

---

By: **The Speaker (By Request - Administration) and Delegates Aumann, Bartlett, Bates, Benson, Bohanan, Boschert, Boteler, Boutin, Bromwell, Bronrott, Cadden, Carter, Cluster, Conroy, Costa, Cryor, DeBoy, Donoghue, Eckardt, Edwards, Elliott, Elmore, Frank, Fulton, Haddaway, Hammen, Hogan, James, Jameson, Jennings, Kelly, Krebs, Kullen, Leopold, Mandel, Marriott, McComas, McHale, McKee, McMillan, Miller, Minnick, Murray, Myers, Nathan-Pulliam, O'Donnell, Paige, Shank, Shewell, Smigel, Stocksdale, Stull, Taylor, Trueschler, Walkup, Weir, ~~and Weldon~~ Weldon, Mayer, and Kaiser**

Introduced and read first time: January 25, 2005  
Assigned to: Judiciary

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2005

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Drunk and Drugged Driving - Young Drivers - License Suspension and**  
3 **Revocation**

4 FOR the purpose of requiring the Motor Vehicle Administration to suspend for a  
5 certain period the license to drive of a person who is adjudicated delinquent or  
6 found to have committed a delinquent act without an adjudication of  
7 delinquency by reason of a violation of certain alcohol- or drug-related driving  
8 offenses; requiring the Motor Vehicle Administration to revoke or  
9 Administration to suspend for certain periods of time the driver's license or  
10 driving privilege license to drive of a person under a certain age who is convicted  
11 of certain alcohol- or drug-related motor vehicle violations driving offenses;  
12 prohibiting the Administration from modifying certain suspensions of a person's  
13 driver's license or driving privilege; requiring that after the suspension, driving  
14 privileges expire under certain circumstances; prohibiting the Administration  
15 from reinstating a revoked license or driving privilege of a certain person for  
16 certain periods of time; making a stylistic change requiring that a suspension  
17 imposed under this Act be concurrent with any other suspension or revocation  
18 that arises out of the same circumstances; providing that a person who requests  
19 a hearing for a certain proposed suspension under this Act may elect on the  
20 record that another hearing on certain license sanctions arising out of the same

1 circumstances be consolidated with the hearing on the suspension under this  
 2 Act under certain circumstances; providing that certain hearings may not be  
 3 postponed at the request of a certain person due to a certain consolidation of  
 4 hearings; requiring the Administration to consolidate certain hearings under  
 5 certain circumstances; repealing the authority of the Administration to revoke a  
 6 license to drive under certain circumstances; making corrective, conforming, and  
 7 stylistic changes; and generally relating to license suspensions and revocations  
 8 for alcohol- or drug-related ~~motor vehicle violations~~ driving offenses by certain  
 9 persons.

10 BY repealing and reenacting, with amendments,  
 11 Article - Courts and Judicial Proceedings  
 12 Section 3-8A-23(a)(4)(i)  
 13 Annotated Code of Maryland  
 14 (2002 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,  
 16 Article - Transportation  
 17 Section 16-205, 16-206(b), ~~and 16-208~~ 16-208, and 16-213  
 18 Annotated Code of Maryland  
 19 (2002 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, without amendments,  
 21 Article - Transportation  
 22 Section 21-902  
 23 Annotated Code of Maryland  
 24 (2002 Replacement Volume and 2004 Supplement)

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

27 **Article - Courts and Judicial Proceedings**

28 3-8A-23.

29 (a) (4) (i) An adjudication of a child as delinquent by reason of the child's  
 30 violation of § 21-902 of the Transportation Article or a finding that a child has  
 31 committed a delinquent act by reason of the child's violation of § 21-902 of the  
 32 Transportation Article, without an adjudication of the child as delinquent, shall be  
 33 reported by the clerk of the court to the Motor Vehicle Administration which shall:

34 1. ~~[For a violation of § 21-902(a) or (d) of the Transportation~~  
 35 ~~Article, revoke] REVOKE the child's driving privilege UNDER § 16-205 OF THE~~  
 36 ~~TRANSPORTATION ARTICLE in the same manner and to the same effect as if the child~~  
 37 ~~had been convicted of the offense; OR~~



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

4 (c) [The] SUBJECT TO SUBSECTION (D-1) OF THIS SECTION, THE  
5 Administration may suspend for not more than 60 days the license of any person who  
6 is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a  
7 motor vehicle while impaired by alcohol or while so far impaired by any drug, any  
8 combination of drugs, or a combination of one or more drugs and alcohol that the  
9 person cannot drive a vehicle safely.

