Hon. J.

Hon. E.

Ms.

Dr.

Hon. J.

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[redacted]

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LEARNING OUTCOMES

As a result of attending this course, participants will be able to:

1. Select and justify sentencing alternatives and strategies for addressing destructive or repetitive driving behavior in minor traffic cases.

2. Apply Maryland's licensing eligibility requirements to non-citizen applicants with different documentation and licensing histories.

3. Identify the restrictions and escalating sanctions that apply to provisional license holders.

4. Differentiate the functions of the Maryland Rookie Driving Program (provisional licensing) and the Medical Advisory Board in addressing driver qualifications and fitness.

5. Analyze proposed traffic dispositions for potential masking.

6. Apply docket-management and courtroom-control practices that keep a high-volume traffic docket orderly and give every litigant the opportunity to be heard.

AGENDA

Time	Topic	Faculty Presenter
9:00 a.m. – 9:10 a.m.	**Welcome**	Hon. J.
9:10 a.m. – 9:50 a.m.	**Managing Your Docket and Courtroom Control**	Hon. J.
9:50 a.m. – 10:50 a.m.	**Sentencing Alternatives and Problem Drivers**	Hon. E.
10:50 a.m. – 11:00 a.m.	**BREAK**	
11:00 a.m. – 12:00 p.m.	**MVA: Provisional and Out-of-Country Licensing**	Ms.
12:00 p.m. – 12:30 p.m.	**LUNCH**	
12:30 p.m. – 1:30 p.m.	**Medical Review of At-Risk Drivers**	Dr.
1:30 p.m. – 1:40 p.m.	**BREAK**	
1:40 p.m. – 2:40 p.m.	**Masking and CDL Implications**	Hon. J.
2:40 p.m. – 3:20 p.m.	**Afternoon Application**	All Faculty
3:20 p.m. – 3:30 p.m.	**Wrap-Up and Q&A**	Hon. J.

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Learning Objectives

After this discussion, you will be able to:

01

Manage your courtroom more comfortably and effectively; &

02

Apply tools and techniques to your courtroom practices to help improve outcomes and promote public confidence in our courts.

Traffic,

370,000

Annually!

Payable, preset fine for minor infractions

Must appear

Reckless / driving with suspended license / driving without a license

21-902 DUI / DWI

Parking, red light, camera, school bus, work zone

The nature of judging:

01 Is not calling balls & strikes

02 Is exercising discretion

03 *"exactly what a judge should do cannot be fully described by specific formula"*

04 Fundamental fairness consistency



[Reaching Out or Overreaching: Judicial Ethics and Self Represented Litigants (AJS 2005)]

> "Language is the most powerful tool in the courtroom. The words we use have meanings beyond the obvious – they influence attitudes, behavior and perceptions."

Guidelines for Judicial Officers: Avoiding the Appearance of Bias, Judicial Council Advisory Committee on Access and Fairness, Orange County Bar Association Gender Equity Committee (August 2006).

Be mindful of the tone and tenor of your voice

Slow down, it's not a race

Importance of Effective Communication

- Provides opportunity to be heard
- Promotes order, decorum & confidence in judiciary
- Upholds integrity of the Court
- Assures accurate decision making

Identifying your source(s) of frustration in advance will have a positive impact on maintaining your composure when you inevitably encounter "that" behavior/situation in the courtroom.

3:00 p.m.

BEWITCHING HOUR



A "Betari Box" is...

a visual model to show how your attitude affects your behavior, which then shapes another person's attitude and behavior, completing a repeating cycle that loops back to influence you



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Opening Statements

01 Best practice is to give one

02 Explain possible pleas

03 Explain PBJs

04 Explain opinion on potential defenses

05 Advise that MVA imposes those points, not the court

06 State post trial rights

07 State where the cashier's window is located

08 School bus cases / red light camera and work zone

24

How to Call a Docket

01 The crying baby.

02 The interpreter.

03 The Sovereign Citizen or disruptive litigant.

04 Waiver hearing vs. trial.

05 Missing or late-arriving counsel, witness, or defendant.

06 Fines and court costs (deferred payments); consistency across the day.

25

The Unhappy Traffic Court Defendant

01 You just found the defendant guilty of speeding even though they testified that they could not have been speeding

02 The defendant is upset and begins arguing with you

03 To your chagrin, you find yourself arguing back



26

The Unhappy Victim

01 The defendant enters a not guilty plea to negligent driving

02 Transportation Article 21-901(b): driving, in a careless or imprudent manner, that endangers people or property

03 After hearing the evidence, you find the defendant not guilty, and the outraged victim/witness yells "this is bullshit."

04 To your chagrin, you find yourself arguing back

05 What to do when Officer is not present but Victim is?

28

Disruptive Litigants

01 Refer to litigant by their name of choice

02 Afford the litigant all the rights they are due

03 Pick your battles (refusal to stand / take off hat etc...)

04 Keep calm & DO NOT RAISE YOUR VOICE

05 Hold the case until the end of the docket

06 Use contempt as last resort

07 Notify security: alert them to presence of DL



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Mental Health Disorders



01 Don't take anything the person says personally

02 Attempt to de-escalate if person is overly-excited

03 Allow person to speak; be patient

04 Be firm but kind

05 Know when it's time to redirect; when to disengage

30

SENTENCING ALTERNATIVES & PROBLEM DRIVERS

In 2024, speeding-related crashes killed

11,288

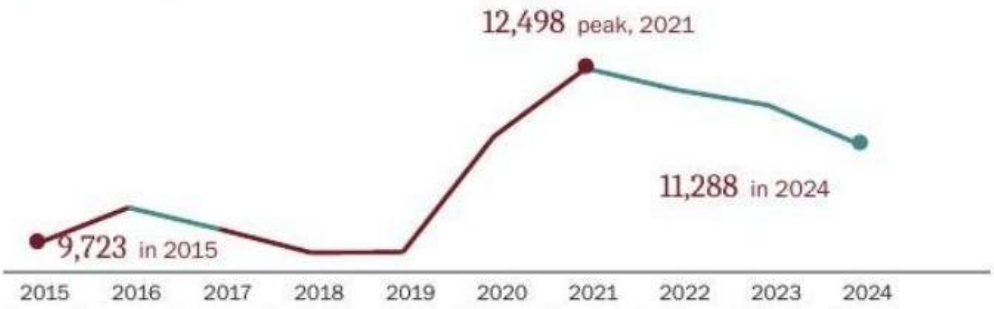
people on United States roads.

29%	+16%	−5%
of all traffic fatalities in 2024	against 2015 9,723 deaths	against 2023 11,913 deaths

Source: NHTSA 2024 Report Quick Facts. Full data in the binder.

34

Speeding-related deaths, United States



Speeding was involved in 26% to 27% of all traffic deaths from 2015 to 2019, 28% in 2022, and 29% in 2020, 2021, 2023 and 2024.

Source: NHTSA Speeding: 2024 Data (DOT HS 813 823). Table 1. Full series in the binder.

35

Incoming traffic cases, 33 states

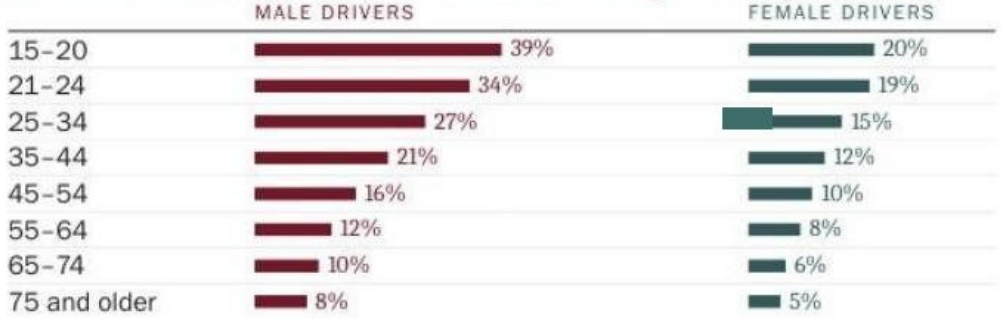


+19% Four million more cases arriving across the same 33 states.

Source: Court Statistics Project, Trial Court Caseload Overview.

36

Drivers in fatal crashes who were speeding, 2024



Percent of drivers involved in fatal crashes who were speeding. All ages: 21% of male drivers, 12% of female drivers. Not the share of all drivers who speed.

Source: NHTSA Speeding: 2024 Data (DOT HS 813 823), Figure 1.

37

Drivers in fatal crashes with BAC .08 g/dL or higher, 2024

	SPEEDING	NOT SPEEDING
Under 21	28%	16%
21–24	40%	23%
25–34	43%	21%
35–44	42%	19%
45–54	39%	16%
55–64	33%	14%
65–74	28%	11%
75 and older	10%	7%

Share of drivers involved in fatal crashes with a BAC of .08 g/dL or higher. All ages: 37% of speeding drivers, 17% of non-speeding drivers. BAC values are NHTSA estimates.

Source: NHTSA Speeding: 2024 Data (DOT HS 813 823), Tables 2 and 3.

38

Maryland traffic deaths, 2019 to 2025

YEAR	ALL DEATHS, MDOT	SPEED-INVOLVED, MDOT
2019	535	76
2020	573	110
2021	563	97
2022*	566	110
2023*	621	102
2024	582	Not supplied
2025*	480	Not supplied

20% A separate NHTSA count: 113 of 578 Maryland deaths in 2024 were speeding-related. MDOT reports 582 total for the same year.

*Preliminary: MDOT marks 2022, 2023 and 2025 preliminary. Sources: MDOT Highway Safety Office crash data and FY25 Annual Report; Governor's release, [redacted] NHTSA Speeding: 2024 Data, Table 6.

