

SENATE BILL 108

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SB 568/00 - JPR

2001 Regular Session
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By: **Senators Ruben, Hollinger, Conway, Currie, Dorman, Dyson, Forehand,
Frosh, Haines, Hoffman, Hooper, Hughes, Jacobs, Kasemeyer, Lawlah,
McCabe, McFadden, Roesser, Stoltzfus, Teitelbaum, and ~~Van Hollen~~ Van
Hollen, and Green**

Introduced and read first time: January 15, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2001

CHAPTER 4

1 AN ACT concerning

2 **~~Drunk Driving – Intoxicated Per Se – Driving While Under the Influence~~**
3 **Alcohol Concentration - "0.08"**

4 FOR the purpose of reducing the level of alcohol concentration required for a
5 determination of ~~driving while intoxicated per se~~ being in violation of certain
6 alcohol-related offenses; making conforming changes to the level of alcohol
7 concentration ~~that constitutes driving while under the influence of alcohol~~
8 concerning a certain presumption of being in violation of a certain
9 alcohol-related driving offense; expanding the applicability of certain
10 evidentiary provisions concerning alcohol concentration levels to juvenile and
11 civil proceedings; reducing the level of alcohol concentration ~~that will result for~~
12 a certain administrative offense that results in the suspension of a driver's
13 license under certain circumstances; ~~reducing the level of alcohol concentration~~
14 ~~that will result in the crime of homicide by motor vehicle or vessel while~~
15 ~~intoxicated per se and the crime of life threatening injury by motor vehicle or~~
16 ~~vessel while intoxicated per se~~; providing for the construction of this Act to
17 qualify for certain federal transportation funds; providing that this Act shall be
18 interpreted to apply prospectively for certain offenses occurring after a certain
19 date; authorizing the adoption of certain regulations and forms; defining a
20 certain term; altering certain terminology concerning certain alcohol-related
21 and drug-related offenses; making stylistic changes; providing for the
22 application of this Act; providing for the construction of this Act; providing for
23 the effective date of this Act; and generally relating to ~~alcohol-related driving~~
24 ~~offenses~~, certain alcohol concentration levels, and qualification for federal
25 transportation funding and certain proceedings.

1 BY repealing and reenacting, without amendments,

2 Article 1 - Rules of Interpretation

3 Section 3

4 Annotated Code of Maryland

5 (1998 Replacement Volume and 2000 Supplement)

6 ~~BY repealing and reenacting, without with amendments,~~

7 ~~Article 27 - Crimes and Punishments~~

8 ~~Section 388A(a)(1) and 388B(a)(1)~~

9 ~~Section 388A and 388B~~

10 ~~Annotated Code of Maryland~~

11 ~~(1996 Replacement Volume and 2000 Supplement)~~

12 ~~BY repealing and reenacting, with amendments,~~

13 ~~Article 27 - Crimes and Punishments~~

14 ~~Section 388A(a)(2) and 388B(a)(2)~~

15 ~~Annotated Code of Maryland~~

16 ~~(1996 Replacement Volume and 2000 Supplement)~~

17 BY repealing and reenacting, with amendments,

18 Article - Courts and Judicial Proceedings

19 ~~Section 10-307~~

20 Section 3-806(c), 10-307, and 10-308(a) and (b)(1)

21 Annotated Code of Maryland

22 (1998 Replacement Volume and 2000 Supplement)

23 ~~BY repealing and reenacting, with amendments,~~

24 ~~Article - Transportation~~

25 ~~Section 11-127.1 and 16-205.1(a), (b), (f)(1), (4)(i), (7), and (8)(i) and (v), and (h)~~

26 ~~Annotated Code of Maryland~~

27 ~~(1999 Replacement Volume and 2000 Supplement)~~

28 BY repealing and reenacting, with amendments,

29 Article - Health - General

30 Section 8-401(a)(3)(i)1.

31 Annotated Code of Maryland

32 (2000 Replacement Volume)

33 BY repealing and reenacting, with amendments,

34 Article - Natural Resources

35 Section 8-738(a) and (b) and 8-740(b)(3)

36 Annotated Code of Maryland

37 (2000 Replacement Volume)

1 BY repealing and reenacting, with amendments,
 2 Article - Transportation
 3 Section 11-127.1, 16-117(b)(2) and (5), 16-205(a), (b), (c), and (d), 16-205.1(a),
 4 (b), (c)(1), (d)(1), (f)(1), (4)(i), (7), and (8)(i), (ii), (iii), and (v), and (h),
 5 16-205.2(a), 16-402(a)(23) and (32), 18-105, 21-902, 26-202(a)(3)(i) and
 6 (ii), 26-404(f)(2), 26-405, 27-101(c)(23), (24), and (25), (f)(1)(ii)2., and (k),
 7 and 27-107(b)
 8 Annotated Code of Maryland
 9 (1999 Replacement Volume and 2000 Supplement)

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

12 **Article 1 - Rules of Interpretation**

13 3.

14 The repeal, or the repeal and reenactment, or the revision, amendment or
 15 consolidation of any statute, or of any section or part of a section of any statute, civil
 16 or criminal, shall not have the effect to release, extinguish, alter, modify or change, in
 17 whole or in part, any penalty, forfeiture or liability, either civil or criminal, which
 18 shall have been incurred under such statute, section or part thereof, unless the
 19 repealing, repealing and reenacting, revising, amending or consolidating act shall
 20 expressly so provide; and such statute, section or part thereof, so repealed, repealed
 21 and reenacted, revised, amended or consolidated, shall be treated and held as still
 22 remaining in force for the purpose of sustaining any and all proper actions, suits,
 23 proceedings or prosecutions, civil or criminal, for the enforcement of such penalty,
 24 forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or
 25 order which can or may be rendered, entered or made in such actions, suits,
 26 proceedings or prosecutions imposing, inflicting or declaring such penalty, forfeiture
 27 or liability.

28 **Article 27 - Crimes and Punishments**

29 388A.

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

31 (2) (i) "~~Intoxicated~~ UNDER THE INFLUENCE per se" means an alcohol
 32 concentration at the time of testing of [0.10] 0.08 or more as measured by grams of
 33 alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

34 (ii) If the alcohol concentration is measured by milligrams of
 35 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a
 36 court shall convert the measurement into grams of alcohol per 100 milliliters of blood
 37 by dividing the measurement by 1000.

38 (3) "[Under the influence of] IMPAIRED BY alcohol" has the meaning
 39 indicated in and is subject to the same presumptions and evidentiary rules of §

1 10-307 of the Courts Article regarding driving while [under the influence of]
2 IMPAIRED BY alcohol under § 21-902(b) of the Transportation Article.

