

(PRE-FILED)

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By: **Delegate Boschert**

Requested: October 23, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses - Alcohol Restriction - Revocation**

3 FOR the purpose of requiring the Motor Vehicle Administration to revoke the driver's  
4 license of an individual after the Administration receives satisfactory evidence  
5 that the individual violated a certain alcohol restriction; requiring that an  
6 individual who requests the Motor Vehicle Administration to reinstate a driver's  
7 license that has been revoked under certain circumstances to complete a certain  
8 number of hours of community service before the reinstatement can occur;  
9 requiring that the Motor Vehicle Administration impose a certain alcohol  
10 restriction on the license of an individual who is convicted within a certain  
11 number of years of certain violations; requiring the Administration to revoke the  
12 driver's license of an individual with a certain alcohol restriction after the  
13 individual is convicted of a certain violation within a certain period; authorizing  
14 the Administration to reinstate a certain license only under certain  
15 circumstances; making a technical correction; making stylistic changes; and  
16 generally relating to restricted drivers' licenses.

17 BY repealing and reenacting, without amendments,  
18 Article - Transportation  
19 Section 16-113(b) and (c)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Transportation  
24 Section 16-113(f) and (g)  
25 Annotated Code of Maryland  
26 (1999 Replacement Volume and 2000 Supplement)

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

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**Article - Transportation**

2 16-113.

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

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

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

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

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

15 (4) An individual under the age of 21 years who is convicted of a violation  
16 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than  
17 3 years, to participate in the Ignition Interlock System Program in order to retain the  
18 individual's driver's license.

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

21 (i) Issue a special restricted license; or

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

23 (2) The Administration shall indicate on the license of a licensee under  
24 the age of 21 years that an alcohol restriction has been imposed on the licensee under  
25 subsection (b) of this section.

26 (f) (1) [After] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,  
27 AFTER receiving satisfactory evidence of any violation of a restricted or provisional  
28 driver's license, the Administration may suspend or revoke the license.

29 (2) [However, the] A licensee SUBJECT TO A SUSPENSION OR  
30 REVOCATION UNDER PARAGRAPH (1) OF THIS SUBSECTION may request a hearing as  
31 provided for a suspension or revocation under TITLE 12, Subtitle 2 of this [title]  
32 ARTICLE.

33 (3) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE OF A  
34 VIOLATION OF AN ALCOHOL RESTRICTION IMPOSED UNDER SUBSECTION (B)(1) OF  
35 THIS SECTION, THE ADMINISTRATION SHALL REVOKE THE LICENSE OF THE

1 INDIVIDUAL CONVICTED OF THE VIOLATION AND MAY REINSTATE THE LICENSE  
2 ONLY AFTER THE INDIVIDUAL COMPLETES 40 HOURS OF COMMUNITY SERVICE.

3 (g) (1) The Administration shall impose an alcohol restriction under  
4 subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years  
5 from driving or attempting to drive with alcohol in the individual's blood on any  
6 licensee who is convicted within 5 years of any combination of two [or more]  
7 violations under § 21-902(a), (b), or (c) of this article OR ARTICLE 27, § 388 OR § 388B OF  
8 THE CODE.

9 (2) (I) THE ADMINISTRATION SHALL REVOKE THE LICENSE OF AN  
10 INDIVIDUAL WITH AN ALCOHOL RESTRICTION IMPOSED UNDER PARAGRAPH (1) OF  
11 THIS SUBSECTION IF:

12 1. THE INDIVIDUAL IS CONVICTED OF A THIRD OR  
13 SUBSEQUENT VIOLATION UNDER § 21-902(A), (B), OR (C) OF THIS ARTICLE OR ARTICLE  
14 27, § 388 OR § 388B OF THE CODE; AND

15 2. THE THIRD OR SUBSEQUENT VIOLATION OCCURS WITHIN  
16 7 YEARS AFTER THE FIRST VIOLATION.

17 (II) THE ADMINISTRATION MAY REINSTATE THE LICENSE OF AN  
18 INDIVIDUAL THAT WAS REVOKED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH  
19 ONLY AFTER THE INDIVIDUAL COMPLETES 80 HOURS OF COMMUNITY SERVICE.

20 [(2)] (3) If a circuit court or the District Court orders a licensee not to  
21 drive or attempt to drive a motor vehicle with alcohol in the licensee's blood or orders,  
22 under § 27-107 of this article, the licensee to participate in the Ignition Interlock  
23 System Program established under § 16-404.1 of this title, the Administration shall  
24 have the licensee's driving record and driver's license reflect that the court ordered  
25 restriction was imposed, and shall keep records of the order.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2001.