Unofficial Copy R3 2001 Regular Session 1lr1779 CF 1lr1781

By: Senators Jimeno, Astle, Forehand, Green, Lawlah, Middleton, and

Ruben

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

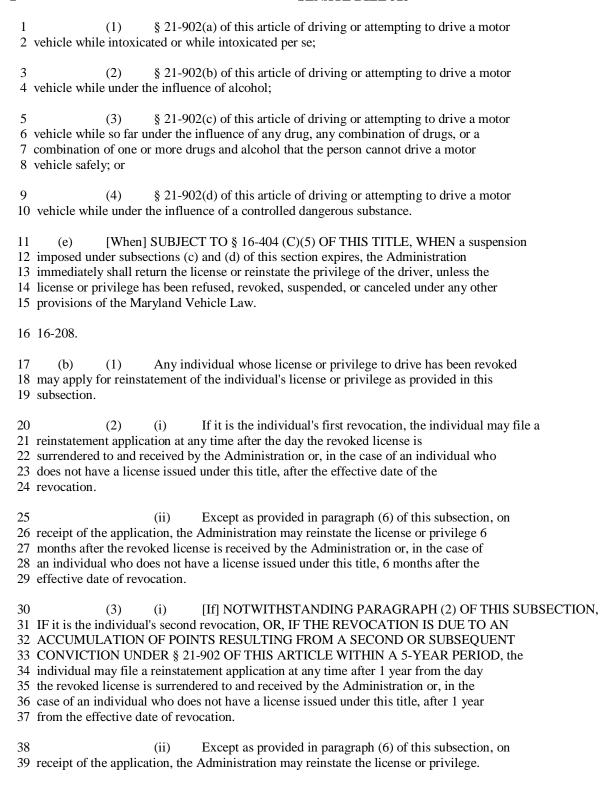
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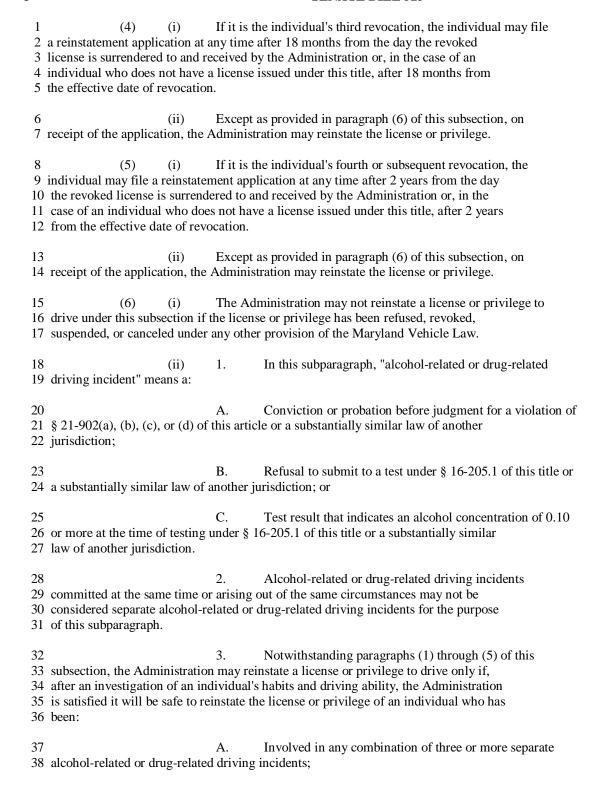
Vehicle Laws - Drunk Driving - Repeat Offer

