
By: Senator Boozer

Requested: September 10, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Driver's License - Controlled Dangerous Substance Restriction**

3 FOR the purpose of authorizing the Motor Vehicle Administration, for good cause, to
4 impose a controlled dangerous substance restriction on a licensee which prohibits
5 the licensee from driving or attempting to drive a motor vehicle while having a
6 controlled dangerous substance in the licensee's blood; requiring the
7 Administration to alter a person's driving record and driver's license to reflect that
8 a controlled dangerous substance restriction has been imposed by a court;
9 prohibiting a person from driving a motor vehicle in violation of such a restriction;
10 and generally relating to driving and controlled dangerous substances.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-113
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1996 Supplement)

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

18 **Article - Transportation**

19 16-113.

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

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

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

28 (3) A CONTROLLED DANGEROUS SUBSTANCE RESTRICTION THAT
29 PROHIBITS THE LICENSEE FROM DRIVING OR ATTEMPTING TO DRIVE A MOTOR

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1 VEHICLE WHILE HAVING A CONTROLLED DANGEROUS SUBSTANCE IN THE
2 LICENSEE'S BLOOD; AND

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

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

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

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

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

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

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

18 (i) Issue a special restricted license; or

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

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

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

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

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

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

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

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

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

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

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

13 (2) If a circuit court or a District Court orders a licensee not to drive or
14 attempt to drive a motor vehicle with alcohol OR A CONTROLLED DANGEROUS
15 SUBSTANCE in the licensee's blood, the Administration shall have the licensee's driving
16 record and driver's license reflect that the court ordered restriction was imposed, and
17 shall keep records of the order.

18 (h) An individual may not drive a vehicle in any manner that violates any
19 restriction imposed by the Administration in a restricted license issued to the individual.

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

22 (j) An individual may not drive or attempt to drive a motor vehicle with alcohol
23 OR A CONTROLLED DANGEROUS SUBSTANCE in the individual's blood in violation of a
24 restriction imposed by a court.

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