3 (4) "[Under the influence of] IMPAIRED BY drugs" means so far [under
4 the influence of] IMPAIRED BY a drug, a combination of drugs, or a combination of one
5 or more drugs and alcohol that a person cannot drive, operate, or control a motor
6 vehicle or vessel safely.

7 (5) "[Under the influence of] IMPAIRED BY a controlled dangerous
8 substance" means [under the influence of] IMPAIRED BY a controlled dangerous
9 substance, as that term is defined in § 279 of this article, if the person is not entitled
10 to use the controlled dangerous substance under the laws of this State.

11 (b) Any person causing the death of another as the result of the person's
12 negligent driving, operation, or control of a motor vehicle or vessel while [intoxicated
13 or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF
14 ALCOHOL per se is guilty of a felony to be known as "homicide by motor vehicle or
15 vessel while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE
16 INFLUENCE OF ALCOHOL PER SE", and the person so convicted shall be punished by
17 imprisonment for not more than 5 years, or by fine of not more than \$5,000 or both
18 fine and imprisonment.

19 (c) A person who causes the death of another as the result of the person's
20 negligent driving, operation, or control of a motor vehicle or vessel while [under the
21 influence of alcohol] IMPAIRED BY ALCOHOL is guilty of a felony to be known as
22 "homicide by motor vehicle or vessel while [under the influence] IMPAIRED BY
23 ALCOHOL", and on conviction shall be punished by imprisonment for not more than 3
24 years or a fine of not more than \$5,000 or both.

25 (d) (1) A person who causes the death of another as the result of the person's
26 negligent driving, operation, or control of a motor vehicle or vessel while [under the
27 influence of] IMPAIRED BY drugs is guilty of a felony to be known as "homicide by
28 motor vehicle or vessel while [under the influence of] IMPAIRED BY drugs", and on
29 conviction shall be punished by imprisonment for not more than 3 years or a fine of
30 not more than \$5,000 or both.

31 (2) It is not a defense to any charge of violating this subsection that the
32 person charged is or was entitled under the laws of this State to use the drug,
33 combination of drugs, or combination of one or more drugs and alcohol, unless the
34 person was unaware that the drug or combination would make the person incapable
35 of safely driving, operating, or controlling a motor vehicle or vessel.

36 (e) A person who causes the death of another as the result of the person's
37 negligent driving, operation, or control of a motor vehicle or vessel while [under the
38 influence of] IMPAIRED BY a controlled dangerous substance is guilty of a felony to be
39 known as "homicide by motor vehicle or vessel while [under the influence of]
40 IMPAIRED BY a controlled dangerous substance", and on conviction shall be punished
41 by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

1 (f) (1) In any indictment, information, or other charging document under
2 this section, it is not necessary to set forth the manner and means of death.

3 (2) It shall be sufficient to use a formula substantially to the following
4 effect:

5 (i) "That A-B on the day of, [nineteen hundred]
6 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
7 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, did kill C-D, against the peace,
8 government, and dignity of the State.";

9 (ii) "That A-B on the day of, [nineteen hundred]
10 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
11 [under the influence of alcohol] IMPAIRED BY ALCOHOL, did kill C-D, against the
12 peace, government, and dignity of the State.";

13 (iii) "That A-B on the day of, [nineteen hundred]
14 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
15 [under the influence of] IMPAIRED BY drugs, did kill C-D, against the peace,
16 government, and dignity of the State."; or

17 (iv) "That A-B on the day of, [nineteen hundred]
18 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
19 [under the influence of] IMPAIRED BY a controlled dangerous substance, did kill C-D,
20 against the peace, government, and dignity of the State.".

21 (g) The clerk of the court shall notify the Motor Vehicle Administration of each
22 person convicted under this section of an offense involving a motor vehicle.

23 388B.

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

25 (2) (i) ~~"Intoxicated~~ UNDER THE INFLUENCE per se" means an alcohol
26 concentration at the time of testing of [0.10] 0.08 or more as measured by grams of
27 alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

28 (ii) If the alcohol concentration is measured by milligrams of
29 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a
30 court shall convert the measurement into grams of alcohol per 100 milliliters of blood
31 by dividing the measurement by 1000.

32 (3) "[Under the influence of] IMPAIRED BY alcohol" has the meaning
33 indicated in and is subject to the same presumptions and evidentiary rules of §
34 10-307 of the Courts Article regarding driving while [under the influence of]
35 IMPAIRED BY alcohol under § 21-902(b) of the Transportation Article.

36 (4) "[Under the influence of] IMPAIRED BY drugs" means so far [under
37 the influence of] IMPAIRED BY a drug, a combination of drugs, or a combination of one

1 or more drugs and alcohol that a person cannot drive, operate, or control a motor
 2 vehicle or vessel safely.

3 (5) "[Under the influence of] IMPAIRED BY a controlled dangerous
 4 substance" means [under the influence of] IMPAIRED BY a controlled dangerous
 5 substance, as that term is defined in § 279 of this article, if the person is not entitled
 6 to use the controlled dangerous substance under the laws of this State.

7 (b) A person who causes a life threatening injury to another as a result of the
 8 person's negligent driving, operation, or control of a motor vehicle or vessel while
 9 [intoxicated or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE
 10 INFLUENCE OF ALCOHOL per se is guilty of a misdemeanor to be known as "life
 11 threatening injury by motor vehicle or vessel while [intoxicated or intoxicated]
 12 UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL per
 13 se", and on conviction the person shall be punished by imprisonment for not more
 14 than 3 years or a fine of not more than \$5,000 or both.

15 (c) A person who causes a life threatening injury to another as a result of the
 16 person's negligent driving, operation, or control of a motor vehicle or vessel while
 17 [under the influence of] IMPAIRED BY alcohol is guilty of a misdemeanor to be known
 18 as "life threatening injury by motor vehicle or vessel while [under the influence of]
 19 IMPAIRED BY alcohol", and on conviction the person shall be punished by
 20 imprisonment for not more than 2 years or a fine of not more than \$3,000 or both.

21 (d) A person who causes a life threatening injury to another as a result of the
 22 person's negligent driving, operation, or control of a motor vehicle or vessel while
 23 [under the influence of] IMPAIRED BY drugs is guilty of a misdemeanor to be known
 24 as "life threatening injury by motor vehicle or vessel while [under the influence of]
 25 IMPAIRED BY drugs", and on conviction the person shall be punished by imprisonment
 26 for not more than 2 years or a fine of not more than \$3,000 or both.

