

HOUSE BILL 1190

R4

4lr2480

By: **Delegates McMillan and Vitale**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Licenses and Registrations – Notice of Suspension or**
3 **Revocation**

4 FOR the purpose of prohibiting the Motor Vehicle Administration from suspending or
5 revoking a driver's license or motor vehicle registration before a certain period
6 of time after the Administration provides certain notice of the suspension or
7 revocation to the licensee or registered owner of the vehicle; requiring a notice of
8 suspension or revocation to be provided in a certain manner and to state certain
9 information with respect to the suspension or revocation of the driver's license
10 or motor vehicle registration; providing for the effective date of a suspension or
11 revocation of a driver's license or motor vehicle registration under certain
12 circumstances; altering the requirements applicable to a notice of suspension of
13 a driver's license for the accumulation of points; and generally relating to notice
14 of the suspension or revocation of drivers' licenses or motor vehicle
15 registrations.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 13–705 and 16–404(b)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2013 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Transportation
23 Section 16–206(a)(1)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2013 Supplement)

26 BY adding to
27 Article – Transportation
28 Section 16–206(g)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2013 Supplement)

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

5 **Article – Transportation**

6 13–705.

7 (a) (1) The Administration may suspend or revoke the registration or
8 certificate of title of any vehicle if the Administration:

9 (i) Is satisfied that the registration or certificate was
10 fraudulently obtained or erroneously issued;

11 (ii) Determines that the required fee has not been paid after
12 reasonable notice and demand; or

13 (iii) Is so authorized under any other provision of law.

14 (2) The Administration may suspend or revoke the registration of a
15 vehicle if:

16 (i) The Administration determines that the vehicle is
17 mechanically unfit or unsafe to be operated on the highways;

18 (ii) The vehicle has been dismantled or wrecked; or

19 (iii) A registration card or registration plate not issued for that
20 vehicle is displayed on or for the vehicle.

21 (b) A suspension or revocation under this section is subject to the right of
22 appeal as follows:

23 (1) By a resident to the circuit court for the county in which the
24 individual resides or has a principal place of business;

25 (2) By a nonresident to the circuit court for the county in which the
26 individual temporarily resides or was apprehended; or

27 (3) In any other case, to the Circuit Court for Anne Arundel County.

28 **(C) (1) THE ADMINISTRATION MAY NOT SUSPEND OR REVOKE THE**
29 **REGISTRATION OF A VEHICLE UNDER THIS TITLE UNTIL 10 BUSINESS DAYS**
30 **AFTER THE ADMINISTRATION SENDS TO THE REGISTERED OWNER OF THE**

1 VEHICLE, AT THE ADDRESS OF RECORD OF THE REGISTERED OWNER, NOTICE
2 OF THE SUSPENSION OR REVOCATION.

3 (2) EACH NOTICE SHALL:

4 (I) BE PERSONALLY SERVED OR SENT BY CERTIFIED MAIL,
5 RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED
6 STATES POSTAL SERVICE; AND

7 (II) STATE:

8 1. THE DURATION OF THE SUSPENSION OR
9 REVOCATION;

10 2. THAT, SUBJECT TO PARAGRAPH (3) OF THIS
11 SUBSECTION, THE REGISTRATION WILL BE SUSPENDED OR REVOKED EFFECTIVE
12 10 BUSINESS DAYS AFTER THE DATE THE NOTICE IS SENT;

13 3. THE REASON THAT THE REGISTRATION IS
14 SUBJECT TO SUSPENSION OR REVOCATION;

15 4. THE POTENTIAL CONSEQUENCES FOR THE
16 REGISTERED VEHICLE AND ANY OPERATOR OF THE REGISTERED VEHICLE THAT
17 MAY RESULT FROM A SUSPENDED OR REVOKED REGISTRATION; AND

18 5. ANY ACTION THAT THE REGISTERED OWNER MAY
19 TAKE TO AVOID SUSPENSION OR REVOCATION OF THE REGISTRATION OR TO
20 REINSTATE THE SUSPENDED OR REVOKED REGISTRATION.

21 (3) UNLESS THE ISSUES LEADING TO THE NOTICE OF
22 SUSPENSION OR REVOCATION ARE OTHERWISE RESOLVED TO THE
23 SATISFACTION OF THE ADMINISTRATION, THE SUSPENSION OR REVOCATION IS
24 EFFECTIVE AT THE END OF THE 10-BUSINESS-DAY PERIOD AFTER THE NOTICE
25 IS SENT.