10 (d) [The] SUBJECT TO SUBSECTION (D-1) OF THIS SECTION, THE  
11 Administration may suspend for not more than 120 days the license of any person  
12 who, within a 3-year period, is convicted under § 21-902(b) or (c) of this article of  
13 driving or attempting to drive a motor vehicle while impaired by alcohol or while so  
14 far impaired by any drug, any combination of drugs, or a combination of one or more  
15 drugs and alcohol that the person cannot drive a motor vehicle safely and who was  
16 previously convicted of a violation under:

17 (1) § 21-902(a) of this article of driving or attempting to drive a motor  
18 vehicle while under the influence of alcohol or while under the influence of alcohol per  
19 se;

20 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
21 vehicle while impaired by alcohol;

22 (3) § 21-902(c) of this article of driving or attempting to drive a motor  
23 vehicle while so far impaired by any drug, any combination of drugs, or a combination  
24 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;  
25 or

26 (4) § 21-902(d) of this article of driving or attempting to drive a motor  
27 vehicle while impaired by a controlled dangerous substance.

28 (D-1) (1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,  
29 FOR A PERSON WHO IS UNDER THE AGE OF 21 YEARS AND WHO IS CONVICTED UNDER  
30 § 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL:

31 ~~(1) REVOKE THE PERSON'S LICENSE OR DRIVING PRIVILEGE UNDER~~  
32 ~~SUBSECTION (A) OF THIS SECTION; OR~~

33 ~~(2) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,~~  
34 ~~SUSPEND THE PERSON'S LICENSE OR DRIVING PRIVILEGE TO DRIVE FOR THE~~  
35 ~~LONGER OF:~~

36 (I) THE PERIOD FROM THE DATE OF CONVICTION UNTIL THE  
37 PERSON REACHES THE AGE OF 21 YEARS; OR

38 (II) 3 YEARS.

- 1           (2)     A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:
- 2                     (I)     BE CONCURRENT WITH ANY OTHER SUSPENSION OR  
3 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE  
4 CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS  
5 ARTICLE DESCRIBED IN THIS SUBSECTION; AND
- 6                     (II)    RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED  
7 UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT  
8 OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS  
9 ARTICLE DESCRIBED IN THIS SUBSECTION.
- 10           (3)     (I)     SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON  
11 MAY ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER THIS  
12 SUBSECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR REVOCATION  
13 UNDER THIS SECTION OR § 16-206(C) OR § 16-213 OF THIS SUBTITLE OR § 16-404 OF  
14 THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A  
15 VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE  
16 CONSOLIDATED.
- 17                     (II)    A PERSON WHO ELECTS TO CONSOLIDATE HEARINGS UNDER  
18 THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH NOTICE REQUIRED UNDER  
19 TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE  
20 GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.
- 21                     (III)   A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED  
22 AT THE REQUEST OF THE PERSON WHO ELECTS CONSOLIDATION OF HEARINGS  
23 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE  
24 HEARINGS.
- 25                     (IV)   SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE  
26 ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS  
27 PARAGRAPH.
- 28     (e)     (1)     In this subsection, "motor vehicle" does not include a commercial  
29 motor vehicle.
- 30           (2)     Subject to the provisions of this subsection, the Administration shall  
31 suspend for 1 year the license of a person who is convicted of a violation of § 21-902(a)  
32 of this article more than once within a 5-year period.
- 33           (3)     On receiving a record of a conviction of a person for a violation of §  
34 21-902(a) of this article more than once within a 5-year period, the Administration  
35 shall issue to the person a notice of suspension of the person's license that:
- 36                     (i)     States that the person's license shall be suspended for 1 year;  
37 and
- 38                     (ii)    Advises the person of the right to request a hearing under this  
39 paragraph.