27 (e) A person who causes a life threatening injury to another as a result of the
 28 person's negligent driving, operation, or control of a motor vehicle or vessel while
 29 [under the influence of] IMPAIRED BY a controlled dangerous substance is guilty of a
 30 misdemeanor to be known as "life threatening injury by motor vehicle or vessel while
 31 [under the influence of] IMPAIRED BY a controlled dangerous substance", and on
 32 conviction the person shall be punished by imprisonment for not more than 2 years or
 33 a fine of not more than \$3,000 or both.

34 (f) (1) In any indictment, information, or other charging document under
 35 this section, it is not necessary to set forth the manner and means of the life
 36 threatening injury.

37 (2) It shall be sufficient to use a formula substantially to the following
 38 effect:

39 (i) "That A-B on the day of, [nineteen hundred]
 40 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
 41 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, did cause a life threatening
 42 injury to C-D, against the peace, government, and dignity of the State.";

1 (ii) "That A-B on the day of, [nineteen hundred]
 2 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
 3 [under the influence of alcohol] IMPAIRED BY ALCOHOL, did cause a life threatening
 4 injury to C-D, against the peace, government, and dignity of the State.";

5 (iii) "That A-B on the day of, [nineteen hundred]
 6 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
 7 [under the influence of] IMPAIRED BY drugs, did cause a life threatening injury to
 8 C-D, against the peace, government, and dignity of the State."; or

9 (iv) "That A-B on the day of, [nineteen hundred]
 10 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while
 11 [under the influence of] IMPAIRED BY a controlled dangerous substance, did cause a
 12 life threatening injury to C-D, against the peace, government, and dignity of the
 13 State.".

14 **Article - Courts and Judicial Proceedings**

15 3-806.

16 (c) Unless otherwise ordered by the court, the court's jurisdiction is
 17 terminated over a person who has reached 18 years of age when he is convicted of a
 18 crime, including manslaughter by automobile, unauthorized use or occupancy of a
 19 motor vehicle, [or operating a vehicle while under the influence of intoxicating liquors
 20 or drugs] ANY VIOLATION OF ARTICLE 27, § 388A OR § 388B OF THE CODE, OR § 21-902
 21 OF THE TRANSPORTATION ARTICLE, but excluding a conviction for a violation of any
 22 other traffic law or ordinance or any provision of the State Boat Act, or the fish and
 23 wildlife laws of the State.

24 10-307.

25 (a) (1) ~~In a~~ IN ANY CRIMINAL, JUVENILE, OR CIVIL proceeding in which a
 26 person is [charged with] ALLEGED TO HAVE COMMITTED AN ACT THAT WOULD
 27 CONSTITUTE a violation of Article 27, § 388, § 388A, or § 388B of the Code, or with
 28 driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902
 29 of the Transportation Article, the amount of alcohol in the person's breath or blood
 30 shown by analysis as provided in this subtitle is admissible in evidence and has the
 31 effect set forth in subsections (b) through [(e)] (G) of this section.

32 (2) Alcohol concentration as used in this section shall be measured by:

33 (i) Grams of alcohol per 100 milliliters of blood; or

34 (ii) Grams of alcohol per 210 liters of breath.

35 (3) If the amount of alcohol in the person's blood shown by analysis as
 36 provided in this subtitle is measured by milligrams of alcohol per deciliters of blood or
 37 milligrams of alcohol per 100 milliliters of blood, a court or an administrative law
 38 judge, as the case may be, shall convert the measurement into grams of alcohol per
 39 100 milliliters of blood by dividing the measurement by 1000.

1 (b) If at the time of testing a person has an alcohol concentration of 0.05 or
 2 less, as determined by an analysis of the person's blood or breath, it shall be presumed
 3 that the [defendant] PERSON was not ~~intoxicated OR INTOXICATED PER SE UNDER~~
 4 THE INFLUENCE OF ALCOHOL and that the [defendant] PERSON was not driving
 5 while ~~under the influence of~~ IMPAIRED BY alcohol.

6 (c) If at the time of testing a person has an alcohol concentration of more than
 7 0.05 but less than 0.07, as determined by an analysis of the person's blood or breath,
 8 this fact may not give rise to any presumption that the [defendant] PERSON was or
 9 was not ~~intoxicated OR INTOXICATED PER SE UNDER THE INFLUENCE OF ALCOHOL~~
 10 or that the [defendant] PERSON was or was not driving while ~~under the influence of~~
 11 IMPAIRED BY alcohol, but this fact may be considered with other competent evidence
 12 in determining ~~the guilt or innocence of the [defendant] PERSON DRIVING WHETHER~~
 13 THE PERSON WAS OR WAS NOT DRIVING WHILE UNDER THE INFLUENCE OF
 14 ALCOHOL OR DRIVING WHILE IMPAIRED BY ALCOHOL.

15 (d) If at the time of testing a person has an alcohol concentration of at least
 16 0.07 but less than [0.10] 0.08, as determined by an analysis of the person's blood or
 17 breath, it shall be prima facie evidence that the [defendant] PERSON was driving
 18 while ~~under the influence of~~ IMPAIRED BY alcohol.

19 (e) If at the time of testing a person has an alcohol concentration of 0.02 or
 20 more, as determined by an analysis of the person's blood or breath, it shall be prima
 21 facie evidence that the [defendant] PERSON was driving with alcohol in the
 22 [defendant's] PERSON'S blood.

23 (f) If at the time of testing a person has an alcohol concentration of 0.02 or
 24 more, as determined by an analysis of the person's blood or breath, it shall be prima
 25 facie evidence that a THE [defendant] PERSON was driving in violation of an alcohol
 26 restriction under § 16-113 of the Transportation Article.

27 (G) IF AT THE TIME OF TESTING A PERSON HAS AN ALCOHOL
 28 CONCENTRATION OF 0.08 OR MORE, AS DETERMINED BY AN ANALYSIS OF THE
 29 PERSON'S BLOOD OR BREATH, THE PERSON SHALL BE CONSIDERED ~~INTOXICATED~~
 30 UNDER THE INFLUENCE OF ALCOHOL PER SE AS DEFINED IN § 11-127.1 OF THE
 31 TRANSPORTATION ARTICLE.

32 10-308.

33 (a) The evidence of the analysis does not limit the introduction of other
 34 evidence bearing upon whether the defendant was [intoxicated] UNDER THE
 35 INFLUENCE OF ALCOHOL or whether the defendant was driving while [under the
 36 influence of] IMPAIRED BY alcohol, while so far [under the influence of] IMPAIRED BY
 37 any drug, any combination of drugs, or a combination of one or more drugs and
 38 alcohol that the person cannot drive a vehicle safely, or while [under the influence of]
 39 IMPAIRED BY a controlled dangerous substance.

