

HOUSE BILL 3

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2001 Regular Session  
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(PRE-FILED)

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By: Delegates D. Davis, Taylor, Dewberry, Hurson, Busch, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, and Rosenberg Rosenberg, Barkley, Barve, Bobo, Bozman, Bronrott, Burns, Cane, Carlson, Clagett, Conway, D'Amato, Dypski, Frush, Goldwater, Grosfeld, Hecht, Heller, James, A. Jones, V. Jones, Krysiak, Love, Mandel, McIntosh, Moe, Morhaim, Nathan-Pulliam, Pendergrass, Petzold, Pitkin, Riley, Rosso, Rudolph, Sher, Shriver, Stern, and Turner

Requested: November 15, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 1, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcohol Concentration - "0.08"**

3 FOR the purpose of reducing the level of alcohol concentration required for a  
4 determination of being ~~intoxicated per se~~ in violation of certain alcohol-related  
5 offenses; making conforming changes to the level of alcohol concentration  
6 concerning a certain presumption of being ~~under the influence of alcohol in~~  
7 violation of a certain alcohol-related driving offense; expanding the applicability  
8 of certain evidentiary provisions concerning alcohol concentration levels to  
9 juvenile and civil proceedings; reducing the level of alcohol concentration for a  
10 certain administrative offense that results in the suspension of a driver's license  
11 under certain circumstances; ~~reducing the level of alcohol concentration~~  
12 ~~required for the crime of homicide by motor vehicle or vessel while intoxicated~~  
13 ~~per se and for the crime of life threatening injury by motor vehicle or vessel~~  
14 ~~while intoxicated per se~~ altering certain terminology concerning certain  
15 alcohol-related and drug-related offenses; making stylistic changes; providing  
16 for the application of this Act; providing for the construction of this Act;  
17 providing for the effective date of this Act; and generally relating to certain  
18 alcohol concentration levels and certain proceedings.

19 BY repealing and reenacting, without amendments,  
20 Article 1 - Rules of Interpretation

1 Section 3  
 2 Annotated Code of Maryland  
 3 (1998 Replacement Volume and 2000 Supplement)

4 BY repealing and reenacting, ~~without~~ with amendments,  
 5 Article 27 - Crimes and Punishments  
 6 ~~Section 388A(a)(1) and 388B(a)(1)~~  
 7 Section 388A and 388B  
 8 Annotated Code of Maryland  
 9 (1996 Replacement Volume and 2000 Supplement)

10 ~~BY repealing and reenacting, with amendments,~~  
 11 ~~Article 27—Crimes and Punishments~~  
 12 ~~Section 388A(a)(2) and 388B(a)(2)~~  
 13 ~~Annotated Code of Maryland~~  
 14 ~~(1996 Replacement Volume and 2000 Supplement)~~

15 BY repealing and reenacting, with amendments,  
 16 Article - Courts and Judicial Proceedings  
 17 Section 10-307, 3-806(c), 10-307, and 10-308(a) and (b)(1)  
 18 Annotated Code of Maryland  
 19 (1998 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,  
 21 Article - Health - General  
 22 Section 8-401(a)(3)(i)1.  
 23 Annotated Code of Maryland  
 24 (2000 Replacement Volume)

25 BY repealing and reenacting, with amendments,  
 26 Article - Natural Resources  
 27 Section 8-738(a) and (b) and 8-740(b)(3)  
 28 Annotated Code of Maryland  
 29 (2000 Replacement Volume)

30 BY repealing and reenacting, with amendments,  
 31 Article - Transportation  
 32 ~~Section 11-127.1, 16-117(b)(2) and (5), and 16-205.1(a)(1), (b), (f)(1), (4)(i), (7),~~  
 33 ~~and (8)(i) and (v), and (h)~~  
 34 Section 11-127.1, 16-117(b)(2) and (5), 16-205(a), (b), (c), and (d), 16-205.1(a),  
 35 (b), (c)(1), (d)(1), (f)(1), (4)(i), (7), and (8)(i), (ii), (iii), and (v), and (h),  
 36 16-205.2(a), 16-402(a)(23) and (32), 18-105, 21-902, 26-202(a)(3)(i) and  
 37 (ii), 26-404(f)(2), 26-405, 27-101(c)(23), (24), and (25), (f)(1)(ii)2., and (k),  
 38 and 27-107(b)

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2000 Supplement)

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

5 **Article 1 - Rules of Interpretation**

6 3.

7 The repeal, or the repeal and reenactment, or the revision, amendment or  
8 consolidation of any statute, or of any section or part of a section of any statute, civil  
9 or criminal, shall not have the effect to release, extinguish, alter, modify or change, in  
10 whole or in part, any penalty, forfeiture or liability, either civil or criminal, which  
11 shall have been incurred under such statute, section or part thereof, unless the  
12 repealing, repealing and reenacting, revising, amending or consolidating act shall  
13 expressly so provide; and such statute, section or part thereof, so repealed, repealed  
14 and reenacted, revised, amended or consolidated, shall be treated and held as still  
15 remaining in force for the purpose of sustaining any and all proper actions, suits,  
16 proceedings or prosecutions, civil or criminal, for the enforcement of such penalty,  
17 forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or  
18 order which can or may be rendered, entered or made in such actions, suits,  
19 proceedings or prosecutions imposing, inflicting or declaring such penalty, forfeiture  
20 or liability.

21 **Article 27 - Crimes and Punishments**

22 388A.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) (i) "~~Intoxicated~~ UNDER THE INFLUENCE per se" means an alcohol  
25 concentration at the time of testing of [0.10] 0.08 or more as measured by grams of  
26 alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

27 (ii) If the alcohol concentration is measured by milligrams of  
28 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a  
29 court shall convert the measurement into grams of alcohol per 100 milliliters of blood  
30 by dividing the measurement by 1000.