- 3 FOR the purpose of requiring the Motor Vehicle Administration to suspend for a
- 4 certain period of the license of a person convicted of certain repeat alcohol-or
- 5 drug-related driving offenses within a certain period; altering the penalties for
- a person convicted of repeated offenses of driving while intoxicated and driving
- 7 under the influence of alcohol, drugs, or a combination of alcohol and drugs
- 8 under certain circumstances; requiring the use of an ignition interlock system
- 9 under certain circumstances; altering the period of certain license suspensions
- imposed under certain circumstances; altering the time period for filing a
- 11 reinstatement application for a driver's license or privilege to drive under
- 12 certain circumstances; making conforming changes; and generally relating to
- penalties for drunk driving repeat offenders.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Transportation
- 16 Section 16-205(d) and (e), 16-208(b), 16-404, 16-405, and 27-101(j)
- 17 Annotated Code of Maryland
- 18 (1999 Replacement Volume and 2000 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 20 MARYLAND, That the Laws of Maryland read as follows:

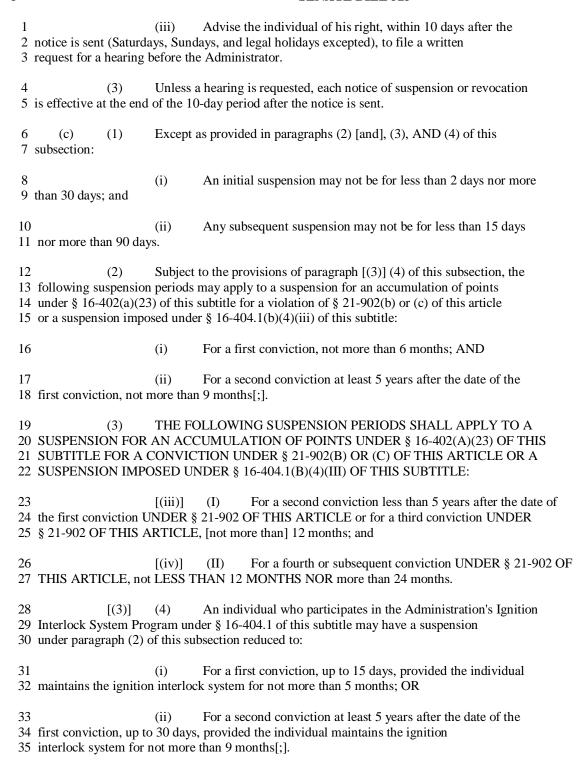
21 Article - Transportation

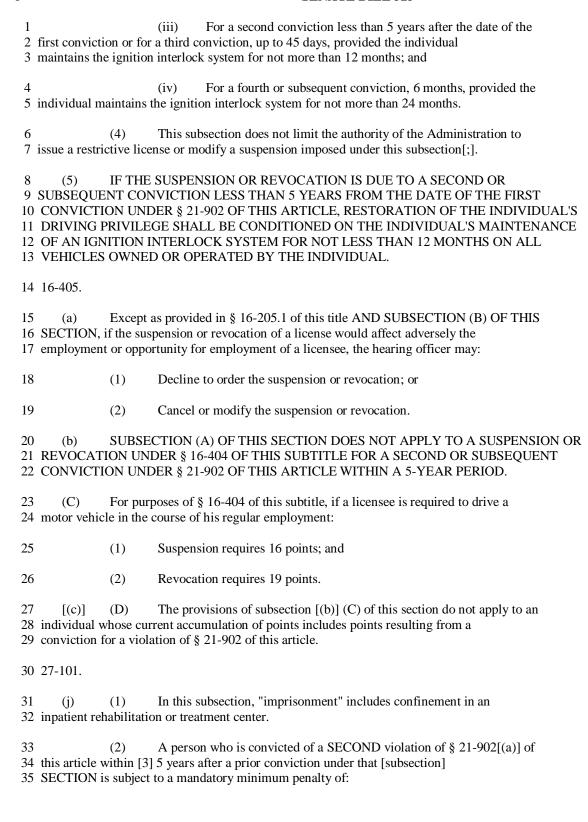
- 22 16-205.
- 23 (d) The Administration [may] SHALL suspend for [not more than 120 days]
- 24 ONE YEAR the license of any person who, within a [3-year] 5-YEAR period, is
- 25 convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a
- 26 motor vehicle while under the influence of alcohol or while so far under the influence
- 27 of any drug, any combination of drugs, or a combination of one or more drugs and
- 28 alcohol that the person cannot drive a motor vehicle safely and who was previously
- 29 convicted of a violation under:





