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(PRE-FILED)

By: Senator Boozer	
Requested: August 25.	1997

Introduced and read first time: January 14, 1998

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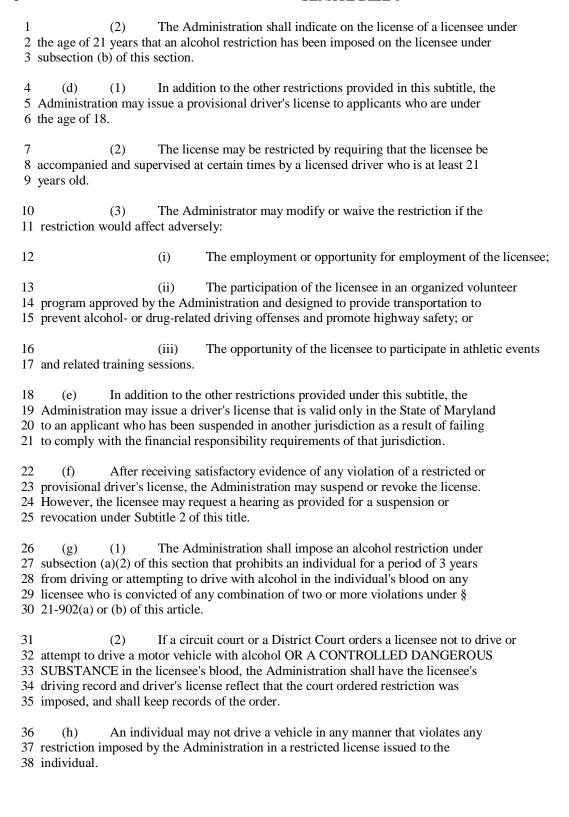
CHAPTER