31 (3) "[Under the influence of] IMPAIRED BY alcohol" has the meaning  
32 indicated in and is subject to the same presumptions and evidentiary rules of §  
33 10-307 of the Courts Article regarding driving while [under the influence of]  
34 IMPAIRED BY alcohol under § 21-902(b) of the Transportation Article.

35 (4) "[Under the influence of] IMPAIRED BY drugs" means so far [under  
36 the influence of] IMPAIRED BY a drug, a combination of drugs, or a combination of one  
37 or more drugs and alcohol that a person cannot drive, operate, or control a motor  
38 vehicle or vessel safely.

1           (5)       "[Under the influence of] IMPAIRED BY a controlled dangerous  
2 substance" means [under the influence of] IMPAIRED BY a controlled dangerous  
3 substance, as that term is defined in § 279 of this article, if the person is not entitled  
4 to use the controlled dangerous substance under the laws of this State.

5       (b)       Any person causing the death of another as the result of the person's  
6 negligent driving, operation, or control of a motor vehicle or vessel while [intoxicated  
7 or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF  
8 ALCOHOL per se is guilty of a felony to be known as "homicide by motor vehicle or  
9 vessel while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE  
10 INFLUENCE OF ALCOHOL PER SE", and the person so convicted shall be punished by  
11 imprisonment for not more than 5 years, or by fine of not more than \$5,000 or both  
12 fine and imprisonment.

13       (c)       A person who causes the death of another as the result of the person's  
14 negligent driving, operation, or control of a motor vehicle or vessel while [under the  
15 influence of alcohol] IMPAIRED BY ALCOHOL is guilty of a felony to be known as  
16 "homicide by motor vehicle or vessel while [under the influence] IMPAIRED BY  
17 ALCOHOL", and on conviction shall be punished by imprisonment for not more than 3  
18 years or a fine of not more than \$5,000 or both.

19       (d)       (1)       A person who causes the death of another as the result of the person's  
20 negligent driving, operation, or control of a motor vehicle or vessel while [under the  
21 influence of] IMPAIRED BY drugs is guilty of a felony to be known as "homicide by  
22 motor vehicle or vessel while [under the influence of] IMPAIRED BY drugs", and on  
23 conviction shall be punished by imprisonment for not more than 3 years or a fine of  
24 not more than \$5,000 or both.

25               (2)       It is not a defense to any charge of violating this subsection that the  
26 person charged is or was entitled under the laws of this State to use the drug,  
27 combination of drugs, or combination of one or more drugs and alcohol, unless the  
28 person was unaware that the drug or combination would make the person incapable  
29 of safely driving, operating, or controlling a motor vehicle or vessel.

30       (e)       A person who causes the death of another as the result of the person's  
31 negligent driving, operation, or control of a motor vehicle or vessel while [under the  
32 influence of] IMPAIRED BY a controlled dangerous substance is guilty of a felony to be  
33 known as "homicide by motor vehicle or vessel while [under the influence of]  
34 IMPAIRED BY a controlled dangerous substance", and on conviction shall be punished  
35 by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

36       (f)       (1)       In any indictment, information, or other charging document under  
37 this section, it is not necessary to set forth the manner and means of death.

38               (2)       It shall be sufficient to use a formula substantially to the following  
39 effect:

40                   (i)       "That A-B on the ..... day of ....., [nineteen hundred]  
41 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while

1 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, did kill C-D, against the peace,  
 2 government, and dignity of the State.";

3 (ii) "That A-B on the ..... day of ....., [nineteen hundred]  
 4 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while  
 5 [under the influence of alcohol] IMPAIRED BY ALCOHOL, did kill C-D, against the  
 6 peace, government, and dignity of the State.";

7 (iii) "That A-B on the ..... day of ....., [nineteen hundred]  
 8 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while  
 9 [under the influence of] IMPAIRED BY drugs, did kill C-D, against the peace,  
 10 government, and dignity of the State."; or

11 (iv) "That A-B on the ..... day of ....., [nineteen hundred]  
 12 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while  
 13 [under the influence of] IMPAIRED BY a controlled dangerous substance, did kill C-D,  
 14 against the peace, government, and dignity of the State.".

15 (g) The clerk of the court shall notify the Motor Vehicle Administration of each  
 16 person convicted under this section of an offense involving a motor vehicle.

17 388B.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) (i) "~~Intoxicated~~ UNDER THE INFLUENCE per se" means an alcohol  
 20 concentration at the time of testing of [0.10] 0.08 or more as measured by grams of  
 21 alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

22 (ii) If the alcohol concentration is measured by milligrams of  
 23 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a  
 24 court shall convert the measurement into grams of alcohol per 100 milliliters of blood  
 25 by dividing the measurement by 1000.

26 (3) "[Under the influence of] IMPAIRED BY alcohol" has the meaning  
 27 indicated in and is subject to the same presumptions and evidentiary rules of §  
 28 10-307 of the Courts Article regarding driving while [under the influence of]  
 29 IMPAIRED BY alcohol under § 21-902(b) of the Transportation Article.

30 (4) "[Under the influence of] IMPAIRED BY drugs" means so far [under  
 31 the influence of] IMPAIRED BY a drug, a combination of drugs, or a combination of one  
 32 or more drugs and alcohol that a person cannot drive, operate, or control a motor  
 33 vehicle or vessel safely.

34 (5) "[Under the influence of] IMPAIRED BY a controlled dangerous  
 35 substance" means [under the influence of] IMPAIRED BY a controlled dangerous  
 36 substance, as that term is defined in § 279 of this article, if the person is not entitled  
 37 to use the controlled dangerous substance under the laws of this State.

