

HOUSE BILL 3

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2001 Regular Session
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(PRE-FILED)

By: Delegates D. Davis, Taylor, Dewberry, Hurson, Busch, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, and Rosenberg Rosenberg, Barkley, Barve, Bobo, Bozman, Bronrott, Burns, Cane, Carlson, Clagett, Conway, D'Amato, Dypski, Frush, Goldwater, Grosfeld, Hecht, Heller, James, A. Jones, V. Jones, Krysiak, Love, Mandel, McIntosh, Moe, Morhaim, Nathan-Pulliam, Pendergrass, Petzold, Pitkin, Riley, Rosso, Rudolph, Sher, Shriver, Stern, and Turner

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Introduced and read first time: January 10, 2001

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 1, 2001

CHAPTER 5

1 AN ACT concerning

2 **Alcohol Concentration - "0.08"**

3 FOR the purpose of reducing the level of alcohol concentration required for a
4 determination of being ~~intoxicated per se~~ in violation of certain alcohol-related
5 offenses; making conforming changes to the level of alcohol concentration
6 concerning a certain presumption of being ~~under the influence of alcohol in~~
7 violation of a certain alcohol-related driving offense; expanding the applicability
8 of certain evidentiary provisions concerning alcohol concentration levels to
9 juvenile and civil proceedings; reducing the level of alcohol concentration for a
10 certain administrative offense that results in the suspension of a driver's license
11 under certain circumstances; ~~reducing the level of alcohol concentration~~
12 ~~required for the crime of homicide by motor vehicle or vessel while intoxicated~~
13 ~~per se and for the crime of life threatening injury by motor vehicle or vessel~~
14 ~~while intoxicated per se~~ altering certain terminology concerning certain
15 alcohol-related and drug-related offenses; making stylistic changes; providing
16 for the application of this Act; providing for the construction of this Act;
17 providing for the effective date of this Act; and generally relating to certain
18 alcohol concentration levels and certain proceedings.

19 BY repealing and reenacting, without amendments,

20 Article 1 - Rules of Interpretation

1 Section 3
 2 Annotated Code of Maryland
 3 (1998 Replacement Volume and 2000 Supplement)

4 BY repealing and reenacting, ~~without~~ with amendments,
 5 Article 27 - Crimes and Punishments
 6 ~~Section 388A(a)(1) and 388B(a)(1)~~
 7 Section 388A and 388B
 8 Annotated Code of Maryland
 9 (1996 Replacement Volume and 2000 Supplement)

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article 27—Crimes and Punishments~~
 12 ~~Section 388A(a)(2) and 388B(a)(2)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(1996 Replacement Volume and 2000 Supplement)~~

15 BY repealing and reenacting, with amendments,
 16 Article - Courts and Judicial Proceedings
 17 Section 10-307, 3-806(c), 10-307, and 10-308(a) and (b)(1)
 18 Annotated Code of Maryland
 19 (1998 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article - Health - General
 22 Section 8-401(a)(3)(i)1.
 23 Annotated Code of Maryland
 24 (2000 Replacement Volume)

25 BY repealing and reenacting, with amendments,
 26 Article - Natural Resources
 27 Section 8-738(a) and (b) and 8-740(b)(3)
 28 Annotated Code of Maryland
 29 (2000 Replacement Volume)

30 BY repealing and reenacting, with amendments,
 31 Article - Transportation
 32 Section 11-127.1, 16-117(b)(2) and (5), and 16-205.1(a)(1), (b), (f)(1), (4)(i), (7),
 33 and (8)(i) and (v), and (h)
 34 Section 11-127.1, 16-117(b)(2) and (5), 16-205(a), (b), (c), and (d), 16-205.1(a),
 35 (b), (c)(1), (d)(1), (f)(1), (4)(i), (7), and (8)(i), (ii), (iii), and (v), and (h),
 36 16-205.2(a), 16-402(a)(23) and (32), 18-105, 21-902, 26-202(a)(3)(i) and
 37 (ii), 26-404(f)(2), 26-405, 27-101(c)(23), (24), and (25), (f)(1)(ii)2., and (k),
 38 and 27-107(b)

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2000 Supplement)

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

5 **Article 1 - Rules of Interpretation**

6 3.

