
By: **Delegate Giannetti**

Introduced and read first time: February 10, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk Driving - Suspension of Driver's License**

3 FOR the purpose of altering certain provisions concerning the suspension of an
4 individual's driver's license under certain circumstances to provide that the
5 suspension may be for not more than a certain period of time; and generally
6 relating to drunk driving and the suspension of a driver's license.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 16-205.1(b)(1) and (f)(4) and (8)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)

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

14 **Article - Transportation**

15 16-205.1.

16 (b) (1) Except as provided in subsection (c) of this section, a person may not
17 be compelled to take a test. However, the detaining officer shall advise the person
18 that, on receipt of a sworn statement from the officer that the person was so charged
19 and refused to take a test, or was tested and the result indicated an alcohol
20 concentration of 0.10 or more, the Administration shall:

21 (i) In the case of a person licensed under this title:

22 1. For a test result indicating an alcohol concentration of
23 0.10 or more at the time of testing:

24 A. For a first offense, suspend the driver's license for NOT
25 MORE THAN 45 days; or

26 B. For a second or subsequent offense, suspend the driver's
27 license for NOT MORE THAN 90 days; or

- 1 B. For a second or subsequent offense, for FOR NOT MORE
2 THAN 90 days; or
- 3 2. For a test refusal:
- 4 A. For a first offense, for NOT MORE THAN 120 days; or
- 5 B. For a second offense or subsequent offense, for NOT MORE
6 THAN 1 year; and
- 7 (ii) 1. In the case of a person operating a commercial motor
8 vehicle who refuses to take a test, disqualify the person's commercial driver's license
9 for [a period of] NOT MORE THAN 1 year for a first offense, NOT MORE THAN 3 years
10 for a first offense which occurs while transporting hazardous materials required to be
11 placarded, and for life for a second or subsequent offense which occurs while
12 operating any commercial vehicle; or
- 13 2. In the case of a person operating a commercial motor
14 vehicle who refuses to take a test, and who is licensed as a commercial driver by
15 another state, disqualify the person's privilege to operate a commercial motor vehicle
16 in this State and report the refusal and disqualification to the person's resident state
17 which may result in further penalties imposed by the person's resident state.
- 18 (8) (i) After a hearing, the Administration shall suspend the driver's
19 license or privilege to drive of the person charged under subsection (b) or (c) of this
20 section if:
- 21 1. The police officer who stopped or detained the person had
22 reasonable grounds to believe the person was driving or attempting to drive while
23 intoxicated, while under the influence of alcohol, while so far under the influence of
24 any drug, any combination of drugs, or a combination of one or more drugs and
25 alcohol that the person could not drive a vehicle safely, while under the influence of a
26 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
27 § 16-813 of this title;
- 28 2. There was evidence of the use by the person of alcohol, any
29 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
30 controlled dangerous substance;
- 31 3. The police officer requested a test after the person was
32 fully advised of the administrative sanctions that shall be imposed, including the fact
33 that a person who refuses to take the test is ineligible for modification of a suspension
34 or issuance of a restrictive license under subsection (n)(1) and (2) of this section; and
- 35 4. A. The person refused to take the test; or
- 36 B. A test to determine alcohol concentration was taken and
37 the test result indicated an alcohol concentration of 0.10 or more at the time of
38 testing.

1 (ii) After a hearing, the Administration shall disqualify the person
2 from driving a commercial motor vehicle if:

3 1. The person was detained while operating a commercial
4 motor vehicle;

5 2. The police officer who stopped or detained the person had
6 reasonable grounds to believe that the person was driving or attempting to drive
7 while intoxicated, while under the influence of alcohol, while so far under the
8 influence of any drug, any combination of drugs, or a combination of one or more
9 drugs and alcohol that the person could not drive a vehicle safely, while under the
10 influence of a controlled dangerous substance, in violation of an alcohol restriction, or
11 in violation of § 16-813 of this title;

12 3. There was evidence of the use by the person of alcohol, any
13 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
14 controlled dangerous substance;

15 4. The police officer requested a test after the person was
16 fully advised of the administrative sanctions that shall be imposed; and

17 5. The person refused to take the test.

18 (iii) If the person is licensed to drive a commercial motor vehicle, the
19 Administration shall disqualify the person in accordance with subparagraph (ii) of
20 this paragraph, but may not impose a suspension under subparagraph (i) of this
21 paragraph, if:

22 1. The person was detained while operating a commercial
23 motor vehicle;

24 2. The police officer had reasonable grounds to believe the
25 person was in violation of an alcohol restriction or in violation of § 16-813 of this title;

26 3. The police officer did not have reasonable grounds to
27 believe the driver was driving while intoxicated, driving while under the influence of
28 alcohol, while so far under the influence of any drug, any combination of drugs, or a
29 combination of one or more drugs and alcohol that the person could not drive a vehicle
30 safely, or while under the influence of a controlled dangerous substance; and

31 4. The driver refused to take a test.

32 (iv) In the absence of a compelling reason for failure to attend a
33 hearing, failure of a person to attend a hearing is prima facie evidence of the person's
34 inability to answer the sworn statement of the police officer or the test technician or
35 analyst, and the Administration summarily shall:

36 1. Suspend the driver's license or privilege to drive; and

