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**By: Delegates M. Burns, Cryor, Redmer, E. Burns, Faulkner, Walkup, Mossburg, Dypski, Turner, Kittleman, Fulton, Leopold, Hecht, Pitkin, D. Murphy, Bissett, Stocksdale, Getty, Menes, Rzepkowski, Schade, Jacobs, and Morhaim**

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While Intoxicated - Mandatory Permanent License Revocation for**  
3 **Third Conviction**

4 FOR the purpose of requiring the Motor Vehicle Administration to revoke the driver's  
5 license of an individual who is convicted for a third time of driving or attempting to  
6 drive a motor vehicle while intoxicated; prohibiting the Administration from  
7 reinstating the individual's license; prohibiting an individual whose license has been  
8 revoked under this Act from applying for reinstatement of a license; making a  
9 stylistic change; and generally relating to the revocation of the driver's license of an  
10 individual convicted of driving while intoxicated for a third time.

11 BY repealing and reenacting, with amendments,  
12 Article - Transportation  
13 Section 16-205 and 16-208(b)(1)  
14 Annotated Code of Maryland  
15 (1992 Replacement Volume and 1995 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Transportation  
18 Section 21-902(a)  
19 Annotated Code of Maryland  
20 (1992 Replacement Volume and 1995 Supplement)

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

23 **Article - Transportation**

24 16-205.

25 (a) The Administration may revoke the license of any person who:

26 (1) Is convicted under § 21-902(a) or (d) of this article of driving or  
27 attempting to drive a motor vehicle while intoxicated or while under the influence of a  
28 controlled dangerous substance; or

1 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this  
2 article of driving or attempting to drive a motor vehicle while under the influence of  
3 alcohol or while so far under the influence of any drug, any combination of drugs, or a  
4 combination of one or more drugs and alcohol that the person cannot drive a vehicle  
5 safely and who was previously convicted of any combination of two or more violations  
6 under:

7 (i) § 21-902(a) of this article of driving or attempting to drive a motor  
8 vehicle while intoxicated;

9 (ii) § 21-902(b) of this article of driving or attempting to drive a motor  
10 vehicle while under the influence of alcohol;

11 (iii) § 21-902(c) of this article of driving or attempting to drive a motor  
12 vehicle while so far under the influence of any drug, any combination of drugs, or a  
13 combination of one or more drugs and alcohol that the person cannot drive a vehicle  
14 safely; or

15 (iv) § 21-902(d) of this article of driving or attempting to drive a motor  
16 vehicle while under the influence of a controlled dangerous substance.

17 (b) (1) THE ADMINISTRATION SHALL REVOKE THE LICENSE OF A PERSON  
18 WHO:

19 (I) IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE OF DRIVING  
20 OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE INTOXICATED; AND

21 (II) WAS TWICE PREVIOUSLY CONVICTED OF A VIOLATION OF §  
22 21-902(A) OF THIS ARTICLE.

23 (2) THE ADMINISTRATION MAY NOT REINSTATE THE LICENSE OF A  
24 PERSON WHOSE LICENSE IS REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

25 (C) The Administration may suspend for not more than 60 days the license of any  
26 person who is convicted under § 21-902(b) or (c) of this article of driving or attempting to  
27 drive a motor vehicle while under the influence of alcohol or while so far under the  
28 influence of any drug, any combination of drugs, or a combination of one or more drugs  
29 and alcohol that the person cannot drive a vehicle safely.

30 [(c)] (D) The Administration may suspend for not more than 120 days the license  
31 of any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this  
32 article of driving or attempting to drive a motor vehicle while under the influence of  
33 alcohol or while so far under the influence of any drug, any combination of drugs, or a  
34 combination of one or more drugs and alcohol that the person cannot drive a motor  
35 vehicle safely and who was previously convicted of a violation under:

36 (1) § 21-902(a) of this article of driving or attempting to drive a motor  
37 vehicle while intoxicated;

38 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
39 vehicle while under the influence of alcohol;

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1                   (3) § 21-902(c) of this article of driving or attempting to drive a motor  
2 vehicle while so far under the influence of any drug, any combination of drugs, or a  
3 combination of one or more drugs and alcohol that the person cannot drive a motor  
4 vehicle safely; or

5                   (4) § 21-902(d) of this article of driving or attempting to drive a motor  
6 vehicle while under the influence of a controlled dangerous substance.

7                   [(d)] (E) When a suspension imposed under subsections [(b)] (C) and [(c)] (D)  
8 of this section expires, the Administration immediately shall return the license or  
9 reinstate the privilege of the driver, unless the license or privilege has been refused,  
10 revoked, suspended, or canceled under any other provisions of the Maryland Vehicle  
11 Law.

12 16-208.

13                   (b) (1) [Any] EXCEPT IN THE CASE OF AN INDIVIDUAL WHOSE LICENSE  
14 HAS BEEN REVOKED UNDER § 16-205(B) OF THIS SUBTITLE, AN individual whose  
15 license or privilege to drive has been revoked may apply for reinstatement of [his] THE  
16 license or privilege as provided in this subsection.

17 21-902.

18                   (a) (1) A person may not drive or attempt to drive any vehicle while intoxicated.

19                   (2) A person may not drive or attempt to drive any vehicle while the person  
20 has an alcohol concentration of 0.10 or more as measured by grams of alcohol per 100  
21 milliliters of blood or grams of alcohol per 210 liters of breath as determined at the time  
22 of testing.

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