1 (b) A person who causes a life threatening injury to another as a result of the  
 2 person's negligent driving, operation, or control of a motor vehicle or vessel while  
 3 [intoxicated or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE  
 4 INFLUENCE OF ALCOHOL per se is guilty of a misdemeanor to be known as "life  
 5 threatening injury by motor vehicle or vessel while [intoxicated or intoxicated]  
 6 UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL per  
 7 se", and on conviction the person shall be punished by imprisonment for not more  
 8 than 3 years or a fine of not more than \$5,000 or both.

9 (c) A person who causes a life threatening injury to another as a result of the  
 10 person's negligent driving, operation, or control of a motor vehicle or vessel while  
 11 [under the influence of] IMPAIRED BY alcohol is guilty of a misdemeanor to be known  
 12 as "life threatening injury by motor vehicle or vessel while [under the influence of]  
 13 IMPAIRED BY alcohol", and on conviction the person shall be punished by  
 14 imprisonment for not more than 2 years or a fine of not more than \$3,000 or both.

15 (d) A person who causes a life threatening injury to another as a result of the  
 16 person's negligent driving, operation, or control of a motor vehicle or vessel while  
 17 [under the influence of] IMPAIRED BY drugs is guilty of a misdemeanor to be known  
 18 as "life threatening injury by motor vehicle or vessel while [under the influence of]  
 19 IMPAIRED BY drugs", and on conviction the person shall be punished by imprisonment  
 20 for not more than 2 years or a fine of not more than \$3,000 or both.

21 (e) A person who causes a life threatening injury to another as a result of the  
 22 person's negligent driving, operation, or control of a motor vehicle or vessel while  
 23 [under the influence of] IMPAIRED BY a controlled dangerous substance is guilty of a  
 24 misdemeanor to be known as "life threatening injury by motor vehicle or vessel while  
 25 [under the influence of] IMPAIRED BY a controlled dangerous substance", and on  
 26 conviction the person shall be punished by imprisonment for not more than 2 years or  
 27 a fine of not more than \$3,000 or both.

28 (f) (1) In any indictment, information, or other charging document under  
 29 this section, it is not necessary to set forth the manner and means of the life  
 30 threatening injury.

31 (2) It shall be sufficient to use a formula substantially to the following  
 32 effect:

33 (i) "That A-B on the ..... day of ....., [nineteen hundred]  
 34 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while  
 35 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, did cause a life threatening  
 36 injury to C-D, against the peace, government, and dignity of the State.";

37 (ii) "That A-B on the ..... day of ....., [nineteen hundred]  
 38 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while  
 39 [under the influence of alcohol] IMPAIRED BY ALCOHOL, did cause a life threatening  
 40 injury to C-D, against the peace, government, and dignity of the State.";

41 (iii) "That A-B on the ..... day of ....., [nineteen hundred]  
 42 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while

1 [under the influence of] IMPAIRED BY drugs, did cause a life threatening injury to  
 2 C-D, against the peace, government, and dignity of the State."; or

3 (iv) "That A-B on the ..... day of ....., [nineteen hundred]  
 4 TWO THOUSAND and ..... at the County (City) aforesaid, unlawfully, while  
 5 [under the influence of] IMPAIRED BY a controlled dangerous substance, did cause a  
 6 life threatening injury to C-D, against the peace, government, and dignity of the  
 7 State."

8 **Article - Courts and Judicial Proceedings**

9 3-806.

10 (c) Unless otherwise ordered by the court, the court's jurisdiction is  
 11 terminated over a person who has reached 18 years of age when he is convicted of a  
 12 crime, including manslaughter by automobile, unauthorized use or occupancy of a  
 13 motor vehicle, [for operating a vehicle while under the influence of intoxicating liquors  
 14 or drugs] ANY VIOLATION OF ARTICLE 27, § 388A OR § 388B OF THE CODE, OR § 21-902  
 15 OF THE TRANSPORTATION ARTICLE, but excluding a conviction for a violation of any  
 16 other traffic law or ordinance or any provision of the State Boat Act, or the fish and  
 17 wildlife laws of the State.

18 10-307.

19 (a) (1) In [a] ANY CRIMINAL, JUVENILE, OR CIVIL proceeding in which a  
 20 person is [charged with] ALLEGED TO HAVE COMMITTED AN ACT THAT WOULD  
 21 CONSTITUTE a violation of Article 27, § 388, § 388A, or § 388B of the Code, or with  
 22 driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902  
 23 of the Transportation Article, the amount of alcohol in the person's breath or blood  
 24 shown by analysis as provided in this subtitle is admissible in evidence and has the  
 25 effect set forth in subsections (b) through [(e)] (G) of this section.

26 (2) Alcohol concentration as used in this section shall be measured by:

27 (i) Grams of alcohol per 100 milliliters of blood; or

28 (ii) Grams of alcohol per 210 liters of breath.

29 (3) If the amount of alcohol in the person's blood shown by analysis as  
 30 provided in this subtitle is measured by milligrams of alcohol per deciliters of blood or  
 31 milligrams of alcohol per 100 milliliters of blood, a court or an administrative law  
 32 judge, as the case may be, shall convert the measurement into grams of alcohol per  
 33 100 milliliters of blood by dividing the measurement by 1000.

34 (b) If at the time of testing a person has an alcohol concentration of 0.05 or  
 35 less, as determined by an analysis of the person's blood or breath, it shall be presumed  
 36 that the [defendant] PERSON was not ~~intoxicated~~ OR INTOXICATED PER SE UNDER  
 37 THE INFLUENCE OF ALCOHOL and that the [defendant] PERSON was not driving  
 38 while ~~under the influence of~~ IMPAIRED BY alcohol.