1 2	another person; or		B.	Involved in a vehicular accident resulting in the death of			
3	accident resulting in	bodily inj	C. jury or de	Convicted of a violation for failing to stop after a vehicular eath.			
7 8	5 (7) IF THE REVOCATION IS DUE TO A SECOND OR SUBSEQUENT 6 CONVICTION UNDER § 21-902 OF THIS ARTICLE WITHIN A 5-YEAR PERIOD, 7 REINSTATEMENT SHALL BE CONDITIONED ON THE INDIVIDUAL'S MAINTENANCE OF 8 AN IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 12 MONTHS ON ALL VEHICLES 9 OWNED OR OPERATED BY THE INDIVIDUAL.						
	(8) license, the Adminis that it considers appr	tration sh		vise provided in this title, before issuing a new re the applicant to submit to the examinations			
13	16-404.						
14 15	(a) The Ad within any 2-year pe		ion shall	take the following actions for points accumulated			
16	(1)	Send a	warning l	letter to each individual who accumulates 3 points;			
19	17 (2) Require attendance at a conference by each individual who 18 accumulates 5 points, except that a Class A, B, or C licensee who submits evidence 19 acceptable to the Administration that he is a professional driver may not be called in 20 until he accumulates 8 points; and						
21	(3)	Except	as provid	led in § 16-405 of this subtitle:			
22 23	points; and	(i)	Suspen	d the license of each individual who accumulates 8			
24 25	points.	(ii)	Revoke	the license of each individual who accumulates 12			
26	(b) (1)	Except	as provid	led in § 16-405 of this subtitle:			
27 28	issue a notice of susp	(i) pension; a		dividual accumulates 8 points, the Administration shall			
29 30	issue a notice of revo	(ii) ocation.	If an in	dividual accumulates 12 points, the Administration shall			
31	(2)	Each no	otice shal	1:			
32 33	requested, bearing a	(i) postmark		onally served or sent by certified mail, return receipt e United States Postal Service;			
34		(ii)	State th	e duration of the suspension or revocation; and			





1		(i)	Imprisonment for not less than [48] 120 [consecutive] hours; or
	MANDATORY CON THAN 5 DAYS.	(ii) IDITION	Community service for not less than [80 hours] 30 DAYS AS A OF PROBATION OR A SUSPENDED SENTENCE OF NOT LESS
7		21-902 (NY OFF	ON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT OF THIS ARTICLE WITHIN 5 YEARS AFTER A PRIOR ENSE UNDER THAT SECTION IS SUBJECT TO A MANDATORY
9		(I)	IMPRISONMENT FOR NOT LESS THAN 10 DAYS; OR
		(II) NDITION	COMMUNITY SERVICE FOR NOT LESS THAN 60 DAYS AS A N OF PROBATION OR A SUSPENDED SENTENCE OF NOT LESS
	OFFENSE UNDER	§ 21-902	ON WHO IS CONVICTED OF A SECOND OR SUBSEQUENT OF THIS ARTICLE WITHIN 5 YEARS OF A PRIOR CONVICTION THAT SECTION SHALL BE REQUIRED BY THE COURT TO:
16 17	ASSESSMENT; AN	(I) D	UNDERGO A COMPREHENSIVE DRUG AND ALCOHOL
			IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT OR ALCOHOL PROGRAM CERTIFIED BY THE DEPARTMENT L HYGIENE.
21 22	(5) subject to suspension		alties provided by this subsection are mandatory and are not ation BEFORE JUDGEMENT UNDER ARTICLE 27, § 641.
23 24	SECTION 2. AN October 1, 2001.	D BE IT	FURTHER ENACTED, That this Act shall take effect