

# HOUSE BILL 1367

R3

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By: **Delegate Frank**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Habitual Drunk and Drugged Driving – Revocation and Refusal of**  
3 **Registration, License, and Driving Privilege**

4 FOR the purpose of requiring the Motor Vehicle Administration to refuse to register  
5 any vehicle owned by a person who is convicted of certain subsequent  
6 alcohol– or drug–related driving offenses; requiring the Administration to  
7 revoke the registration of any vehicle owned by a person who is convicted of  
8 certain subsequent alcohol– or drug–related driving offenses; prohibiting the  
9 Administration from issuing a driver’s license to an individual who is convicted  
10 of certain subsequent alcohol– or drug–related driving offenses; requiring the  
11 Administration to revoke the driver’s license or privilege to drive of a person  
12 who is convicted of certain subsequent alcohol– or drug–related driving offenses;  
13 prohibiting the Administration from reinstating a driver’s license or privilege to  
14 drive that is revoked under certain circumstances; providing for certain  
15 hearings; providing for the application of this Act; and generally relating to  
16 revocation and refusal of a vehicle registration, driver’s license, and privilege to  
17 drive for certain drunk and drugged driving habitual offenders.

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law

20 Section 2–503(a), 2–504(a), 2–505(a), 2–506(a), 3–211(c)(1), (d)(1), (e)(1), and  
21 (f)(2)

22 Annotated Code of Maryland

23 (2002 Volume and 2009 Supplement)

24 BY adding to

25 Article – Transportation

26 Section 13–406.2, 13–707.1, 16–103.2, and 16–205(h)

27 Annotated Code of Maryland

28 (2009 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Transportation  
3 Section 21–902(a) and (d)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2009 Supplement)

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

8 **Article – Criminal Law**

9 2–503.

10 (a) A person may not cause the death of another as a result of the person’s  
11 negligently driving, operating, or controlling a motor vehicle or vessel while:

12 (1) under the influence of alcohol; or

13 (2) under the influence of alcohol per se.

14 2–504.

15 (a) A person may not cause the death of another as a result of the person’s  
16 negligently driving, operating, or controlling a motor vehicle or vessel while impaired  
17 by alcohol.

18 2–505.

19 (a) A person may not cause the death of another as a result of the person’s  
20 negligently driving, operating, or controlling a motor vehicle or vessel while the person  
21 is so far impaired by a drug, a combination of drugs, or a combination of one or more  
22 drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or  
23 vessel safely.

24 2–506.

25 (a) A person may not cause the death of another as a result of the person’s  
26 negligently driving, operating, or controlling a motor vehicle or vessel while the person  
27 is impaired by a controlled dangerous substance, as defined in § 5–101 of this article.

28 3–211.

29 (c) (1) A person may not cause a life–threatening injury to another as a  
30 result of the person’s negligently driving, operating, or controlling a motor vehicle or  
31 vessel while the person is:

32 (i) under the influence of alcohol; or

1 (ii) under the influence of alcohol per se.

2 (d) (1) A person may not cause a life-threatening injury to another as a  
3 result of the person's negligently driving, operating, or controlling a motor vehicle or  
4 vessel while the person is impaired by alcohol.

5 (e) (1) A person may not cause a life-threatening injury to another as a  
6 result of the person's negligently driving, operating, or controlling a motor vehicle or  
7 vessel while the person is so far impaired by a drug, a combination of drugs, or a  
8 combination of one or more drugs and alcohol that the person cannot drive, operate, or  
9 control a motor vehicle or vessel safely.

10 (f) (2) A person may not cause a life-threatening injury to another as a  
11 result of the person's negligently driving, operating, or controlling a motor vehicle or  
12 vessel while the person is impaired by a controlled dangerous substance as defined in  
13 § 5-101 of this article.

#### 14 Article - Transportation

##### 15 13-406.2.

16 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A PERSON IS  
17 CONVICTED OF THREE OR MORE VIOLATIONS OF § 21-902(A) OR (D) OF THIS  
18 ARTICLE OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL  
19 LAW ARTICLE, THE ADMINISTRATION SHALL REFUSE TO REGISTER ANY  
20 VEHICLE OWNED BY THE PERSON.

21 (B) FOR THE PURPOSES OF APPLYING THE PROVISIONS OF THIS  
22 SECTION, A PRIOR CONVICTION UNDER § 21-902(A) OR (D) OF THIS ARTICLE OR  
23 § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE  
24 SHALL BE CONSIDERED A PRIOR CONVICTION.