1 (c) If at the time of testing a person has an alcohol concentration of more than  
 2 0.05 but less than 0.07, as determined by an analysis of the person's blood or breath,  
 3 this fact may not give rise to any presumption that the [defendant] PERSON was or  
 4 was not ~~intoxicated~~ OR INTOXICATED PER SE UNDER THE INFLUENCE OF ALCOHOL  
 5 or that the [defendant] PERSON was or was not driving while ~~under the influence of~~  
 6 IMPAIRED BY alcohol, but this fact may be considered with other competent evidence  
 7 in determining [the guilt or innocence of the defendant] WHETHER THE PERSON WAS  
 8 OR WAS NOT DRIVING WHILE INTOXICATED UNDER THE INFLUENCE OF ALCOHOL OR  
 9 DRIVING WHILE UNDER THE INFLUENCE OF IMPAIRED BY ALCOHOL.

10 (d) If at the time of testing a person has an alcohol concentration of at least  
 11 0.07 but less than [0.10] 0.08, as determined by an analysis of the person's blood or  
 12 breath, it shall be prima facie evidence that the [defendant] PERSON was driving  
 13 while ~~under the influence of~~ IMPAIRED BY alcohol.

14 (e) If at the time of testing a person has an alcohol concentration of 0.02 or  
 15 more, as determined by an analysis of the person's blood or breath, it shall be prima  
 16 facie evidence that the [defendant] PERSON was driving with alcohol in the  
 17 [defendant's] PERSON'S blood.

18 (f) If at the time of testing a person has an alcohol concentration of 0.02 or  
 19 more, as determined by an analysis of the person's blood or breath, it shall be prima  
 20 facie evidence that [a defendant] THE PERSON was driving in violation of an alcohol  
 21 restriction under § 16-113 of the Transportation Article.

22 (G) IF AT THE TIME OF TESTING A PERSON HAS AN ALCOHOL  
 23 CONCENTRATION OF 0.08 OR MORE, AS DETERMINED BY AN ANALYSIS OF THE  
 24 PERSON'S BLOOD OR BREATH, THE PERSON SHALL BE CONSIDERED ~~INTOXICATED~~  
 25 UNDER THE INFLUENCE OF ALCOHOL PER SE AS DEFINED IN § 11-127.1 OF THE  
 26 TRANSPORTATION ARTICLE.

27 10-308.

28 (a) The evidence of the analysis does not limit the introduction of other  
 29 evidence bearing upon whether the defendant was [intoxicated] UNDER THE  
 30 INFLUENCE OF ALCOHOL or whether the defendant was driving while [under the  
 31 influence of] IMPAIRED BY alcohol, while so far [under the influence of] IMPAIRED BY  
 32 any drug, any combination of drugs, or a combination of one or more drugs and  
 33 alcohol that the person cannot drive a vehicle safely, or while [under the influence of]  
 34 IMPAIRED BY a controlled dangerous substance.

35 (b) The results of a test or tests to determine the drug or controlled dangerous  
 36 substance content of a person's blood:

37 (1) Are admissible as evidence in a criminal trial only in a prosecution  
 38 for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural  
 39 Resources Article, or Article 27, § 388, § 388A, or § 388B of the Code and only if other  
 40 admissible evidence is introduced that creates an inference that the person was:

1 (i) Driving or attempting to drive while so far [under the influence  
2 of] IMPAIRED BY any drug, any combination of drugs, or a combination of one or more  
3 drugs and alcohol that the person could not drive a vehicle safely, or while [under the  
4 influence of] IMPAIRED BY a controlled dangerous substance; or

5 (ii) Operating or attempting to operate a vessel while the person  
6 was so far [under the influence of] IMPAIRED BY any drug, any combination of drugs,  
7 or a combination of one or more drugs and alcohol that the person could not operate a  
8 vessel safely, or while [under the influence of] IMPAIRED BY a controlled dangerous  
9 substance; and

10 **Article - Health - General**

11 8-401.

12 (a) The Administration shall:

13 (3) (i) 1. In cooperation with the Motor Vehicle Administration,  
14 courts, police, and other agencies, the Administration shall approve appropriate  
15 programs of alcohol and drug abuse education or treatment for individuals who[,]  
16 ARE CONVICTED under § 21-902 of the Transportation Article[, are convicted of  
17 driving while intoxicated or while under the influence of alcohol and/or drugs].

18 **Article - Natural Resources**

19 8-738.

20 (a) A person may not operate or attempt to operate a vessel while the person:

21 (1) Is [intoxicated] UNDER THE INFLUENCE OF ALCOHOL;

22 (2) Is [under the influence of] IMPAIRED BY alcohol;

23 (3) Is so far [under the influence of] IMPAIRED BY any drug,  
24 combination of drugs, or combination of one or more drugs and alcohol that the person  
25 cannot operate a vessel safely; or

26 (4) Is [under the influence of] IMPAIRED BY any controlled dangerous  
27 substance, as defined in Article 27, § 277 of the Code, unless the person is entitled to  
28 use the controlled dangerous substance under the laws of the State.

29 (b) (1) Except as provided under paragraph (2) of this subsection, the  
30 evidentiary presumptions and procedures established under §§ 10-302 through  
31 10-308 of the Courts Article are applicable to any violation of this section.

32 (2) If at the time of testing an individual has an alcohol concentration  
33 that meets the [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se definition  
34 in § 11-127.1 of the Transportation Article, as determined by an analysis of the  
35 individual's blood or breath, it shall be prima facie evidence that the individual was  
36 operating a vessel while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL.

1 8-740.

2 (b) Notwithstanding the provisions of subsection (a) of this section, if a person  
3 is convicted of any of the following boating safety violations in the operation of a  
4 vessel, the person is required, as a condition of probation or sentencing, to  
5 successfully complete a boating safety education course that is offered or approved by  
6 the Department:

7 (3) Operating [under the influence of alcohol, any drug, combination of  
8 drugs, or combination of drugs and alcohol,] in violation of § 8-738 of this subtitle.

9 **Article - Transportation**

10 11-127.1.