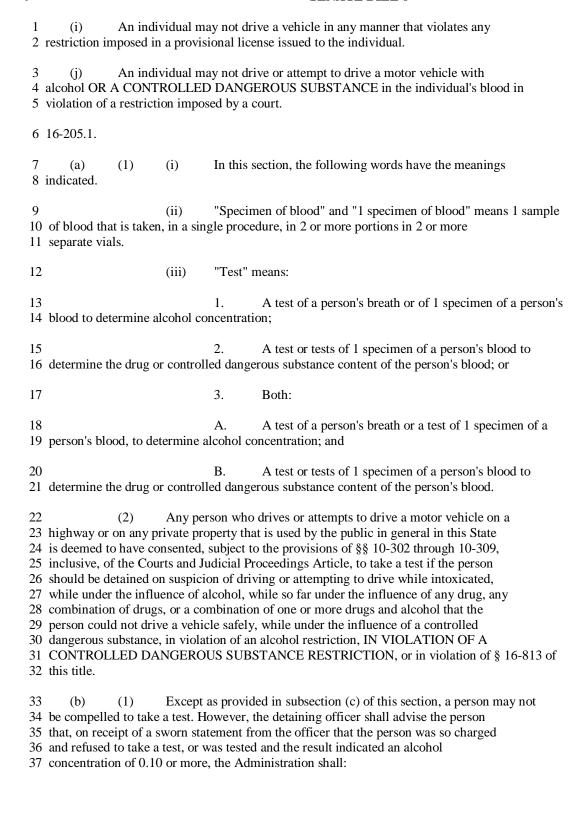
1 AN ACT concerning

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
- 5 prohibits the licensee from driving or attempting to drive a motor vehicle while
- 6 having a controlled dangerous substance in the licensee's blood; requiring the
- Administration to alter a person's driving record and driver's license to reflect
- 8 that 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
- 10 restriction; establishing that any person who drives or attempts to drive a motor
- vehicle on a highway or certain private property in the State is deemed to have
- consented to take a certain test if the person is detained on suspicion of driving
- or attempting to drive in violation of a controlled dangerous substance
- restriction; requiring a police officer to administer a certain test to a certain
- person if the officer has reasonable grounds to believe that the person has been
- driving or attempting to drive a motor vehicle in violation of a controlled
- dangerous substance restriction; requiring certain administrative sanctions if a
- person refuses to take a certain test; authorizing certain hearings; providing for
- 19 certain procedures; and generally relating to driving and controlled dangerous
- 20 substances.
- 21 BY repealing and reenacting, with amendments,
- 22 Article Transportation
- 23 Section 16-113 and 16-205.1(a), (b), and (f)(1), (7), and (8)
- 24 Annotated Code of Maryland
- 25 (1992 Replacement Volume and 1997 Supplement)

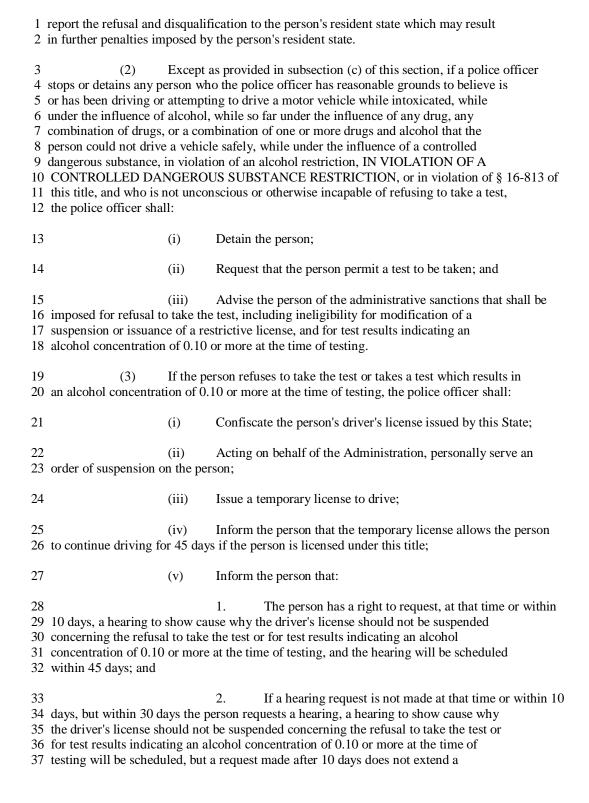
1 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
3			Article - Transportation	
4	16-113.			
			vision and other restrictions provided for in this subtitle, e, the Administration for good cause may impose on the	
	(1) to the type of special r licensee may drive;		rictions suitable to the licensee's driving ability with respect al control devices required on motor vehicles that the	
11 12	(2) attempting to drive a		nol restriction which prohibits the licensee from driving or hicle while having alcohol in the licensee's blood; [and]	
15	PROHIBITS THE LI	CENSEE AVING	TROLLED DANGEROUS SUBSTANCE RESTRICTION THAT E FROM DRIVING OR ATTEMPTING TO DRIVE A MOTOR A CONTROLLED DANGEROUS SUBSTANCE IN THE	
			er restrictions applicable to the licensee that the propriate to assure the safe driving of a motor vehicle	
22 23	shall impose on each prohibits the licensee	licensee from dri	standing the licensee's driving record, the Administration under the age of 21 years an alcohol restriction that ving or attempting to drive a motor vehicle with an or more as determined by an analysis of the person's	
25 26	(2) the licensee reaches the		nol restriction imposed under this subsection expires when 21 years.	
27	(3)	This sub	section may not be construed or applied to limit:	
28 29		(i) scribed in	The authority of the Administration to impose on a licensee an a subsection (a)(2) of this section; or	
30 31		(ii) coholic b	The application of any other provision of law that prohibits everage by an individual under the age of 21 years.	
32 33	(c) (1) Administration may:	Subject 1	to the provisions of paragraph (2) of this subsection, the	
34		(i)	Issue a special restricted license; or	
35		(ii)	Set forth the restrictions on the usual license form.	