25 (C) IF THE ADMINISTRATION REFUSES TO REGISTER A VEHICLE UNDER  
26 THIS SECTION, A PERSON WHO OWNS THE VEHICLE MAY REQUEST A HEARING  
27 UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE TO CONTEST THE ACCURACY OF  
28 THE INFORMATION ON WHICH THE REFUSAL IS BASED.

##### 29 13-707.1.

30 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A PERSON IS  
31 CONVICTED OF THREE OR MORE VIOLATIONS OF § 21-902(A) OR (D) OF THIS  
32 ARTICLE OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL  
33 LAW ARTICLE, THE ADMINISTRATION SHALL REVOKE THE REGISTRATION OF  
34 ANY VEHICLE OWNED BY THE PERSON.

1 (B) FOR THE PURPOSES OF APPLYING THE PROVISIONS OF THIS  
2 SECTION, A PRIOR CONVICTION UNDER § 21-902(A) OR (D) OF THIS ARTICLE OR  
3 § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE  
4 SHALL BE CONSIDERED A PRIOR CONVICTION.

5 (C) IF THE ADMINISTRATION REVOKES THE REGISTRATION OF A  
6 VEHICLE UNDER THIS SECTION, A PERSON WHO OWNS THE VEHICLE MAY  
7 REQUEST A HEARING UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE TO  
8 CONTEST THE ACCURACY OF THE INFORMATION ON WHICH THE REVOCATION IS  
9 BASED.

10 16-103.2.

11 (A) (1) THE ADMINISTRATION MAY NOT ISSUE A DRIVER'S LICENSE  
12 TO AN INDIVIDUAL WHO IS CONVICTED OF THREE OR MORE VIOLATIONS OF §  
13 21-902(A) OR (D) OF THIS ARTICLE OR § 2-503, § 2-504, § 2-505, § 2-506, OR §  
14 3-211 OF THE CRIMINAL LAW ARTICLE.

15 (2) THIS SUBSECTION DOES NOT LIMIT AND MAY NOT BE  
16 CONSTRUED AS LIMITING THE AUTHORITY OF THE ADMINISTRATION TO REFUSE  
17 TO ISSUE A DRIVER'S LICENSE UNDER ANY OTHER PROVISION OF LAW.

18 (B) FOR THE PURPOSES OF APPLYING THE PROVISIONS OF THIS  
19 SECTION, A PRIOR CONVICTION UNDER § 21-902(A) OR (D) OF THIS ARTICLE OR  
20 § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE  
21 SHALL BE CONSIDERED A PRIOR CONVICTION.

22 (C) IF THE ADMINISTRATION REFUSES TO ISSUE A DRIVER'S LICENSE  
23 TO AN INDIVIDUAL UNDER THIS SECTION, THE INDIVIDUAL MAY REQUEST A  
24 HEARING UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE TO CONTEST THE  
25 ACCURACY OF THE INFORMATION ON WHICH THE REFUSAL IS BASED.

26 16-205.

27 (H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
28 ADMINISTRATION:

29 (I) SHALL REVOKE THE DRIVER'S LICENSE OR PRIVILEGE  
30 TO DRIVE OF ANY PERSON WHO IS CONVICTED OF THREE OR MORE VIOLATIONS  
31 OF § 21-902(A) OR (D) OF THIS ARTICLE OR § 2-503, § 2-504, § 2-505, § 2-506,  
32 OR § 3-211 OF THE CRIMINAL LAW ARTICLE; AND

33 (II) MAY NOT REINSTATE THE DRIVER'S LICENSE OR  
34 PRIVILEGE TO DRIVE OR MODIFY A REVOCATION UNDER THIS SUBSECTION.

1           **(2) FOR THE PURPOSES OF APPLYING THE PROVISIONS OF THIS**  
2 **SUBSECTION, A PRIOR CONVICTION UNDER § 21-902(A) OR (D) OF THIS ARTICLE**  
3 **OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW**  
4 **ARTICLE SHALL BE CONSIDERED A PRIOR CONVICTION.**

5           **(3) IF THE ADMINISTRATION REVOKES A DRIVER'S LICENSE OR**  
6 **PRIVILEGE TO DRIVE OF A PERSON UNDER THIS SUBSECTION, THE PERSON MAY**  
7 **REQUEST A HEARING UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE TO**  
8 **CONTEST THE ACCURACY OF THE INFORMATION ON WHICH THE REVOCATION OF**  
9 **THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE IS BASED.**

10 21-902.

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

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

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

17           (d) (1) A person may not drive or attempt to drive any vehicle while the  
18 person is impaired by any controlled dangerous substance, as that term is defined in §  
19 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled  
20 dangerous substance under the laws of this State.

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

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
24 construed to apply only prospectively to a third or subsequent conviction described  
25 under this Act that occurs on or after the effective date of this Act.

26           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2010.