
By: **Delegate M. Burns**

Introduced and read first time: February 2, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While Intoxicated or Intoxicated Per Se - Mandatory**
3 **Permanent License Revocation for 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
6 to drive a motor vehicle while intoxicated or intoxicated per se; prohibiting the
7 Administration from reinstating the individual's license; prohibiting an
8 individual whose license has been revoked under this Act from applying for
9 reinstatement of a license; making a stylistic change; and generally relating to
10 the revocation of the driver's license of an individual convicted of driving while
11 intoxicated or intoxicated per se for a third time.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 16-205 and 16-208(b)(1)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 21-902(a)
20 Annotated Code of Maryland
21 (1992 Replacement Volume and 1997 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.

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

1 (1) Is convicted under § 21-902(a) or (d) of this article of driving or
2 attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or
3 while under the influence of a controlled dangerous substance; or

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

10 (i) § 21-902(a) of this article of driving or attempting to drive a
11 motor vehicle while intoxicated or while intoxicated per se;

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

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

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

20 (B) (1) THE ADMINISTRATION SHALL REVOKE THE LICENSE OF A PERSON
21 WHO:

22 (I) IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE OF DRIVING
23 OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE INTOXICATED OR INTOXICATED
24 PER SE; AND

25 (II) WAS TWICE PREVIOUSLY CONVICTED OF A VIOLATION OF §
26 21-902(A) OF THIS ARTICLE.

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

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

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

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

3 (2) § 21-902(b) of this article of driving or attempting to drive a motor
4 vehicle while under the influence of alcohol;

5 (3) § 21-902(c) of this article of driving or attempting to drive a motor
6 vehicle while so far under the influence of any drug, any combination of drugs, or a
7 combination of one or more drugs and alcohol that the person cannot drive a motor
8 vehicle safely; or

9 (4) § 21-902(d) of this article of driving or attempting to drive a motor
10 vehicle while under the influence of a controlled dangerous substance.

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

16 16-208.

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

21 21-902.

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1998.