

# SENATE BILL 262

R3

9lr0182  
CF 9lr0236

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By: **The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senator Forehand**

Introduced and read first time: January 23, 2009

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension**  
3 **of License**

4 FOR the purpose of requiring the Motor Vehicle Administration to suspend for a  
5 certain period the driver's license of a person who has been convicted of certain  
6 drunk and drugged driving offenses within a certain time period after the  
7 person was previously convicted of certain drunk and drugged driving offenses;  
8 and generally relating to penalties for drunk and drugged driving.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 16–205(e)(2), (3), and (4)  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Transportation  
16 Section 21–902(a) through (d)  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 Supplement)

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

21 **Article – Transportation**

22 16–205.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (2) Subject to the provisions of this subsection, the Administration  
2 shall suspend for 1 year the license of a person who is convicted of [a] ANY violation of  
3 § 21-902(a), **(B), (C), OR (D)** of this article [more than once] **AND**, within a 5-year  
4 period, **WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21-902(A),**  
5 **(B), (C), OR (D) OF THIS ARTICLE.**

6 (3) On receiving a record of a conviction of a person for [a] ANY  
7 violation of § 21-902(a), **(B), (C), OR (D)** of this article [more than once] within a  
8 5-year period **AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY**  
9 **VIOLATION UNDER § 21-902(A), (B), (C), OR (D) OF THIS ARTICLE**, the  
10 Administration shall issue to the person a notice of suspension of the person's license  
11 that:

12 (i) States that the person's license shall be suspended for 1  
13 year; and

14 (ii) Advises the person of the right to request a hearing under  
15 this paragraph.

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

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

19 (ii) After a hearing, the Administration finds that the person  
20 was convicted of [more than one] A violation of § 21-902(a), **(B), (C), OR (D)** of this  
21 article within a 5-year period **AFTER THE PERSON WAS PREVIOUSLY CONVICTED**  
22 **OF ANY VIOLATION OF § 21-902(A), (B), (C), OR (D) OF THIS ARTICLE;** or

23 (iii) The person fails to appear for a hearing requested by the  
24 person.

25 21-902.

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

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

30 (3) A person may not violate paragraph (1) or (2) of this subsection  
31 while transporting a minor.

32 (b) (1) A person may not drive or attempt to drive any vehicle while  
33 impaired by alcohol.

1                   (2)    A person may not violate paragraph (1) of this subsection while  
2 transporting a minor.

3                   (c)    (1)    A person may not drive or attempt to drive any vehicle while he is  
4 so far impaired by any drug, any combination of drugs, or a combination of one or more  
5 drugs and alcohol that he cannot drive a vehicle safely.

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

11                   (3)    A person may not violate paragraph (1) or (2) of this subsection  
12 while transporting a minor.

13                   (d)    (1)    A person may not drive or attempt to drive any vehicle while the  
14 person is impaired by any controlled dangerous substance, as that term is defined in §  
15 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled  
16 dangerous substance under the laws of this State.

17                   (2)    A person may not violate paragraph (1) of this subsection while  
18 transporting a minor.

19                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2009.