1 (4) After notice under paragraph (3) of this subsection, the  
2 Administration shall suspend a person's license under this subsection if:

3 (i) The person does not request a hearing;

4 (ii) After a hearing, the Administration finds that the person was  
5 convicted of more than one violation of § 21-902(a) of this article within a 5-year  
6 period; or

7 (iii) The person fails to appear for a hearing requested by the  
8 person.

9 (5) The Administration shall, within 90 days of the expiration of the  
10 1-year period of suspension, issue to the person a notice, unless this notice  
11 requirement was waived at a hearing described in paragraph (4) of this subsection,  
12 that:

13 (i) States that the person shall maintain for not less than 3 months  
14 and not more than 1 year, dating from the expiration of the 1-year period of  
15 suspension, an ignition interlock system on each motor vehicle owned by the person;

16 (ii) States that the Administration shall impose a restriction on the  
17 person's license that prohibits the person from driving a motor vehicle that is not  
18 equipped with an ignition interlock system for a period of not less than 3 months and  
19 not more than 1 year, dating from the expiration of the 1-year period of suspension;  
20 and

21 (iii) Advises the person of the right to request a hearing under this  
22 paragraph.

23 (6) After notice under paragraph (5) of this subsection, or a waiver of  
24 notice, the Administration shall order a person to maintain for not less than 3 months  
25 and not more than 1 year, dating from the expiration of the 1-year period of  
26 suspension, an ignition interlock system on each motor vehicle owned by the person  
27 and impose a license restriction that prohibits the person from driving a motor vehicle  
28 that is not equipped with an ignition interlock system if:

29 (i) The person does not request a hearing;

30 (ii) The Administration finds at a hearing that the person owns one  
31 or more motor vehicles and that no financial hardship, as described in paragraphs (7)  
32 and (8) of this subsection, will be created by requiring the person to maintain an  
33 ignition interlock system on each motor vehicle owned by the person; or

34 (iii) The person fails to appear for a hearing requested by the  
35 person.

36 (7) If the Administration finds at a hearing that maintenance of an  
37 ignition interlock system on a motor vehicle owned by the person creates a financial

1 hardship on the person, the family of the person, or a co-owner of the motor vehicle,  
2 the Administration:

3 (i) Shall impose a restriction on the license of the person for not  
4 less than 3 months and not more than 1 year, dating from the expiration of the 1-year  
5 period of suspension, that prohibits the person from driving any motor vehicle that is  
6 not equipped with an ignition interlock system; and

7 (ii) May not require the person to maintain an ignition interlock  
8 system on any motor vehicle to which the financial hardship applies.

9 (8) An exemption under paragraph (7)(ii) of this subsection applies only  
10 under circumstances that:

11 (i) Are specific to the person's motor vehicle; and

12 (ii) Meet criteria contained in regulations that shall be adopted by  
13 the Administration.

14 (9) If a person requests a hearing and the Administration finds that the  
15 person does not own a motor vehicle at the expiration of the 1-year period of  
16 suspension, the Administration shall impose a restriction on the license of the person  
17 for not less than 3 months and not more than 1 year, dating from the expiration of the  
18 1-year period of suspension, that prohibits the person from driving any motor vehicle  
19 that is not equipped with an ignition interlock system.

20 (10) Each notice and hearing under this subsection shall meet the  
21 requirements of Title 12, Subtitle 2 of this article.

22 (11) This subsection does not limit any provision of this article that allows  
23 or requires the Administration to:

24 (i) Revoke or suspend a license of a person; or

25 (ii) Prohibit a person from driving a motor vehicle that is not  
26 equipped with an ignition interlock system.

27 (12) A suspension imposed under this subsection shall be concurrent with  
28 any other suspension or revocation imposed by the Administration that arises out of  
29 the circumstances of the conviction for a violation of § 21-902(a) of this article  
30 described in this subsection.

31 (f) (1) Subject to paragraph (2) of this subsection, the Administration may  
32 modify any suspension under this section or any suspension under § 16-205.1 of this  
33 subtitle and issue a restrictive license to a licensee who participates in the Ignition  
34 Interlock System Program established under § 16-404.1 of this title.

