
By: Chairman, Judiciary Committee (Departmental - Transportation)

Introduced and read first time: January 17, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses - Violation of Alcohol Restrictions on Drivers Under 21 - Penalties**

3 FOR the purpose of requiring the Motor Vehicle Administration to suspend the license
4 of a driver under the age of 21 years who violates an alcohol restriction that was
5 placed on the driver's license, under certain conditions; authorizing the
6 Administration to issue a restrictive license to a certain licensee under certain
7 circumstances; and generally relating to penalties against drivers under the age of
8 21 who violate alcohol restrictions on their drivers' licenses.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 16-113 and 16-205.1(k)
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

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

16 **Article - Transportation**

17 16-113.

18 (a) In addition to the vision and other restrictions provided for in this subtitle,
19 when it issues a driver's license, the Administration for good cause may impose on the
20 licensee:

21 (1) Any restrictions suitable to the licensee's driving ability with respect to
22 the type of special mechanical control devices required on motor vehicles that the
23 licensee may drive; and

24 (2) An alcohol restriction which prohibits the licensee from driving or
25 attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

26 (3) Any other restrictions applicable to the licensee that the Administration
27 determines appropriate to assure the safe driving of a motor vehicle by the licensee.

28 (b) (1) Notwithstanding the licensee's driving record, the Administration shall
29 impose on each licensee under the age of 21 years an alcohol restriction that prohibits the

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1 licensee from driving or attempting to drive a motor vehicle with an alcohol concentration
2 of 0.02 or more as determined by an analysis of the person's blood or breath.

3 (2) An alcohol restriction imposed under this subsection expires when the
4 licensee reaches the age of 21 years.

5 (3) This subsection may not be construed or applied to limit:

6 (i) The authority of the Administration to impose on a licensee an
7 alcohol restriction described in subsection (a)(2) of this section; or

8 (ii) The application of any other provision of law that prohibits
9 consumption of an alcoholic beverage by an individual under the age of 21 years.

10 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the
11 Administration may:

12 (i) Issue a special restricted license; or

13 (ii) Set forth the restrictions on the usual license form.

14 (2) The Administration shall indicate on the license of a licensee under the
15 age of 21 years that an alcohol restriction has been imposed on the licensee under
16 subsection (b) of this section.

17 (d) (1) In addition to the other restrictions provided in this subtitle, the
18 Administration may issue a provisional driver's license to applicants who are under the
19 age of 18.

20 (2) The license may be restricted by requiring that the licensee be
21 accompanied and supervised at certain times by a licensed driver who is at least 21 years
22 old.

23 (3) The Administrator may modify or waive the restriction if the restriction
24 would affect adversely:

25 (i) The employment or opportunity for employment of the licensee;

26 (ii) The participation of the licensee in an organized volunteer
27 program approved by the Administration and designed to provide transportation to
28 prevent alcohol- or drug-related driving offenses and promote highway safety; or

29 (iii) The opportunity of the licensee to participate in athletic events
30 and related training sessions.

31 (e) In addition to the other restrictions provided under this subtitle, the
32 Administration may issue a driver's license that is valid only in the State of Maryland to
33 an applicant who has been suspended in another jurisdiction as a result of failing to
34 comply with the financial responsibility requirements of that jurisdiction.

35 (f) [After] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AFTER
36 receiving satisfactory evidence of any violation of a restricted or provisional driver's
37 license, the Administration may suspend or revoke the license. However, the licensee may
38 request a hearing as provided for a suspension or revocation under Subtitle 2 of this title.

1 (G) (1) THE ADMINISTRATION SHALL SUSPEND, WITH NO REDUCTION, THE
2 LICENSE OF AN INDIVIDUAL UNDER 21 YEARS OF AGE AFTER RECEIVING
3 SATISFACTORY EVIDENCE OF A VIOLATION OF AN ALCOHOL RESTRICTION PLACED
4 ON THE LICENSE, AS FOLLOWS:

5 (I) FOR A FIRST OFFENSE, 6 MONTHS; AND

6 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL
7 THE INDIVIDUAL IS 21 YEARS OLD, WHICHEVER PERIOD IS LONGER.

8 (2) THE ADMINISTRATION MAY ISSUE A RESTRICTIVE LICENSE UNDER
9 THIS SUBSECTION IF:

10 (I) THE LICENSEE HAS NOT BEEN CONVICTED UNDER § 21-902 OF
11 THIS ARTICLE; AND

12 (II) 1. THE LICENSEE IS REQUIRED TO DRIVE A MOTOR
13 VEHICLE IN THE COURSE OF EMPLOYMENT;

14 2. THE LICENSE IS REQUIRED FOR THE PURPOSE OF
15 ATTENDING AN ALCOHOL PREVENTION OR TREATMENT PROGRAM;

16 3. IT FINDS THAT THE LICENSEE HAS NO ALTERNATIVE
17 MEANS OF TRANSPORTATION AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF
18 EMPLOYMENT AND, WITHOUT THE LICENSE, THE LICENSEE'S ABILITY TO EARN A
19 LIVING WOULD BE SEVERELY IMPAIRED; OR

20 4. THE LICENSE IS REQUIRED FOR THE PURPOSE OF
21 ATTENDING:

22 A. A NONCOLLEGIATE EDUCATIONAL INSTITUTION AS
23 DEFINED IN § 2-206(A) OF THE EDUCATION ARTICLE; OR

24 B. A REGULAR PROGRAM AT AN INSTITUTION OF
25 POSTSECONDARY EDUCATION.

26 [(g)] (H) (1) The Administration shall impose an alcohol restriction under
27 subsection (a)(2) of this section that prohibits an individual for a period of 3 years from
28 driving or attempting to drive with alcohol in the individual's blood on any licensee who
29 is convicted of any combination of two or more violations under § 21-902(a) or (b) of this
30 article.

31 (2) If a circuit court or a District Court orders a licensee not to drive or
32 attempt to drive a motor vehicle with alcohol in the licensee's blood, the Administration
33 shall have the licensee's driving record and driver's license reflect that the court ordered
34 restriction was imposed, and shall keep records of the order.

35 [(h)] (I) An individual may not drive a vehicle in any manner that violates any
36 restriction imposed in a restricted license issued to the individual.

37 [(i)] (J) An individual may not drive a vehicle in any manner that violates any
38 restriction imposed in a provisional license issued to the individual.

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1 16-205.1.

2 (k) Subject to [§ 16-812(o)] §§ 16-113(G) AND 16-812(O) of this title, this section
3 does not prohibit the imposition of further administrative sanctions if the person is
4 convicted for any violation of the Maryland Vehicle Law arising out of the same
5 occurrence.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1996.