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

21 **Article 27 - Crimes and Punishments**

22 388A.

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

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

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

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

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

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

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

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

19 (d) (1) 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] IMPAIRED BY drugs is guilty of a felony to be known as "homicide by
22 motor vehicle or vessel while [under the influence of] IMPAIRED BY drugs", and on
23 conviction shall be punished by imprisonment for not more than 3 years or a fine of
24 not more than \$5,000 or both.

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

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

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

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

40 (i) "That A-B on the day of, [nineteen hundred]
41 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while

1 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, did kill C-D, against the peace,
 2 government, and dignity of the State.";

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

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

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

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

17 388B.

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

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

22 (ii) If the alcohol concentration is measured by milligrams of
 23 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a
 24 court shall convert the measurement into grams of alcohol per 100 milliliters of blood
 25 by dividing the measurement by 1000.

26 (3) "[Under the influence of] IMPAIRED BY alcohol" has the meaning
 27 indicated in and is subject to the same presumptions and evidentiary rules of §
 28 10-307 of the Courts Article regarding driving while [under the influence of]
 29 IMPAIRED BY alcohol under § 21-902(b) of the Transportation Article.

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

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

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

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

15 (d) 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 drugs 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 drugs", and on conviction the person shall be punished by imprisonment
20 for not more than 2 years or a fine of not more than \$3,000 or both.

21 (e) 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 a controlled dangerous substance is guilty of a
24 misdemeanor to be known as "life threatening injury by motor vehicle or vessel while
25 [under the influence of] IMPAIRED BY a controlled dangerous substance", and on
26 conviction the person shall be punished by imprisonment for not more than 2 years or
27 a fine of not more than \$3,000 or both.

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

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

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

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

41 (iii) "That A-B on the day of, [nineteen hundred]
42 TWO THOUSAND and at the County (City) aforesaid, unlawfully, while

1 [under the influence of] IMPAIRED BY drugs, did cause a life threatening injury to
 2 C-D, against the peace, government, and dignity of the State."; or

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

8 **Article - Courts and Judicial Proceedings**

9 3-806.

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

18 10-307.

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

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

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

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

29 (3) If the amount of alcohol in the person's blood shown by analysis as
 30 provided in this subtitle is measured by milligrams of alcohol per deciliters of blood or
 31 milligrams of alcohol per 100 milliliters of blood, a court or an administrative law
 32 judge, as the case may be, shall convert the measurement into grams of alcohol per
 33 100 milliliters of blood by dividing the measurement by 1000.

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

1 (c) If at the time of testing a person has an alcohol concentration of more than
 2 0.05 but less than 0.07, as determined by an analysis of the person's blood or breath,
 3 this fact may not give rise to any presumption that the [defendant] PERSON was or
 4 was not ~~intoxicated~~ OR INTOXICATED PER SE UNDER THE INFLUENCE OF ALCOHOL
 5 or that the [defendant] PERSON was or was not driving while ~~under the influence of~~
 6 IMPAIRED BY alcohol, but this fact may be considered with other competent evidence
 7 in determining [the guilt or innocence of the defendant] WHETHER THE PERSON WAS
 8 OR WAS NOT DRIVING WHILE INTOXICATED UNDER THE INFLUENCE OF ALCOHOL OR
 9 DRIVING WHILE UNDER THE INFLUENCE OF IMPAIRED BY ALCOHOL.

