

---

**By: Delegates T. Murphy and Menes**

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

**2 Vehicle Laws - Drunk Driving - Modification of Driver's License Suspension**

3 FOR the purpose of authorizing the Motor Vehicle Administration to modify a driver's  
4 license suspension of, or issue a restrictive driver's license to, ascertain individual  
5 whose license has been suspended under certain conditions for drunk driving if the  
6 individual is the primary caretaker of the individual's home and has no other means  
7 of transportation for the purpose of fulfilling responsibilities as the primary  
8 caretaker, including the transportation of children living in the home; and generally  
9 relating to modifying a driver's license suspension of, or issuing a restrictive driver's  
10 license to, a certain individual whose license has been suspended under certain  
11 conditions for drunk driving.

12 BY repealing and reenacting, without amendments,  
13 Article - Transportation  
14 Section 16-205.1(a) and (b)(1)(i)  
15 Annotated Code of Maryland  
16 (1992 Replacement Volume and 1995 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Transportation  
19 Section 16-205.1(n)(1)  
20 Annotated Code of Maryland  
21 (1992 Replacement Volume and 1995 Supplement)

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

24 **Article - Transportation**

25 16-205.1.

26 (a) (1) (i) In this section, the following words have the meanings indicated.

27 (ii) "Specimen of blood" and "1 specimen of blood" means 1 sample of  
28 blood that is taken, in a single procedure, in 2 or more portions in 2 or more separate  
29 vials.

30 (iii) "Test" means:

2

1                                   1. A test of a person's breath or of 1 specimen of a person's  
2 blood to determine alcohol concentration;

3                                   2. A test or tests of 1 specimen of a person's blood to determine  
4 the drug or controlled dangerous substance content of the person's blood; or

5                                   3. Both:

6                                   A. A test of a person's breath or a test of 1 specimen of a  
7 person's blood, to determine alcohol concentration; and

8                                   B. A test or tests of 1 specimen of a person's blood to determine  
9 the drug or controlled dangerous substance content of the person's blood.

10                   (2) Any person who drives or attempts to drive a motor vehicle on a highway  
11 or on any private property that is used by the public in general in this State is deemed to  
12 have consented, subject to the provisions of §§ 10-302 through 10-309, inclusive, of the  
13 Courts and Judicial Proceedings Article, to take a test if the person should be detained on  
14 suspicion of driving or attempting to drive while intoxicated, while under the influence of  
15 alcohol, while so far under the influence of any drug, any combination of drugs, or a  
16 combination of one or more drugs and alcohol that the person could not drive a vehicle  
17 safely, while under the influence of a controlled dangerous substance, in violation of an  
18 alcohol restriction, or in violation of § 16-813 of this title.

19                   (b) (1) Except as provided in subsection (c) of this section, a person may not be  
20 compelled to take a test. However, the detaining officer shall advise the person that, on  
21 receipt of a sworn statement from the officer that the person was so charged and refused  
22 to take a test, or was tested and the result indicated an alcohol concentration of 0.10 or  
23 more, the Administration shall:

24                                   (i) In the case of a person licensed under this title:

25                                   1. For a test result indicating an alcohol concentration of 0.10  
26 or more at the time of testing:

27                                   A. For a first offense, suspend the driver's license for 45 days; or

28                                   B. For a second or subsequent offense, suspend the driver's  
29 license for 90 days; or

30                                   2. For a test refusal:

31                                   A. For a first offense, suspend the driver's license for 120 days;  
32 or

33                                   B. For a second or subsequent offense, suspend the driver's  
34 license for 1 year;

35                   (n) (1) The Administration may modify a suspension under this section or issue  
36 a restrictive license if:

37                                   (i) The licensee did not refuse to take a test;

3

1 (ii) The licensee has not had a license suspended under this section  
2 during the past 5 years;

3 (iii) The licensee has not been convicted under § 21-902 of this article  
4 during the past 5 years; and

5 (iv) 1. The licensee is required to drive a motor vehicle in the  
6 course of employment;

7 2. The license is required for the purpose of attending an  
8 alcoholic prevention or treatment program; [or]

9 3. It finds that the licensee has no alternative means of  
10 transportation available to or from the licensee's place of employment and, without the  
11 license, the licensee's ability to earn a living would be severely impaired; OR

12 4. IT FINDS THAT THE LICENSEE IS THE PRIMARY  
13 CARETAKER OF THE LICENSEE'S HOME AND HAS NO ALTERNATIVE MEANS OF  
14 TRANSPORTATION AVAILABLE FOR THE PURPOSE OF FULFILLING THE  
15 RESPONSIBILITIES OF THE PRIMARY CARETAKER, INCLUDING THE  
16 TRANSPORTATION OF CHILDREN LIVING IN THE HOME TO OR FROM:

17 A. SCHOOL;

18 B. EXTRACURRICULAR ACTIVITIES; AND

19 C. MEDICAL APPOINTMENTS.

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