

HOUSE BILL 33

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R3

1999 Regular Session
9lr0458

(PRE-FILED)

By: **Delegate Giannetti**

Requested: November 12, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving - Ignition Interlock System Program Participants - License**
3 **Suspension Modifications**

4 FOR the purpose of authorizing the Motor Vehicle Administration to modify a
5 suspension or issue a restrictive license to a licensee convicted of certain
6 alcohol-related driving offenses if the licensee is a participant in the Ignition
7 Interlock System Program and meets certain conditions; and generally relating
8 to license suspension modifications and restrictive licenses for participants in
9 the Ignition Interlock System Program.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-205
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1998 Supplement)

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

17 **Article - Transportation**

18 16-205.

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

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

23 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
24 article of driving or attempting to drive a motor vehicle while under the influence of
25 alcohol or while so far under the influence of any drug, any combination of drugs, or
26 a combination of one or more drugs and alcohol that the person cannot drive a vehicle

1 safely and who was previously convicted of any combination of two or more violations
2 under:

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

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

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

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

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

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

24 (1) § 21-902(a) of this article of driving or attempting to drive a motor
25 vehicle while intoxicated or while intoxicated per se;

26 (2) § 21-902(b) of this article of driving or attempting to drive a motor
27 vehicle while under the influence of alcohol;

28 (3) § 21-902(c) of this article of driving or attempting to drive a motor
29 vehicle while so far under the influence of any drug, any combination of drugs, or a
30 combination of one or more drugs and alcohol that the person cannot drive a motor
31 vehicle safely; or

32 (4) § 21-902(d) of this article of driving or attempting to drive a motor
33 vehicle while under the influence of a controlled dangerous substance.

34 (D) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER THIS SECTION
35 OR ISSUE A RESTRICTIVE LICENSE TO A LICENSEE WHO PARTICIPATES IN THE
36 IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS
37 TITLE IF:

1 (1) THE LICENSEE IS REQUIRED TO DRIVE A MOTOR VEHICLE IN THE
2 COURSE OF EMPLOYMENT;

3 (2) THE LICENSEE NEEDS THE LICENSE FOR THE PURPOSE OF
4 ATTENDING AN ALCOHOLIC PREVENTION OR TREATMENT PROGRAM; OR

5 (3) THE LICENSEE HAS NO ALTERNATIVE MEANS OF TRANSPORTATION
6 AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF EMPLOYMENT AND, WITHOUT
7 THE LICENSE, THE LICENSEE'S ABILITY TO EARN A LIVING WOULD BE SEVERELY
8 IMPAIRED.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1999.