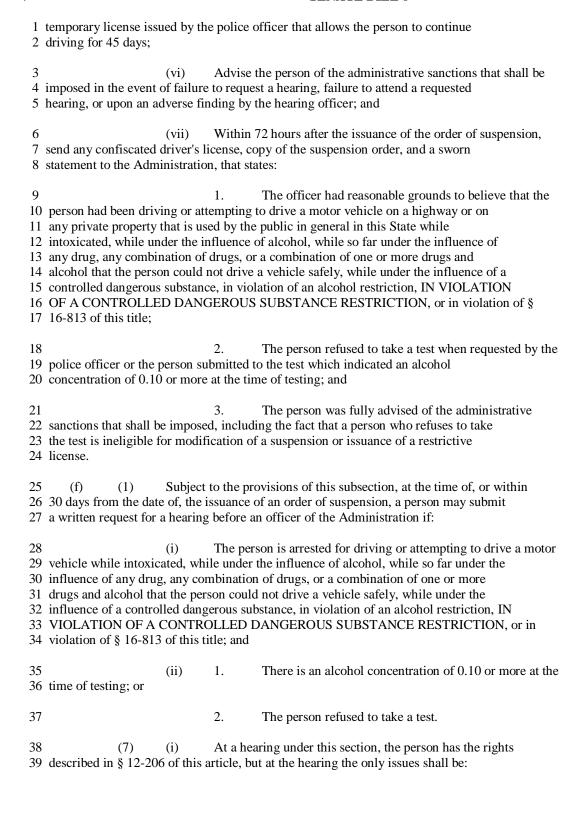




1 (i)	In the	case of a person licensed under this title:
2 3 0.10 or more at the time of t	1. testing:	For a test result indicating an alcohol concentration of
4 5 or	A.	For a first offense, suspend the driver's license for 45 days;
6 7 license for 90 days; or	B.	For a second or subsequent offense, suspend the driver's
8	2.	For a test refusal:
9 10 days; or	A.	For a first offense, suspend the driver's license for 120
11 12 license for 1 year;	B.	For a second or subsequent offense, suspend the driver's
13 (ii)	In the	case of a nonresident or unlicensed person:
14 15 0.10 or more at the time of	1. testing:	For a test result indicating an alcohol concentration of
16 17 for 45 days; or	A.	For a first offense, suspend the person's driving privilege
18 19 driving privilege for 90 day	B.	For a second or subsequent offense, suspend the person's
20	2.	For a test refusal:
21 22 for 120 days; or	A.	For a first offense, suspend the person's driving privilege
23 24 driving privilege for 1 year	B. ; and	For a second or subsequent offense, suspend the person's
	on, in the ca	ition to any applicable driver's license suspensions ase of a person operating a commercial motor
30 transporting hazardous mat	erials requ	Disqualify the person's commercial driver's license for a years for a first offense which occurs while ired to be placarded, and disqualify for life for occurs while operating any commercial motor
33 34 state, disqualify the person	2. s privilege	If the person is licensed as a commercial driver by another to operate a commercial motor vehicle and

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3 4 5 6 7	1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while intoxicated, while under the influence of alcohol, 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 could not drive a vehicle safely, while under the influence of a controlled dangerous substance, in violation of an alcohol restriction, IN VIOLATION OF A CONTROLLED DANGEROUS SUBSTANCE RESTRICTION, or in violation of § 16-813 of this title;
	2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;
14	3. Whether the police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test is ineligible for modification of a suspension or issuance of a restrictive license;
16	4. Whether the person refused to take the test;
17 18	5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.10 or more at the time of testing; or
19 20	6. If the hearing involves disqualification of a commercial driver's license, whether the person was operating a commercial motor vehicle.
	(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal or a test resulting in an alcohol concentration of 0.10 or more at the time of testing.
	(8) (i) After a hearing, the Administration shall suspend the driver's license or privilege to drive of the person charged under subsection (b) or (c) of this section if:
29 30 31 32 33	1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while intoxicated, while under the influence of alcohol, 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 could not drive a vehicle safely, while under the influence of a controlled dangerous substance, in violation of an alcohol restriction, IN VIOLATION OF A CONTROLLED DANGEROUS SUBSTANCE RESTRICTION, or in violation of § 16-813 of this title;
	2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;
38 39	3. The police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed, including the fact