11 (a) ~~Intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL per se" means having  
12 an alcohol concentration at the time of testing of [0.10] 0.08 or more as measured by  
13 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of  
14 breath.

15 (b) If the alcohol concentration is measured by milligrams of alcohol per  
16 deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court or an  
17 administrative law judge, as the case may be, shall convert the measurement into  
18 grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

19 16-117.

20 (b) (2) The Administration shall keep convenient records or make suitable  
21 notations showing the convictions or traffic accidents in which each licensee has been  
22 involved and every probation before judgment disposition of any violation of the  
23 Maryland Vehicle Law. A record or notation of a probation before judgment  
24 disposition, or a first offense of driving with an alcohol concentration of [0.10] 0.08 or  
25 more under § 16-205.1 of this title, shall be segregated by the Administration and  
26 shall be available only to the Administration, the courts, criminal justice agencies,  
27 and the defendant or the defendant's attorney. However, a record or notation of a  
28 probation before judgment, or a first offense of driving with an alcohol concentration  
29 of [0.10] 0.08 or more under § 16-205.1 of this title, may not be received or considered  
30 by the courts until a plea of guilty or nolo contendere is made by the defendant or a  
31 finding of guilty is made by the court.

32 (5) Except as provided in this section, an employee of the Administration  
33 may not disclose any records or information regarding probation before judgment, or  
34 a first offense of driving with an alcohol concentration of [0.10] 0.08 or more under §  
35 16-205.1 of this title.

36 16-205.

37 (a) The Administration may revoke the license of any person who:

1           (1)     Is convicted under § 21-902(a) or (d) of this article of driving or  
2 attempting to drive a motor vehicle while [intoxicated] UNDER THE INFLUENCE OF  
3 ALCOHOL, while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se, or while  
4 [under the influence of] IMPAIRED BY a controlled dangerous substance; or

5           (2)     Within a 3-year period, is convicted under § 21-902(b) or (c) of this  
6 article of driving or attempting to drive a motor vehicle while [under the influence of]  
7 IMPAIRED BY alcohol or while so far [under the influence of] IMPAIRED BY any drug,  
8 any combination of drugs, or a combination of one or more drugs and alcohol that the  
9 person cannot drive a vehicle safely and who was previously convicted of any  
10 combination of two or more violations under:

11           (i)     § 21-902(a) of this article of driving or attempting to drive a  
12 motor vehicle while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL or while  
13 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se;

14           (ii)    § 21-902(b) of this article of driving or attempting to drive a  
15 motor vehicle while [under the influence of] IMPAIRED BY alcohol;

16           (iii)   § 21-902(c) of this article of driving or attempting to drive a  
17 motor vehicle while so far [under the influence of] IMPAIRED BY any drug, any  
18 combination of drugs, or a combination of one or more drugs and alcohol that the  
19 person cannot drive a vehicle safely; or

20           (iv)    § 21-902(d) of this article of driving or attempting to drive a  
21 motor vehicle while [under the influence of] IMPAIRED BY a controlled dangerous  
22 substance.

23       (b)     The Administration:

24           (1)     Shall revoke the license of any person who has been convicted, under  
25 Article 27, § 388A of the Code, of homicide by a motor vehicle while [intoxicated or]  
26 under the influence of alcohol, IMPAIRED BY ALCOHOL, OR IMPAIRED BY ANY DRUG,  
27 ANY COMBINATION OF drugs, A COMBINATION OF ONE OR MORE DRUGS AND  
28 ALCOHOL, or a controlled dangerous substance; and

29           (2)     May not issue a temporary license to drive for any person whose  
30 license has been revoked under item (1) of this subsection during an administrative  
31 appeal of the revocation.

32       (c)     The Administration may suspend for not more than 60 days the license of  
33 any person who is convicted under § 21-902(b) or (c) of this article of driving or  
34 attempting to drive a motor vehicle while [under the influence of] IMPAIRED BY  
35 alcohol or while so far [under the influence of] IMPAIRED BY any drug, any  
36 combination of drugs, or a combination of one or more drugs and alcohol that the  
37 person cannot drive a vehicle safely.

38       (d)     The Administration may suspend for not more than 120 days the license of  
39 any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this  
40 article of driving or attempting to drive a motor vehicle while [under the influence of]

1 IMPAIRED BY alcohol or while so far [under the influence of] IMPAIRED BY any drug,  
 2 any combination of drugs, or a combination of one or more drugs and alcohol that the  
 3 person cannot drive a motor vehicle safely and who was previously convicted of a  
 4 violation under:

5 (1) § 21-902(a) of this article of driving or attempting to drive a motor  
 6 vehicle while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL or while  
 7 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se;

8 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
 9 vehicle while [under the influence of] IMPAIRED BY alcohol;

10 (3) § 21-902(c) of this article of driving or attempting to drive a motor  
 11 vehicle while so far [under the influence of] IMPAIRED BY any drug, any combination  
 12 of drugs, or a combination of one or more drugs and alcohol that the person cannot  
 13 drive a motor vehicle safely; or

14 (4) § 21-902(d) of this article of driving or attempting to drive a motor  
 15 vehicle while [under the influence of] IMPAIRED BY a controlled dangerous  
 16 substance.

17 16-205.1.

18 (a) (1) (i) In this section, the following words have the meanings  
 19 indicated.

20 (II) "INTOXICATED UNDER THE INFLUENCE OF ALCOHOL"  
 21 INCLUDES ~~INTOXICATED UNDER THE INFLUENCE OF ALCOHOL PER SE AS DEFINED~~  
 22 BY § 11-127.1 OF THIS ARTICLE.

23 [(ii)] (III) "Specimen of blood" and "1 specimen of blood" means 1  
 24 sample of blood that is taken, in a single procedure, in 2 or more portions in 2 or more  
 25 separate vials.

