
By: **Senators Jimeno, Astle, Forehand, Green, Lawlah, Middleton, and
~~Ruben Ruben, Conway, Currie, DeGrange, Harris, Hoffman, Hogan,~~
~~Hooper, Kelley, Teitelbaum, Colburn, Ferguson, and Mooney~~**

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CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Drunk Driving - Repeat Offenders**

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~~ offenses of driving while intoxicated or intoxicated
6 per se within a certain period; ~~altering the penalties for a person convicted of~~
7 ~~repeated offenses of driving while intoxicated and driving under the influence of~~
8 ~~alcohol, drugs, or a combination of alcohol and drugs under certain~~
9 ~~circumstances; requiring the use of an ignition interlock system under certain~~
10 ~~circumstances; altering the period of certain license suspensions imposed under~~
11 ~~certain circumstances; altering the time period for filing a reinstatement~~
12 ~~application for a driver's license or privilege to drive under certain~~
13 ~~circumstances; making conforming changes; and generally relating to penalties~~
14 ~~for drunk driving repeat offenders~~ requiring the Administration to return a
15 suspended license to a certain individual subject to the maintenance of an
16 ignition interlock system for a certain period on certain vehicles owned by the
17 individual; authorizing the Administration to place a certain restriction on a
18 certain license for a certain period that prohibits driving of a certain vehicle that
19 is not equipped with an ignition interlock system under certain circumstances;
20 prohibiting the cancellation or modification of a certain license suspension that
21 would adversely affect the employment of a licensee under certain
22 circumstances; increasing certain minimum mandatory penalties for subsequent
23 offenses of driving while intoxicated or intoxicated per se under certain
24 circumstances; requiring a subsequent offender of certain offenses to receive an
25 assessment of the offender's degree of abuse of alcohol and to receive
26 appropriate treatment under certain circumstances; and generally relating to

1 penalties for repeat or subsequent offenses of driving while intoxicated or
 2 intoxicated per se.

3 BY repealing and reenacting, with amendments,

4 Article - Transportation

5 Section 16-205

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 2000 Supplement)

8 (As enacted by Chapter 666 of the Acts of the General Assembly of 2000)

9 BY repealing and reenacting, with amendments,

10 Article - Transportation

11 Section ~~16-205(d) and (e)~~, ~~16-208(b)~~, ~~16-404~~, ~~16-405~~, ~~16-405~~ and 27-101(j)

12 Annotated Code of Maryland

13 (1999 Replacement Volume and 2000 Supplement)

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

16 **Article - Transportation**

17 ~~16-205.~~

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

25 (1) § 21-902(a) of this article of driving or attempting to drive a motor
 26 vehicle while intoxicated or while intoxicated per se;

27 (2) § 21-902(b) of this article of driving or attempting to drive a motor
 28 vehicle while under the influence of alcohol;

29 (3) § 21-902(e) of this article of driving or attempting to drive a motor
 30 vehicle while so far under the influence of any drug, any combination of drugs, or a
 31 combination of one or more drugs and alcohol that the person cannot drive a motor
 32 vehicle safely; or

33 (4) § 21-902(d) of this article of driving or attempting to drive a motor
 34 vehicle while under the influence of a controlled dangerous substance.

35 (e) ~~[When] SUBJECT TO § 16-404 (C)(5) OF THIS TITLE, WHEN~~ a suspension
 36 imposed under subsections (c) and (d) of this section expires, the Administration
 37 immediately shall return the license or reinstate the privilege of the driver, unless the

1 license or privilege has been refused, revoked, suspended, or canceled under any other
2 provisions of the Maryland Vehicle Law.

3 16-208.

4 (b) (1) Any individual whose license or privilege to drive has been revoked
5 may apply for reinstatement of the individual's license or privilege as provided in this
6 subsection.

7 (2) (i) If it is the individual's first revocation, the individual may file a
8 reinstatement application at any time after the day the revoked license is
9 surrendered to and received by the Administration or, in the case of an individual who
10 does not have a license issued under this title, after the effective date of the
11 revocation.

