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By: **Senator Jimeno**  
Introduced and read first time: February 5, 1999  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving - Penalties**

3 FOR the purpose of increasing the penalties for a second or subsequent violation of  
4 certain offenses relating to driving a motor vehicle while under the influence of  
5 drugs or drugs and alcohol, or while under the influence of controlled dangerous  
6 substances; establishing that a prior conviction of certain offenses relating to  
7 driving a motor vehicle while intoxicated or while under the influence of alcohol,  
8 drugs or drugs and alcohol, or controlled dangerous substances are considered  
9 convictions for the purposes of certain second or subsequent offender penalties  
10 for certain violations relating to driving while under the influence of alcohol,  
11 drugs or drugs and alcohol, or controlled dangerous substances; and generally  
12 relating to penalties for certain offenses relating to driving a motor vehicle while  
13 intoxicated or while under the influence of alcohol, drugs or drugs and alcohol,  
14 or controlled dangerous substances.

15 BY repealing and reenacting, without amendments,  
16 Article - Transportation  
17 Section 21-902 and 27-101(q)  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Transportation  
22 Section 27-101(c)(23), (24), and (25) and (f)  
23 Annotated Code of Maryland  
24 (1998 Replacement Volume and 1998 Supplement)

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

1 **Article - Transportation**

2 21-902.

3 (a) (1) A person may not drive or attempt to drive any vehicle while  
4 intoxicated.

5 (2) A person may not drive or attempt to drive any vehicle while the  
6 person is intoxicated per se.

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

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

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

17 (d) A person may not drive or attempt to drive any vehicle while he is under  
18 the influence of any controlled dangerous substance, as that term is defined in Article  
19 27, § 279 of the Code, if the person is not entitled to use the controlled dangerous  
20 substance under the laws of this State.

21 27-101.

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

25 (23) Except as provided in [subsection] SUBSECTIONS (F) AND (q) of this  
26 section, § 21-902(b) ("Driving while under the influence of alcohol");

27 (24) Except as provided in [subsection] SUBSECTIONS (F) AND (q) of this  
28 section, § 21-902(c) ("Driving while under influence of drugs or drugs and alcohol");

29 (25) Except as provided in [subsection] SUBSECTIONS (F) AND (q) of this  
30 section, § 21-902(d) ("Driving while under influence of controlled dangerous  
31 substance"); or

32 (f) (1) [Any person who is convicted of a violation of any of the provisions of  
33 § 14-103 of this article ("Possession of motor vehicle master key"), or of a second or  
34 subsequent violation of any of the provisions of § 16-101 of this article ("Drivers must  
35 be licensed") or, except as provided in subsection (q) of this section, § 21-902(b) of this  
36 article ("Driving while under the influence of alcohol") is subject to a fine of not more  
37 than \$500 or imprisonment for not more than 1 year or both.] A PERSON IS SUBJECT

1 TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR  
2 BOTH, IF THE PERSON IS CONVICTED OF:

3 (I) A VIOLATION OF § 14-103 OF THIS ARTICLE ("POSSESSION OF  
4 MOTOR VEHICLE MASTER KEY"); OR

5 (II) A SECOND OR SUBSEQUENT VIOLATION OF:

6 1. § 16-101 OF THIS ARTICLE ("DRIVERS MUST BE LICENSED");  
7 OR

8 2. EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS  
9 SECTION:

10 A. § 21-902(B) OF THIS ARTICLE ("DRIVING WHILE UNDER  
11 THE INFLUENCE OF ALCOHOL");

12 B. § 21-902(C) OF THIS ARTICLE ("DRIVING WHILE UNDER  
13 THE INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL"); OR

14 C. § 21-902(D) OF THIS ARTICLE ("DRIVING WHILE UNDER  
15 THE INFLUENCE OF CONTROLLED DANGEROUS SUBSTANCE").

16 (2) Except as provided in subsection (q) of this section, for the purpose of  
17 second or subsequent offender penalties for a violation of § 21-902(b) of this article  
18 provided under PARAGRAPH (1) OF this subsection, a prior conviction of § 21-902(a)  
19 [of this article ("Driving while intoxicated")], § 21-902(C), OR § 21-902(D) OF THIS  
20 ARTICLE shall be considered a conviction of § 21-902(b) of this article.

21 (3) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, FOR  
22 THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES FOR A  
23 VIOLATION OF § 21-902(C) OF THIS ARTICLE PROVIDED UNDER PARAGRAPH (1) OF  
24 THIS SUBSECTION, A PRIOR CONVICTION OF § 21-902(A), § 21-902(B), OR § 21-902(D) OF  
25 THIS ARTICLE SHALL BE CONSIDERED A CONVICTION OF § 21-902(C) OF THIS  
26 ARTICLE.

27 (4) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION, FOR  
28 THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES FOR A  
29 VIOLATION OF § 21-902(D) OF THIS ARTICLE PROVIDED UNDER PARAGRAPH (1) OF  
30 THIS SUBSECTION, A PRIOR CONVICTION OF § 21-902(A), § 21-902(B), OR § 21-902(C) OF  
31 THIS ARTICLE SHALL BE CONSIDERED A CONVICTION OF § 21-902(D) OF THIS  
32 ARTICLE.

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

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

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

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

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

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

10 (ii) For a second or subsequent offense, a fine of not more than  
11 \$2,000 or imprisonment for not more than 1 year or both.

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

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