Unofficial Copy R3 1998 Regular Session 8lr0272

### (PRE-FILED)

By: **Senator Boozer** Requested: August 25, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

#### A BILL ENTITLED

## 1 AN ACT concerning

- 2 Drunk Driving Restricted Driving Privilege Valid Medical Purpose
- 3 FOR the purpose of authorizing the Motor Vehicle Administration to modify certain
- 4 motor vehicle driving privileges of certain persons who are required to drive
- 5 motor vehicles to provide transportation to certain persons for valid medical
- 6 purposes; defining a certain term; and generally relating to restricted driving
- 7 privileges for valid medical purposes.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Transportation
- 10 Section 16-205.1(a)(1) and (n)
- 11 Annotated Code of Maryland
- 12 (1992 Replacement Volume and 1997 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 14 MARYLAND, That the Laws of Maryland read as follows:
- 15 Article Transportation
- 16 16-205.1.
- 17 (a) (1) (i) In this section, the following words have the meanings
- 18 indicated.
- 19 (ii) "IMMEDIATE FAMILY MEMBER" MEANS A LICENSEE'S SPOUSE,
- 20 CHILD, PARENT, STEPCHILD, OR STEPPARENT.
- 21 (III) "Specimen of blood" and "1 specimen of blood" means 1 sample
- 22 of blood that is taken, in a single procedure, in 2 or more portions in 2 or more
- 23 separate vials.
- 24 [(iii)]] (IV) "Test" means:
- 25 1. A test of a person's breath or of 1 specimen of a person's
- 26 blood to determine alcohol concentration;

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| 1 2      | 2. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood; or  |            |            |   |
|----------|---|------------|------------|---|
| 3        |   |            | 3.         | Both:   |
| 4<br>5   | blood, to determine alc   |            |            | A test of a person's breath or of 1 specimen of a person's on; and  |
| 6<br>7   | B. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood.   |            |            |   |
| 8<br>9   | (n) (1) The Administration may modify a suspension under this section or issue a restrictive license if:  |            |            |   |
| 10       | (   | (i)        | The licer  | nsee did not refuse to take a test;   |
| 11<br>12 | during the past 5 years   |            | The licer  | asee has not had a license suspended under this section   |
| 13<br>14 | (iii) The licensee has not been convicted under § 21-902 of this article during the past 5 years; and   |            |            |   |
| 15<br>16 | course of employment  | ` /        | 1.         | The licensee is required to drive a motor vehicle in the  |
| 17<br>18 | 2. The license is required for the purpose of attending an alcoholic prevention or treatment program; [or]  |            |            |   |
|          | transportation availabl   | e to or fi | rom the li | It finds that the licensee has no alternative means of icensee's place of employment and, without a living would be severely impaired; OR |
| 22<br>23 |   | SPORTA     |            | THE LICENSEE IS REQUIRED TO DRIVE A MOTOR VEHICLE FOR A VALID MEDICAL PURPOSE TO:   |
| 24       |   |            | A.         | THE LICENSEE; OR  |
| 25       |   |            | B.         | AN IMMEDIATE FAMILY MEMBER OF THE LICENSEE.   |
|          | (2) In addition to the authority to modify a suspension or issue a restrictive license under paragraph (1) of this subsection, the Administration may modify a suspension under this section or issue a restrictive license if: |            |            |   |
| 29       | (   | (i)        | The licer  | nsee is under the age of 21 years;  |
| 30       | (   | (ii)       | The licer  | nsee did not refuse to take a test;   |
| 31<br>32 | article; and  | (iii)      | The licer  | nsee has not been convicted under § 21-902 of this  |
| 33       | (   | (iv)       | The licer  | nse is required for the purpose of attending:   |

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- 1. A noncollegiate educational institution as defined in §
  2 2-206(a) of the Education Article; or
  3 2. A regular program at an institution of postsecondary
  4 education.
  5 (3) If the licensee refused to take a test, the Administration may not
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 1998.

6 modify a suspension under this section or issue a restrictive license.