39

Choosing a program at sentencing

PROGRAM	WHY CHOOSE THIS	TIME AND PROOF
MVA Driver Improvement	Driver rehabilitation instruction.	4–8 hours. Provider notifies MVA.
MADD Victim Impact Panel	Speakers describe impaired-driving harm. Not DUI school.	About 2 hours online, camera on. Certificate issued.
National Safety Council	Driving choices and consequences. Three course families.	4–8 hours, virtual. Final exam in each.
PADDD	Consequences of impaired, distracted and reckless driving.	4 hours, live or recorded. Written reflection.

Sources: MVA; MADD, public pages, [redacted] NSC and PADDD, course materials. Fees: binder.

[redacted]

46

The provisional license is the second step

WHAT IT ALLOWS

Drive without a supervising driver, and build real-world driving experience.

WHAT STILL APPLIES

Important restrictions remain, to protect the driver and others.

[redacted]

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Qualifying for a provisional license

AGES 16–18

Without diploma or equivalent
Permit held at least 9 months

18 AND OVER

With diploma or equivalent
Permit held at least 3 months

UNDER 18: A parent, guardian, or co-signer must consent. That consent may be withdrawn at any time.

SHARED REQUIREMENTS

Complete a certified driver education course: 30 classroom hours and 6 behind-the-wheel hours.

Complete 60 supervised practice-driving hours, including at least 10 nighttime hours.

No moving-violation conviction or probation before judgment within the preceding 9 months.

[redacted]

50

Under 18: five operating restrictions

PASSENGERS
For the first 151 days, no passengers under 18 unless they are immediate family members. Otherwise, [redacted] qualified supervising driver must be in the car.

MIDNIGHT–5 A.M.
No driving during this window unless accompanied by a licensed, experienced driver (at least 21 years old with 3 years of driving), or traveling to or from work, an official school activity, an organized volunteer program, or an athletic event or training.

PHONES & DEVICES
No wireless communication device use, including hands-free use.

SAFETY BELTS
The driver and every passenger must use a seat belt or child safety seat.

ALCOHOL
No measurable alcohol in the driver's system.

[redacted] 51

Age 18+: alcohol restrictions

UNDER 21



RESTRICTION

No measurable alcohol may be present in the driver's system.

AGE 21+



RESTRICTION

The driver must follow Maryland's impaired-driving laws.

[redacted] 52

Breaking a provisional-license restriction

1 year	1 year	90-day suspension
Passenger-restriction suspension	Nighttime-restriction suspension	Phone or device use

ALCOHOL RESTRICTION

1st	Ignition interlock or 6-month suspension
[redacted]	License revoked

[redacted]

53

Moving violations: first offense and after

ANY PROVISIONAL DRIVER

FIRST OFFENSE

Driver Improvement Program

Points and fines may also apply.

SECOND OFFENSE AND AFTER

The same at every age. Drivers under 18 also face work-and-school limits after the 30-day suspension.

[redacted]	30-day suspension
[redacted]	180-day suspension

[redacted]

54

Under 18: the sanctions escalate

02
SECOND OFFENSE
30-day suspension
Afterward: driving limited to work or school for 90 days.

03
THIRD OFFENSE
Young Driver Improvement Program + 180-day suspension
Afterward: driving limited to work or school for 180 days.

04
FOURTH OFFENSE +
License revoked
All driving tests must be retaken for reinstatement.

55

Other automatic consequences

5+ points in 12 months

6 MONTHS
First time

12 MONTHS
Every subsequent time

High-risk driving conviction

Speeding / Racing / Reckless / Aggressive / Negligent

6 MONTHS
First offense

1 YEAR
Subsequent offense

PARENTAL NOTIFICATION · UNDER 18 When a new driver is cited for a moving violation, MVA notifies the adult who co-signed the application.

56

Getting the full license

18
CLEAN MONTHS

A conviction or PBJ restarts the clock from the date you were convicted or given PBJ, or from restoration after a suspension or revocation.

ELIGIBILITY

- At least 18 years old
- Held provisional license at least 18 months
- No convictions during those 18 months
- Under 21: no alcohol-related offenses

[redacted]

After the eighteen months

AUTOMATIC CONVERSION

MVA converts the license automatically and mails an attachment card. Carry it with the provisional license until the license expires.

NEW TO MARYLAND

Licensed for fewer than 18 months → provisional for the remaining time.

Example: 12 months already held − 6 months provisional.

[redacted]

[redacted]

Exchanging an out-of-country license

BRING TO YOUR APPOINTMENT

- Your license, valid or expired
- Proof of age, identity and residency
- Vision screening results
- Payment for required fees

WITHOUT THE LICENSE

An issuing-authority driving record, accompanied by an apostille or an embassy letter verifying the record.

WHEN IT IS NOT IN ENGLISH

An international driver's license or an English translation by an approved MVA translator.

[redacted]

Screening, education and testing

VISION SCREENING

At an MVA branch, or form DL-043A.

A doctor's screening must be from the previous 24 months.

DRIVING EDUCATION

Complete a 3 Hour Roadway Safety Driving Education Program if never licensed in the U.S.

KNOWLEDGE AND SKILLS

Pass knowledge and driving tests in a vehicle you provide.

The reference lists circumstances in which tests may be waived.

[redacted]

[redacted]

Testing waivers and license type

Tests may be waived for a valid license that has not been expired for more than one year from:

American Samoa · Guam · Puerto Rico · U.S. Virgin Islands · Northern Mariana · Canada · Yukon Territory · France · Panama Canal Zone

for a person born before [redacted]

ALL TESTS REQUIRED

Expired licenses from South Korea, Germany, Taiwan (Republic of China) or Japan require all tests.

LICENSE TYPE
LICENSED LESS THAN 18 MONTHS Maryland Provisional License
NEVER HELD A LICENSE Learner's permit

[redacted]

61

Federally noncompliant credentials

Individuals with foreign documentation but without valid USCIS documentation must schedule an online appointment to apply.

MARYLAND TAX CERTIFICATION

- File Maryland income taxes for two years before seeking a driver's license.
- Request a Comptroller tax certification letter online or through a branch appointment.

[redacted]

62

Federally noncompliant credentials (continued)

BEFORE THE DRIVING SKILLS TEST

Foreign license not suspended or revoked: present it and complete the 3-Hour Roadway Safety program.

No foreign license: learner's permit, Maryland Driver Education and other requirements.

[redacted]

Fit Driver

Essential cognitive and physical functions are required to make appropriate decisions in a dynamic environment and avoid a collision

Reason	Remember	React

[redacted]

68

Medical Limitations

01	02	03
Cognitive Limitations	Physical Limitations	Visual Limitations

THE RESULT Poor Response · Delayed Reaction · Diminished Awareness

[redacted]

69

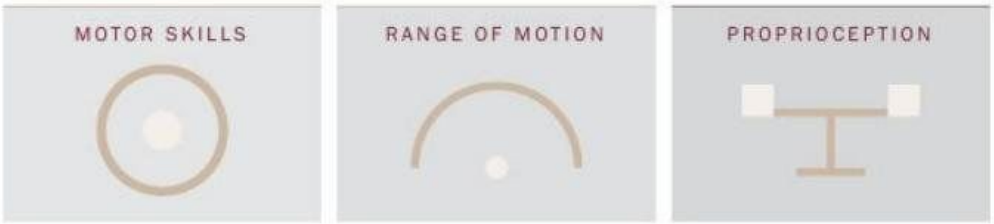
Cognitive Limitations

WHAT DRIVING NEEDS	COGNITIVE IMPAIRMENTS	
Memory	Mild Cognitive Impairment	Metabolic Imbalance
Attention	Dementia	Infection
Visual Processing	Psychiatric Illness	Sleep Disorder
Insight	Substance Abuse	Traumatic Brain Injury
Executive Function		

Source: Dr.

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Physical Limitations



IMPAIRMENTS	
Parkinson's Disease, Multiple Sclerosis	Musculoskeletal — Arthritis, Pain, Injury: limited range of motion / imbalance
Neurological — Stroke, Neuropathy: loss of limb function	Degenerative — poor coordination / weakness

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Visual Limitations

VISUAL ACUITY	FIELD OF VISION	CONTRAST SENSITIVITY
E		

IMPAIRMENTS

Cataracts	Glaucoma	Macular Degeneration	Retinopathy	Anopsia

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Impairing Medications

A legal drug doesn't mean it's a safe drug

CLASSES	EFFECTS
• Benzodiazepines (Valium, Xanax) • Narcotics (Oxycodone) • Antihistamines (Benadryl) • Psychotropics • Sleep Aids	• Poor Concentration • Drowsiness • Delayed Reaction • Confusion

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Observations of an Unfit Driver

DRIVING	NON-DRIVING
• Getting Lost	• Forgetful
• Confusing Gas and [redacted]	• Confusion
• Accidents and Near Misses	• Poor coordination
• Drifting Across Lanes	• Dizziness
• Slow to Make Decisions	• Fatigue
• Poor Distance Judging	• Difficulty walking
• Driving Too Fast/Slow	• Difficulty following instructions
• Parking Difficulties	

[redacted] 77

Regulations

COMAR 11.17.03
Physical and Mental Condition

- **11.17.03.02-1** Reportable Medical Conditions
- **11.17.03.04** Medical Advisory Board Guidelines
- **11.17.03.08** Emergency Suspension

49 CFR 391.41 Physical Qualifications for Drivers [Commercial Driving]

[redacted] 79

Maryland Reportable Conditions

- Diabetes with low blood sugar requiring assistance (6 months)
- Epilepsy
- Seizure
- Heart condition with LOC (6 months)
- Stroke
- Dizzy spells, fainting, blackout
- Sleep apnea or narcolepsy
- Traumatic brain injury
- Weakness, shaking, numbness in extremities
- Alcohol use problem
- Drug use problem
- Mental condition affecting ability to drive
- Schizophrenia
- Dementia
- Visual acuity < 20/70 in at least one eye, or field of vision < 110 degrees

80

Lapse/Loss of Consciousness

Lapse

COMAR 11.17.03.02 B(1)

Lapse of consciousness is failure to be oriented to time, place, person, situation

Loss

COMAR 11.17.03.04 B(1)(K)

Loss of or impaired consciousness due to, but not limited to, uncontrolled arrhythmias, pacemaker failures, and cardiomyopathy

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Lapse/Loss of Consciousness (continued)

ETIOLOGIES

Arrhythmia	Panic attack	Medication
Situational	Narcolepsy	Alcohol/Drug overdose
Seizure, Epilepsy	Sleep apnea	Dementia
Metabolic — Hypoglycemia, Hypoxia, Anemia	Infection	

[redacted]

82

Known etiology

AICD	Symptom within 6 months after discharge of an automatic implantable cardioverter defibrillator 11.17.03.04 B(1)(l)
Seizure	Suspended or refused for a period of 90 days or more from the date of the last seizure 11.17.03.04 E(2)(a)
Narcolepsy	Free of symptoms for at least 6 months 11.17.03.04 F
Hypoglycemia	...recurrent severe uncontrolled attacks of hypoglycemia may not operate any type of motor vehicle and may not be considered for any class license 11.17.03.04 C(2)

[redacted]

83

COMAR 11.17.03.02 B(3)

Unknown etiology

A judgment of significant risk shall be based on:

(a) Knowledge of an individual's past history of lapses of consciousness and the present state of the individual's health;

(b) How well the individual's disorder is controlled; or

(c) How much the individual's condition has improved.

