Unofficial Copy R3

# By: Delegate Giannetti

Introduced and read first time: February 10, 2000 Assigned to: Judiciary

### A BILL ENTITLED

1 AN ACT concerning

2

#### Vehicle Laws - Drunk Driving - Suspension of Driver's License

3 FOR the purpose of altering certain provisions concerning the suspension of an

4 individual's driver's license under certain circumstances to provide that the

5 suspension may be for not more than a certain period of time; and generally

6 relating to drunk driving and the suspension of a driver's license.

7 BY repealing and reenacting, with amendments,

- 8 Article Transportation
- 9 Section 16-205.1(b)(1) and (f)(4) and (8)
- 10 Annotated Code of Maryland
- 11 (1999 Replacement Volume and 1999 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

#### **Article - Transportation**

15 16-205.1.

14

 $\mathbf{F}_{\mathbf{r}}$ 

16 (b) (1) Except as provided in subsection (c) of this section, a person may not 17 be compelled to take a test. However, the detaining officer shall advise the person

18 that, on receipt of a sworn statement from the officer that the person was so charged

19 and refused to take a test, or was tested and the result indicated an alcohol

20 concentration of 0.10 or more, the Administration shall:

21	(i)	In the c	ase of a person licensed under this title:
22 23	0.10 or more at the time of te	1. esting:	For a test result indicating an alcohol concentration of
24 25	MORE THAN 45 days; or	A.	For a first offense, suspend the driver's license for NOT
26 27	license for NOT MORE THA	B. AN 90 day	For a second or subsequent offense, suspend the driver's ys; or

1	2.	For a test refusal:
2 3 MORE THAN 120 days; or	A.	For a first offense, suspend the driver's license for NOT
4 5 license for NOT MORE THA	B. N 1 year	For a second or subsequent offense, suspend the driver's
6 (ii)	In the c	case of a nonresident or unlicensed person:
7 8 0.10 or more at the time of te	1. sting:	For a test result indicating an alcohol concentration of
9 10 for NOT MORE THAN 45 c	A. lays; or	For a first offense, suspend the person's driving privilege
<ol> <li>driving privilege for NOT M</li> </ol>	B. IORE TH	For a second or subsequent offense, suspend the person's AN 90 days; or
13	2.	For a test refusal:
14 15 for NOT MORE THAN 120	A. days; or	For a first offense, suspend the person's driving privilege
16 17 driving privilege for NOT M	B. IORE TH	For a second or subsequent offense, suspend the person's AN 1 year; and
<ul><li>18 (iii)</li><li>19 authorized under this section</li><li>20 vehicle who refuses to take a</li></ul>	, in the ca	tion to any applicable driver's license suspensions ase of a person operating a commercial motor
23 first offense which occurs w	hile transp life for a	Disqualify the person's commercial driver's license for [a for a first offense, NOT MORE THAN 3 years for a porting hazardous materials required to be second or subsequent offense which occurs r vehicle; or
	lification	If the person is licensed as a commercial driver by another to operate a commercial motor vehicle and to the person's resident state which may result rson's resident state.
30 (f) (4) If a here 31 the issuance of the order of s		nest is not made at the time of or within 10 days after n, the Administration shall:
32 (i)	Make t	he suspension order effective suspending the license:
<ul><li>33</li><li>34 0.10 or more at the time of te</li></ul>	1. esting:	For a test result indicating an alcohol concentration of
35	A.	For a first offense, for NOT MORE THAN 45 days; or