35 (2) The Administration may not modify a suspension and issue a  
36 restrictive license during a mandatory period of suspension described in subsection  
37 ~~(D-1) OR~~(e) of this section ~~OR § 16-206(B) OF THIS SUBTITLE.~~

1 (g) When a suspension imposed under [subsections] SUBSECTION (c), (d),  
 2 (D-1), or (e) of this section OR § 16-206(B) OF THIS SUBTITLE expires, the  
 3 Administration immediately shall return the license or reinstate the privilege of the  
 4 driver, unless the license or privilege has been refused, revoked, suspended, or  
 5 canceled under any other provisions of the Maryland Vehicle Law.

6 16-206.

7 (b) ~~{(1)}~~ Upon notification by the clerk of the court that a child has been  
 8 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has  
 9 been made that a child violated § 21-902 of this article, the Administration shall  
 10 suspend ~~or revoke the driving privilege~~ THE LICENSE TO DRIVE of the child in  
 11 accordance with § 3-8A-23(a)(4)(i) of the Courts Article.

12 ~~{(2)}~~ If a child subject to a suspension ~~or revocation~~ under this subsection  
 13 does not hold a license to operate a motor vehicle on the date of the disposition, the  
 14 suspension ~~or revocation~~ shall commence:

15 (i) If the child is at least 16 years old on the date of the disposition,  
 16 on the date of the disposition; or

17 (ii) If the child is younger than 16 years of age on the date of the  
 18 disposition, on the date the child reaches the child's 16th birthday.}

19 (3) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

20 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR  
 21 REVOCAION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE  
 22 CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS  
 23 ARTICLE DESCRIBED IN THIS SUBSECTION; AND

24 (II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED  
 25 UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT  
 26 OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS  
 27 ARTICLE DESCRIBED IN THIS SUBSECTION.

28 (4) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON  
 29 MAY ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER THIS  
 30 SUBSECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR REVOCATION  
 31 UNDER SUBSECTION (C) OF THIS SECTION OR § 16-213 OF THIS SUBTITLE OR § 16-404  
 32 OF THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR  
 33 A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE  
 34 CONSOLIDATED.

35 (II) A PERSON WHO ELECTS TO CONSOLIDATE HEARINGS UNDER  
 36 THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH NOTICE REQUIRED UNDER  
 37 TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE  
 38 GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.

1 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED  
 2 AT THE REQUEST OF THE PERSON WHO ELECTS CONSOLIDATION OF HEARINGS  
 3 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE  
 4 HEARINGS.

5 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE  
 6 ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS  
 7 PARAGRAPH.

8 16-208.

9 (a) (1) Except as provided in paragraph (2) of this subsection, ~~§ 16-205(D-1)~~  
 10 ~~OF THIS SUBTITLE, §§ 16-205(D-1) and 16-206(a)(4), (B), and (c) of this subtitle,~~  
 11 ~~{and} § 16-404(c)(2) and (3) of this title, AND § 3-8A-23 OF THE COURTS ARTICLE,~~ the  
 12 Administration may not suspend a license or privilege to drive for a period of more  
 13 than 1 year.

14 (2) After notice and hearing, the Administration may suspend for an  
 15 indefinite period the license or privilege of any individual who cannot drive safely  
 16 because of his physical or mental condition.

17 (3) This subsection does not apply to or affect the suspension of any  
 18 license:

19 (i) For failure to comply with the required security provisions of  
 20 Title 17 of this article;

21 (ii) For failure to appear at a hearing as provided in Title 12,  
 22 Subtitle 2 of this article;

23 (iii) For failure to obey a citation, as provided in Title 26 of this  
 24 article;

25 (iv) For failure to pay a fine in accordance with the court's directive  
 26 as provided in Title 27 of this article; or

27 (v) For failure to pay child support, as provided in § 16-203 of this  
 28 title.

29 (b) (1) Any individual whose license or privilege to drive has been revoked  
 30 may apply for reinstatement of the individual's license or privilege as provided in this  
 31 subsection.

