
By: **Delegate M. Burns**
Introduced and read first time: February 2, 1998
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 1998

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Driving While Intoxicated or Intoxicated Per Se - Mandatory**
3 **~~Permanent~~ License Revocation for Third or Subsequent Conviction**

4 FOR the purpose of requiring the Motor Vehicle Administration to revoke for at least
5 a certain period the driver's license of an individual who is convicted for a third
6 or subsequent time of driving or attempting to drive a motor vehicle while
7 intoxicated or intoxicated per se; prohibiting the Administration from
8 reinstating the individual's license until the later of a certain period or when the
9 Medical Advisory Board provides certain advice to the Administration;
10 prohibiting an individual whose license has been revoked under this Act from
11 applying for reinstatement of a license under certain provisions of the Maryland
12 Vehicle Law; making a stylistic change; and generally relating to the revocation
13 of the driver's license of an individual convicted of driving while intoxicated or
14 intoxicated per se for a third or subsequent time.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 16-205 and 16-208(b)(1)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 21-902(a)
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1997 Supplement)

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

3 **Article - Transportation**

4 16-205.

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

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

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

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

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

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

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

25 (B) (1) THE ADMINISTRATION SHALL REVOKE THE LICENSE OF A PERSON
26 WHO:

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

30 (II) ~~WAS TWICE PREVIOUSLY CONVICTED OF A VIOLATION~~ TWO OR
31 MORE VIOLATIONS OF § 21-902(A) OF THIS ARTICLE.

32 (2) THE ADMINISTRATION MAY NOT REINSTATE THE LICENSE OF A
33 PERSON WHOSE LICENSE IS REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION
34 UNTIL THE LATER OF THE FOLLOWING:

35 (I) 5 YEARS FROM THE DATE OF THE LICENSE REVOCATION; OR

1 (II) WHEN THE MEDICAL ADVISORY BOARD ADVISES THE
2 ADMINISTRATION THAT THE DRIVING OF A VEHICLE BY THE PERSON WOULD NOT BE
3 CONTRARY TO THE PUBLIC SAFETY AND WELFARE.

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

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

15 (1) § 21-902(a) of this article of driving or attempting to drive a motor
16 vehicle while intoxicated or while intoxicated per se;

17 (2) § 21-902(b) of this article of driving or attempting to drive a motor
18 vehicle while under the influence of alcohol;

19 (3) § 21-902(c) of this article of driving or attempting to drive a motor
20 vehicle while so far under the influence of any drug, any combination of drugs, or a
21 combination of one or more drugs and alcohol that the person cannot drive a motor
22 vehicle safely; or

23 (4) § 21-902(d) of this article of driving or attempting to drive a motor
24 vehicle while under the influence of a controlled dangerous substance.

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

30 16-208.

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

35 21-902.

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

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

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