26 [(iii)] (IV) "Test" means:

27 1. A test of a person's breath or of 1 specimen of a person's  
 28 blood to determine alcohol concentration;

29 2. A test or tests of 1 specimen of a person's blood to  
 30 determine the drug or controlled dangerous substance content of the person's blood; or

31 3. Both:

32 A. A test of a person's breath or a test of 1 specimen of a  
 33 person's blood, to determine alcohol concentration; and

34 B. A test or tests of 1 specimen of a person's blood to  
 35 determine the drug or controlled dangerous substance content of the person's blood.



1 A. For a first offense, suspend the person's driving privilege  
2 for 120 days; or

3 B. For a second or subsequent offense, suspend the person's  
4 driving privilege for 1 year; and

5 (iii) In addition to any applicable driver's license suspensions  
6 authorized under this section, in the case of a person operating a commercial motor  
7 vehicle who refuses to take a test:

8 1. Disqualify the person's commercial driver's license for a  
9 period of 1 year for a first offense, 3 years for a first offense which occurs while  
10 transporting hazardous materials required to be placarded, and disqualify for life for  
11 a second or subsequent offense which occurs while operating any commercial motor  
12 vehicle; or

13 2. If the person is licensed as a commercial driver by another  
14 state, disqualify the person's privilege to operate a commercial motor vehicle and  
15 report the refusal and disqualification to the person's resident state which may result  
16 in further penalties imposed by the person's resident state.

17 (2) Except as provided in subsection (c) of this section, if a police officer  
18 stops or detains any person who the police officer has reasonable grounds to believe is  
19 or has been driving or attempting to drive a motor vehicle while ~~intoxicated~~ UNDER  
20 THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~ IMPAIRED BY alcohol,  
21 while so far ~~under the influence of~~ IMPAIRED BY any drug, any combination of drugs,  
22 or a combination of one or more drugs and alcohol that the person could not drive a  
23 vehicle safely, while ~~under the influence of~~ IMPAIRED BY a controlled dangerous  
24 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title,  
25 and who is not unconscious or otherwise incapable of refusing to take a test, the police  
26 officer shall:

27 (i) Detain the person;

28 (ii) Request that the person permit a test to be taken; and

29 (iii) Advise the person of the administrative sanctions that shall be  
30 imposed for refusal to take the test, including ineligibility for modification of a  
31 suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this  
32 section, and for test results indicating an alcohol concentration of [0.10] 0.08 or more  
33 at the time of testing.

34 (3) If the person refuses to take the test or takes a test which results in  
35 an alcohol concentration of [0.10] 0.08 or more at the time of testing, the police officer  
36 shall:

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

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

1 (iii) Issue a temporary license to drive;

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

4 (v) Inform the person that:

5 1. The person has a right to request, at that time or within  
6 10 days, a hearing to show cause why the driver's license should not be suspended  
7 concerning the refusal to take the test or for test results indicating an alcohol  
8 concentration of [0.10] 0.08 or more at the time of testing, and the hearing will be  
9 scheduled within 45 days; and

10 2. If a hearing request is not made at that time or within 10  
11 days, but within 30 days the person requests a hearing, a hearing to show cause why  
12 the driver's license should not be suspended concerning the refusal to take the test or  
13 for test results indicating an alcohol concentration of [0.10] 0.08 or more at the time  
14 of testing will be scheduled, but a request made after 10 days does not extend a  
15 temporary license issued by the police officer that allows the person to continue  
16 driving for 45 days;

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

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

23 1. The officer had reasonable grounds to believe that the  
24 person had been driving or attempting to drive a motor vehicle on a highway or on  
25 any private property that is used by the public in general in this State while  
26 ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the influence of~~  
27 IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY any drug, any  
28 combination of drugs, or a combination of one or more drugs and alcohol that the  
29 person could not drive a vehicle safely, while ~~under the influence of~~ IMPAIRED BY a  
30 controlled dangerous substance, in violation of an alcohol restriction, or in violation of  
31 § 16-813 of this title;

32 2. The person refused to take a test when requested by the  
33 police officer or the person submitted to the test which indicated an alcohol  
34 concentration of [0.10] 0.08 or more at the time of testing; and

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

39 (c) (1) If a person is involved in a motor vehicle accident that results in the  
40 death of, or a life threatening injury to, another person and the person is detained by

1 a police officer who has reasonable grounds to believe that the person has been  
 2 driving or attempting to drive while [intoxicated] UNDER THE INFLUENCE OF  
 3 ALCOHOL, while [under the influence of] IMPAIRED BY alcohol, while so far [under  
 4 the influence of] IMPAIRED BY any drug, any combination of drugs, or a combination  
 5 of one or more drugs and alcohol that the person could not drive a vehicle safely, while  
 6 [under the influence of] IMPAIRED BY a controlled dangerous substance, or in  
 7 violation of § 16-813 of this title, the person shall be required to submit to a test, as  
 8 directed by the officer.

9 (d) (1) If a police officer has reasonable grounds to believe that a person has  
 10 been driving or attempting to drive a motor vehicle while [intoxicated] UNDER THE  
 11 INFLUENCE OF ALCOHOL, while [under the influence of] IMPAIRED BY alcohol, while  
 12 so far [under the influence of] IMPAIRED BY any drug, any combination of drugs, or a  
 13 combination of one or more drugs and alcohol that the person could not drive a vehicle  
 14 safely, while [under the influence of] IMPAIRED BY a controlled dangerous substance,  
 15 or in violation of § 16-813 of this title, and if the police officer determines that the  
 16 person is unconscious or otherwise incapable of refusing to take a test, the police  
 17 officer shall:

18 (i) Obtain prompt medical attention for the person;

19 (ii) If necessary, arrange for removal of the person to a nearby  
 20 medical facility; and

21 (iii) If a test would not jeopardize the health or well-being of the  
 22 person, direct a qualified medical person to withdraw blood for a test.

