

SENATE BILL 70

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R4

2000 Regular Session
0lr0065

(PRE-FILED)

By: **Senator Miller**

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Issuance of Identification Card**

3 FOR the purpose of authorizing the Motor Vehicle Administration to issue an
4 identification card to certain individuals whose driver's licenses have been
5 confiscated under certain circumstances; and generally relating to the issuance
6 of identification cards by the Motor Vehicle Administration.

7 BY repealing and reenacting, without amendments,
8 Article - Transportation
9 Section 12-301(a) and 16-205.1(b)(3)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 12-301(k)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 Supplement)

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

19 **Article - Transportation**

20 12-301.

21 (a) On application, the Administration shall issue an identification card to any
22 individual who:

23 (1) Is a resident of this State;

24 (2) Does not have a driver's license;

1 (3) Presents a birth certificate or other proof of age and identity
2 acceptable to the Administration; and

3 (4) Presents a completed application for an identification card on a form
4 furnished by the Administration.

5 (k) The Administrator may issue an identification card to an applicant:

6 (1) [whose] WHOSE privilege to drive has been refused, canceled,
7 suspended, or revoked[.]; OR

8 (2) WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER §
9 16-205.1(B)(3)(III) OF THIS ARTICLE.

10 16-205.1.

11 (b) (3) If the person refuses to take the test or takes a test which results in
12 an alcohol concentration of 0.10 or more at the time of testing, the police officer shall:

13 (i) Confiscate the person's driver's license issued by this State;

14 (ii) Acting on behalf of the Administration, personally serve an
15 order of suspension on the person;

16 (iii) Issue a temporary license to drive;

17 (iv) Inform the person that the temporary license allows the person
18 to continue driving for 45 days if the person is licensed under this title;

19 (v) Inform the person that:

20 1. The person has a right to request, at that time or within
21 10 days, a hearing to show cause why the driver's license should not be suspended
22 concerning the refusal to take the test or for test results indicating an alcohol
23 concentration of 0.10 or more at the time of testing, and the hearing will be scheduled
24 within 45 days; and

25 2. If a hearing request is not made at that time or within 10
26 days, but within 30 days the person requests a hearing, a hearing to show cause why
27 the driver's license should not be suspended concerning the refusal to take the test or
28 for test results indicating an alcohol concentration of 0.10 or more at the time of
29 testing will be scheduled, but a request made after 10 days does not extend a
30 temporary license issued by the police officer that allows the person to continue
31 driving for 45 days;

32 (vi) Advise the person of the administrative sanctions that shall be
33 imposed in the event of failure to request a hearing, failure to attend a requested
34 hearing, or upon an adverse finding by the hearing officer; and

1 (vii) Within 72 hours after the issuance of the order of suspension,
2 send any confiscated driver's license, copy of the suspension order, and a sworn
3 statement to the Administration, that states:

4 1. The officer had reasonable grounds to believe that the
5 person had been driving or attempting to drive a motor vehicle on a highway or on
6 any private property that is used by the public in general in this State while
7 intoxicated, while under the influence of alcohol, while so far under the influence of
8 any drug, any combination of drugs, or a combination of one or more drugs and
9 alcohol that the person could not drive a vehicle safely, while under the influence of a
10 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
11 § 16-813 of this title;

12 2. The person refused to take a test when requested by the
13 police officer or the person submitted to the test which indicated an alcohol
14 concentration of 0.10 or more at the time of testing; and

15 3. The person was fully advised of the administrative
16 sanctions that shall be imposed, including the fact that a person who refuses to take
17 the test is ineligible for modification of a suspension or issuance of a restrictive
18 license under subsection (n)(1) or (2) of this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.