

## Article - Transportation

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§27–101.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

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

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

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

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

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

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

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

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

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

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

(10) § 16–113(j) (“Violation of alcohol restriction”);

(11) § 16–301, except § 16–301(a) or (b) (“Unlawful use of license”);

(12) § 16–303(h) (“Licenses suspended under certain provisions of Code”);

(13) § 16–303(i) (“Licenses suspended under certain provisions of the traffic

laws or regulations of another state”);

(14) Repealed.

(15) § 20–103 (“Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property”);

(16) § 20–104 (“Duty to give information and render aid”);

(17) § 20–105 (“Duty on striking unattended vehicle or other property”);

(18) § 20–108 (“False reports prohibited”);

(19) § 21–206 (“Interference with traffic control devices or railroad signs and signals”);

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

(21) As to another vehicle stopped at a marked crosswalk, § 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;

(22) Except as provided in subsections (f) and (q) of this section, § 21–902(b) (“Driving while impaired by alcohol”);

(23) Except as provided in subsections (f) and (q) of this section, § 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

(24) § 21–902.1 (“Driving within 12 hours after arrest”);

(25) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or

(26) § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).

(d) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both:

(1) § 18–104 (“Renting motor vehicle with incorrect odometer”);

(2) § 22–405.1 (“Regrooved tires”);

(3) § 22–415 (“Tampering with or altering odometer”);

(4) For each vehicle for which there is a violation, § 23–109 (“Inspections of used vehicles and warnings for defective equipment: Prohibited activities”); or

(5) Except as provided in subsection (i) of this section and § 27–101.2 of this title, Title 15, Subtitle 5 of this article.

(e) Any person who is convicted of a violation of any of the provisions of § 21–1411 of this article (“Transportation of hazardous materials”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

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

(f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both, if the person is convicted of:

(i) A violation of § 14–103 of this article (“Possession of motor vehicle master key”); or

(ii) Except as provided in subsection (q) of this section, a second violation of:

1. § 21–902(b) of this article (“Driving while impaired by alcohol”); or

2. § 21–902(c) of this article (“Driving while impaired by drugs or drugs and alcohol”).

(2) Except as provided in subsection (q) of this section, a person who is convicted of a third or subsequent violation of § 21–902(b) or (c) of this article is subject to a fine not exceeding \$3,000 or imprisonment not exceeding 3 years or both.

(3) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(b) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (c), or (d) of this article shall be considered a conviction of § 21–902(b) of this article.

(4) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(c) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (b), or (d) of this article shall be considered a conviction of § 21–902(c) of this article.

(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than \$1,000:

(1) § 13–704 (“Fraud in application”);

(2) § 21–706 (“Overtaking and passing school vehicle”); or

(3) § 21–901.1(a) (“Reckless driving”).

(h) Any person who is convicted of a violation of any of the provisions of § 16–113(k) of this article (“Ignition Interlock System Program participant driving vehicle without ignition interlock”), § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled, suspended, refused, or revoked”), § 17–107 of this article (“Prohibitions”), or § 17–110 of this article (“Providing false evidence of required security”) is subject to:

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

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

(i) Any person who is convicted of a violation of any of the provisions of § 15–402 of this article (“Vehicle salesman’s license required”) or § 15–502(a) of this article (“Automotive dismantler and recycler or scrap processor – License required”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

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

(j) (1) In this subsection, “imprisonment” includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(2) (i) A person who is convicted of a violation of § 21–902(a) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(a) of this article within 5 years is subject to a mandatory minimum penalty

of imprisonment for not less than 10 days.

(3) (i) A person who is convicted of a violation of § 21–902(d) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(d) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(4) A person who is convicted of an offense under § 21–902(a) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(5) A person who is convicted of an offense under § 21–902(d) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive drug abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(6) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21–902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”) or § 21–902(d) of this article (“Driving while impaired by controlled dangerous substance”):

(i) For a first offense, shall be subject to a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both;

(ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and

(iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

(2) For the purpose of second or subsequent offender penalties for violation of § 21–902(a) of this article provided under this subsection, a prior conviction under § 21–902(b), (c), or (d) of this article, within 5 years of the conviction for a violation of § 21–902(a) of this article, shall be considered a conviction under § 21–902(a) of this article.

(3) For the purpose of second or subsequent offender penalties for violation of § 21–902(d) of this article provided under this subsection, a prior conviction under § 21–902(a), (b), or (c) of this article, within 5 years of the conviction for a violation of § 21–902(d) of this article, shall be considered a conviction under § 21–902(d) of this article.

(l) Any person who is convicted of a violation of any of the provisions of § 22–409 of this article (“Transportation of hazardous materials”), § 23–403(b) of this article (Obeying signs to stop for a diesel emissions test), § 24–111(d) or (e) of this article (Obeying signs to stop for inspection), § 24–111.1(b), (d)(2), or (e)(2) of this article (Overweight vehicles), or § 25–111 of this article (Motor carrier safety violations) is subject to a fine of:

(1) Not more than \$1,000 for a first offense;

(2) Not more than \$2,000 for a second offense; and

(3) Not more than \$3,000 for a third or subsequent offense.

(m) Any person who is convicted of a violation of any of the provisions of § 21–802.1 of this article (Exceeding speed limit within highway work zone) is subject to a fine of not more than \$1,000.

