
By: Senator Baker

Introduced and read first time: January 31, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Court Ordered Alcohol Restriction - Penalties**

3 FOR the purpose of prohibiting an individual from driving or attempting to drive a motor
4 vehicle with alcohol in the individual's blood in violation of a restriction ordered by
5 a court; providing for certain criminal penalties; and generally relating to certain
6 alcohol restrictions.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 16-113 and 27-101(c)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article - Transportation**

15 16-113.

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

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

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

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

26 (b) (1) Notwithstanding the licensee's driving record, the Administration shall
27 impose on each licensee under the age of 21 years an alcohol restriction that prohibits the
28 licensee from driving or attempting to drive a motor vehicle with an alcohol concentration
29 of 0.02 or more as determined by an analysis of the person's blood or breath.

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

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

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

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

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

10 (i) Issue a special restricted license; or

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

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

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

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

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

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

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

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

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

33 (f) After receiving satisfactory evidence of any violation of a restricted or
34 provisional driver's license, the Administration may suspend or revoke the license.
35 However, the licensee may request a hearing as provided for a suspension or revocation
36 under Subtitle 2 of this title.

37 (g) (1) The Administration shall impose an alcohol restriction under subsection
38 (a)(2) of this section that prohibits an individual for a period of 3 years from driving or

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1 attempting to drive with alcohol in the individual's blood on any licensee who is convicted
2 of any combination of two or more violations under § 21-902(a) or (b) of this article.

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

7 (h) An individual may not drive a vehicle in any manner that violates any
8 restriction imposed BY THE ADMINISTRATION in a restricted license issued to the
9 individual.

10 (i) An individual may not drive a vehicle in any manner that violates any
11 restriction imposed in a provisional license issued to the individual.

12 (J) AN INDIVIDUAL MAY NOT DRIVE OR ATTEMPT TO DRIVE A MOTOR
13 VEHICLE WITH ALCOHOL IN THE INDIVIDUAL'S BLOOD IN VIOLATION OF A
14 RESTRICTION IMPOSED BY A COURT.

15 27-101.

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

19 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
20 misrepresentation prohibited");

21 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

22 (3) § 14-104 ("Damaging or tampering with vehicle");

23 (4) § 14-107 ("Removed, falsified, or unauthorized identification number or
24 registration card or plate");

25 (5) § 14-110 ("Altered or forged documents and plates");

26 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

27 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

28 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

29 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

30 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
31 prohibited");

32 (11) § 16-113(J) ("VIOLATION OF ALCOHOL RESTRICTION ORDERED BY A
33 COURT");

34 [(11)] (12) § 16-301 ("Unlawful application for or use of license");

35 [(12)] (13) § 16-303(h) ("Licenses suspended under certain provisions of
36 Code");

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1 [(13)] (14) § 16-303(i) ("Licenses suspended under certain provisions of the
2 traffic laws or regulations of another state");

3 [(14)] (15) § 18-106 ("Unauthorized use of rented motor vehicle");

4 [(15)] (16) § 20-103 ("Driver to remain at scene - Accidents resulting only
5 in damage to attended vehicle or property");

6 [(16)] (17) § 20-104 ("Duty to give information and render aid");

7 [(17)] (18) § 20-105 ("Duty on striking unattended vehicle or other
8 property");

9 [(18)] (19) § 20-108 ("False reports prohibited");

10 [(19)] (20) § 21-206 ("Interference with traffic control devices or railroad
11 signs and signals");

12 [(20)] (21) As to a pedestrian in a marked crosswalk, § 21-502(a)
13 ("Pedestrians' right-of-way in crosswalks: In general");

14 [(21)] (22) As to another vehicle stopped at a marked crosswalk, §
15 21-502(c) ("Passing of vehicle stopped for pedestrian prohibited");

16 [(22)] (23) Except as provided in subsection (q) of this section, § 21-902(b)
17 ("Driving while under the influence of alcohol");

18 [(23)] (24) Except as provided in subsection (q) of this section, § 21-902(c)
19 ("Driving while under influence of drugs or drugs and alcohol");

20 [(24)] (25) Except as provided in subsection (q) of this section, § 21-902(d)
21 ("Driving while under influence of controlled dangerous substance"); or

22 [(25)] (26) § 27-107(d), (e), (f), or (g) ("Prohibited acts -Ignition interlock
23 systems").

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