

BY: Commerce and Government Matters Committee

AMENDMENTS TO SENATE BILL NO. 5

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike the second “Licenses -” and substitute “License”; in line 4, after “impose” insert “certain restrictions”; strike beginning with “issued” in line 5 down through “restrictions” in line 6; strike beginning with “limiting” in line 8 down through “date” in line 9 and substitute “providing a certain exception relating to certain individuals covered by medical exceptions; providing for the prospective application of this Act”; and strike beginning with “are” in line 10 down through “who” in line 11.

On page 1, in line 12, strike “without” and substitute “with”; in line 14, strike “(d)”; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“(a) (1) In addition to the vision and other restrictions provided for in this subtitle, when it issues a driver’s license, the Administration for good cause may impose on the licensee:

(i) Any restrictions suitable to the licensee’s driving ability with respect to the type of special mechanical control devices required on motor vehicles that the licensee may drive;

(ii) An alcohol restriction which prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee’s blood; and

(iii) Any other restrictions applicable to the licensee that the Administration determines appropriate to assure the safe driving of a motor vehicle by the licensee.

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(2) An alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood may, as described in subsections (b) and [(g)](H) of this section, include a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a participant in the Ignition Interlock System Program established under § 16-404.1 of this title.

(b) (1) Notwithstanding the licensee's driving record, the Administration shall impose on each licensee under the age of 21 years an alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle with an alcohol concentration of 0.02 or more as determined by an analysis of the licensee's blood or breath.

(2) An alcohol restriction imposed under this subsection expires when the licensee reaches the age of 21 years.

(3) This subsection may not be construed or applied to limit:

(i) The authority of the Administration to impose on a licensee an alcohol restriction described in subsection (a)(2) of this section; or

(ii) The application of any other provision of law that prohibits consumption of an alcoholic beverage by an individual under the age of 21 years.

(4) An individual under the age of 21 years who is convicted of a violation of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than 3 years, to participate in the Ignition Interlock System Program in order to retain the individual's driver's license.

(c) (1) Subject to the provisions of paragraph (2) of this subsection, the Administration may:

(i) Issue a special restricted license; or

(ii) Set forth the restrictions on the usual license form.

(2) The Administration shall indicate on the license of a licensee under the age of

21 years that an alcohol restriction has been imposed on the licensee under subsection (b) of this section.”;

and in line 28, strike “(D-1)” and substitute “(E)”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 7 through 9, inclusive, and substitute:

“(e)1 (F) (1) In addition to the other restrictions provided under this subtitle, the Administration may issue:

(i) A driver’s license that is valid only in the State of Maryland to an applicant who has been suspended in another jurisdiction as a result of failing to comply with the financial responsibility requirements of that jurisdiction; or

(ii) A temporary driver’s license that is valid only in the State of Maryland to an applicant for reinstatement of a suspended or revoked driver’s license, renewal of a driver’s license, or a duplicate or corrected driver’s license if, at the time of application:

1. The applicant’s privilege to drive in another jurisdiction is revoked or suspended as a result of failing to comply with the licensing requirements of that jurisdiction for which a comparable violation in this State would not have resulted in revocation or suspension;

2. The initial violation that led to the revocation or suspension did not occur within the preceding 5 years;

3. The applicant is otherwise qualified to be licensed in this State;
and

4. The Administration determines that the applicant will be able

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to take any actions required by the other jurisdiction for reinstatement of the privilege to drive in that jurisdiction.

(2) A temporary license issued under paragraph (1) of this subsection shall be valid for 90 days.

(3) The Administration shall adopt regulations for the issuance of temporary licenses under paragraph (1) of this subsection.

~~[(f)]~~ (G) After receiving satisfactory evidence of any violation of a restricted or provisional driver's license, the Administration may suspend or revoke the license. However, the licensee may request a hearing as provided for a suspension or revocation under Subtitle 2 of this title.

~~[(g)]~~ (H) (1) The Administration shall impose an alcohol restriction under subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years from driving or attempting to drive with alcohol in the individual's blood on any licensee who is convicted within 5 years of any combination of two or more violations under § 21-902(a), (b), or (c) of this article.

(2) If a circuit court or the District Court orders a licensee not to drive or attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under § 27-107 of this article, the licensee to participate in the Ignition Interlock System Program established under § 16-404.1 of this title, the Administration shall have the licensee's driving record and driver's license reflect that the court ordered restriction was imposed, and shall keep records of the order.

~~[(h)]~~ (I) An individual may not drive a vehicle in any manner that violates any restriction imposed by the Administration in a restricted license issued to the individual.

~~[(i)]~~ (J) An individual may not drive a vehicle in any manner that violates any restriction imposed in a provisional license issued to the individual.

~~[(j)]~~ (K) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual's blood in violation of a restriction imposed by a court.”;

and strike beginning with the second comma in line 25 down through “1” in line 29 and substitute “this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any provisional driver’s license issued before the effective date”.