HOUSE BILL 410

1998 Regular Session

8lr1494 HB 531/96 - JUD 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 FOR the purpose of requiring the Motor Vehicle Administration to revoke for at least 4 a certain period the driver's license of an individual who is convicted for a third 5 or subsequent time of driving or attempting to drive a motor vehicle while 6 intoxicated or intoxicated per se; prohibiting the Administration from 7 reinstating the individual's license until the later of a certain period or when the 8 Medical Advisory Board provides certain advice to the Administration; 9 10 prohibiting an individual whose license has been revoked under this Act from applying for reinstatement of a license under certain provisions of the Maryland 11 Vehicle Law; making a stylistic change; and generally relating to the revocation 12 of the driver's license of an individual convicted of driving while intoxicated or 13 14 intoxicated per se for a third or subsequent time. 15 BY repealing and reenacting, with amendments, Article - Transportation 16 17 Section 16-205 and 16-208(b)(1) 18 Annotated Code of Maryland (1992 Replacement Volume and 1997 Supplement) 19 20 BY repealing and reenacting, without amendments, Article - Transportation 21

Unofficial Copy

22

23

24

Section 21-902(a)

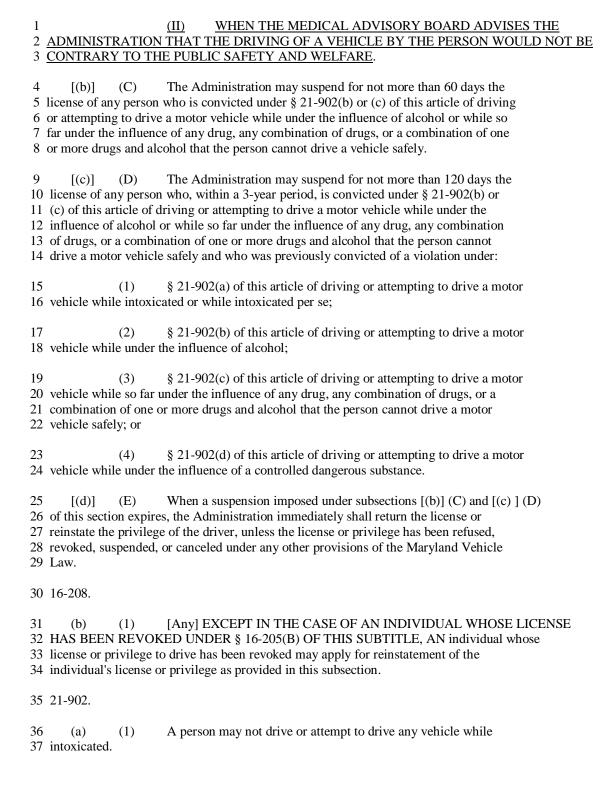
Annotated Code of Maryland

(1992 Replacement Volume and 1997 Supplement)

HOUSE BILL 410

1 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 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:
	(1) Is convicted under § 21-902(a) or (d) of this article of driving or attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or while under the influence of a controlled dangerous substance; or
11 12 13	(2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:
15 16	(i) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while intoxicated or while intoxicated per se;
17 18	(ii) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol;
21	(iii) § 21-902(c) of this article of driving or attempting to drive a motor vehicle while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or
23 24	(iv) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while under the influence of a controlled dangerous substance.
25 26	(B) (1) THE ADMINISTRATION SHALL REVOKE THE LICENSE OF A PERSON WHO:
	(I) IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE OF DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE INTOXICATED OR INTOXICATED PER SE; AND
30 31	(II) WAS TWICE PREVIOUSLY CONVICTED OF A VIOLATION TWO OR MORE VIOLATIONS OF \S 21-902(A) OF THIS ARTICLE.
	(2) THE ADMINISTRATION MAY NOT REINSTATE THE LICENSE OF A PERSON WHOSE LICENSE IS REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNTIL THE LATER OF THE FOLLOWING:
35	(I) 5 YEARS FROM THE DATE OF THE LICENSE REVOCATION; OR

HOUSE BILL 410



- 1 (2) A person 2 person is intoxicated per se. A person may not drive or attempt to drive any vehicle while the
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 1998.