10 (d) If at the time of testing a person has an alcohol concentration of at least
 11 0.07 but less than [0.10] 0.08, as determined by an analysis of the person's blood or
 12 breath, it shall be prima facie evidence that the [defendant] PERSON was driving
 13 while ~~under the influence of~~ IMPAIRED BY alcohol.

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

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

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

27 10-308.

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

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

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

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

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

10 **Article - Health - General**

11 8-401.

12 (a) The Administration shall:

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

18 **Article - Natural Resources**

19 8-738.

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

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

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

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

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

29 (b) (1) Except as provided under paragraph (2) of this subsection, the
 30 evidentiary presumptions and procedures established under §§ 10-302 through
 31 10-308 of the Courts Article are applicable to any violation of this section.

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

1 8-740.

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

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

9 **Article - Transportation**

10 11-127.1.

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

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

19 16-117.

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

32 (5) Except as provided in this section, an employee of the Administration
33 may not disclose any records or information regarding probation before judgment, or
34 a first offense of driving with an alcohol concentration of [0.10] 0.08 or more under §
35 16-205.1 of this title.

36 16-205.

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

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

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

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

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

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

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

23 (b) The Administration:

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

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

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

38 (d) The Administration may suspend for not more than 120 days the license of
39 any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this
40 article of driving or attempting to drive a motor vehicle while [under the influence of]

1 IMPAIRED BY alcohol or while so far [under the influence of] IMPAIRED BY any drug,
 2 any combination of drugs, or a combination of one or more drugs and alcohol that the
 3 person cannot drive a motor vehicle safely and who was previously convicted of a
 4 violation under:

5 (1) § 21-902(a) of this article of driving or attempting to drive a motor
 6 vehicle while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL or while
 7 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se;

8 (2) § 21-902(b) of this article of driving or attempting to drive a motor
 9 vehicle while [under the influence of] IMPAIRED BY alcohol;

10 (3) § 21-902(c) of this article of driving or attempting to drive a motor
 11 vehicle while so far [under the influence of] IMPAIRED BY any drug, any combination
 12 of drugs, or a combination of one or more drugs and alcohol that the person cannot
 13 drive a motor vehicle safely; or

14 (4) § 21-902(d) of this article of driving or attempting to drive a motor
 15 vehicle while [under the influence of] IMPAIRED BY a controlled dangerous
 16 substance.

17 16-205.1.

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

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

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

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

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

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

31 3. Both:

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

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

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

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

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

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

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

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

27 (i) Detain the person;

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

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

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

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

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

- 1 (iii) Issue a temporary license to drive;
- 2 (iv) Inform the person that the temporary license allows the person
3 to continue driving for 45 days if the person is licensed under this title;
- 4 (v) Inform the person that:
- 5 1. The person has a right to request, at that time or within
6 10 days, a hearing to show cause why the driver's license should not be suspended
7 concerning the refusal to take the test or for test results indicating an alcohol
8 concentration of [0.10] 0.08 or more at the time of testing, and the hearing will be
9 scheduled within 45 days; and
- 10 2. If a hearing request is not made at that time or within 10
11 days, but within 30 days the person requests a hearing, a hearing to show cause why
12 the driver's license should not be suspended concerning the refusal to take the test or
13 for test results indicating an alcohol concentration of [0.10] 0.08 or more at the time
14 of testing will be scheduled, but a request made after 10 days does not extend a
15 temporary license issued by the police officer that allows the person to continue
16 driving for 45 days;
- 17 (vi) Advise the person of the administrative sanctions that shall be
18 imposed in the event of failure to request a hearing, failure to attend a requested
19 hearing, or upon an adverse finding by the hearing officer; and
- 20 (vii) Within 72 hours after the issuance of the order of suspension,
21 send any confiscated driver's license, copy of the suspension order, and a sworn
22 statement to the Administration, that states:
- 23 1. The officer had reasonable grounds to believe that the
24 person had been driving or attempting to drive a motor vehicle on a highway or on
25 any private property that is used by the public in general in this State while
26 ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~
27 IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any
28 combination of drugs, or a combination of one or more drugs and alcohol that the
29 person could not drive a vehicle safely, while ~~under the influence of~~ IMPAIRED BY a
30 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
31 § 16-813 of this title;
- 32 2. The person refused to take a test when requested by the
33 police officer or the person submitted to the test which indicated an alcohol
34 concentration of [0.10] 0.08 or more at the time of testing; and
- 35 3. The person was fully advised of the administrative
36 sanctions that shall be imposed, including the fact that a person who refuses to take
37 the test is ineligible for modification of a suspension or issuance of a restrictive
38 license under subsection (n)(1) or (2) of this section.
- 39 (c) (1) If a person is involved in a motor vehicle accident that results in the
40 death of, or a life threatening injury to, another person and the person is detained by