23 (f) (1) Subject to the provisions of this subsection, at the time of, or within  
 24 30 days from the date of, the issuance of an order of suspension, a person may submit  
 25 a written request for a hearing before an officer of the Administration if:

26 (i) The person is arrested for driving or attempting to drive a motor  
 27 vehicle while ~~intoxicated~~ UNDER THE INFLUENCE OF ALCOHOL, while ~~under the~~  
 28 ~~influence of~~ IMPAIRED BY alcohol, while so far ~~under the influence of~~ IMPAIRED BY  
 29 any drug, any combination of drugs, or a combination of one or more drugs and  
 30 alcohol that the person could not drive a vehicle safely, while ~~under the influence of a~~  
 31 ~~controlled~~ IMPAIRED BY A CONTROLLED dangerous substance, in violation of an  
 32 alcohol restriction, or in violation of § 16-813 of this title; and

33 (ii) 1. There is an alcohol concentration of [0.10] 0.08 or more at  
 34 the time of testing; or

35 2. The person refused to take a test.

36 (4) If a hearing request is not made at the time of or within 10 days after  
 37 the issuance of the order of suspension, the Administration shall:

38 (i) Make the suspension order effective suspending the license:



1 (8) (i) After a hearing, the Administration shall suspend the driver's  
2 license or privilege to drive of the person charged under subsection (b) or (c) of this  
3 section if:

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

12 2. 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 3. The police officer requested a test after the person was  
16 fully advised of the administrative sanctions that shall be imposed, including the fact  
17 that a person who refuses to take the test is ineligible for modification of a suspension  
18 or issuance of a restrictive license under subsection (n)(1) and (2) of this section; and

19 4. A. The person refused to take the test; or

20 B. A test to determine alcohol concentration was taken and  
21 the test result indicated an alcohol concentration of [0.10] 0.08 or more at the time of  
22 testing.

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

25 1. The person was detained while operating a commercial  
26 motor vehicle;

27 2. The police officer who stopped or detained the person had  
28 reasonable grounds to believe that the person was driving or attempting to drive  
29 while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, while [under the  
30 influence of] IMPAIRED BY alcohol, while so far [under the influence of] IMPAIRED BY  
31 any drug, any combination of drugs, or a combination of one or more drugs and  
32 alcohol that the person could not drive a vehicle safely, while [under the influence of]  
33 IMPAIRED BY a controlled dangerous substance, in violation of an alcohol restriction,  
34 or in violation of § 16-813 of this title;

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

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



1 (2) May not impose any additional periods of suspension for the  
2 remainder of the administrative offenses.

3 16-205.2.

4 (a) A police officer who has reasonable grounds to believe that an individual is  
5 or has been driving or attempting to drive a motor vehicle while [intoxicated] UNDER  
6 THE INFLUENCE OF ALCOHOL or while [under the influence of] IMPAIRED BY alcohol  
7 may, without making an arrest and prior to the issuance of a citation, request the  
8 individual to submit to a preliminary breath test to be administered by the officer  
9 using a device approved by the State Toxicologist.

10 16-402.

11 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
12 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
13 local authority, points shall be assessed against the individual as of the date of  
14 violation and as follows:

15 (23) Driving while [under the influence of] IMPAIRED BY alcohol or while  
16 [under influence of] IMPAIRED BY a drug, combination of drugs, or combination of  
17 ONE OR MORE drugs and alcohol .....8 points

18 (32) Driving while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL,  
19 while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se, or while [under the  
20 influence of] IMPAIRED BY AN illegally used controlled dangerous substance .....12 points

21 18-105.

22 (a) A person may not rent a motor vehicle to any other person if he knows that  
23 the other person is under the influence of alcohol, IMPAIRED BY ALCOHOL, IMPAIRED  
24 BY A DRUG, A COMBINATION OF DRUGS, A COMBINATION OF ONE OR MORE DRUGS  
25 AND ALCOHOL, or [drugs] IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.

26 (b) A person may not rent a motor vehicle to any other person if the person  
27 knows that an individual who will drive the rented vehicle is under the influence of  
28 alcohol, IMPAIRED BY ALCOHOL, IMPAIRED BY A DRUG, A COMBINATION OF DRUGS, A  
29 COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, or [drugs] IMPAIRED BY A  
30 CONTROLLED DANGEROUS SUBSTANCE.

31 21-902.

32 (a) (1) A person may not drive or attempt to drive any vehicle while  
33 [intoxicated] UNDER THE INFLUENCE OF ALCOHOL.

34 (2) A person may not drive or attempt to drive any vehicle while the  
35 person is [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se.

36 (b) A person may not drive or attempt to drive any vehicle while [under the  
37 influence of] IMPAIRED BY alcohol.

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

4 (2) It is not a defense to any charge of violating this subsection that the  
5 person charged is or was entitled under the laws of this State to use the drug,  
6 combination of drugs, or combination of one or more drugs and alcohol, unless the  
7 person was unaware that the drug or combination would make [him] THE PERSON  
8 incapable of safely driving a vehicle.

9 (d) A person may not drive or attempt to drive any vehicle while [he] THE  
10 PERSON is [under the influence of] IMPAIRED BY any controlled dangerous  
11 substance, as that term is defined in Article 27, § 279 of the Code, if the person is not  
12 entitled to use the controlled dangerous substance under the laws of this State.

13 26-202.

