

HOUSE BILL 974

R3

6lr2486

By: **Delegates Dumais and Kramer**

Introduced and read first time: February 10, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Serious and Subsequent Offenders – Conditions for Reinstatement of Driver’s**
3 **License**

4 FOR the purpose of requiring the Motor Vehicle Administration to revoke or refuse to issue
5 or renew a license or privilege to drive for an individual convicted of manslaughter
6 by vehicle or vessel, homicide by vehicle or vessel while impaired or under the
7 influence, or causing life-threatening injury by motor vehicle or vessel while
8 impaired or under the influence; establishing certain conditions that the
9 Administration must impose for reinstatement of a driver’s license or privilege to
10 drive for certain serious offenders; providing for certain procedures; lengthening the
11 periods of time that certain subsequent offenders are required to participate in the
12 Ignition Interlock System Program; increasing certain penalties for certain
13 prohibited acts concerning ignition interlock systems; and generally relating to
14 conditions for reinstatement of a driver’s license or privilege to drive for certain
15 serious or subsequent offenders and increasing certain penalties concerning ignition
16 interlock systems.

17 BY adding to
18 Article – Transportation
19 Section 16–205.3
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2015 Supplement)

22 BY repealing
23 Article – Transportation
24 Section 27–101(c)(26)
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2015 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–404.1(a)(1) and (4) and (d)(4)(ii) and 27–107(d), (e), (f), and (g)(1)
2 Annotated Code of Maryland
3 (2012 Replacement Volume and 2015 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Transportation
6 Section 16–404.1(d)(1) and (3) and 27–101(c)(24) and (25) and (h)
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2015 Supplement)

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

11 **Article – Transportation**

12 **16–205.3.**

13 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE
14 ADMINISTRATION SHALL REVOKE OR REFUSE TO ISSUE OR RENEW THE LICENSE OF
15 ANY RESIDENT OR THE PRIVILEGE TO DRIVE OF ANY NONRESIDENT ON A SHOWING
16 BY ITS RECORDS OR OTHER SUFFICIENT EVIDENCE THAT THE LICENSEE OR
17 NONRESIDENT WAS CONVICTED OF A VIOLATION OF § 2–209, § 2–210, § 2–503, §
18 2–504, § 2–505, § 2–506, OR § 3–211 OF THE CRIMINAL LAW ARTICLE.

19 (B) THE ADMINISTRATION SHALL PROVIDE WRITTEN NOTICE TO THE
20 LICENSEE OR NONRESIDENT OF A PROPOSED ACTION UNDER SUBSECTION (A) OF
21 THIS SECTION AND THE LICENSEE OR NONRESIDENT MAY REQUEST A HEARING IN
22 ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE.

23 (C) IF A LICENSEE OR NONRESIDENT FAILS TO APPEAR FOR A HEARING
24 AFTER RECEIVING THE WRITTEN NOTICE UNDER SUBSECTION (B) OF THIS SECTION,
25 THE ADMINISTRATION MAY REVOKE THE LICENSE OR PRIVILEGE TO DRIVE UNTIL
26 THE LICENSEE OR NONRESIDENT APPEARS FOR A HEARING.

27 (D) AS A CONDITION OF REINSTATEMENT OF A LICENSE OR PRIVILEGE TO
28 DRIVE, THE ADMINISTRATION SHALL IMPOSE APPROPRIATE RESTRICTIONS,
29 LIMITATIONS, OR OTHER REQUIREMENTS, INCLUDING ONE OR MORE OF THE
30 FOLLOWING:

31 (1) UNDERGOING AN ALCOHOL ABUSE ASSESSMENT, DRUG ABUSE
32 ASSESSMENT, OR MENTAL HEALTH ASSESSMENT BY THE MEDICAL ADVISORY
33 BOARD;

1 **(2) COMPLIANCE WITH ANY RECOMMENDATIONS OF THE MEDICAL**
2 **ADVISORY BOARD;**

3 **(3) PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM**
4 **FOR A SPECIFIED PERIOD OF TIME DETERMINED BY THE ADMINISTRATION TO BE**
5 **APPROPRIATE TO ENSURE THE INDIVIDUAL'S SAFE DRIVING;**

6 **(4) ATTENDANCE AT MEETINGS OF SUPPORT GROUPS, SUCH AS**
7 **ALCOHOLICS ANONYMOUS OR NARCOTICS ANONYMOUS OR BOTH FOR A SPECIFIED**
8 **PERIOD OF TIME;**

9 **(5) ENROLLMENT IN THE DRINKING DRIVER MONITOR PROGRAM OF**
10 **THE DIVISION OF PAROLE AND PROBATION, DEPARTMENT OF PUBLIC SAFETY AND**
11 **CORRECTIONAL SERVICES, FOR A SPECIFIED PERIOD OF TIME AND IN THE MANNER**
12 **PRESCRIBED BY THE PROGRAM'S MONITOR;**

13 **(6) ATTENDANCE AT AN APPROVED SUBSTANCE ABUSE OR ALCOHOL**
14 **ABUSE EDUCATION PROGRAM APPROVED BY THE ADMINISTRATION FOR A**
15 **SPECIFIED PERIOD OF TIME; AND**