40 (b) The results of a test or tests to determine the drug or controlled dangerous
 41 substance content of a person's blood:

1 (1) Are admissible as evidence in a criminal trial only in a prosecution
 2 for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural
 3 Resources Article, or Article 27, § 388, § 388A, or § 388B of the Code and only if other
 4 admissible evidence is introduced that creates an inference that the person was:

5 (i) Driving or attempting to drive while so far [under the influence
 6 of] IMPAIRED BY any drug, any combination of drugs, or a combination of one or more
 7 drugs and alcohol that the person could not drive a vehicle safely, or while [under the
 8 influence of] IMPAIRED BY a controlled dangerous substance; or

9 (ii) Operating or attempting to operate a vessel while the person
 10 was so far [under the influence of] IMPAIRED BY any drug, any combination of drugs,
 11 or a combination of one or more drugs and alcohol that the person could not operate a
 12 vessel safely, or while [under the influence of] IMPAIRED BY a controlled dangerous
 13 substance; and

14 **Article - Health - General**

15 8-401.

16 (a) The Administration shall:

17 (3) (i) 1. In cooperation with the Motor Vehicle Administration,
 18 courts, police, and other agencies, the Administration shall approve appropriate
 19 programs of alcohol and drug abuse education or treatment for individuals who[,]
 20 ARE CONVICTED under § 21-902 of the Transportation Article[, are convicted of
 21 driving while intoxicated or while under the influence of alcohol and/or drugs].

22 **Article - Natural Resources**

23 8-738.

24 (a) A person may not operate or attempt to operate a vessel while the person:

25 (1) Is [intoxicated] UNDER THE INFLUENCE OF ALCOHOL;

26 (2) Is [under the influence of] IMPAIRED BY alcohol;

27 (3) Is so far [under the influence of] IMPAIRED BY any drug,
 28 combination of drugs, or combination of one or more drugs and alcohol that the person
 29 cannot operate a vessel safely; or

30 (4) Is [under the influence of] IMPAIRED BY any controlled dangerous
 31 substance, as defined in Article 27, § 277 of the Code, unless the person is entitled to
 32 use the controlled dangerous substance under the laws of the State.

33 (b) (1) Except as provided under paragraph (2) of this subsection, the
 34 evidentiary presumptions and procedures established under §§ 10-302 through
 35 10-308 of the Courts Article are applicable to any violation of this section.

1 (2) If at the time of testing an individual has an alcohol concentration
2 that meets the [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se definition
3 in § 11-127.1 of the Transportation Article, as determined by an analysis of the
4 individual's blood or breath, it shall be prima facie evidence that the individual was
5 operating a vessel while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL.

6 8-740.

7 (b) Notwithstanding the provisions of subsection (a) of this section, if a person
8 is convicted of any of the following boating safety violations in the operation of a
9 vessel, the person is required, as a condition of probation or sentencing, to
10 successfully complete a boating safety education course that is offered or approved by
11 the Department:

12 (3) Operating [under the influence of alcohol, any drug, combination of
13 drugs, or combination of drugs and alcohol,] in violation of § 8-738 of this subtitle.

14 **Article - Transportation**

15 11-127.1.

16 (a) ~~"Intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL per se" means having
17 an alcohol concentration at the time of testing of [0.10] 0.08 or more as measured by
18 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of
19 breath.

20 (b) If the alcohol concentration is measured by milligrams of alcohol per
21 deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court or an
22 administrative law judge, as the case may be, shall convert the measurement into
23 grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

24 16-117.

25 (b) (2) The Administration shall keep convenient records or make suitable
26 notations showing the convictions or traffic accidents in which each licensee has been
27 involved and every probation before judgment disposition of any violation of the
28 Maryland Vehicle Law. A record or notation of a probation before judgment
29 disposition, or a first offense of driving with an alcohol concentration of [0.10] 0.08 or
30 more under § 16-205.1 of this title, shall be segregated by the Administration and
31 shall be available only to the Administration, the courts, criminal justice agencies,
32 and the defendant or the defendant's attorney. However, a record or notation of a
33 probation before judgment, or a first offense of driving with an alcohol concentration
34 of [0.10] 0.08 or more under § 16-205.1 of this title, may not be received or
35 considered by the courts until a plea of guilty or nolo contendere is made by the
36 defendant or a finding of guilty is made by the court.

37 (5) Except as provided in this section, an employee of the Administration
38 may not disclose any records or information regarding probation before judgment, or
39 a first offense of driving with an alcohol concentration of [0.10] 0.08 or more under §
40 16-205.1 of this title.

1 16-205.

2 (a) The Administration may revoke the license of any person who:

3 (1) Is convicted under § 21-902(a) or (d) of this article of driving or
4 attempting to drive a motor vehicle while [intoxicated] UNDER THE INFLUENCE OF
5 ALCOHOL, while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se, or while
6 [under the influence of] IMPAIRED BY a controlled dangerous substance; or

7 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
8 article of driving or attempting to drive a motor vehicle while [under the influence of]
9 IMPAIRED BY alcohol or while so far [under the influence of] IMPAIRED BY any drug,
10 any combination of drugs, or a combination of one or more drugs and alcohol that the
11 person cannot drive a vehicle safely and who was previously convicted of any
12 combination of two or more violations under:

13 (i) § 21-902(a) of this article of driving or attempting to drive a
14 motor vehicle while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL or while
15 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se;

16 (ii) § 21-902(b) of this article of driving or attempting to drive a
17 motor vehicle while [under the influence of] IMPAIRED BY alcohol;

18 (iii) § 21-902(c) of this article of driving or attempting to drive a
19 motor vehicle while so far [under the influence of] IMPAIRED BY any drug, any
20 combination of drugs, or a combination of one or more drugs and alcohol that the
21 person cannot drive a vehicle safely; or

22 (iv) § 21-902(d) of this article of driving or attempting to drive a
23 motor vehicle while [under the influence of] IMPAIRED BY a controlled dangerous
24 substance.

25 (b) The Administration:

26 (1) Shall revoke the license of any person who has been convicted, under
27 Article 27, § 388A of the Code, of homicide by a motor vehicle while [intoxicated or]
28 under the influence of alcohol, IMPAIRED BY ALCOHOL, OR IMPAIRED BY ANY DRUG,
29 ANY COMBINATION OF drugs, A COMBINATION OF ONE OR MORE DRUGS AND
30 ALCOHOL, or a controlled dangerous substance; and

31 (2) May not issue a temporary license to drive for any person whose
32 license has been revoked under item (1) of this subsection during an administrative
33 appeal of the revocation.