12 (ii) Except as provided in paragraph (6) of this subsection, on
13 receipt of the application, the Administration may reinstate the license or privilege 6
14 months after the revoked license is received by the Administration or, in the case of
15 an individual who does not have a license issued under this title, 6 months after the
16 effective date of revocation.

17 (3) (i) ~~IF NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION,~~
18 ~~IF it is the individual's second revocation, OR, IF THE REVOCATION IS DUE TO AN~~
19 ~~ACCUMULATION OF POINTS RESULTING FROM A SECOND OR SUBSEQUENT~~
20 ~~CONVICTION UNDER § 21-902 OF THIS ARTICLE WITHIN A 5-YEAR PERIOD, the~~
21 individual may file a reinstatement application at any time after 1 year from the day
22 the revoked license is surrendered to and received by the Administration or, in the
23 case of an individual who does not have a license issued under this title, after 1 year
24 from the effective date of revocation.

25 (ii) Except as provided in paragraph (6) of this subsection, on
26 receipt of the application, the Administration may reinstate the license or privilege.

27 (4) (i) If it is the individual's third revocation, the individual may file
28 a reinstatement application at any time after 18 months from the day the revoked
29 license is surrendered to and received by the Administration or, in the case of an
30 individual who does not have a license issued under this title, after 18 months from
31 the effective date of revocation.

32 (ii) Except as provided in paragraph (6) of this subsection, on
33 receipt of the application, the Administration may reinstate the license or privilege.

34 (5) (i) If it is the individual's fourth or subsequent revocation, the
35 individual may file a reinstatement application at any time after 2 years from the day
36 the revoked license is surrendered to and received by the Administration or, in the
37 case of an individual who does not have a license issued under this title, after 2 years
38 from the effective date of revocation.

39 (ii) Except as provided in paragraph (6) of this subsection, on
40 receipt of the application, the Administration may reinstate the license or privilege.

1 (6) (i) The Administration may not reinstate a license or privilege to
2 drive under this subsection if the license or privilege has been refused, revoked,
3 suspended, or canceled under any other provision of the Maryland Vehicle Law.

4 (ii) 1. In this subparagraph, "alcohol-related or drug-related
5 driving incident" means a:

6 A. Conviction or probation before judgment for a violation of
7 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
8 jurisdiction;

9 B. Refusal to submit to a test under § 16-205.1 of this title or
10 a substantially similar law of another jurisdiction; or

11 C. Test result that indicates an alcohol concentration of 0.10
12 or more at the time of testing under § 16-205.1 of this title or a substantially similar
13 law of another jurisdiction.

14 2. Alcohol-related or drug-related driving incidents
15 committed at the same time or arising out of the same circumstances may not be
16 considered separate alcohol-related or drug-related driving incidents for the purpose
17 of this subparagraph.

18 3. Notwithstanding paragraphs (1) through (5) of this
19 subsection, the Administration may reinstate a license or privilege to drive only if,
20 after an investigation of an individual's habits and driving ability, the Administration
21 is satisfied it will be safe to reinstate the license or privilege of an individual who has
22 been:

23 A. Involved in any combination of three or more separate
24 alcohol-related or drug-related driving incidents;

25 B. Involved in a vehicular accident resulting in the death of
26 another person; or

27 C. Convicted of a violation for failing to stop after a vehicular
28 accident resulting in bodily injury or death.

29 (7) IF THE REVOCATION IS DUE TO A SECOND OR SUBSEQUENT
30 CONVICTION UNDER § 21-902 OF THIS ARTICLE WITHIN A 5-YEAR PERIOD,
31 REINSTATEMENT SHALL BE CONDITIONED ON THE INDIVIDUAL'S MAINTENANCE OF
32 AN IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 12 MONTHS ON ALL VEHICLES
33 OWNED OR OPERATED BY THE INDIVIDUAL.

34 (8) Except as otherwise provided in this title, before issuing a new
35 license, the Administration shall require the applicant to submit to the examinations
36 that it considers appropriate.

1 16-404.