	that a person who refuses to tall or issuance of a restrictive licer		t is inelig	ible for modification of a suspension
3		4.	A.	The person refused to take the test; or
	the test result indicated an alco testing.	B. hol conce		determine alcohol concentration was taken and of 0.10 or more at the time of
7 8	(ii) from driving a commercial mo			ne Administration shall disqualify the person
9 10	motor vehicle;	1.	The pers	on was detained while operating a commercial
13 14 15 16 17	while intoxicated, while under influence of any drug, any con drugs and alcohol that the pers influence of a controlled dang	the influntion the could the could the could be	oerson wa ence of a of drugs, not drive estance, in	ce officer who stopped or detained the person had s driving or attempting to drive lcohol, while so far under the , or a combination of one or more a vehicle safely, while under the a violation of an alcohol restriction, IN OUS SUBSTANCE RESTRICTION, or in
	drug, any combination of drug controlled dangerous substance			as evidence of the use by the person of alcohol, any of one or more drugs and alcohol, or a
22 23	fully advised of the administra	4. itive sanc		ce officer requested a test after the person was shall be imposed; and
24		5.	The pers	on refused to take the test.
27	(iii) Administration shall disqualify this paragraph, but may not imparagraph, if:	y the pers	son in acc	censed to drive a commercial motor vehicle, the ordance with subparagraph (ii) of under subparagraph (i) of this
29 30	motor vehicle;	1.	The pers	on was detained while operating a commercial
			estriction,	ce officer had reasonable grounds to believe the IN VIOLATION OF A CONTROLLED or in violation of § 16-813 of this title;
36 37	believe the driver was driving alcohol, while so far under the	influence rugs and a	oxicated, e of any o alcohol th	ce officer did not have reasonable grounds to driving while under the influence of drug, any combination of drugs, or a last the person could not drive a vehicle ed dangerous substance; and

1		4.	The driver refused to take a test.
4	2 (iv) In the absence of a compelling reason for failure to attend a 3 hearing, failure of a person to attend a hearing is prima facie evidence of the person's 4 inability to answer the sworn statement of the police officer or the test technician or 5 analyst, and the Administration summarily shall:		
6		1.	Suspend the driver's license or privilege to drive; and
7 8	disqualify the person from ope	2. rating a c	If the driver is detained in a commercial motor vehicle, commercial motor vehicle.
9	(v)	The sus	pension imposed shall be:
10 11	0.10 or more at the time of tes	1. ting:	For a test result indicating an alcohol concentration of
12		A.	For a first offense, a suspension for 45 days; or
13 14	days; or	B.	For a second or subsequent offense, a suspension for 90
15		2.	For a test refusal:
16		A.	For a first offense, a suspension for 120 days; or
17 18	year.	B.	For a second or subsequent offense, a suspension for 1
21 22	19 (vi) A disqualification imposed under subparagraph (ii) or (iii) of 20 this paragraph shall be for a period of 1 year for a first offense, 3 years for a first 21 offense which occurs while transporting hazardous material required to be placarded, 22 and life for a second or subsequent offense which occurs while operating or 23 attempting to operate any commercial motor vehicle.		
	(vii) to any modifications, nor may lieu of a disqualification.		alification of a commercial driver's license is not subject ted commercial driver's license be issued in
27 28	(viii) 16-812 (d) of this title.	A disqu	alification for life may be reduced if permitted by §
29 30	SECTION 2. AND BE IT October 1, 1998.	FURTH	ER ENACTED, That this Act shall take effect

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