
By: **Senator Jimeno**
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Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 23, 1999

CHAPTER_____

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)

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

3 **Article - Transportation**

4 21-902.

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

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

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

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

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

19 (d) A person may not drive or attempt to drive any vehicle while he is under
20 the influence of any controlled dangerous substance, as that term is defined in Article
21 27, § 279 of the Code, if the person is not entitled to use the controlled dangerous
22 substance under the laws of this State.

23 27-101.

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

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

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

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

34 (f) (1) [Any person who is convicted of a violation of any of the provisions of
35 § 14-103 of this article ("Possession of motor vehicle master key"), or of a second or
36 subsequent violation of any of the provisions of § 16-101 of this article ("Drivers must

1 be licensed") or, except as provided in subsection (q) of this section, § 21-902(b) of this
2 article ("Driving while under the influence of alcohol") is subject to a fine of not more
3 than \$500 or imprisonment for not more than 1 year or both.] A PERSON IS SUBJECT
4 TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR
5 BOTH, IF THE PERSON IS CONVICTED OF:

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

8 (II) A SECOND OR SUBSEQUENT VIOLATION OF:

9 1. § 16-101 OF THIS ARTICLE ("DRIVERS MUST BE LICENSED");
10 OR

11 2. EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS
12 SECTION:

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

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

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

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

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

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

36 (q) (1) Any person who is convicted of a violation of § 21-902(a) of this
37 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, 1999.