[redacted]

Referral Sources



In the binder: DC-215 – Red Flag · Maryland Driver Risk Screening flyer

[redacted]

[redacted]

eReferrals by Indicator, 2025



Alcohol/illicit drug use	8%
Weakness/poor coordination	8%
Not reacting to vehicles/pedestrians	7%

The full 2025 chart, all sixteen indicators, is in the participant binder.

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MVA Medical Review

Referral to Driver Wellness and Safety	
Referral to the Medical Advisory Board	
Review medical reports / refer for appropriate testing	
Recommendation regarding driving qualification	

SPECIALTIES

- Cardiology
- Internal Medicine
- Neurology
- Ophthalmology
- Preventive Medicine
- Psychiatry
- Pulmonary
- Sleep Medicine

87

Diagnoses and Limitations

TEMPORARY	PERMANENT	PROGRESSIVE
Seizure, Arrhythmia, Hypoglycemia, Cataract	Stroke residual, Limb impairment, Cardiomyopathy	Dementia, Parkinson's disease, Macular degeneration

88

Driving Assessments

Informal	Formal
MaDRS (MVA Cognitive Screening)	Driving School
MVA Drive Test	Occupational Therapy and Clinical and Behind-the-Wheel assessment (Driver Rehab)

89

MVA Tools

TESTS | *Vision* | *Law* | *Drive*

MARYLAND DRIVER RISK SCREENING (MADRS)		
Rapid Walk	Visualization of Missing Information	Four Choice Reaction Time
Divided Attention	Cued Recall	Visual Information Processing

90

Driver Rehabilitation Assessment

01 — 02 — 03

CLINICAL

Medical and driving history

PRE-DRIVING (OFF ROAD)

Cognitive, motor, and vision screening

BEHIND-THE-WHEEL (ON ROAD)

Driving skills — turns, lane changes, road signs, stops, intersections, navigation

93

MAB Recommendation

Qualified to Drive WITHOUT Stipulations	Qualified to Drive WITH Stipulations	NOT Qualified to Drive
Case closed	Geographical · Daylight only · Non-commercial · Adaptive equipment · Periodic monitoring · Alcohol/Drug: Ignition Interlock, DDMP, Work/School/Medical only	Suspension

[redacted]

95

Driver Rehabilitation Recommendations

REFRESHER TRAINING	RESTRICTIONS	ADAPTIVE EQUIPMENT
Correct bad habits	Geographical	Steering knob
	No highway	Hand controls
Re-enforce safe driving skills		Left foot accelerator
	Daylight driving only	High-tech

AGS/NHTSA. Clinician's guide to assessing and counseling older drivers. [redacted]d. 2019.

[redacted]

96

[redacted]

MAB Suspension

"Short-term"	"Long-term"
Acute illness/injury Seizure, LOC, Cataracts, Substance use	Chronic or progressive condition Parkinson's disease, Dementia Permanent impairment Major stroke, Limb loss/impairment Uncontrolled chronic condition Sleep apnea, Diabetes, Schizophrenia

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Driving Cessation

Dementia	Debilitating Conditions Parkinson's disease, Stroke, Multiple Sclerosis, Limited range-of-motion
Macular Degeneration, Glaucoma	Impairing medications

98

Request for Re-examination

OBSERVED

- Weakness / Poor Coordination
- Not Adequately Controlling Vehicle
- Walking / Balance Problem
- Other Observation Described in Summary

SUMMARY

Driver suffers from Parkinsons disease and was visibly shaking as well as having a hard time standing up. While pulling into a parking spot driver's foot slipped off of the brake and onto the gas pedal causing him to accelerate into the building resulting in significant damage.

MAB RECOMMENDATION **Emergency Suspension**

[redacted]

100

COMAR 11.17.03.08

Emergency Suspension

If the physical or mental condition of an individual indicates there is a likelihood of substantial and immediate danger and harm to the individual or others if the individual's license is continued pending evaluation by the Medical Advisory Board, then the individual's driving privileges shall be suspended pursuant to the provisions of Transportation Article, §16-206, Annotated Code of Maryland. The physical or mental condition may come to the attention of the Administration when:

[redacted]

101

[redacted]

COMAR 11.17.03.08

Emergency Suspension (continued)

(1) A physician's certificate is received by the Medical Advisory Board;

(2) The individual is referred to the Medical Advisory Board for any reason;

(3) The Administration receives information that a licensee has violated a restriction, limitation, or other requirement imposed as a prerequisite for issuance or reinstatement of a license; or

(4) When the Administration becomes aware of a serious medical condition in any other manner.

[redacted]

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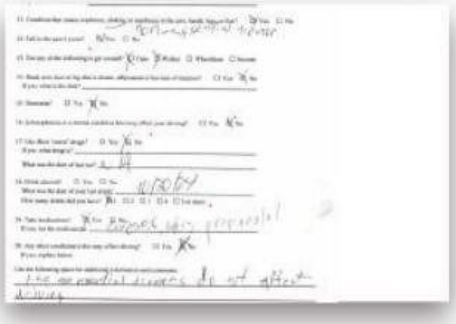
Branch Referral

October 2024	Branch Referral — Medical Packet mailed
April 2025	Reports identify Multiple Sclerosis
May 2025	MVA Drive Test FAILED — refer for formal driving evaluation for adaptive equipment
June 2025	MVA Drive Test #2 PASSED — Periodic Monitoring, 1-year follow up
June 2026	Follow up shows condition is affecting extremities — uses "self-driving" car only
MAB ACTION	Emergency Suspension

[redacted]

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The case file



NEUROLOGIST

"Patient has chronic neurological condition resulting in accrual of neurological symptoms. He uses a self-driving technique by car for driving and states he is in communication with MVA in this regard... Ongoing evaluation by MVA..."

[redacted]

[redacted]

DISCUSSION QUESTION

Defendant pleads guilty to speeding 78 mph in a 45-mph zone. Although he has one recent moving violation, you decide to give him a break by reducing the speed to 54 mph in a 45-mph zone making it a 1-point violation instead of 5 points. Any problem?

What if driver holds a commercial driver's license?

Federal law prohibits "masking"

49 CFR § 384.226

STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE STANDARDS

The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP/CDL holder's conviction for any violation, in any type of motor vehicle from appearing on the CDL driver's record.

Definition of "conviction"

49 CFR § 383.5

AS USED IN THE FEDERAL STANDARD

an unvacated adjudication of guilt;

the payment of a fine or court cost;

a determination in a court or administrative proceeding that a person has violated or failed to comply with the law;

an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

a plea of guilty or nolo contendere accepted by the court;

a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

111

Why It Matters

Oath to uphold and follow the law

Correlation between commercial violators and crash risk

Maryland may lose Federal Highway funds

Federal highway funds

4%
up to, after the first year

8%
up to, after the second and subsequent years

112

HYPOTHETICAL

The Stop

FACTS

48-year-old Defendant, while driving home from a wedding in his family vehicle, is stopped for DUI

BAC = 0.05 & impaired by marijuana

No prior criminal or traffic record

Holds a CDL

QUESTIONS

How is Defendant charged?

Does the CDL status alter the disposition you would impose?

Is a PBJ available?

§16-803(d) Transportation Article

Maryland Commercial Driver's License Act

"Conviction" essentially same definition as 49 CFR 383.5

\+ probation before judgment

The Offer

FACTS

Attorney negotiates with State Trooper on a series of nonjailable tickets, and Trooper announces that he is proceeding on 2 of the 3 tickets and is presenting no evidence on the 3rd.

QUESTIONS

Is there a problem?

What happens to the third ticket?

How should the court proceed?

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FINAL QUESTION

Defendant is a commercial driver who is charged with a weight violation where the preset fine is $1400. Defendant says it's coming out of his pocket, and you want to reduce the fine. Are you legally permitted to do so?

A Yes

B No

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The Minor Traffic Docket

MINOR TRAFFIC OPENING STATEMENT · READ VERBATIM

Good morning/afternoon! You are attending a session of the District Court of Maryland for _____ County/City. I am Judge _____ and today we will be hearing traffic tickets.

When you hear your case called out you need to come forward. If you are here for your ticket, please come to the table to your left (motion to the table). If you are here as an officer or a witness, please come to the table on your right (motion to the table).

You have 3 options on how to proceed today. You can plead "Guilty," which means "I did it;" "Guilty with an Explanation," which means "I did this, judge, but I want to tell you why;" or "Not Guilty," which means "I did not do this at all." If you choose Not Guilty, we'll have a brief trial.