34 (c) The Administration may suspend for not more than 60 days the license of
35 any person who is convicted under § 21-902(b) or (c) of this article of driving or
36 attempting to drive a motor vehicle while [under the influence of] IMPAIRED BY
37 alcohol or while so far [under the influence of] IMPAIRED BY any drug, any
38 combination of drugs, or a combination of one or more drugs and alcohol that the
39 person cannot drive a vehicle safely.

1 (d) The Administration may suspend for not more than 120 days the license of
 2 any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this
 3 article of driving or attempting to drive a motor vehicle while [under the influence of]
 4 IMPAIRED BY alcohol or while so far [under the influence of] IMPAIRED BY any drug,
 5 any combination of drugs, or a combination of one or more drugs and alcohol that the
 6 person cannot drive a motor vehicle safely and who was previously convicted of a
 7 violation under:

8 (1) § 21-902(a) of this article of driving or attempting to drive a motor
 9 vehicle while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL or while
 10 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se;

11 (2) § 21-902(b) of this article of driving or attempting to drive a motor
 12 vehicle while [under the influence of] IMPAIRED BY alcohol;

13 (3) § 21-902(c) of this article of driving or attempting to drive a motor
 14 vehicle while so far [under the influence of] IMPAIRED BY any drug, any combination
 15 of drugs, or a combination of one or more drugs and alcohol that the person cannot
 16 drive a motor vehicle safely; or

17 (4) § 21-902(d) of this article of driving or attempting to drive a motor
 18 vehicle while [under the influence of] IMPAIRED BY a controlled dangerous
 19 substance.

20 16-205.1.

21 (a) (1) (i) In this section, the following words have the meanings
 22 indicated.

23 (II) ~~"INTOXICATED UNDER THE INFLUENCE OF ALCOHOL"~~
 24 INCLUDES INTOXICATED UNDER THE INFLUENCE OF ALCOHOL PER SE AS DEFINED
 25 BY § 11-127.1 OF THIS ARTICLE.

26 [(ii)] (III) "Specimen of blood" and "1 specimen of blood" means 1
 27 sample of blood that is taken, in a single procedure, in 2 or more portions in 2 or more
 28 separate vials.

29 [(iii)] (IV) "Test" means:

30 1. A test of a person's breath or of 1 specimen of a person's
 31 blood to determine alcohol concentration;

32 2. A test or tests of 1 specimen of a person's blood to
 33 determine the drug or controlled dangerous substance content of the person's blood; or

34 3. Both:

35 A. A test of a person's breath or a test of 1 specimen of a
 36 person's blood, to determine alcohol concentration; and

1 B. A test or tests of 1 specimen of a person's blood to
2 determine the drug or controlled dangerous substance content of the person's blood.

3 (2) Any person who drives or attempts to drive a motor vehicle on a
4 highway or on any private property that is used by the public in general in this State
5 is deemed to have consented, subject to the provisions of §§ 10-302 through 10-309,
6 inclusive, of the Courts and Judicial Proceedings Article, to take a test if the person
7 should be detained on suspicion of driving or attempting to drive while ~~intoxicated~~
8 UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~ IMPAIRED BY
9 alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any combination of
10 drugs, or a combination of one or more drugs and alcohol that the person could not
11 drive a vehicle safely, while ~~under the influence of~~ IMPAIRED BY a controlled
12 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
13 of this title.

14 (b) (1) Except as provided in subsection (c) of this section, a person may not
15 be compelled to take a test. However, the detaining officer shall advise the person
16 that, on receipt of a sworn statement from the officer that the person was so charged
17 and refused to take a test, or was tested and the result indicated an alcohol
18 concentration of [0.10] 0.08 or more, the Administration shall:

19 (i) In the case of a person licensed under this title:

20 1. For a test result indicating an alcohol concentration of
21 [0.10] 0.08 or more at the time of testing:

22 A. For a first offense, suspend the driver's license for 45 days;
23 or

24 B. For a second or subsequent offense, suspend the driver's
25 license for 90 days; or

26 2. For a test refusal:

27 A. For a first offense, suspend the driver's license for 120
28 days; or

29 B. For a second or subsequent offense, suspend the driver's
30 license for 1 year;

31 (ii) In the case of a nonresident or unlicensed person:

32 1. For a test result indicating an alcohol concentration of
33 [0.10] 0.08 or more at the time of testing:

34 A. For a first offense, suspend the person's driving privilege
35 for 45 days; or

36 B. For a second or subsequent offense, suspend the person's
37 driving privilege for 90 days; or

1 2. For a test refusal:

2 A. For a first offense, suspend the person's driving privilege
3 for 120 days; or

4 B. For a second or subsequent offense, suspend the person's
5 driving privilege for 1 year; and

6 (iii) In addition to any applicable driver's license suspensions
7 authorized under this section, in the case of a person operating a commercial motor
8 vehicle who refuses to take a test:

9 1. Disqualify the person's commercial driver's license for a
10 period of 1 year for a first offense, 3 years for a first offense which occurs while
11 transporting hazardous materials required to be placarded, and disqualify for life for
12 a second or subsequent offense which occurs while operating any commercial motor
13 vehicle; or

14 2. If the person is licensed as a commercial driver by another
15 state, disqualify the person's privilege to operate a commercial motor vehicle and
16 report the refusal and disqualification to the person's resident state which may result
17 in further penalties imposed by the person's resident state.

18 (2) Except as provided in subsection (c) of this section, if a police officer
19 stops or detains any person who the police officer has reasonable grounds to believe is
20 or has been driving or attempting to drive a motor vehicle while ~~intoxicated~~ UNDER
21 THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~ IMPAIRED BY alcohol,
22 while so far ~~under the influence of~~ IMPAIRED BY any drug, any combination of drugs,
23 or a combination of one or more drugs and alcohol that the person could not drive a
24 vehicle safely, while ~~under the influence of~~ IMPAIRED BY a controlled dangerous
25 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title,
26 and who is not unconscious or otherwise incapable of refusing to take a test, the police
27 officer shall:

28 (i) Detain the person;

29 (ii) Request that the person permit a test to be taken; and

30 (iii) Advise the person of the administrative sanctions that shall be
31 imposed for refusal to take the test, including ineligibility for modification of a
32 suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this
33 section, and for test results indicating an alcohol concentration of [0.10] 0.08 or more
34 at the time of testing.