14 (a) A police officer may arrest without a warrant a person for a violation of the  
15 Maryland Vehicle Law, including any rule or regulation adopted under it, or for a  
16 violation of any traffic law or ordinance of any local authority of this State, if:

17 (3) The officer has probable cause to believe that the person has  
18 committed the violation, and the violation is any of the following offenses:

19 (i) Driving or attempting to drive while [intoxicated] UNDER THE  
20 INFLUENCE OF ALCOHOL, while [under the influence of] IMPAIRED BY alcohol, or in  
21 violation of an alcohol restriction;

22 (ii) Driving or attempting to drive while [under the influence of]  
23 IMPAIRED BY any drug, any combination of drugs, or any combination of ONE OR  
24 MORE drugs and alcohol or while [under the influence of] IMPAIRED BY any  
25 controlled dangerous substance;

26 26-404.

27 (f) A guaranteed arrest bond certificate may not be accepted:

28 (2) To guarantee the appearance of any person in a court of this State, if  
29 the offense charged is:

30 (i) Driving or attempting to drive while [intoxicated] UNDER THE  
31 INFLUENCE OF ALCOHOL or while driving under the influence of alcohol;

32 (ii) Driving or attempting to drive while [under the influence of]  
33 IMPAIRED BY any drug, any combination of drugs, or any combination of ONE OR  
34 MORE drugs and alcohol or while [under the influence of] IMPAIRED BY any  
35 controlled dangerous substance; or

36 (iii) Any felony.

1 26-405.

2 If a person is charged with a violation of § 21-901.1 of this article ("Reckless and  
 3 negligent driving") or § 21-902 of this article ("Driving while [intoxicated] UNDER  
 4 THE INFLUENCE OF ALCOHOL, while [intoxicated] UNDER THE INFLUENCE OF  
 5 ALCOHOL per se, [under the influence of] WHILE IMPAIRED BY alcohol, or [under the  
 6 influence of] WHILE IMPAIRED BY a drug, A COMBINATION OF DRUGS, a combination  
 7 of [alcohol and a drug] ONE OR MORE DRUGS AND ALCOHOL, or WHILE IMPAIRED BY  
 8 a controlled dangerous substance"), the court may find [him] THE PERSON guilty of  
 9 any lesser included offense under any subsection of the respective section.

10 27-101.

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

14 (23) Except as provided in subsections (f) and (q) of this section, §  
 15 21-902(b) ("Driving while [under the influence of] IMPAIRED BY alcohol");

16 (24) Except as provided in subsections (f) and (q) of this section, §  
 17 21-902(c) ("Driving while [under influence of] IMPAIRED BY drugs or drugs and  
 18 alcohol");

19 (25) Except as provided in subsections (f) and (q) of this section, §  
 20 21-902(d) ("Driving while [under influence of] IMPAIRED BY controlled dangerous  
 21 substance"); or

22 (f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not  
 23 exceeding 1 year or both, if the person is convicted of:

24 (ii) A second or subsequent violation of:

25 2. Except as provided in subsection (q) of this section:

26 A. § 21-902(b) of this article ("Driving while [under the  
 27 influence of] IMPAIRED BY alcohol");

28 B. § 21-902(c) of this article ("Driving while [under the  
 29 influence of] IMPAIRED BY drugs or drugs and alcohol"); or

30 C. § 21-902(d) of this article ("Driving while [under the  
 31 influence of] IMPAIRED BY a controlled dangerous substance").

32 (k) (1) Except as provided in subsection (q) of this section, any person who is  
 33 convicted of a violation of any of the provisions of § 21-902(a) of this article ("Driving  
 34 while [intoxicated or intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER  
 35 THE INFLUENCE OF ALCOHOL per se");

1 (i) For a first offense, shall be subject to a fine of not more than  
2 \$1,000, or imprisonment for not more than 1 year, or both;

3 (ii) For a second offense, shall be subject to a fine of not more than  
4 \$2,000, or imprisonment for not more than 2 years, or both; and

5 (iii) For a third or subsequent offense, shall be subject to a fine of  
6 not more than \$3,000, or imprisonment for not more than 3 years, or both.

7 (2) For the purpose of second or subsequent offender penalties for  
8 violation of § 21-902(a) of this article provided under this subsection, a prior  
9 conviction of § 21-902(b), (c), or (d) of this article, within 5 years of the conviction for  
10 a violation of § 21-902(a) of this article, shall be considered a conviction of § 21-902(a)  
11 of this article.

12 27-107.

13 (b) In addition to any other penalties provided in this title for a violation of  
14 any of the provisions of § 21-902(a) of this article ("Driving while [intoxicated]  
15 UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER  
16 SE"), or § 21-902(b) of this article ("Driving while [under the influence of] IMPAIRED  
17 BY alcohol"), or in addition to any other condition of probation, a court may prohibit a  
18 person who is convicted of, or granted probation under Article 27, § 641 of the Code  
19 for, a violation of § 21-902(a) or § 21-902(b) of this article from operating for not more  
20 than 3 years a motor vehicle that is not equipped with an ignition interlock system.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
22 construed only prospectively and may not be applied or interpreted to have any effect  
23 on or application to any test for alcohol concentration taken before the effective date  
24 of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Article  
26 1, § 3 of the Annotated Code of Maryland apply to the provisions of this Act.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not limit the  
28 application of any provision of law, including any criminal or administrative penalty,  
29 that is applicable to a subsequent criminal conviction or a subsequent administrative  
30 offense, and a conviction or an administrative offense, respectively, under the prior  
31 law shall be considered a prior conviction or prior administrative adjudication,  
32 respectively, for any purpose provided by law, including any criminal or  
33 administrative penalty for a subsequent conviction or a subsequent administrative  
34 offense.

35 SECTION 5. AND BE IT FURTHER ENACTED, That the term "under the  
36 influence of alcohol" as used in this Act shall include within its meaning the conduct  
37 prohibited by the former references to "intoxicated" and the term "impaired" shall  
38 include within its meaning the conduct prohibited by the former references to "under  
39 the influence".

1 SECTION ~~3.6~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect ~~July 1,~~ September 30, 2001.