OPENING STATEMENTS

1. Best practice is to give one
2. Explain possible pleas
3. Explain PBJs
4. Explain opinion on potential defenses
5. Advise that MVA imposes those points, not the court
6. State post trial rights
7. State where the cashier's window is located
8. School bus cases / red light camera and work zone

TIPS FOR CALLING THE DOCKET

1. Waivers first.
2. Dispositions and Guilty pleas next.
3. Guilty-with-Explanation calls after.
4. Trials last.
5. Officer FTAs: enter and find Not Guilty.

HOW TO CALL A DOCKET · WHAT COMES UP

1. The crying baby.
2. The interpreter.
3. The Sovereign Citizen or disruptive litigant.
4. Waiver hearing vs. trial.
5. Missing or late-arriving counsel, witness, or defendant.
6. Fines and court costs (deferred payments); consistency across the day.

The Minor Traffic Docket

MARYLAND TRAFFIC LAWS

1. All traffic violations covered by the Transportation Article
2. Updated yearly
3. Keep a copy of The Maryland Vehicle Law Annotated in your courtroom AND chambers
4. Also, your Traffic Code Booklet! Updated every year

TRAFFIC CODE BOOKLET

1. Keep copy on Bench
2. Tab / clip most common violations
3. Good for Serious and Minor Traffic Court and Bail Reviews
4. Be sure using most updated version (every October)

REGULAR TRAFFIC VS. JAILABLE TRAFFIC

Regular / "Minor"	Non-incarcerable offenses; carries fine only, no jail; may carry points; court costs = $25.50, no CICF
Jailable / "Serious"	Incarcerable or Must Appear offenses; carries potential for jail; all carry fines & points; court costs = $22.50 and CICF $35.00

WHAT ARE THE FINES & POINTS? · FILL IN FROM THE TRAFFIC CODE BOOKLET

VIOLATION	FINE	POINTS
1. Speeding: 83/55	$_____	_____
2. Negligent driving with an accident	$_____	_____
3. Failure to stop steady circular red signal, no accident	$_____	_____
4. Holder of Learner's permit driving w/o req supervision	$_____	_____
5. Dropping / Throwing / placing injurious substance on hwy	$_____	_____

TRAFFIC, 370,000 ANNUALLY: WHAT COMES TO THE DOCKET

1. Payable, preset fine for minor infractions
2. Must appear
3. Reckless / driving with suspended license / driving without a license
4. 21-902 DUI / DWI
5. Parking, red light, camera, school bus, work zone

Judge [redacted] slides and powerpoint hunt activity. No one ever knew who compiled for the fines and points.

The Minor Traffic Docket

DISRUPTIVE LITIGANTS

1. Refer to litigant by their name of choice
2. Afford the litigant all the rights they are due
3. Pick your battles (refusal to stand / take off hat etc...)
4. Keep calm & DO NOT RAISE YOUR VOICE
5. Hold the case until the end of the docket
6. Use contempt as last resort
7. Notify security: alert them to presence of DL

MENTAL HEALTH DISORDERS

1. Don't take anything the person says personally
2. Attempt to de-escalate if person is overly-excited
3. Allow person to speak; be patient
4. Be firm but kind
5. Know when it's time to redirect; when to disengage

THE UNHAPPY TRAFFIC COURT DEFENDANT

1. You just found the defendant guilty of speeding even though they testified that they could not have been speeding
2. The defendant is upset and begins arguing with you
3. To your chagrin, you find yourself arguing back

THE UNHAPPY VICTIM

1. The defendant enters a not guilty plea to negligent driving
2. Transportation Article 21-901(b): driving, in a careless or imprudent manner, that endangers people or property
3. After hearing the evidence, you find the defendant not guilty, and the outraged victim/witness yells "this is bullshit."
4. To your chagrin, you find yourself arguing back
5. What to do when Officer is not present but Victim is?

IMPORTANCE OF EFFECTIVE COMMUNICATION

Provides opportunity to be heard

Promotes order, decorum & confidence in judiciary

Upholds integrity of the Court

Assures accurate decision making

DISTRICT COURT OF MARYLAND FOR [redacted]

City/County/Location

Case No: [redacted]

Case Number: [redacted] Date: [redacted] Time: [redacted] Docket Page: [redacted]

Driver's License: [redacted] Room: [redacted] Agency: [redacted]

[redacted]

ROUTINE TRAFFIC DOCKET

[redacted] DOB: [redacted] Dr[redacted]

Charge: [redacted] Viol Date: [redacted] Time: [redacted] Speed: Zone:

Written Charge: [redacted]

Fine: $[redacted] Paid: $[redacted] Bond: Rel Cit: [redacted] Mail:

Acc: PI: PD: HM: VH: N CVL: Postponements:

[redacted]

Officer: [redacted] Witnesses:

Officer Comment:

☐ POSTPONED ☐ Def ☐ State ☐ Court ☐ Obtain Counsel ☐ Officer availability ☐ Other: _____

☐ FTA ☐ ASF AMENDED: _____ ☐ Personal Injury: _____ ☐ Cont. to acc. ☐ Speed reduced to _____

PLEA ☐ G ☐ NG ☐ NC

VERDICT ☐ G ☐ NG ☐ PBJ ☐ Dismissed ☐ Guilty - Merged ☐ ABD ☐ NCR ☐ JA ☐ NC

☐ NP ☐ Stet _____

☐ FINE $ _____ ☐ Susp $ _____ ☐ Comm in default ☐ COSTS $25.50 ☐ Susp due to indigency of Def

☐ Defrd until _____ ☐ Thru P&P ☐ One pmt ☐ Installments of $ _____ ☐ Week ☐ Month Due today $ _____

☐ Other motor vehicle safety course (TR § 21-901.3): _____
Name of motor vehicle safety course

☐ Community Service _____ hours (TR § 21-901.3)

☐ PROBATION ____ / ____ / ____ ☐ Supervised by ☐ P&P ☐ JPS ☐ Unsupervised ☐ ACS _____(hrs) By _____
yrs / mos / dys

☐ Alcohol education program ☐ MVA driver improvement

Date: [redacted] *Judge:* _____ *ID Number* _____

DISTRICT COURT OF MARYLAND FOR [redacted]

City/County/Location

Case No: [redacted]

Case Number: [redacted] Date: [redacted] Time: [redacted] Docket Page: [redacted]
Driver's License: [redacted] Room: [redacted] Agency: [redacted]

[redacted]

SERIOUS TRAFFIC DOCKET

[redacted] DOB: [redacted] Dr [redacted]

Charge: [redacted] Viol Date: [redacted] Time: [redacted] Speed: Zone:

Written Charge: (DRIVING, ATTEMPTING TO DRIVE) VEH. WHILE IMPAIRED BY ALCOHOL

[redacted] Bond: Rel Cit: [redacted] Mail:

Acc: PI: PD: HM: VH: N CVL: Postponements:

[redacted]

Officer: Witnesses:

Officer Comment:

☐ **POSTPONED** ☐ Def ☐ State ☐ Court ☐ Obtain Counsel ☐ Officer availability ☐ Other: _____

☐ **FTA** ☐ BW issued ☐ Bond forfeited ☐ New bond $ _____ ☐ Cash ☐ Pct _____ ☐ UPB ☐ Bail denied
☐ Commissioner to set ☐ Return to this county ☐ Forf stricken ☐ Warr recall ☐ Prev bond reinstated
Appeared ☐ With ☐ w/o counsel,no merit reason.Determined counsel waived ☐ Express waiver of counsel ☐ Complied w/rule 4-215
☐ JTP ☐ Jury trial waived ☐ ASF **AMENDED:** _____ ☐ Personal Injury ☐ Cont. to acc. ☐ Speed reduced to _____

PLEA ☐ G ☐ NG ☐ PBJ Agreement ☐ NCR ☐ NCR ☐ PSI ☐ Sub curia until _____
VERDICT/DISPOSITION ☐ G ☐ NG ☐ PBJ ☐ PBJ Agreement ☐ Dismissed ☐ Guilty - Merged ☐ ABD ☐ NCR
☐ NC ☐ JA ☐ NP ☐ Stet _____
☐ **FINE** $ _____ ☐ Susp $ _____ ☐ Comm in default **COSTS $22.50** ☐ Waived/indigency **CICF $35.00** ☐ Waived/indigency
☐ Deferred until _____ ☐ Through court ☐ Through P&P ☐ One pmt ☐ Installments of $ _____ ☐ Week ☐ Month Due today $_____
☐ JUDGMENT OF RESTITUTION (where restitution is NOT a condition of probation)

☐ **SENTENCE** _____ /_____/_____ ☐ Suspended _____/_____/_____ ☐ Commencing _____
yrs mos days yrs mos days
☐ Consecutive to _____ ☐ Concurrent with _____ ☐ Credit time served _____

☐ Doc ☐ Local jail ☐ DWI facility ☐ Weekends_____(weekends) beginning: _____
☐ Home Detention/Confinement Through ☐ Local Detention Facility ☐ Private Company_____
Private Company Name

☐ MVA Driver Improvement Program ☐ Work release: ☐ Recommended ☐ Ordered ☐ Repeat offender
☐ Other motor vehicle safety course (TR § 21-901.3): _____
Name of motor vehicle safety course

☐ Community Service _____ hours (TR § 21-901.3)
CONVICTION FOR 21-902(b) & (c) only:
☐ The court finds beyond a reasonable doubt that the defendant refused to take a test as defined in TR §16-205.1.
Defendant shall participate in the Ignition Interlock System Program under TR §16-404.1 for one (1) year.
PROBATION ☐ **SEE PROB/SUPRV DOCKET**
☐ Agreement Entered Under CP § 6-220(c). With consent of the State, defendant pled not guilty in exchange for the court withholding judgment.
☐ Supervised ☐ Unsupervised
Probation period: (years/months/days):_____ effective ☐ (date) _____ ☐ upon release
☐ Alcohol restr ☐ Pay PD $_____ ☐ Through P & P by_____ ☐ ACS_____(hrs) by_____
APPEAL ☐ Advised of right Sentence: ☐ To be stayed ☐ Continue PTR conditions ☐ Appeal bond $_____
Conditions of probation: ☐ to be stayed ☐ not to be stayed

[redacted] *Judge:* _____ [redacted]

OBSERVATIONS THAT INDICATE A DEFENDANT MAY HAVE A MENTAL ILLNESS

When Mental Illness Seems to be a Factor, Consider:

Prevalence:

- **Serious Mental Illness:** 17% of adults booked into jails (31% of women; 15% of men)
- **Substance Use Disorder:** 65% of adults in U.S. corrections systems
- **Co-Occurring Mental Illness/Substance Use Disorder:** 72% of adults with serious mental illnesses in jail also had co-occurring substance use disorders

Contextualizing Observations: *While these categories of observation are provided to alert judges that a person may have a mental illness that requires different judicial action and/or attention by a mental health professional, they are not definitive signs of mental illness. Certain contextual elements are important to remember:*

- Appearing in court is an anxiety-provoking experience for most people.
- People may not be prepared to navigate a system as complex and demanding as the criminal justice system.
- People may come to court with skills that have allowed them to survive in their communities but are not conducive to interacting with the court (e.g., toughness, argumentativeness, silence).

