

SENATE BILL 70

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2000 Regular Session  
0lr0065

(PRE-FILED)

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By: **Senator Miller**

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2000

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CHAPTER \_\_\_\_\_

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:

1 **Article - Transportation**

2 12-301.

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

5 (1) Is a resident of this State;

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

7 (3) Presents a birth certificate or other proof of age and identity  
8 acceptable to the Administration; and9 (4) Presents a completed application for an identification card on a form  
10 furnished by the Administration.

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

12 (1) [whose] WHOSE privilege to drive has been refused, canceled,  
13 suspended, or revoked[.]; OR14 (2) WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER §  
15 16-205.1(B)(3)(III) OF THIS ARTICLE.

16 16-205.1.

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

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

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

22 (iii) Issue a temporary license to drive;

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

25 (v) Inform the person that:

26 1. The person has a right to request, at that time or within  
27 10 days, a hearing to show cause why the driver's license should not be suspended  
28 concerning the refusal to take the test or for test results indicating an alcohol  
29 concentration of 0.10 or more at the time of testing, and the hearing will be scheduled  
30 within 45 days; and31 2. If a hearing request is not made at that time or within 10  
32 days, but within 30 days the person requests a hearing, a hearing to show cause why  
33 the driver's license should not be suspended concerning the refusal to take the test or

1 for test results indicating an alcohol concentration of 0.10 or more at the time of  
2 testing will be scheduled, but a request made after 10 days does not extend a  
3 temporary license issued by the police officer that allows the person to continue  
4 driving for 45 days;

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

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

11 1. The officer had reasonable grounds to believe that the  
12 person had been driving or attempting to drive a motor vehicle on a highway or on  
13 any private property that is used by the public in general in this State while  
14 intoxicated, while under the influence of alcohol, while so far under the influence of  
15 any drug, any combination of drugs, or a combination of one or more drugs and  
16 alcohol that the person could not drive a vehicle safely, while under the influence of a  
17 controlled dangerous substance, in violation of an alcohol restriction, or in violation of  
18 § 16-813 of this title;

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

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

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