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

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

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

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

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

23 (f) (1) Subject to the provisions of this subsection, at the time of, or within
 24 30 days from the date of, the issuance of an order of suspension, a person may submit
 25 a written request for a hearing before an officer of the Administration if:

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

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

35 2. The person refused to take a test.

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

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

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

3 16-205.2.

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

10 16-402.

11 (a) After the conviction of an individual for a violation of Article 27, § 388, §
12 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
13 local authority, points shall be assessed against the individual as of the date of
14 violation and as follows:

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

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

21 18-105.

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

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

31 21-902.

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

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

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

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

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

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

13 26-202.

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

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

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

22 (ii) Driving or attempting to drive while [under the influence of]
23 IMPAIRED BY any drug, any combination of drugs, or any combination of ONE OR
24 MORE drugs and alcohol or while [under the influence of] IMPAIRED BY any
25 controlled dangerous substance;

26 26-404.

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

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

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

32 (ii) Driving or attempting to drive while [under the influence of]
33 IMPAIRED BY any drug, any combination of drugs, or any combination of ONE OR
34 MORE drugs and alcohol or while [under the influence of] IMPAIRED BY any
35 controlled dangerous substance; or

36 (iii) Any felony.

1 26-405.

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

10 27-101.

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

14 (23) Except as provided in subsections (f) and (q) of this section, §
15 21-902(b) ("Driving while [under the influence of] IMPAIRED BY alcohol");

16 (24) Except as provided in subsections (f) and (q) of this section, §
17 21-902(c) ("Driving while [under influence of] IMPAIRED BY drugs or drugs and
18 alcohol");

19 (25) Except as provided in subsections (f) and (q) of this section, §
20 21-902(d) ("Driving while [under influence of] IMPAIRED BY controlled dangerous
21 substance"); or

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

24 (ii) A second or subsequent violation of:

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

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

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

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

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

1 (i) For a first offense, shall be subject to a fine of not more than
2 \$1,000, or imprisonment for not more than 1 year, or both;

3 (ii) For a second offense, shall be subject to a fine of not more than
4 \$2,000, or imprisonment for not more than 2 years, or both; and

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

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

12 27-107.

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

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Article
26 1, § 3 of the Annotated Code of Maryland apply to the provisions of this Act.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not limit the
28 application of any provision of law, including any criminal or administrative penalty,
29 that is applicable to a subsequent criminal conviction or a subsequent administrative
30 offense, and a conviction or an administrative offense, respectively, under the prior
31 law shall be considered a prior conviction or prior administrative adjudication,
32 respectively, for any purpose provided by law, including any criminal or
33 administrative penalty for a subsequent conviction or a subsequent administrative
34 offense.

35 SECTION 5. AND BE IT FURTHER ENACTED, That the term "under the
36 influence of alcohol" as used in this Act shall include within its meaning the conduct
37 prohibited by the former references to "intoxicated" and the term "impaired" shall
38 include within its meaning the conduct prohibited by the former references to "under
39 the influence".

1 SECTION ~~3-6~~. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect ~~July 1, September 30, 2001~~.