Categories of Observation: *Do you see something in one of the following areas that does not make sense in the court context?*	**Courtroom Observations:** *Examples of how behaviors in the observational areas can indicate that the person may have a mental illness:*
Appearance: Age, hygiene, attire, ticks/twitches	• Looks older/younger than the listed date of birth • Wears inappropriate attire (e.g., multiple layers of clothing in the summertime) • Trembles or shakes, is unable to sit or stand still
Cognition: Understanding/appreciation of situation, memory, concentration	• Does not understand where s/he is • Seems confused or disoriented • Has gaps in memory of events • Answers questions inappropriately
Attitude: Cooperativeness, appropriate participation in court hearing	• Stays distant from attorney or bench • Acts belligerent or disrespectful • Is not attentive to court proceedings
Affect/Mood: Eye contact, outbursts of emotion/indifference	• Does not make eye contact with judge or court staff • Appears sad/depressed, or too high spirited • Switches emotions abruptly • Seems indifferent to severity of proceedings
Speech: Pace, continuity, vocabulary *(Note: Can this be explained by discomfort with English language?)*	• Speaks too quickly or too slowly • Misses words • Uses vocabulary inconsistent with level of education • Stutters or has long pauses in speech
Thought Patterns and Logic: Rationality, tempo, grasp of reality	• Seems to respond to voices/visions • Expresses racing thoughts that may not be connected to each other • Expresses bizarre or unusual ideas

JUDICIAL INTERACTIONS

Before Interacting with a Defendant, Consider:

- **How the courtroom environment is affecting the defendant:**
  - Are there noises or distractions in the courtroom that are negatively affecting the defendant?
  - Is there a family member or defense attorney who can help calm the person?
- **Safety** for yourself, the court staff, and the defendant.
- **What is being asked and said in open court** and how this may affect future proceedings.

While Interacting with a Defendant, Consider:

Courtroom Situations: *Examples of commonly-observed scenarios*	**Immediate Reponses:** *Recommendations for immediate situation management*

When a mental illness is affecting a defendant's courtroom participation	• Speak slowly and clearly
	• Avoid jargon
	• Explain what's happening
	• Write instructions down if dates/address are involved
	• Treat the defendant with the respect you would give other adults
	• If appropriate, use principles of Motivational Interviewing:*
	  • Express empathy
	  • Point out discrepancies between goals and current behavior
	  • Roll with resistance
	  • Support self-efficacy

Loss of Reality:** *When the defendant appears confused or disoriented*	• Ground defendant in the here and now**
Loss of Hope: *When the defendant appears sad, desperate*	• As appropriate, instill hope in positive end result • To extent possible, establish a personal connection
Loss of Control: *When the defendant appears angry, irritable*	• Listen, defuse, deflect • Ask defendant about why s/he is upset • Avoid threats and confrontation
Loss of Perspective: *When the defendant appears anxious, panicky*	• Seek to understand • Reassure and calm defendant • Deflect concerns

When Taking Action, Consider:

- **Having defendant approach the bench:** Would this de-escalate the situation or create a safety risk?
- **Re-calling the case later in the session/calendar:** Could this help the defendant calm down?
- **Determining whether to proceed:** Is a fitness or competency evaluation appropriate?
- **Setting conditions of release:**
  - Does the defendant have the capacity to understand conditions?
  - Does the defendant have the ability to adhere to conditions?
  - What effect will these conditions have on regularity of treatment?
  - What effect will time in jail have on mental health, access to medication, benefits maintenance, etc.?
  - How will conditions/time in jail affect the defendant's access to a primary caregiver?
- **Requesting mental health information:** What exactly do you need to make the decision facing you?
- **Making a referral (to mental health services provider or other services):**
  - What are the goals of the referral?
  - How might the defendant's cultural background and linguistic needs impact access to services?
  - What are the expectations for reporting back to the court?

* Motivational Interviewing is a counseling approach initially developed by William R. Miller and Rollnick.

**The Loss of Reality, Hope, Control, and Perspective and the immediat sponses are based on the LOSS Model developed by Paul Lilley.

PADDD and Program Contacts

[redacted] PROVIDER MATERIAL

PADDD · WHAT COMPLETION REQUIRES

Personal reflection	Participants write a summary explaining what they learned and how it affected their perspective on driving.
Commitment to change	Participants identify three or four specific changes they will make to their driving practices.
Documented completion	After completing the requirements, participants receive documentation for the court or other referring authority.

PADDD · TWO WAYS TO TAKE THE CLASS

Virtual live class · $150	[redacted] 4:45–9:00 p.m. or [redacted] 7:45 a.m.–noon. Four hours on camera. Participants receive a completion letter at the end of class and send it to the referring person.
ASAP recorded · $200	Viewable anytime. Completed within 48 hours. Participants email their paper for review. Staff follows up if needed; participants may be asked to rewatch the video.

PADDD · WHO TO CALL

Program information	[redacted] · [redacted]
Court letters	[redacted] · [redacted]
Email	
Website	www.PADDD.org

MEDICAL ADVISORY BOARD · MDOT MVA

Phone	[redacted]
Email	

OTHER PROGRAMS

MVA Driver Improvement and MADD	See the driving programs comparison.

NATIONAL SAFETY COUNCIL · FIVE DEFENSIVE-DRIVING PROFILES

DDC Attitudinal Dynamics of Driving	4 hr 15 min	4 modules
DDC Attitudinal Dynamics of Driving	6 hr 25 min	6 modules
DDC Attitudinal Dynamics of Driving	8 hr	8 modules
DDC Alive at 25, [redacted] edition	4 hr	4 modules
DDC State Courts Against Road Rage (SCARR)	4 hr 15 min	4 modules

PADDD flyer, trifold and the five NSC profiles supplied by Judge [redacted] contact from Dr. [redacted] slides.

Driving programs comparison

[redacted] | Draft for Judge review | [redacted]

MVA and MADD entries use official public pages. NSC and PADDD entries use materials supplied for the course. Each entry cites the source key on page 2.

MVA DIP Driver Improvement Program	MADD Victim Impact Panel	National Safety Council Driver courses	PADDD
FOCUS			
Instruction intended to provide driver rehabilitation. [1]	People affected by impaired-driving crashes share the effects on their lives. [2] A victim impact panel is separate from DUI school. [5]	Driving choices, risks and consequences. Three course families: Attitudinal Dynamics of Driving (ADD); Alive at 25; State Courts Against Road Rage (SCARR). [6–10]	Positive Alternatives to Dangerous and Destructive Decisions. Human consequences of impaired, distracted, speeding and reckless driving. [13]
TIME AND FORMAT			
4–8 hours. Ask the selected provider about delivery format, dates and location. [1]	Online: about 2 hours; may pause and return. Online access is subject to eligibility checks. [4] In person: check local panel details. [3]	Virtual instructor-led syllabi. [11] ADD: 4 hr 15 min, 6 hr 25 min, or 8 hr. [6–8] Alive at 25: 4 hr; under 25 focus. [9] SCARR: 4 hr 15 min. [10]	4-hour class. Live: Mon 4:45–9 p.m. or Sat 7:45 a.m.–noon. Recorded: available anytime; provider states completion within 48 hours. [13]
PARTICIPANT WORK AND PROOF			
Follow the MVA referral letter and its deadline. Bring the letter to class. Provider gives the participant a certificate and separately notifies MVA. [1]	In person: picture ID; receipt/certificate at the end. [5] Online: camera required; certificate available immediately after completion and downloadable from the account. [4]	All five profiles include a final exam. ADD and SCARR include a plan for change. Passing scores, completion documentation and reporting process are not specified in these profiles. [6–10]	Written reflection and 3–4 planned driving changes. Live: four hours on camera; completion letter at the end. Recorded: paper submitted for review; staff may require rewatching. [13]
FEE			
Set by the selected provider; paid directly to that provider. [1]	Confirm at registration. A current Maryland-specific fee was not verified on the pages reviewed. [2–5]	Profiles: not specified. [6–10]	Live: $150. Recorded: $200. Fees as listed in the supplied flyer. [13]
CONTACT OR REGISTRATION			
Use the provider list linked on the MVA DIP page. MVA: [1]	maddvip.org [2] online.maddvip.org [4] Maryland: [3] [4]	[redacted] [12] Ask about course access, fees and completion reporting.	Program: [redacted] Court letters: [redacted] paddd.org [13]

MADD format check. MADD says participants must confirm that an online panel meets the referring court's requirements before enrolling. [4]

Sources [1–5] were independently retrieved from official websites on [redacted]. Sources [6–13] were supplied for this course. NSC durations reproduce the profiles' stated totals; the preview video is separate. Full citations follow.

Comparison source key

Numbered references correspond to individual entries on page 1. Public-source additions are compiled for Judge review.