16 **(7) PARTICIPATION IN A SUBSTANCE ABUSE TREATMENT PROGRAM**
17 **OR AN ALCOHOL TREATMENT PROGRAM THAT IS CERTIFIED BY THE DEPARTMENT**
18 **OF HEALTH AND MENTAL HYGIENE OR BY AN AGENCY IN ANOTHER STATE THAT HAS**
19 **POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL**
20 **HYGIENE FOR A SPECIFIED PERIOD OF TIME.**

21 **(E) THE CONDITIONS IMPOSED BY THE ADMINISTRATION UNDER THIS**
22 **SECTION MAY BE REQUIRED INDEFINITELY, BUT NOT LESS THAN AT LEAST 3 YEARS**
23 **FROM THE DATE THAT THE LICENSEE OR THE NONRESIDENT IS RELEASED FROM**
24 **INCARCERATION FOR ANY SENTENCE OF IMPRISONMENT SERVED, IF ANY, AS A**
25 **RESULT OF THE INDIVIDUAL'S CONVICTION FOR A VIOLATION OF § 2-209, § 2-210, §**
26 **2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.**

27 **(F) IF AN INDIVIDUAL SUBJECT TO A CONDITION OF REINSTATEMENT FAILS**
28 **TO MEET THE CONDITION IMPOSED, THE ADMINISTRATION SHALL CONTINUE TO**
29 **REVOKE OR REFUSE TO ISSUE OR RENEW THE DRIVER'S LICENSE OR THE PRIVILEGE**
30 **TO DRIVE UNTIL THE LICENSEE OR NONRESIDENT MEETS THE CONDITION.**

31 16-404.1.

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

33 (4) "Participant" means a participant in the Ignition Interlock System
34 Program.

1 (d) (1) (i) Notwithstanding subsection (c) of this section, an individual
2 shall be a participant if the individual is convicted of a violation of:

3 1. § 21–902(a)(1) or (2) of this article and had an alcohol
4 concentration at the time of testing of 0.15 or more; [or]

5 2. § 21–902(a)(3) or (b)(2) of this article and the minor who
6 was transported was under the age of 16 years; **OR**

7 3. **§ 2–209, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506,**
8 **OR § 3–211 OF THE CRIMINAL LAW ARTICLE AND IS REQUIRED BY THE**
9 **ADMINISTRATION TO PARTICIPATE IN THE PROGRAM IN ACCORDANCE WITH §**
10 **16–205.3 OF THIS TITLE.**

11 (ii) If an individual is subject to this paragraph and fails to
12 participate in the Program or successfully complete the Program, the Administration shall
13 suspend, notwithstanding § 16–208 of this title, the individual’s license **OR PRIVILEGE TO**
14 **DRIVE** until the individual successfully completes the Program.

15 (iii) Nothing contained in this paragraph limits the authority of the
16 Administration to modify a suspension imposed under this paragraph to allow an
17 individual to be a participant in accordance with subsection (e) or (o) of this section.

18 (3) An individual who is subject to this subsection shall participate in the
19 Program for:

20 (i) 6 months the first time the individual is required under this
21 subsection to participate in the Program;

22 (ii) **[1 year] 2 YEARS** the second time the individual is required
23 under this subsection to participate in the Program; and

24 (iii) **[3] 5** years the third or any subsequent time the individual is
25 required under this subsection to participate in the Program.

26 (4) Paragraph (3) of this subsection does not limit a longer period of
27 Program participation that is required by:

28 (ii) The Administration in accordance with another provision of this
29 title.

30 27–101.

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

4 (24) § 21–902.1 (“Driving within 12 hours after arrest”); **OR**

5 (25) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking
6 Lots”)[; or

7 (26) § 27–107(d), (e), (f), or (g) (“Prohibited acts — Ignition interlock
8 systems”)].

9 (h) Any person who is convicted of a violation of any of the provisions of §
10 16–113(k) of this article (“Ignition Interlock System Program participant driving vehicle
11 without ignition interlock”), § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving
12 while license is canceled, suspended, refused, or revoked”), § 17–107 of this article
13 (“Prohibitions”), [or] § 17–110 of this article (“Providing false evidence of required security”)
14 **OR § 27–107(D), (E), (F), OR (G) OF THIS ARTICLE (“PROHIBITED ACTS — IGNITION
15 INTERLOCK SYSTEMS”)** is subject to:

16 (1) For a first offense, a fine of not more than \$1,000, or imprisonment for
17 not more than 1 year, or both; and

18 (2) For any subsequent offense, a fine of not more than \$1,000, or
19 imprisonment for not more than 2 years, or both.

20 27–107.

21 (d) A person prohibited under this section or Title 16 of this article from operating
22 a motor vehicle that is not equipped with an ignition interlock system may not solicit or
23 have another person attempt to start or start a motor vehicle equipped with an ignition
24 interlock system.

25 (e) A person may not attempt to start or start a motor vehicle equipped with an
26 ignition interlock system for the purpose of providing an operable motor vehicle to a person
27 who is prohibited under this section or Title 16 of this article from operating a motor vehicle
28 that is not equipped with an ignition interlock system.

29 (f) A person may not tamper with, or in any way attempt to circumvent, the
30 operation of an ignition interlock system that has been installed in the motor vehicle of a
31 person under this section or Title 16 of this article.

32 (g) (1) Subject to the provisions of paragraph (2) of this subsection, a person
33 may not knowingly furnish a motor vehicle not equipped with a functioning ignition
34 interlock system to another person who the person knows is prohibited under subsection

1 (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with
2 an ignition interlock system.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.