35 (3) If the person refuses to take the test or takes a test which results in
36 an alcohol concentration of [0.10] 0.08 or more at the time of testing, the police officer
37 shall:

38 (i) Confiscate the person's driver's license issued by this State;

1 (ii) Acting on behalf of the Administration, personally serve an
2 order of suspension on the person;

3 (iii) Issue a temporary license to drive;

4 (iv) Inform the person that the temporary license allows the person
5 to continue driving for 45 days if the person is licensed under this title;

6 (v) Inform the person that:

7 1. The person has a right to request, at that time or within
8 10 days, a hearing to show cause why the driver's license should not be suspended
9 concerning the refusal to take the test or for test results indicating an alcohol
10 concentration of [0.10] 0.08 or more at the time of testing, and the hearing will be
11 scheduled within 45 days; and

12 2. If a hearing request is not made at that time or within 10
13 days, but within 30 days the person requests a hearing, a hearing to show cause why
14 the driver's license should not be suspended concerning the refusal to take the test or
15 for test results indicating an alcohol concentration of [0.10] 0.08 or more at the time
16 of testing will be scheduled, but a request made after 10 days does not extend a
17 temporary license issued by the police officer that allows the person to continue
18 driving for 45 days;

19 (vi) Advise the person of the administrative sanctions that shall be
20 imposed in the event of failure to request a hearing, failure to attend a requested
21 hearing, or upon an adverse finding by the hearing officer; and

22 (vii) Within 72 hours after the issuance of the order of suspension,
23 send any confiscated driver's license, copy of the suspension order, and a sworn
24 statement to the Administration, that states:

25 1. The officer had reasonable grounds to believe that the
26 person had been driving or attempting to drive a motor vehicle on a highway or on
27 any private property that is used by the public in general in this State while
28 ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~
29 IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any
30 combination of drugs, or a combination of one or more drugs and alcohol that the
31 person could not drive a vehicle safely, while ~~under the influence of~~ IMPAIRED BY a
32 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
33 § 16-813 of this title;

34 2. The person refused to take a test when requested by the
35 police officer or the person submitted to the test which indicated an alcohol
36 concentration of [0.10] 0.08 or more at the time of testing; and

37 3. The person was fully advised of the administrative
38 sanctions that shall be imposed, including the fact that a person who refuses to take
39 the test is ineligible for modification of a suspension or issuance of a restrictive
40 license under subsection (n)(1) or (2) of this section.

1 (c) (1) If a person is involved in a motor vehicle accident that results in the
 2 death of, or a life threatening injury to, another person and the person is detained by
 3 a police officer who has reasonable grounds to believe that the person has been
 4 driving or attempting to drive while [intoxicated] UNDER THE INFLUENCE OF
 5 ALCOHOL, while [under the influence of] IMPAIRED BY alcohol, while so far [under
 6 the influence of] IMPAIRED BY any drug, any combination of drugs, or a combination
 7 of one or more drugs and alcohol that the person could not drive a vehicle safely, while
 8 [under the influence of] IMPAIRED BY a controlled dangerous substance, or in
 9 violation of § 16-813 of this title, the person shall be required to submit to a test, as
 10 directed by the officer.

11 (d) (1) If a police officer has reasonable grounds to believe that a person has
 12 been driving or attempting to drive a motor vehicle while [intoxicated] UNDER THE
 13 INFLUENCE OF ALCOHOL, while [under the influence of] IMPAIRED BY alcohol, while
 14 so far [under the influence of] IMPAIRED BY any drug, any combination of drugs, or a
 15 combination of one or more drugs and alcohol that the person could not drive a vehicle
 16 safely, while [under the influence of] IMPAIRED BY a controlled dangerous substance,
 17 or in violation of § 16-813 of this title, and if the police officer determines that the
 18 person is unconscious or otherwise incapable of refusing to take a test, the police
 19 officer shall:

20 (i) Obtain prompt medical attention for the person;

21 (ii) If necessary, arrange for removal of the person to a nearby
 22 medical facility; and

23 (iii) If a test would not jeopardize the health or well-being of the
 24 person, direct a qualified medical person to withdraw blood for a test.

25 (f) (1) Subject to the provisions of this subsection, at the time of, or within
 26 30 days from the date of, the issuance of an order of suspension, a person may submit
 27 a written request for a hearing before an officer of the Administration if:

28 (i) The person is arrested for driving or attempting to drive a motor
 29 vehicle while ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the~~
 30 ~~influence of~~ IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY
 31 any drug, any combination of drugs, or a combination of one or more drugs and
 32 alcohol that the person could not drive a vehicle safely, while ~~under the influence of~~
 33 IMPAIRED BY a controlled dangerous substance, in violation of an alcohol restriction,
 34 or in violation of § 16-813 of this title; and

35 (ii) 1. There is an alcohol concentration of [0.10] 0.08 or more at
 36 the time of testing; or

37 2. The person refused to take a test.

38 (4) If a hearing request is not made at the time of or within 10 days after
 39 the issuance of the order of suspension, the Administration shall:

40 (i) Make the suspension order effective suspending the license:

- 1 1. For a test result indicating an alcohol concentration of
 2 [0.10] 0.08 or more at the time of testing:
- 3 A. For a first offense, for 45 days; or
 4 B. For a second or subsequent offense, for 90 days; or
- 5 2. For a test refusal:
- 6 A. For a first offense, for 120 days; or
 7 B. For a second offense or subsequent offense, for 1 year; and
- 8 (7) (i) At a hearing under this section, the person has the rights
 9 described in § 12-206 of this article, but at the hearing the only issues shall be:
- 10 1. Whether the police officer who stops or detains a person
 11 had reasonable grounds to believe the person was driving or attempting to drive while
 12 ~~intoxicated UNDER THE INFLUENCE OF ALCOHOL, while under the influence of~~
 13 IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any
 14 combination of drugs, or a combination of one or more drugs and alcohol that the
 15 person could not drive a vehicle safely, while ~~under the influence of~~ IMPAIRED BY a
 16 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
 17 § 16-813 of this title;
- 18 2. Whether there was evidence of the use by the person of
 19 alcohol, any drug, any combination of drugs, a combination of one or more drugs and
 20 alcohol, or a controlled dangerous substance;
- 21 3. Whether the police officer requested a test after the
 22 person was fully advised of the administrative sanctions that shall be imposed,
 23 including the fact that a person who refuses to take the test is ineligible for
 24 modification of a suspension or issuance of a restrictive license under subsection
 25 (n)(1) and (2) of this section;
- 26 4. Whether the person refused to take the test;
- 27 5. Whether the person drove or attempted to drive a motor
 28 vehicle while having an alcohol concentration of [0.10] 0.08 or more at the time of
 29 testing; or
- 30 6. If the hearing involves disqualification of a commercial
 31 driver's license, whether the person was operating a commercial motor vehicle.
- 32 (ii) The sworn statement of the police officer and of the test
 33 technician or analyst shall be prima facie evidence of a test refusal or a test resulting
 34 in an alcohol concentration of [0.10] 0.08 or more at the time of testing.

