
By: **Senators Ruben and Forehand**
Introduced and read first time: February 6, 1998
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving - Second Offenses**

3 FOR the purpose of increasing the penalty that may be imposed on a person who is
4 convicted of a second or subsequent offense of driving while under the influence
5 of any drug, combination of drugs, or combination of one or more drugs and
6 alcohol or of driving while under the influence of a controlled dangerous
7 substance; and generally relating to penalties for drunk and drugged driving.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 27-101(f)
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 21-902 and 27-101(c)(23) through (25) and (q)
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1997 Supplement)

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

20 **Article - Transportation**

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 (b) A person may not drive or attempt to drive any vehicle while under the
27 influence of alcohol.

1 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
2 far under the influence of any drug, any combination of drugs, or a combination of one
3 or more drugs and alcohol that he cannot drive a vehicle safely.

4 (2) It is not a defense to any charge of violating this subsection that the
5 person charged is or was entitled under the laws of this State to use the drug,
6 combination of drugs, or combination of one or more drugs and alcohol, unless the
7 person was unaware that the drug or combination would make him incapable of
8 safely driving a vehicle.

9 (d) A person may not drive or attempt to drive any vehicle while he is under
10 the influence of any controlled dangerous substance, as that term is defined in Article
11 27, § 279 of the Code, if the person is not entitled to use the controlled dangerous
12 substance under the laws of this State.

13 27-101.

14 (c) Any person who is convicted of a violation of any of the provisions of the
15 following sections of this article is subject to a fine of not more than \$500 or
16 imprisonment for not more than 2 months or both:

17 (23) Except as provided in subsection (q) of this section, § 21-902(b)
18 ("Driving while under the influence of alcohol");

19 (24) Except as provided in subsection (q) of this section, § 21-902(c)
20 ("Driving while under influence of drugs or drugs and alcohol");

21 (25) Except as provided in subsection (q) of this section, § 21-902(d)
22 ("Driving while under influence of controlled dangerous substance"); or

23 (f) (1) Any person who is convicted of a violation of any of the provisions of
24 § 14-103 of this article ("Possession of motor vehicle master key"), or of a second or
25 subsequent violation of any of the provisions of § 16-101 of this article ("Drivers must
26 be licensed") or, except as provided in subsection (q) of this section, § 21-902(b) of this
27 article ("Driving while under the influence of alcohol"), § 21-902(C) OF THIS ARTICLE
28 ("DRIVING WHILE UNDER THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL"), OR
29 § 21-902(D) OF THIS ARTICLE ("DRIVING WHILE UNDER THE INFLUENCE OF A
30 CONTROLLED DANGEROUS SUBSTANCE") is subject to a fine of not more than \$500 or
31 imprisonment for not more than 1 year or both.

32 (2) Except as provided in subsection (q) of this section, for the purpose of
33 second or subsequent offender penalties for a violation of § 21-902(b), (C), OR (D) of
34 this article provided under this subsection, a prior conviction of § 21-902(a) of this
35 article ("Driving while intoxicated") shall be considered a conviction of § 21-902(b),
36 (C), OR (D) of this article.

37 (q) (1) Any person who is convicted of a violation of § 21-902(a) of this
38 article and who, at the time of the offense, was transporting a minor is subject to:

1 (i) For a first offense, a fine of not more than \$2,000 or
2 imprisonment for not more than 2 years or both;

3 (ii) For a second offense, a fine of not more than \$3,000 or
4 imprisonment for not more than 3 years or both; and

5 (iii) For a third or subsequent offense, a fine of not more than \$4,000
6 or imprisonment for not more than 4 years or both.

7 (2) Any person who is convicted of a violation of § 21-902(b), § 21-902(c),
8 or § 21-902(d) of this article and who, at the time of the offense, was transporting a
9 minor is subject to:

10 (i) For a first offense, a fine of not more than \$1,000 or
11 imprisonment for not more than 6 months or both; and

12 (ii) For a second or subsequent offense, a fine of not more than
13 \$2,000 or imprisonment for not more than 1 year or both.

14 (3) For the purpose of determining second or subsequent offender
15 penalties provided under this subsection, a prior conviction of any provision of §
16 21-902 of this article that subjected a person to the penalties under this subsection
17 shall be considered a prior conviction.

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