32 (2) (i) If it is the individual's first revocation, the individual may file a  
 33 reinstatement application at any time after the day the revoked license is  
 34 surrendered to and received by the Administration or, in the case of an individual who  
 35 does not have a license issued under this title, after the effective date of the  
 36 revocation.

1 (ii) Except as provided in paragraph (6) of this subsection, on  
2 receipt of the application, the Administration may reinstate the license or privilege 6  
3 months after the revoked license is received by the Administration or, in the case of  
4 an individual who does not have a license issued under this title, 6 months after the  
5 effective date of revocation.

6 (3) (i) If it is the individual's second revocation, the individual may file  
7 a reinstatement application at any time after 1 year from the day the revoked license  
8 is surrendered to and received by the Administration or, in the case of an individual  
9 who does not have a license issued under this title, after 1 year from the effective date  
10 of revocation.

11 (ii) Except as provided in paragraph (6) of this subsection, on  
12 receipt of the application, the Administration may reinstate the license or privilege.

13 (4) (i) If it is the individual's third revocation, the individual may file  
14 a reinstatement application at any time after 18 months from the day the revoked  
15 license is surrendered to and received by the Administration or, in the case of an  
16 individual who does not have a license issued under this title, after 18 months from  
17 the effective date of revocation.

18 (ii) Except as provided in paragraph (6) of this subsection, on  
19 receipt of the application, the Administration may reinstate the license or privilege.

20 (5) (i) If it is the individual's fourth or subsequent revocation, the  
21 individual may file a reinstatement application at any time after 2 years from the day  
22 the revoked license is surrendered to and received by the Administration or, in the  
23 case of an individual who does not have a license issued under this title, after 2 years  
24 from the effective date of revocation.

25 (ii) Except as provided in paragraph (6) of this subsection, on  
26 receipt of the application, the Administration may reinstate the license or privilege.

27 (6) (i) The Administration may not reinstate a license or privilege to  
28 drive under this subsection if the license or privilege has been refused, revoked,  
29 suspended, or canceled under any other provision of the Maryland Vehicle Law.

30 (ii) 1. In this subparagraph, "alcohol-related or drug-related  
31 driving incident" means a:

32 A. Conviction or probation before judgment for a violation of  
33 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
34 jurisdiction;

35 B. Refusal to submit to a test under § 16-205.1 of this title or  
36 a substantially similar law of another jurisdiction; or

37 C. Test result that indicates an alcohol concentration of 0.10  
38 or more at the time of testing under § 16-205.1 of this title or a substantially similar  
39 law of another jurisdiction.



1 (b) [The] EXCEPT AS PROVIDED IN § 16-205 (D-1) OR § 16-206(B) OF THIS  
2 SUBTITLE, THE sanctions under this section are in addition to any other penalty or  
3 sanctions that might apply as a result of a moving violation.

4 (c) The Administration:

5 (1) For a first offense, shall require the offender to attend a driver  
6 improvement program under § 16-212 of this subtitle;

7 (2) For a second offense, may suspend the offender's provisional license  
8 for up to 30 days; and

9 (3) For a third or subsequent offense, may suspend or revoke the  
10 offender's provisional license for up to 180 days.

11 21-902.

12 (a) (1) A person may not drive or attempt to drive any vehicle while under  
13 the influence of alcohol.

14 (2) A person may not drive or attempt to drive any vehicle while the  
15 person is under the influence of alcohol per se.

16 (b) A person may not drive or attempt to drive any vehicle while impaired by  
17 alcohol.

18 (c) (1) A person may not drive or attempt to drive any vehicle while he is so  
19 far impaired by any drug, any combination of drugs, or a combination of one or more  
20 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 the person incapable  
25 of safely driving a vehicle.

26 (d) A person may not drive or attempt to drive any vehicle while the person is  
27 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of  
28 the Criminal Law Article, if the person is not entitled to use the controlled dangerous  
29 substance under the laws of this State.

30 (e) For purposes of the application of subsequent offender penalties under §  
31 27-101 of this article, a conviction for a crime committed in another state or federal  
32 jurisdiction that, if committed in this State, would constitute a violation of subsection  
33 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),  
34 (c), or (d) of this section.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
36 effect October 1, 2005.