1 (8) (i) After a hearing, the Administration shall suspend the driver's
 2 license or privilege to drive of the person charged under subsection (b) or (c) of this
 3 section if:

4 1. The police officer who stopped or detained the person had
 5 reasonable grounds to believe the person was driving or attempting to drive while
 6 ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~
 7 IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any
 8 combination of drugs, or a combination of one or more drugs and alcohol that the
 9 person could not drive a vehicle safely, while ~~under the influence of~~ IMPAIRED BY a
 10 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
 11 § 16-813 of this title;

12 2. There was evidence of the use by the person of alcohol, any
 13 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
 14 controlled dangerous substance;

15 3. The police officer requested a test after the person was
 16 fully advised of the administrative sanctions that shall be imposed, including the fact
 17 that a person who refuses to take the test is ineligible for modification of a suspension
 18 or issuance of a restrictive license under subsection (n)(1) and (2) of this section; and

19 4. A. The person refused to take the test; or

20 B. A test to determine alcohol concentration was taken and
 21 the test result indicated an alcohol concentration of [0.10] 0.08 or more at the time of
 22 testing.

23 (ii) After a hearing, the Administration shall disqualify the person
 24 from driving a commercial motor vehicle if:

25 1. The person was detained while operating a commercial
 26 motor vehicle;

27 2. The police officer who stopped or detained the person had
 28 reasonable grounds to believe that the person was driving or attempting to drive
 29 while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, while [under the
 30 influence of] IMPAIRED BY alcohol, while so far [under the influence of] IMPAIRED BY
 31 any drug, any combination of drugs, or a combination of one or more drugs and
 32 alcohol that the person could not drive a vehicle safely, while [under the influence of]
 33 IMPAIRED BY a controlled dangerous substance, in violation of an alcohol restriction,
 34 or in violation of § 16-813 of this title;

35 3. There was evidence of the use by the person of alcohol, any
 36 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
 37 controlled dangerous substance;

38 4. The police officer requested a test after the person was
 39 fully advised of the administrative sanctions that shall be imposed; and

1 5. The person refused to take the test.

2 (iii) If the person is licensed to drive a commercial motor vehicle, the
3 Administration shall disqualify the person in accordance with subparagraph (ii) of
4 this paragraph, but may not impose a suspension under subparagraph (i) of this
5 paragraph, if:

6 1. The person was detained while operating a commercial
7 motor vehicle;

8 2. The police officer had reasonable grounds to believe the
9 person was in violation of an alcohol restriction or in violation of § 16-813 of this title;

10 3. The police officer did not have reasonable grounds to
11 believe the driver was driving while [intoxicated] UNDER THE INFLUENCE OF
12 ALCOHOL, driving while [under the influence of] IMPAIRED BY alcohol, while so far
13 [under the influence of] IMPAIRED BY any drug, any combination of drugs, or a
14 combination of one or more drugs and alcohol that the person could not drive a vehicle
15 safely, or while [under the influence of] IMPAIRED BY a controlled dangerous
16 substance; and

17 4. The driver refused to take a test.

18 (v) The suspension imposed shall be:

19 1. For a test result indicating an alcohol concentration of
20 [0.10] 0.08 or more at the time of testing:

- 21 A. For a first offense, a suspension for 45 days; or
- 22 B. For a second or subsequent offense, a suspension for 90
23 days; or

- 24 2. For a test refusal:
 - 25 A. For a first offense, a suspension for 120 days; or
 - 26 B. For a second or subsequent offense, a suspension for 1
27 year.

28 (h) Notwithstanding any other provision of this section, if a driver's license is
29 suspended based on multiple administrative offenses of refusal to take a test, or a test
30 to determine alcohol concentration taken that indicated an alcohol concentration of
31 [0.10] 0.08 or more at the time of testing, or any combination of these administrative
32 offenses committed at the same time, or arising out of circumstances simultaneous in
33 time and place, or arising out of the same incident, the Administration:

- 34 (1) Shall suspend the driver's license for the administrative offense that
35 results in the lengthiest period of suspension; and

1 (2) May not impose any additional periods of suspension for the
2 remainder of the administrative offenses.

3 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
4 ~~construed to conform to the requirements of the federal government under 23 U.S.C.~~
5 ~~§ 163 and regulations adopted to implement federal law in order for the State to~~
6 ~~obtain full incentive grant funding under the Transportation Equity Act for the 21st~~
7 ~~Century.~~

8 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be~~
9 ~~construed only prospectively to administrative, criminal, and juvenile delinquency~~
10 ~~offenses that are committed on or after September 30, 2001, and may not be applied~~
11 ~~or interpreted to have any effect on administrative, criminal, and juvenile~~
12 ~~delinquency offenses that are committed before September 30, 2001.~~

13 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Department of~~
14 ~~Transportation and the Department of State Police may adopt regulations and forms~~
15 ~~to implement this Act.~~

16 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 3 of~~
17 ~~this Act, this Act shall take effect July 1, 2001.~~
18 ~~16-205.2.~~

19 (a) A police officer who has reasonable grounds to believe that an individual is
20 or has been driving or attempting to drive a motor vehicle while [intoxicated] UNDER
21 THE INFLUENCE OF ALCOHOL or while [under the influence of] IMPAIRED BY alcohol
22 may, without making an arrest and prior to the issuance of a citation, request the
23 individual to submit to a preliminary breath test to be administered by the officer
24 using a device approved by the State Toxicologist.

25 16-402.

26 (a) After the conviction of an individual for a violation of Article 27, § 388, §
27 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
28 local authority, points shall be assessed against the individual as of the date of
29 violation and as follows:

30 (23) Driving while [under the influence of] IMPAIRED BY alcohol or while
31 [under influence of] IMPAIRED BY a drug, combination of drugs, or combination of
32 ONE OR MORE drugs and alcohol 8 points

33 (32) Driving while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL,
34 while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se, or while [under the
35 influence of] IMPAIRED BY AN illegally used controlled dangerous
36 substance 12 points

1 18-105.

2 (a) A person may not rent a motor vehicle to any other person if he knows that
3 the other person is under the influence of alcohol, IMPAIRED BY ALCOHOL, IMPAIRED
4 BY A DRUG, A COMBINATION OF DRUGS, A COMBINATION OF ONE OR MORE DRUGS
5 AND ALCOHOL, or [drugs] IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.

6 (b) A person may not rent a motor vehicle to any other person if the person
7 knows that an individual who will drive the rented vehicle is under the influence of
8 alcohol, IMPAIRED BY ALCOHOL, IMPAIRED BY A DRUG, A COMBINATION OF DRUGS, A
9 COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, or [drugs] IMPAIRED BY A
10 CONTROLLED DANGEROUS SUBSTANCE.