1 2	THAN 90 days; or	В.	For a se	cond or subsequent offense, for FOR NOT MORE	
3		2.	For a tes	st refusal:	
4		A.	For a fir	st offense, for NOT MORE THAN 120 days; or	
5 6	THAN 1 year; and	В.	For a se	cond offense or subsequent offense, for NOT MORE	
9 10 11	(ii) 1. In the case of a person operating a commercial motor vehicle who refuses to take a test, disqualify the person's commercial driver's license for [a period of] NOT MORE THAN 1 year for a first offense, NOT MORE THAN 3 years of or a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or				
15 16	another state, disqualify the pe	erson's pr usal and c	who is lic ivilege to lisqualifi	use of a person operating a commercial motor ensed as a commercial driver by operate a commercial motor vehicle cation to the person's resident state y the person's resident state.	
	(8) (i) license or privilege to drive of section if:			he Administration shall suspend the driver's ed under subsection (b) or (c) of this	
23 24 25 26	intoxicated, while under the in any drug, any combination of alcohol that the person could n	fluence of drugs, or not drive	on was dr of alcohol a combin a vehicle	ce officer who stopped or detained the person had iving or attempting to drive while , while so far under the influence of nation of one or more drugs and safely, while under the influence of a an alcohol restriction, or in violation of	
	drug, any combination of drug controlled dangerous substanc			as evidence of the use by the person of alcohol, any of one or more drugs and alcohol, or a	
33	that a person who refuses to ta	ke the tes	tions that st is ineli	te officer requested a test after the person was t shall be imposed, including the fact gible for modification of a suspension ion $(n)(1)$ and $(2)$ of this section; and	
35		4.	A.	The person refused to take the test; or	
36		B.	A test to	determine alcohol concentration was taken and	

37 the test result indicated an alcohol concentration of 0.10 or more at the time of 38 testing.

1 2	(ii) from driving a commercial mo		hearing, the Administration shall disqualify the person le if:
3 4	motor vehicle;	1.	The person was detained while operating a commercial
7 8 9 10	while intoxicated, while under influence of any drug, any cor drugs and alcohol that the per-	r the influ nbination son could gerous sul	The police officer who stopped or detained the person had berson was driving or attempting to drive ence of alcohol, while so far under the of drugs, or a combination of one or more not drive a vehicle safely, while under the ostance, in violation of an alcohol restriction, or
			There was evidence of the use by the person of alcohol, any bination of one or more drugs and alcohol, or a
15 16		4. ative sand	The police officer requested a test after the person was ctions that shall be imposed; and
17		5.	The person refused to take the test.
20	Administration shall disquali	fy the per	erson is licensed to drive a commercial motor vehicle, the son in accordance with subparagraph (ii) of uspension under subparagraph (i) of this
22 23	motor vehicle;	1.	The person was detained while operating a commercial
24 25		2. alcohol re	The police officer had reasonable grounds to believe the estriction or in violation of § 16-813 of this title;
28 29	believe the driver was driving alcohol, while so far under th combination of one or more of	e influend lrugs and	The police officer did not have reasonable grounds to toxicated, driving while under the influence of e of any drug, any combination of drugs, or a alcohol that the person could not drive a vehicle a controlled dangerous substance; and
31		4.	The driver refused to take a test.
34	hearing, failure of a person to	attend a statemen	bsence of a compelling reason for failure to attend a hearing is prima facie evidence of the person's t of the police officer or the test technician or urily shall:
36		1.	Suspend the driver's license or privilege to drive; and

1 2 disqualify the person f	rom oper	2. rating a c	If the driver is detained in a commercial motor vehicle, commercial motor vehicle.	
3	(v)	The sus	pension imposed shall be:	
4 5 0.10 or more at the tim	ne of test	1. ing:	For a test result indicating an alcohol concentration of	
6 7 days; or		A.	For a first offense, a suspension for NOT MORE THAN 45	
8 9 MORE THAN 90 days	s; or	B.	For a second or subsequent offense, a suspension for NOT	
10		2.	For a test refusal:	
11 12 days; or		A.	For a first offense, a suspension for NOT MORE THAN 120	
13 14 MORE THAN 1 year		B.	For a second or subsequent offense, a suspension for NOT	
15 (vi) A disqualification imposed under subparagraph (ii) or (iii) of 16 this paragraph shall be for [a period of] NOT MORE THAN 1 year for a first offense, 17 NOT MORE THAN 3 years for a first offense which occurs while transporting hazardous 18 material required to be placarded, and life for a second or subsequent offense which 19 occurs while operating or attempting to operate any commercial motor vehicle.				
	-		alification of a commercial driver's license is not subject ted commercial driver's license be issued in	
23 24 16-812(d) of this title.	(viii)	A disqu	alification for life may be reduced if permitted by §	
25 SECTION 2. ANI	D BE IT	FURTH	ER ENACTED, That this Act shall take effect	

26 October 1, 2000.