
By: Delegates Owings and Barve

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While Intoxicated - Permanent License Revocation for Multiple**
3 **Offenses**

4 FOR the purpose of requiring the Motor Vehicle Administration to permanently revoke
5 the driver's license of an individual who is convicted for a third time within a 5-year
6 period of driving or attempting to drive a motor vehicle while intoxicated or
7 intoxicated per se; prohibiting the Administration from reinstating the individual's
8 license; and generally relating to the permanent revocation of the driver's license of
9 an individual convicted of driving while intoxicated or intoxicated per se for a third
10 time within a certain period.

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 1996 Supplement)

16 BY adding to
17 Article - Transportation
18 Section 16-208(c)
19 Annotated Code of Maryland
20 (1992 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Transportation
23 Section 21-902(a)
24 Annotated Code of Maryland
25 (1992 Replacement Volume and 1996 Supplement)

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

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1 **Article - Transportation**

2 16-205.

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

4 (1) Is convicted under § 21-902(a) or (d) of this article of driving or
5 attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or while
6 under the influence of a controlled dangerous substance; or7 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
8 article of driving or attempting to drive a motor vehicle while under the influence of
9 alcohol or while so far under the influence of any drug, any combination of drugs, or a
10 combination of one or more drugs and alcohol that the person cannot drive a vehicle
11 safely and who was previously convicted of any combination of two or more violations
12 under:13 (i) § 21-902(a) of this article of driving or attempting to drive a motor
14 vehicle while intoxicated or while intoxicated per se;15 (ii) § 21-902(b) of this article of driving or attempting to drive a motor
16 vehicle while under the influence of alcohol;17 (iii) § 21-902(c) of this article of driving or attempting to drive a motor
18 vehicle while so far under the influence of any drug, any combination of drugs, or a
19 combination of one or more drugs and alcohol that the person cannot drive a vehicle
20 safely; or21 (iv) § 21-902(d) of this article of driving or attempting to drive a motor
22 vehicle while under the influence of a controlled dangerous substance.23 (b) The Administration may suspend for not more than 60 days the license of any
24 person who is convicted under § 21-902(b) or (c) of this article of driving or attempting to
25 drive a motor vehicle while under the influence of alcohol or while so far under the
26 influence of any drug, any combination of drugs, or a combination of one or more drugs
27 and alcohol that the person cannot drive a vehicle safely.28 (c) The Administration may suspend for not more than 120 days the license of any
29 person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this article of
30 driving or attempting to drive a motor vehicle while under the influence of alcohol or
31 while so far under the influence of any drug, any combination of drugs, or a combination
32 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and
33 who was previously convicted of a violation under:34 (1) § 21-902(a) of this article of driving or attempting to drive a motor
35 vehicle while intoxicated or while intoxicated per se;36 (2) § 21-902(b) of this article of driving or attempting to drive a motor
37 vehicle while under the influence of alcohol;38 (3) § 21-902(c) of this article of driving or attempting to drive a motor
39 vehicle while so far under the influence of any drug, any combination of drugs, or a

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1 combination of one or more drugs and alcohol that the person cannot drive a motor
2 vehicle safely; or

3 (4) § 21-902(d) of this article of driving or attempting to drive a motor
4 vehicle while under the influence of a controlled dangerous substance.

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

9 (E) THE ADMINISTRATION SHALL PERMANENTLY REVOKE THE LICENSE OF
10 ANY PERSON WHO, WITHIN A 5-YEAR PERIOD, IS CONVICTED OF THREE OR MORE
11 VIOLATIONS UNDER § 21-902(A) OF THIS ARTICLE OF DRIVING OR ATTEMPTING TO
12 DRIVE WHILE INTOXICATED OR WHILE INTOXICATED PER SE.

13 16-208.

14 (b) (1) [Any] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
15 AN individual whose license or privilege to drive has been revoked may apply for
16 reinstatement of the individual's license or privilege as provided in this subsection.

17 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
18 ADMINISTRATION MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL WHOSE
19 LICENSE WAS REVOKED UNDER § 16-205(E) OF THIS SUBTITLE.

20 21-902.

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

22 (2) A person may not drive or attempt to drive any vehicle while the person
23 is intoxicated per se.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1997.