REF.	EXACT SOURCE / ACCESS	RELEVANT LOCATION AND SUPPORT
[1]	Maryland MVA, "Driver Improvement Program." https://mva.maryland.gov/licenses-ids/driver-education-safety/driver-improvement-program	Opening description and FAQs on provider arrangements, fees, referral letter and completion reporting; page contact footer.
[2]	MADD, "Find a Victim Impact Panel." https://maddvip.org/	"What is a Victim Impact Panel?" and registration access.
[3]	MADD Maryland, state home page. https://madd.org/maryland/	Victim Impact Panel section, local panel access and Maryland contact telephone.
[4]	MADD Online Victim Impact Panel, "Frequently Asked Questions." https://online.maddvip.org/help	Registration/eligibility; completion certificate; court acceptance; duration; camera; replacement certificate; support contact.
[5]	MADD Victim Impact Panels, "Frequently Asked Questions." https://maddvip.org/faq/	Picture ID; end-of-class certificate; distinction between VIP and DUI school.
[6]	NSC, ADD 4-hr_9.26.pdf, p. 1.	ADD course description, stated 4 hr 15 min total, session activities and final exam.
[7]	NSC, ADD6-hr_9.26.pdf, p. 1.	ADD course description, stated 6 hr 25 min total, session activities and final exam.
[8]	NSC, ADD 8-hr_9.26.pdf, p. 1.	ADD course description, stated 8 hr total, session activities and final exam.
[9]	NSC, p. 1.	Alive at 25 audience, stated 4 hr total, session activities and final exam.
[10]	NSC, SCARR 9.26.pdf, p. 1.	State Courts Against Road Rage description, stated 4 hr 15 min total, plan for change and final exam.
[11]	[redacted]	[redacted]
[12]	[redacted] (NSC), email to Judge	Program contact name, telephone and email. Recovered [redacted]
[13]	PADDD-Flyer.pdf, p. 1, supplied by Judge	Program name, content, live/recorded formats, schedule, fees, reflection requirements, completion process and contacts. [redacted]

Reading the gaps: "not specified" describes the supplied profiles; it is not a finding that a program lacks a requirement. MADD's current Maryland fee was not verified. NSC and PADDD information has not been independently refreshed with the providers.

[redacted]

Susan appears before you for sentencing following her guilty plea to driving under the influence of alcohol per se. She is 34 years old and divorced. She shares custody of two children, ages 6 and 8 with her ex-husband. She is employed as an elementary school teacher.

On the night of Susan's arrest [redacted] an anonymous citizen called 911 and reported observing a vehicle being driven in an erratic manner, speeding up and slowing down, and crossing back and forth across the roadway's center line. A short time later, the police arrived on the scene of a property damage accident where Susan's vehicle was found resting against a guardrail on the side of a two-lane road. She was still in the driver's seat with the engine running. Susan did not appear to be injured. The officer detected a strong odor of alcohol on Susan's breath. Susan explained that a deer jumped out in front of her vehicle, and she swerved to avoid it and lost control of her vehicle.

After submitting to standardized field sobriety tests, which she failed, she submitted to a breath test with a resulting BAC of 0.19. Pursuant to a search incident to arrest, the police found a prescription bottle with the label partially scraped off. Inside were 15 pills later determined to oxycodone. Additionally, the officer located her medical marijuana card search incident to arrest.

A week ago, Susan was released from a 30 day stay in an inpatient facility where she received alcohol treatment. Her attorney explains that she has a medical marijuana card and uses it to help with her anxiety symptoms. She has no prior record however, she has a pending DUI/DWI/DWI by CDS charges related to an earlier arrest [redacted]

In sentencing this defendant:

- **what are you concerns?**
- **what sentencing options would you consider?**
- **what are the barriers to an effective sentence?**
- **how might you help overcome these barriers?**

What, if any, additional information would you want prior to sentencing?

DISTRICT COURT OF MARYLAND
PROBATION/SUPERVISION DOCKET

☐ Probation before Judgment (Criminal Procedure §6-220)
☐ Probation Agreement Deferring Judgment (Criminal Procedure §6-220)

Case/Citation No. _____
Defendant _____
SID No. _____
Tracking No. _____
Other Reference No. _____
Address _____

(IF AVAILABLE, PLACE LABEL HERE)

IT IS ORDERED THAT DEFENDANT:

☐ Be supervised by Parole and Probation.

☐ Be supervised by:

_____
Other Agency

☐ Be unsupervised.

Probation begins ☐ on _____ ☐ upon admission to residential substance abuse program. Your first appointment with the supervising agency is _____ and the place to report to is _____.
Date Date

Your failure to report could result in your arrest.

Convicted count(s): _____
Sentence: _____
Part of sentence executed: _____
Suspended: _____
☐ Balance of sentence suspended upon admission to treatment pursuant to HG §8-507
Credit for time served: _____
Length of probation: _____
Month(s)/Year(s)
☐ Participate and pay for psychological counseling

A. Standard Conditions (1-10): ☐ All Standard Conditions

☐ All Standard Conditions except Nos. _____

1. Report as directed and follow your supervising agent's lawful instructions.
2. Work and/or attend school regularly as directed and provide verification to your supervising agent.
3. Get permission from your supervising agent before changing your home address, changing your job, and/or leaving the State of Maryland.
   Additional Comments: _____
4. Obey all laws.
5. Notify your supervising agent at once if charged with a criminal offense, including jailable traffic offenses.
   Additional Comments: _____
6. Get permission from the court before owning, possessing, using, or having under your control any dangerous weapon or firearm of any description.
   Additional Comments: _____
7. Permit your supervising agent to visit your home.
8. Do not illegally possess, use, or sell any narcotic drug, controlled substance, counterfeit substance, or related paraphernalia.
   Additional Comments: _____
9. Appear in court when notified to do so.
10. Pay all fines, costs, restitution, and fees as ordered by the court or as directed by your supervising agent through a payment schedule.
    - ☐ Fines of $_____ paid through ☐ Parole and Probation ☐ Clerk's Office ☐ Sheriff's Office
    - ☐ Court costs of $_____ paid through ☐ Parole and Probation ☐ Clerk's Office
    - ☐ Supervision fee of $50/month paid through ☐ Parole and Probation ☐ Supervision fee waived
    - ☐ Restitution of $_____ to _____ paid through Maryland Division of Parole and Probation, Maryland Department of Juvenile Services, Division of Corrections, or local correctional facility, if applicable by _____ D[redacted].
    - ☐ Public Defender fees of $_____ to the Office of the Public Defender for counsel fees.
    - ☐ Pay the following fees through Parole and Probation or: _____
      ☐ Victims of Crime Fund $_____ ☐ CICF costs $_____ ☐ Other costs (Specify) $_____
    - ☐ The Division of Parole and Probation is hereby granted the discretion to refer the collection of funds it is authorized to collect to the State's Central Collection Unit without the need of further court approval.

B. Special Conditions (11-35):

11. ☐ Provide DNA sample as required by law by _____.
    Date
12. ☐ Submit to evaluation and attend and successfully complete mental health treatment as directed by your supervising agent.
13. ☐ Submit to, successfully complete, and pay required costs for evaluation, testing and treatment education, as directed by your supervising agent.
14. ☐ Attend and successfully complete ☐ alcohol ☐ drug ☐ alcohol and drug treatment ☐ education program _____
    Name of Program
15. ☐ Enroll in, pay any required costs for, and successfully complete treatment at _____.
16. ☐ Attend and successfully complete parenting class.
17. ☐ Attend _____ self-help group meetings per week for _____ weeks. ☐ Attendance may be modified by your supervising agent after _____ weeks.
18. ☐ Totally abstain from alcohol, marijuana (cannabis) (unless medically prescribed), all illegal substances, and abusive use of any prescription drugs.
19. ☐ Apply for alcohol restriction on driver's license within 10 days of trial date for _____ year(s)/month(s).
20. ☐ Refrain from driving and/or attempting to drive after consuming alcohol.
21. ☐ Attend Victim Impact Panel meetings when notified.
22. ☐ Attend and successfully complete MVA Driver Improvement Program.
23. ☐ Attend and successfully complete MVA Alcohol Education Program. (Social Drinkers Only)
24. ☐ Have Ignition Interlock installed for _____ months and pay costs. ☐ Employment vehicle exempted.

Licensing Quick Reference

QUALIFYING

Ages 16–18	Without diploma or equivalent. Permit held at least 9 months.
18 and over	With diploma or equivalent. Permit held at least 3 months.
Under 18	A parent, guardian, or co-signer must consent. That consent may be withdrawn at any time.
Everyone	Complete a certified driver education course: 30 classroom hours and 6 behind-the-wheel hours. Complete 60 supervised practice-driving hours, including at least 10 nighttime hours. No moving-violation conviction or probation before judgment within the preceding 9 months.

UNDER 18: FIVE OPERATING RESTRICTIONS

Passengers	For the first 151 days, no passengers under 18 unless they are immediate family members. Otherwise, a qualified supervising driver must be in the car.
Midnight–5 a.m.	No driving during this window unless accompanied by a licensed, experienced driver (at least 21 years old with 3 years of driving), or traveling to or from work, an official school activity, an organized volunteer program, or an athletic event or training.
Phones & devices	No wireless communication device use, including hands-free use.
Safety belts	The driver and every passenger must use a seat belt or child safety seat.
Alcohol	No measurable alcohol in the driver's system.

AGE 18+: ALCOHOL

Under 21	No measurable alcohol may be present in the driver's system.
Age 21+	The driver must follow Maryland's impaired-driving laws.

BREAKING A RESTRICTION

Passengers	1-year suspension
Nighttime	1-year suspension
Phone or device	90-day suspension
Alcohol	[redacted] ignition interlock or 6-month suspension. [redacted] license revoked.

Licensing Quick Reference

MOVING VIOLATIONS · ANY PROVISIONAL DRIVER

[redacted] offense	Driver Improvement Program. Points and fines may also apply.
[redacted] offense	30-day suspension
[redacted] and after	180-day suspension. The same at every age. Drivers under 18 also face work-and-school limits after the 30-day suspension.