(n) If a different penalty for the violation of any provision of the Maryland Vehicle Law is provided for in the Maryland Vehicle Law or in any other law of this State, the specific penalty prevails over the penalty provided for in this section.

(o) (1) Any person who is convicted of a violation of § 20–102(a) of this article is subject to a fine of not more than \$3,000 or imprisonment for not more than 1 year or both.

(2) Any person who is convicted of a violation of § 20–102(b) of this article is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years

or both.

(p) (1) Except as otherwise provided in this subsection, any person who is convicted of a violation of any of the provisions of § 21–904 of this article (“Fleeing or eluding police”) is subject to:

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

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

(2) Any person who is convicted of a violation of § 21–904(d)(1) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both.

(3) Any person who is convicted of a violation of § 21–904(d)(2) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 10 years, or both.

(4) Any person who is convicted of a violation of § 21–904(e) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both.

(q) (1) Any person who is convicted of a violation of § 21–902(a)(3) or (d)(2) of this article is subject to:

(i) For a first offense, a fine of not more than \$2,000 or imprisonment for not more than 2 years or both;

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21–902(b)(2) or (c)(3) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

(ii) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(3) For the purpose of determining second or subsequent offender penalties provided under this subsection, a prior conviction of any provision of § 21–902 of this article that subjected a person to the penalties under this subsection shall be considered a prior conviction.

(r) Any person who is convicted of a violation of § 21–803.1(e) of this article (Fines doubled for speeding within school zones) is subject to a fine of not more than \$1,000.

(s) (1) Any person who is convicted of a violation of § 16–808(a) of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(2) Any person who is convicted of a violation of § 16–808(c) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

(ii) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than \$3,000 or imprisonment for not more than 2 years or both.

(3) Any person who is convicted of a violation of § 16–813.1 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(t) Except as provided in subsection (f) of this section, any person who is convicted of a violation of any provisions of § 16–807(a) of this article (“Commercial driver’s license requirements”) or § 16–815(e) of this article (“Additional endorsements”) is subject to:

(1) For a first offense, a fine of not more than \$500 or imprisonment for not more than 2 months or both;

(2) For a second offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(3) For a third or subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(u) Any person who is convicted of a violation of § 24–112 of this article is subject to:

(1) For the first offense, a fine of not more than \$1,000;



(2) For a second offense, a fine of not more than \$2,000; and

(3) For a third or subsequent offense, a fine of not more than \$3,000.

(v) Any person who is convicted of a violation of § 15–302 of this article is subject to a fine of not more than \$5,000 or imprisonment for not more than 1 year or both.

(w) Any person who is convicted of committing a violation of § 21–1003(j) of this article while operating a commercial motor vehicle in Anne Arundel County is subject to:

(1) For a first offense, a fine of \$100;

(2) For a second offense, a fine of \$250; and

(3) For a third or subsequent offense, a fine of \$500.

(x) (1) In this section, “test” has the meaning stated in § 16–205.1 of this article.

(2) The penalties in this subsection are in addition to any other penalty under this title imposed for a violation of § 21–902 of this article.

(3) Subject to paragraph (4) of this subsection, if a person is convicted of a violation of § 21–902 of this article and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take a test arising out of the same circumstances as the violation, the person is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both.

(4) A court may not impose an additional penalty under this subsection unless the State’s Attorney serves notice of the alleged test refusal on the defendant or the defendant’s counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial in a circuit court or 5 days before trial in the District Court, whichever is earlier.

(y) Any person who is convicted of a violation of § 16–101 of this article (“Drivers must be licensed”) is subject to:

(1) For a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days or both; and

(2) For a second or subsequent offense, a fine of not more than \$500 or imprisonment for not more than 1 year or both.

(z) Any person who is convicted of a violation of § 21–1126 or § 21–1127 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(aa) Any person who is convicted of a violation of § 22–611 of this article is subject to:

(1) For a first offense, a fine of not less than \$250 and not more than \$1,000; and

(2) For a second or subsequent offense, a fine of not less than \$500 and not more than \$1,000.

(bb) Any person who is convicted of a violation of § 24–107 of this article that results in serious bodily injury as defined in § 27–113 of this title or death is subject to a fine of not more than \$1,000.

(cc) Any person who is convicted of a violation of § 12–301(c) or (d) of this article (“Fraud or misrepresentation in obtaining or application for an identification card”) or § 16–301(a) or (b) of this article (“Fraud or misrepresentation in obtaining or application for a license”) is subject to a fine of not more than \$2,500 or imprisonment for not more than 3 years or both.

(dd) (1) Any person who is convicted of a violation of § 21–1128 of this article is subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days or both.

(2) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other law, if a minor is the defendant or child respondent in a proceeding under § 21–1128 of this article, the court may order that a fine imposed under this subsection be paid by:

1. The minor;
2. The parent or guardian of the minor; or
3. Both the minor and the minor’s parent or guardian.

(ii) 1. A court may not order a parent or guardian of a minor to pay a fine under this paragraph unless the parent or guardian has been given a reasonable opportunity to be heard and to present evidence.

2. A hearing under this subparagraph may be held as part of the sentencing or disposition hearing.

(ee) Any person who is convicted of a violation of § 21–1116(a) of this article that results in serious bodily injury to another person as defined in § 27–113 of this title is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both.

(ff) A person that is convicted of a violation of § 15–311.2(c)(5) of this article:

(1) Is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both; and

(2) May be required to pay restitution.

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