

# HOUSE BILL 817

R7

6lr2570

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By: **Delegate Conaway**

Introduced and read first time: February 8, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unlawful Use of Off-Highway Recreational Vehicles**  
3 **– Repeal of Administrative Penalties**

4 FOR the purpose of repealing the requirement that a court, in making a certain  
5 adjudication or finding related to the unlawful use of an off-highway recreational  
6 vehicle by a child, report the adjudication or finding to the Motor Vehicle  
7 Administration for the assessment of certain points and the imposition of a certain  
8 suspension; repealing the requirement that a court notify the Administration if a  
9 person is convicted of unlawfully using an off-highway recreational vehicle on a  
10 highway; repealing the requirement that the Administration suspend for certain  
11 periods of time the driver's license of a person convicted of unlawfully using an  
12 off-highway recreational vehicle on a highway; repealing the requirement that a  
13 court, in making a disposition on a finding that a child has committed a violation  
14 related to dispensing motor fuel into a dirt bike in Baltimore City, order the  
15 Administration to suspend the driving privilege of the child for a certain period of  
16 time; repealing the requirement that a court notify the Administration if certain  
17 persons are convicted of a violation related to dispensing motor fuel into a dirt bike  
18 in Baltimore City; repealing provisions of law that authorize or require under certain  
19 circumstances the Administration to suspend a person's driver's license for a certain  
20 period of time for a conviction related to dispensing motor fuel into a dirt bike in  
21 Baltimore City; making certain conforming changes; and generally relating to  
22 administrative penalties for the unlawful use of off-highway recreational vehicles.

23 BY repealing

24 Article – Courts and Judicial Proceedings

25 Section 3–8A–19(e)(5)

26 Annotated Code of Maryland

27 (2013 Replacement Volume and 2015 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Courts and Judicial Proceedings

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–8A–23(a)(3) and (5)  
2 Annotated Code of Maryland  
3 (2013 Replacement Volume and 2015 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Transportation  
6 Section 13–401(b), 16–206(b)(2) and (4) and (c)(3), and 21–1128  
7 Annotated Code of Maryland  
8 (2012 Replacement Volume and 2015 Supplement)

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

11 **Article – Courts and Judicial Proceedings**

12 3–8A–19.

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

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

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

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

25 3–8A–23.

26 (a) (3) Subject to paragraph (4) of this subsection, an adjudication of a child as  
27 delinquent by reason of the child’s violation of the State vehicle laws, including a violation  
28 involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or §  
29 7–203 of the Criminal Law Article or § 14–102 of the Transportation Article [or driving an  
30 off–highway recreational vehicle on a highway under § 13–401(b)(2) of the Transportation  
31 Article] shall be reported by the clerk of the court to the Motor Vehicle Administration,  
32 which shall assess points against the child under Title 16, Subtitle 4 of the Transportation  
33 Article, in the same manner and to the same effect as if the child had been convicted of the  
34 offense.

(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 - Transportation

13-401.

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

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

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

16-206.

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

(4) A suspension imposed under this subsection shall:

1 (i) Be concurrent with any other suspension or revocation imposed  
 2 by the Administration that arises out of the circumstances of the adjudication of  
 3 delinquency or finding that the child is in violation of [§ 13–401(b)(2),] § 20–102, § 20–103,  
 4 § 21–902, or § 21–904 of this article as described in this subsection; and

5 (ii) Receive credit for any suspension period imposed under §  
 6 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of  
 7 the violation of § 21–902 of this article described in this subsection.

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

11 [1.] (I) For a first offense, for 6 months; and

12 [2.] (II) For a second or subsequent offense, until the  
 13 individual is 21 years old or for a period of 1 year, whichever is longer.

14 [(ii)] On receipt of a notice described under § 13–401(b)(2) of this  
 15 article, the Administration shall suspend the license of an individual described under §  
 16 13–401(b)(2) of this article:

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

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

19 21–1128.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) “Dirt bike” means any motorcycle or similar vehicle that is not  
 22 required to be registered under Title 13 of this article.

23 (ii) “Dirt bike” includes:

24 1. A motorized minibike, as defined in § 11–134.4 of this  
 25 article; and

26 2. An all-terrain vehicle with either 3 or 4 wheels.

27 (iii) “Dirt bike” does not include:

28 1. A moped, as defined in § 11–134.1 of this article; or

29 2. A motor scooter, as defined in § 11–134.5 of this article.

1                   (3)    “Service station” means a place of business where motor fuel is sold and  
2 delivered into the fuel supply tanks of motor vehicles.

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

4                   (2)    This section does not apply to an owner or employee of a service station  
5 who is subject to the provisions of the Baltimore City Code prohibiting the selling,  
6 transferring, or dispensing of motor fuel for delivery into a dirt bike.

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

9           [(d)   (1)    If a person is convicted of a violation of this section, the court shall  
10 notify the Administration of the conviction.

11                   (2)    Subject to the provisions of paragraph (3) of this subsection, on receipt  
12 of the notice described under paragraph (1) of this subsection the Administration:

13                           (i)    For a first violation, may suspend the person’s driver’s license for  
14 up to 30 days; and

15                           (ii)   For a second or subsequent violation, shall suspend the person’s  
16 driver’s license for 30 days.

17                   (3)    Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee  
18 may request a hearing on a suspension under this section.]

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2016.