UNDER 18: THE SANCTIONS ESCALATE

[redacted] offense	30-day suspension. Afterward: driving limited to work or school for 90 days.
[redacted] offense	Young Driver Improvement Program + 180-day suspension. Afterward: driving limited to work or school for 180 days.
[redacted] offense +	License revoked. All driving tests must be retaken for reinstatement.

OTHER AUTOMATIC CONSEQUENCES

5+ points in 12 months	6 months the first time; 12 months every subsequent time.
High-risk driving conviction	Speeding, Racing, Reckless, Aggressive, Negligent. 6 months for a first offense; 1 year for a subsequent offense.
Parental notification · under 18	When a new driver is cited for a moving violation, MVA notifies the adult who co-signed the application.

GETTING THE FULL LICENSE

Eligibility	At least 18 years old. Held provisional license at least 18 months. No convictions during those 18 months. Under 21: no alcohol-related offenses.
18 clean months	A conviction or PBJ restarts the clock from the date you were convicted or given PBJ, or from restoration after a suspension or revocation.
Automatic conversion	MVA converts the license automatically and mails an attachment card. Carry it with the provisional license until the license expires.
New to Maryland	Licensed for fewer than 18 months: provisional for the remaining time. Example: 12 months already held, 6 months provisional.

LICENSE TYPE

Licensed less than 18 months	Maryland Provisional License
Never held a license	Learner's permit

Licensing Quick Reference

BRING TO THE APPOINTMENT

Your license, valid or expired

Proof of age, identity and residency

Vision screening results

Payment for required fees

Without the license	An issuing-authority driving record, accompanied by an apostille or an embassy letter verifying the record.
When it is not in English	An international driver's license or an English translation by an approved MVA translator.

SCREENING, EDUCATION AND TESTING

Vision screening	At an MVA branch, or form DL-043A. A doctor's screening must be from the previous 24 months.
Driving education	Complete a 3 Hour Roadway Safety Driving Education Program if never licensed in the U.S.
Knowledge and skills	Pass knowledge and driving tests in a vehicle you provide.

TESTING WAIVERS

Tests may be waived for a valid license that has not been expired for more than one year from: American Samoa, Guam, Puerto Rico, U.S. Virgin Islands, Northern [redacted] Canada, [redacted] Territory or France; or for a person born before [redacted] in the Panama Canal Zone. Expired licenses from South Korea, Germany, Taiwan (Republic of China) or Japan require all tests.

FEDERALLY NONCOMPLIANT CREDENTIALS

Applying	Individuals with foreign documentation but without valid USCIS documentation must schedule an online appointment to apply.
Maryland tax certification	File Maryland income taxes for two years before seeking a driver's license. Request a Comptroller tax certification letter online or through a branch appointment.
Before the driving skills test	Foreign license not suspended or revoked: present it and complete the 3-Hour Roadway Safety program. No foreign license: learner's permit, Maryland Driver Education and other requirements.

Ms. [redacted] an out-of-country driver's license for a Maryland license, pp. 1–3.

The MVA Record

1 OF 2

GETTING IN

1	Log onto computer with regular login / password
2	Go to https://egov.maryland.gov/mva/idvr
3	Log in with MVA username & password: they will be different from regular Courts; 1 cap letter, 1 # & 1 special character
4	Try not to let password expire: you will get warnings; emails to confirm change
5	To make life easier, create bookmark or shortcut to MVA website (MD flag icon)

RUNNING A RECORD

1	Under dark blue tab "Driver Record Search" click "Customer ID-Driver"
2	Go to the rectangular box under "*Customer ID:" and place cursor in box
3	SCAN bar code using wand (or gun): can manually type in driver's license number if bar code missing; do NOT include dashes; if new license that starts MD be sure to capitalize MD
4	Here is a (terrible, confusing, hard to read) version of the MVA record: do NOT use this one
5	Go to "Download PDF" tab all the way on the right and click
6	A PDF file will appear at bottom left of your screen: click it
7	And finally... READ the record (this is the easiest format to read)

READING THE RECORD: WHAT SHOULD I BE LOOKING FOR?

Match MVA photo

Provisional License? Only 1 PBJ by law!

Suspended? Why?

Prior Speeding / moving violations? How long ago?

Current Points? Will be at bottom center in red "Total Current Points:"

PBJ Record will be at the bottom, separate section

The MVA Record

2 OF 2

CUSTOMER INFORMATION SECTION

Customer ID = Driver's License number

Name · Address · Height / Weight · Race

Sex: UNK unknown, UNSPEC unspecified

DOB

Driving Privilege Status

Current CDL Status

DRIVER PRIVILEGE CODES

DRVVLD	License is valid; driver may operate
DRVVPV	Provisional license, valid to operate
DRVSUS	License currently suspended
DRVRVK	License has been revoked
DVREXP	License has expired
DWVELG	Eligible to apply for a license

PERSONAL INJURY CODES · "PI"

PI 1	No bodily injury
PI 2	Possible bodily injury
PI 3	Personal injury
PI 4	Serious bodily injury
PI 5	Fatal

Confirm with witnesses; police don't always code this correctly.

The course slides on the docket sheet and the MVA record

Medical Review Quick Reference

MARYLAND REPORTABLE CONDITIONS

- Diabetes with low blood sugar requiring assistance (6 months)
- Epilepsy
- Seizure
- Heart condition with LOC (6 months)
- Stroke
- Dizzy spells, fainting, blackout
- Sleep apnea or narcolepsy
- Traumatic brain injury
- Weakness, shaking, numbness in extremities
- Alcohol use problem
- Drug use problem
- Mental condition affecting ability to drive
- Schizophrenia
- Dementia
- Visual acuity < 20/70 in at least one eye, or field of vision < 110 degrees

REFERRAL SOURCES

- Law Enforcement
- Healthcare Professional
- Branch Referral
- Self-Report
- Court Referral
- Concerned Citizen

REGULATIONS

COMAR 11.17.03	Physical and Mental Condition
11.17.03.02-1	Reportable Medical Conditions
11.17.03.04	Medical Advisory Board Guidelines
11.17.03.08	Emergency Suspension
49 CFR 391.41	Physical Qualifications for Drivers [Commercial Driving]

Dr. [redacted] slides, DC-215 Red Flag form and Maryland Driver Risk Screening flyer supplied by Dr. [redacted]

Medical Review Quick Reference

MAB RECOMMENDATION

Qualified to drive WITHOUT stipulations	Case closed
Qualified to drive WITH stipulations	Geographical · Daylight only · Non-commercial · Adaptive equipment · Periodic monitoring · Alcohol/Drug: Ignition Interlock, DDMP, Work/School/Medical only
NOT qualified to drive	Suspension

LAPSE / LOSS OF CONSCIOUSNESS · KNOWN ETIOLOGY

AICD	Symptom within 6 months after discharge of an automatic implantable cardioverter defibrillator. 11.17.03.04 B(1)(l)
Seizure	Suspended or refused for a period of 90 days or more from the date of the last seizure. 11.17.03.04 E(2)(a)
Narcolepsy	Free of symptoms for at least 6 months. 11.17.03.04 F
Hypoglycemia	...recurrent severe uncontrolled attacks of hypoglycemia may not operate any type of motor vehicle and may not be considered for any class license. 11.17.03.04 C(2)

EMERGENCY SUSPENSION · COMAR 11.17.03.08

A. If the physical or mental condition of an individual indicates there is a likelihood of substantial and immediate danger and harm to the individual or others if the individual's license is continued pending evaluation by the Medical Advisory Board, then the individual's driving privileges shall be suspended pursuant to the provisions of Transportation Article, §16-206, Annotated Code of Maryland. The physical or mental condition may come to the attention of the Administration when:

1	A physician's certificate is received by the Medical Advisory Board;
2	The individual is referred to the Medical Advisory Board for any reason;
3	The Administration receives information that a licensee has violated a restriction, limitation, or other requirement imposed as a prerequisite for issuance or reinstatement of a license; or
4	When the Administration becomes aware of a serious medical condition in any other manner.

Pr[redacted] validate COMAR text as presented in the review.

Medical Review Quick Reference

MAB SUSPENSION

"Short-term"	Acute illness/injury: Seizure, LOC, Cataracts, Substance use
"Long-term"	Chronic or progressive condition: Parkinson's disease, Dementia. Permanent impairment: Major stroke, Limb loss/impairment. Uncontrolled chronic condition: Sleep apnea, Diabetes, Schizophrenia.

DRIVER REHABILITATION RECOMMENDATIONS

Refresher training	Correct bad habits · Re-enforce safe driving skills
Restrictions	Geographical · No highway · Daylight driving only
Adaptive equipment	Steering knob · Hand controls · Left foot accelerator · High-tech

DRIVING ASSESSMENTS

Informal	MaDRS (MVA Cognitive Screening). MVA Drive Test.
Formal	Driving School. Occupational Therapy and Clinical and Behind-the-Wheel assessment (Driver Rehab).

MVA TOOLS

Tests	Vision · Law · Drive
MaDRS	Rapid Walk · Visualization of Missing Information · Four Choice Reaction Time · Divided Attention · Cued Recall · Visual Information Processing

DRIVER REHABILITATION ASSESSMENT

Clinical	Medical and driving history
Pre-driving (off road)	Cognitive, motor, and vision screening
Behind-the-wheel (on road)	Driving skills: turns, lane changes, road signs, stops, intersections, navigation

DRIVING CESSATION

Dementia

Debilitating Conditions: Parkinson's disease, Stroke, Multiple Sclerosis, Limited range-of-motion

Macular Degeneration, Glaucoma

Impairing medications

UNKNOWN ETIOLOGY · COMAR 11.17.03.02 B(3)

A judgment of significant risk shall be based on: (a) knowledge of an individual's past history of lapses of consciousness and the present state of the individual's health; (b) how well the individual's disorder is controlled; or (c) how much the individual's condition has improved.

Dr. [redacted] Atlas: rehabilitation recommendations from the AGS/NHTSA Clinician's Guide [redacted] ed., 2019).

