b)] For purposes of § 16–404 of this subtitle, if a licensee is required to drive a motor vehicle in the course of his regular employment:

- (1) Suspension requires 16 points; and
- (2) Revocation requires 19 points.

(c) The provisions of subsection (b) of this section do not apply to an individual whose current accumulation of points includes points resulting from a conviction for a violation of § 21–902 of this article.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.