26 16-206.

27 (a) (1) The Administration may suspend, revoke, or refuse to issue or
28 renew the license of any resident or the privilege to drive of any nonresident on a
29 showing by its records or other sufficient evidence that the applicant or licensee:

30 (i) Has been convicted of moving violations so often as to
31 indicate an intent to disregard the traffic laws and the safety of other persons on the
32 highways;

1 (ii) Is an unfit, unsafe, or habitually reckless or negligent driver
2 of a motor vehicle;

3 (iii) Has permitted an unlawful or fraudulent use of a license,
4 identification card, or a facsimile of a license or identification card;

5 (iv) Has used a license, identification card, or a facsimile of a
6 license or identification card in an unlawful or fraudulent manner, unless the
7 applicant or licensee is subject to the provisions of subsection (c) of this section;

8 (v) Has committed an offense in another state that, if
9 committed in this State, would be grounds for suspension or revocation; or

10 (vi) Has knowingly made a false certification of required security
11 in any application for a certificate of title or for the registration of a vehicle.

12 **(G) (1) THE ADMINISTRATION MAY NOT SUSPEND OR REVOKE A**
13 **DRIVER'S LICENSE UNDER THIS TITLE UNTIL 10 BUSINESS DAYS AFTER THE**
14 **ADMINISTRATION SENDS TO THE LICENSEE, AT THE ADDRESS OF RECORD OF**
15 **THE LICENSEE, NOTICE OF THE SUSPENSION OR REVOCATION.**

16 **(2) EACH NOTICE SHALL:**

17 **(I) BE PERSONALLY SERVED OR SENT BY CERTIFIED MAIL,**
18 **RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED**
19 **STATES POSTAL SERVICE; AND**

20 **(II) STATE:**

21 **1. THE DURATION OF THE SUSPENSION OR**
22 **REVOCATION;**

23 **2. THAT THE LICENSEE HAS THE RIGHT, WITHIN 10**
24 **BUSINESS DAYS AFTER THE NOTICE IS SENT, TO FILE A WRITTEN REQUEST FOR**
25 **A HEARING BEFORE THE ADMINISTRATOR;**

26 **3. THAT, SUBJECT TO PARAGRAPH (3) OF THIS**
27 **SUBSECTION, THE DRIVER'S LICENSE WILL BE SUSPENDED OR REVOKED**
28 **EFFECTIVE 10 BUSINESS DAYS AFTER THE DATE THE NOTICE IS SENT;**

29 **4. THE REASON THAT THE DRIVER'S LICENSE IS**
30 **SUBJECT TO SUSPENSION OR REVOCATION;**

1 **5. THE POTENTIAL CONSEQUENCES FOR THE**
2 **LICENSEE THAT MAY RESULT FROM A SUSPENDED OR REVOKED DRIVER'S**
3 **LICENSE; AND**

4 **6. ANY ACTION THAT THE LICENSEE MAY TAKE TO**
5 **AVOID SUSPENSION OR REVOCATION OF THE DRIVER'S LICENSE OR TO**
6 **REINSTATE THE SUSPENDED OR REVOKED DRIVER'S LICENSE.**

7 **(3) UNLESS A HEARING IS REQUESTED, OR THE ISSUES LEADING**
8 **TO THE NOTICE OF SUSPENSION OR REVOCATION ARE OTHERWISE RESOLVED**
9 **TO THE SATISFACTION OF THE ADMINISTRATION, THE SUSPENSION OR**
10 **REVOCATION IS EFFECTIVE AT THE END OF THE 10-BUSINESS-DAY PERIOD**
11 **AFTER THE NOTICE IS SENT.**

12 16-404.

13 (b) (1) Except as provided in § 16-405 of this subtitle:

14 (i) If an individual accumulates 8 points, the Administration
15 shall issue a notice of suspension; and

16 (ii) If an individual accumulates 12 points, the Administration
17 shall issue a notice of revocation.

18 (2) Each notice shall[:

19 (i) Be personally served or sent by certified mail, bearing a
20 postmark from the United States Postal Service;

21 (ii) State the duration of the suspension or revocation; and

22 (iii) Advise the individual of his right, within 10 days after the
23 notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written
24 request for a hearing before the Administrator.

25 (3) Unless a hearing is requested, each notice of suspension or
26 revocation is effective at the end of the 10-day period after the notice is sent] **BE SENT**
27 **IN ACCORDANCE WITH § 16-206(G) OF THIS TITLE.**

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