Masking and the CDL Holder

QUICK REFERENCE

FEDERAL LAW PROHIBITS "MASKING" · 49 CFR § 384.226

State compliance with commercial driver's license standards. The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP/CDL holder's conviction for any violation, in any type of motor vehicle from appearing on the CDL driver's record.

DEFINITION OF "CONVICTION" · 49 CFR § 383.5

an unvacated adjudication of guilt;

the payment of a fine or court cost;

a determination in a court or administrative proceeding that a person has violated or failed to comply with the law;

an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

a plea of guilty or nolo contendere accepted by the court;

a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

MARYLAND · §16-803(D) TRANSPORTATION ARTICLE

Maryland Commercial Driver's License Act. "Conviction": essentially same definition as 49 CFR 383.5, plus probation before judgment.

WHY IT MATTERS

Oath	Oath to uphold and follow the law
Crash risk	Correlation between commercial violators and crash risk
Federal highway funds	Maryland may lose Federal Highway funds: up to 4% after the first year; up to 8% after the second and subsequent years

THE STOP · HYPOTHETICAL

Facts	48-year-old Defendant, while driving home from a wedding in his family vehicle, is stopped for DUI. BAC = 0.05 & impaired by marijuana. No prior criminal or traffic record. Holds a CDL.
Questions	How is Defendant charged? Does the CDL status alter the disposition you would impose? Is a PBJ available?

CDL/CMV Disqualification

QUICK REFERENCE · 1 OF 4

MARYLAND CHANGES SINCE THE 2025 BINDER

SB 187 / HB 189 **Ch. 50 and 49 (2025)** **Effective** [redacted]	The MVA must disqualify an individual from driving a commercial motor vehicle for 1 year if the individual, while holding a commercial instructional permit or commercial driver's license, drives or attempts to drive **any** motor vehicle while the alcohol concentration of the person's blood or breath is 0.08 or greater. TR § 16-812(a)(5).
Sergeant [redacted] **Act** **SB 590, Ch. 447 (2025)** **Effective** [redacted]	Driving at a speed at least 30 miles per hour above the posted speed limit is reckless driving. Up to 60 days, a $1,000 fine, or both. TR § 21-901.1. For CDL holders, reckless driving is a serious traffic violation under Table 2, row (2).

49 CFR § 383.51 · GENERAL RULES

1. A person required to have a CLP or CDL who is disqualified must not drive a CMV.
2. An employer must not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a CMV.
3. A holder of a CLP or CDL is subject to disqualification sanctions designated in paragraphs (b) and (c) of this section, if the holder drives a CMV or non-CMV and is convicted of the violations listed in those paragraphs.
4. Determining first and subsequent violations. For purposes of determining first and subsequent violations of the offenses specified in this subpart, each conviction for any offense listed in Tables 1 through 4 to this section resulting from a separate incident, whether committed in a CMV or non-CMV, must be counted.
5. The disqualification period must be in addition to any other previous periods of disqualification.
6. Reinstatement after lifetime disqualification. A State may reinstate any driver disqualified for life for offenses described in paragraphs (b)(1) through (8) of this section (Table 1 to §383.51) after 10 years, if that person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the State. Any person who has been reinstated in accordance with this provision and who is subsequently convicted of a disqualifying offense described in paragraphs (b)(1) through (8) of this section (Table 1 to §383.51) must not be reinstated.

Table 1 · Major offenses

QUICK REFERENCE · 2 OF 4

Disqualification periods for a person required to have a CLP or CDL, by the type of vehicle driven at the time of the violation.

If convicted of	[redacted] operating a CMV	[redacted] operating a non-CMV	[redacted] CMV placarded for hazmat	[redacted] (separate incident), operating a CMV	[redacted] (separate incident), operating a non-CMV
(1) Being under the influence of alcohol as prescribed by State law	**1 year**	**1 year**	**3 years**	**Life**	**Life**
(2) Being under the influence of a controlled substance	**1 year**	**1 year**	**3 years**	**Life**	**Life**
(3) Having an alcohol concentration of 0.04 or greater while operating a CMV	**1 year**	Not applicable	**3 years**	**Life**	Not applicable
(4) Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in §383.72	**1 year**	**1 year**	**3 years**	**Life**	**Life**
(5) Leaving the scene of an accident	**1 year**	**1 year**	**3 years**	**Life**	**Life**
(6) Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table	**1 year**	**1 year**	**3 years**	**Life**	**Life**
(7) Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV	**1 year**	Not applicable	**3 years**	**Life**	Not applicable
(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide	**1 year**	Not applicable	**3 years**	**Life**	Not applicable
(9) Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance	**Life, not eligible for 10-year reinstatement**	**Life, not eligible for 10-year reinstatement**	**Life, not eligible for 10-year reinstatement**	**Life, not eligible for 10-year reinstatement**	**Life, not eligible for 10-year reinstatement**
(10) Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11)	**Life, not eligible for 10-year reinstatement**	Not applicable	**Life, not eligible for 10-year reinstatement**	Not applicable	**Life, not eligible for 10-year reinstatement**

Table 2 · Serious traffic violations

QUICK REFERENCE · 3 OF 4

If convicted of	[redacted] within 3 years, operating a CMV	[redacted] within 3 years, operating a non-CMV*	[redacted] or subsequent within 3 years, operating a CMV	[redacted] or subsequent within 3 years, operating a non-CMV*
(1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the posted speed limit	**60 days**	**60 days**	**120 days**	**120 days**
(2) Driving recklessly, as defined by State or local law or regulation, including but not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property	**60 days**	**60 days**	**120 days**	**120 days**
(3) Making improper or erratic traffic lane changes	**60 days**	**60 days**	**120 days**	**120 days**
(4) Following the vehicle ahead too closely	**60 days**	**60 days**	**120 days**	**120 days**
(5) Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident	**60 days**	**60 days**	**120 days**	**120 days**
(6) Driving a CMV without obtaining a CDL	**60 days**	Not applicable	**120 days**	Not applicable
(7) Driving a CMV without a CDL in the driver's possession[1]	**60 days**	Not applicable	**120 days**	Not applicable
(8) Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported	**60 days**	Not applicable	**120 days**	Not applicable
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving[2]	**60 days**	Not applicable	**120 days**	Not applicable
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV[2]	**60 days**	Not applicable	**120 days**	Not applicable

* Only if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges.

[1] Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this offense.

[2] Driving, for the purpose of this disqualification, means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Tables 3 and 4

QUICK REFERENCE · 4 OF 4

TABLE 3 · RAILROAD-HIGHWAY GRADE CROSSING OFFENSES

Convicted of operating a CMV in violation of a Federal, State or local law because:

If convicted of	[redacted] conviction	[redacted] within 3 years	[redacted] or subsequent within 3 years
(1) The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train	**No less than 60 days**	**No less than 120 days**	**No less than 1 year**
(2) The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear	**No less than 60 days**	**No less than 120 days**	**No less than 1 year**
(3) The driver is always required to stop, but fails to stop before driving onto the crossing	**No less than 60 days**	**No less than 120 days**	**No less than 1 year**
(4) The driver fails to have sufficient space to drive completely through the crossing without stopping	**No less than 60 days**	**No less than 120 days**	**No less than 1 year**
(5) The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing	**No less than 60 days**	**No less than 120 days**	**No less than 1 year**
(6) The driver fails to negotiate a crossing because of insufficient undercarriage clearance	**No less than 60 days**	**No less than 120 days**	**No less than 1 year**

TABLE 4 · VIOLATING OUT-OF-SERVICE ORDERS

If convicted of	[redacted] operating a CMV	[redacted] within 10 years	[redacted] or subsequent within 10 years
(1) Violating a driver or vehicle out-of-service order while transporting nonhazardous materials	**No less than 180 days or more than 1 year**	**No less than 2 years or more than 5 years**	**No less than 3 years or more than 5 years**
(2) Violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under part 172, subpart F, or while operating a vehicle designed to transport 16 or more passengers, including the driver	**No less than 180 days or more than 2 years**	**No less than 3 years or more than 5 years**	**No less than 3 years or more than 5 years**

Source: 49 CFR § 383.51, Tables 1 to 4, as printed in the CDL/CMV Disqualification Benchcard (National [redacted] with funding and content from FMCSA; 2025 binder pp. 72 to 77). www.cdlresources.org. Column heads condensed; see 49 CFR § 383.51 for full text.

Hypothetical 1

Reckless driving + prior speeding record

ALLEGED SPEED	CRASH OR INJURY	DEFENDANT
72 in a **40**	**None**	**Under 20**

A defendant under 20 appears before the court on a reckless-driving charge. The officer alleges that the defendant was traveling 72 miles per hour in a posted 40-mile-per-hour zone. There was no crash or injury.

The driving record shows

Two priors	Two prior speeding matters within the last three years.
One PBJ	One resulted in probation before judgment (PBJ).
One conviction	One resulted in a two-point disposition/conviction.

FOR YOUR TABLE

1 How would you handle this case?

2 What would your sentence be?

3 Would your decision be different if the record also showed a prior suspension under Transportation Article § 16-303?

SHOW OF HANDS If this driver had a clean record, what would you do differently?

Hypothetical 2

High speed + prior record

ALLEGED SPEED	WHERE	DEFENDANT
92 in a **65**	**I-95**	**Age 42**

A 42-year-old woman appears before the court after traveling 92 miles per hour in a posted 65-mile-per-hour zone on I-95.

Her driving record shows

Two suspensions	Two prior suspensions.
One PBJ	One prior PBJ.

Work and family circumstances

Employment	She works for Amazon and could be terminated if she is unable to get to work reliably or is repeatedly late.
Custody	She has shared custody of her children and is their primary caretaker.
Childcare	She has been dealing with childcare / daycare problems that have affected her transportation and schedule.

FOR YOUR TABLE

1 How would you handle this case?

2 What would your sentence be?

3 What, if anything, about this defendant's record or circumstances changes your decision from Hypothetical 1?