11 21-902.

12 (a) (1) A person may not drive or attempt to drive any vehicle while
13 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL.

14 (2) A person may not drive or attempt to drive any vehicle while the
15 person is [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se.

16 (b) A person may not drive or attempt to drive any vehicle while [under the
17 influence of] IMPAIRED BY alcohol.

18 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
19 far [under the influence of] IMPAIRED BY any drug, any combination of drugs, or a
20 combination of one or more drugs and alcohol that he cannot drive a vehicle safely.

21 (2) It is not a defense to any charge of violating this subsection that the
22 person charged is or was entitled under the laws of this State to use the drug,
23 combination of drugs, or combination of one or more drugs and alcohol, unless the
24 person was unaware that the drug or combination would make [him] THE PERSON
25 incapable of safely driving a vehicle.

26 (d) A person may not drive or attempt to drive any vehicle while [he] THE
27 PERSON is [under the influence of] IMPAIRED BY any controlled dangerous
28 substance, as that term is defined in Article 27, § 279 of the Code, if the person is not
29 entitled to use the controlled dangerous substance under the laws of this State.

30 26-202.

31 (a) A police officer may arrest without a warrant a person for a violation of the
32 Maryland Vehicle Law, including any rule or regulation adopted under it, or for a
33 violation of any traffic law or ordinance of any local authority of this State, if:

34 (3) The officer has probable cause to believe that the person has
35 committed the violation, and the violation is any of the following offenses:

1 (i) Driving or attempting to drive while [intoxicated] UNDER THE
 2 INFLUENCE OF ALCOHOL, while [under the influence of] IMPAIRED BY alcohol, or in
 3 violation of an alcohol restriction;

4 (ii) Driving or attempting to drive while [under the influence of]
 5 IMPAIRED BY any drug, any combination of drugs, or any combination of ONE OR
 6 MORE drugs and alcohol or while [under the influence of] IMPAIRED BY any
 7 controlled dangerous substance;

8 26-404.

9 (f) A guaranteed arrest bond certificate may not be accepted:

10 (2) To guarantee the appearance of any person in a court of this State, if
 11 the offense charged is:

12 (i) Driving or attempting to drive while [intoxicated] UNDER THE
 13 INFLUENCE OF ALCOHOL or while driving under the influence of alcohol;

14 (ii) Driving or attempting to drive while [under the influence of]
 15 IMPAIRED BY any drug, any combination of drugs, or any combination of ONE OR
 16 MORE drugs and alcohol or while [under the influence of] IMPAIRED BY any
 17 controlled dangerous substance; or

18 (iii) Any felony.

19 26-405.

20 If a person is charged with a violation of § 21-901.1 of this article ("Reckless and
 21 negligent driving") or § 21-902 of this article ("Driving while [intoxicated] UNDER
 22 THE INFLUENCE OF ALCOHOL, while [intoxicated] UNDER THE INFLUENCE OF
 23 ALCOHOL per se, [under the influence of] WHILE IMPAIRED BY alcohol, or [under the
 24 influence of] WHILE IMPAIRED BY a drug, A COMBINATION OF DRUGS, a combination
 25 of [alcohol and a drug] ONE OR MORE DRUGS AND ALCOHOL, or WHILE IMPAIRED BY
 26 a controlled dangerous substance"), the court may find [him] THE PERSON guilty of
 27 any lesser included offense under any subsection of the respective section.

28 27-101.

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

32 (23) Except as provided in subsections (f) and (q) of this section, §
 33 21-902(b) ("Driving while [under the influence of] IMPAIRED BY alcohol");

34 (24) Except as provided in subsections (f) and (q) of this section, §
 35 21-902(c) ("Driving while [under influence of] IMPAIRED BY drugs or drugs and
 36 alcohol");

1 (25) Except as provided in subsections (f) and (q) of this section, §
2 21-902(d) "Driving while [under influence of] IMPAIRED BY controlled dangerous
3 substance"); or

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

6 (ii) A second or subsequent violation of:

7 2. Except as provided in subsection (q) of this section:

8 A. § 21-902(b) of this article ("Driving while [under the
9 influence of] IMPAIRED BY alcohol");

10 B. § 21-902(c) of this article ("Driving while [under the
11 influence of] IMPAIRED BY drugs or drugs and alcohol"); or

12 C. § 21-902(d) of this article ("Driving while [under the
13 influence of] IMPAIRED BY a controlled dangerous substance").

14 (k) (1) Except as provided in subsection (q) of this section, any person who is
15 convicted of a violation of any of the provisions of § 21-902(a) of this article ("Driving
16 while [intoxicated or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER
17 THE INFLUENCE OF ALCOHOL per se");

18 (i) For a first offense, shall be subject to a fine of not more than
19 \$1,000, or imprisonment for not more than 1 year, or both;

20 (ii) For a second offense, shall be subject to a fine of not more than
21 \$2,000, or imprisonment for not more than 2 years, or both; and

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

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

29 27-107.

30 (b) In addition to any other penalties provided in this title for a violation of
31 any of the provisions of § 21-902(a) of this article ("Driving while [intoxicated]
32 UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER
33 SE"), or § 21-902(b) of this article ("Driving while [under the influence of] IMPAIRED
34 BY alcohol"), or in addition to any other condition of probation, a court may prohibit a
35 person who is convicted of, or granted probation under Article 27, § 641 of the Code
36 for, a violation of § 21-902(a) or § 21-902(b) of this article from operating for not more
37 than 3 years a motor vehicle that is not equipped with an ignition interlock system.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed only prospectively and may not be applied or interpreted to have any effect
3 on or application to any test for alcohol concentration taken before the effective date
4 of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Article
6 1, § 3 of the Annotated Code of Maryland apply to the provisions of this Act.

7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not limit the
8 application of any provision of law, including any criminal or administrative penalty,
9 that is applicable to a subsequent criminal conviction or a subsequent administrative
10 offense, and a conviction or an administrative offense, respectively, under the prior
11 law shall be considered a prior conviction or prior administrative adjudication,
12 respectively, for any purpose provided by law, including any criminal or
13 administrative penalty for a subsequent conviction or a subsequent administrative
14 offense.

15 SECTION 5. AND BE IT FURTHER ENACTED, That the term "under the
16 influence of alcohol" as used in this Act shall include within its meaning the conduct
17 prohibited by the former references to "intoxicated" and the term "impaired" shall
18 include within its meaning the conduct prohibited by the former references to "under
19 the influence".

20 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 September 30, 2001.