
By: **Delegates Griffith and Vallario**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Offenses - Primary Caretakers - Modification of Driver's**
3 **License Suspension or Issuance of Restrictive License**

4 FOR the purpose of authorizing the Motor Vehicle Administration to modify under
5 certain circumstances a driver's license suspension or issue a restrictive license
6 if an individual whose license is subject to suspension for certain alcohol-related
7 or drug-related administrative offenses is a primary caretaker of an individual
8 who resides with the licensee; and generally relating to authorizing a
9 modification of a driver's license suspension or issuance of a restrictive license
10 by the Administration under certain circumstances for a primary caretaker
11 whose license is subject to suspension for certain administrative offenses.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 16-205.1(b)(1)(i)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 16-205.1(n)(1)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 1999 Supplement)

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

24 **Article - Transportation**

25 16-205.1.

26 (b) (1) Except as provided in subsection (c) of this section, a person may not
27 be compelled to take a test. However, the detaining officer shall advise the person
28 that, on receipt of a sworn statement from the officer that the person was so charged

1 and refused to take a test, or was tested and the result indicated an alcohol
2 concentration of 0.10 or more, the Administration shall:

- 3 (i) In the case of a person licensed under this title:
- 4 1. For a test result indicating an alcohol concentration of
5 0.10 or more at the time of testing:
- 6 A. For a first offense, suspend the driver's license for 45 days;
7 or
- 8 B. For a second or subsequent offense, suspend the driver's
9 license for 90 days; or
- 10 2. For a test refusal:
- 11 A. For a first offense, suspend the driver's license for 120
12 days; or
- 13 B. For a second or subsequent offense, suspend the driver's
14 license for 1 year;
- 15 (n) (1) The Administration may modify a suspension under this section or
16 issue a restrictive license if:
- 17 (i) The licensee did not refuse to take a test;
- 18 (ii) The licensee has not had a license suspended under this section
19 during the past 5 years;
- 20 (iii) The licensee has not been convicted under § 21-902 of this
21 article during the past 5 years; and
- 22 (iv) 1. The licensee is required to drive a motor vehicle in the
23 course of employment;
- 24 2. The license is required for the purpose of attending an
25 alcoholic prevention or treatment program; [or]
- 26 3. It finds that the licensee has no alternative means of
27 transportation available to or from the licensee's place of employment and, without
28 the license, the licensee's ability to earn a living would be severely impaired; OR
- 29 4. IT FINDS THAT THE LICENSEE IS THE PRIMARY
30 CARETAKER OF AN INDIVIDUAL WHO RESIDES WITH THE LICENSEE AND HAS NO
31 ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE FOR THE PURPOSE OF
32 MEETING THE LICENSEE'S RESPONSIBILITIES AS THE PRIMARY CARETAKER OF THE
33 INDIVIDUAL, INCLUDING THE TRANSPORTATION OF A CHILD TO OR FROM:
- 34 A. SCHOOL;

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1 B. MEDICAL APPOINTMENTS; AND

2 C. EXTRACURRICULAR ACTIVITIES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2000.