2 (a) The Administration shall take the following actions for points accumulated
3 within any 2-year period:

4 (1) Send a warning letter to each individual who accumulates 3 points;

5 (2) Require attendance at a conference by each individual who
6 accumulates 5 points, except that a Class A, B, or C licensee who submits evidence
7 acceptable to the Administration that he is a professional driver may not be called in
8 until he accumulates 8 points; and

9 (3) Except as provided in § 16-405 of this subtitle:

10 (i) Suspend the license of each individual who accumulates 8
11 points; and

12 (ii) Revoke the license of each individual who accumulates 12
13 points.

14 (b) (1) Except as provided in § 16-405 of this subtitle:

15 (i) If an individual accumulates 8 points, the Administration shall
16 issue a notice of suspension; and

17 (ii) If an individual accumulates 12 points, the Administration shall
18 issue a notice of revocation.

19 (2) Each notice shall:

20 (i) Be personally served or sent by certified mail, return receipt
21 requested, bearing a postmark from the United States Postal Service;

22 (ii) State the duration of the suspension or revocation; and

23 (iii) Advise the individual of his right, within 10 days after the
24 notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written
25 request for a hearing before the Administrator.

26 (3) Unless a hearing is requested, each notice of suspension or revocation
27 is effective at the end of the 10-day period after the notice is sent.

28 (c) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
29 subsection:

30 (i) An initial suspension may not be for less than 2 days nor more
31 than 30 days; and

32 (ii) Any subsequent suspension may not be for less than 15 days
33 nor more than 90 days.

1 (2) Subject to the provisions of paragraph ~~[(3)]~~ (4) of this subsection, the
2 following suspension periods may apply to a suspension for an accumulation of points
3 under § 16-402(a)(23) of this subtitle for a violation of § 21-902(b) or (c) of this article
4 or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

5 (i) For a first conviction, not more than 6 months; AND

6 (ii) For a second conviction at least 5 years after the date of the
7 first conviction, not more than 9 months[;].

8 (3) ~~THE FOLLOWING SUSPENSION PERIODS SHALL APPLY TO A
9 SUSPENSION FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(23) OF THIS
10 SUBTITLE FOR A CONVICTION UNDER § 21-902(B) OR (C) OF THIS ARTICLE OR A
11 SUSPENSION IMPOSED UNDER § 16-404.1(B)(4)(III) OF THIS SUBTITLE:~~

12 ~~[(iii)]~~ (I) For a second conviction less than 5 years after the date of
13 the first conviction UNDER § 21-902 OF THIS ARTICLE or for a third conviction UNDER
14 § 21-902 OF THIS ARTICLE, [not more than] 12 months; and

15 ~~[(iv)]~~ (II) For a fourth or subsequent conviction UNDER § 21-902 OF
16 THIS ARTICLE, not LESS THAN 12 MONTHS NOR more than 24 months.

17 ~~[(3)]~~ (4) An individual who participates in the Administration's Ignition
18 Interlock System Program under § 16-404.1 of this subtitle may have a suspension
19 under paragraph (2) of this subsection reduced to:

20 (i) For a first conviction, up to 15 days, provided the individual
21 maintains the ignition interlock system for not more than 5 months; OR

22 (ii) For a second conviction at least 5 years after the date of the
23 first conviction, up to 30 days, provided the individual maintains the ignition
24 interlock system for not more than 9 months[;].

25 (iii) For a second conviction less than 5 years after the date of the
26 first conviction or for a third conviction, up to 45 days, provided the individual
27 maintains the ignition interlock system for not more than 12 months; and

28 (iv) For a fourth or subsequent conviction, 6 months, provided the
29 individual maintains the ignition interlock system for not more than 24 months.

30 (4) This subsection does not limit the authority of the Administration to
31 issue a restrictive license or modify a suspension imposed under this subsection[;].

32 (5) ~~IF THE SUSPENSION OR REVOCATION IS DUE TO A SECOND OR
33 SUBSEQUENT CONVICTION LESS THAN 5 YEARS FROM THE DATE OF THE FIRST
34 CONVICTION UNDER § 21-902 OF THIS ARTICLE, RESTORATION OF THE INDIVIDUAL'S
35 DRIVING PRIVILEGE SHALL BE CONDITIONED ON THE INDIVIDUAL'S MAINTENANCE
36 OF AN IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 12 MONTHS ON ALL
37 VEHICLES OWNED OR OPERATED BY THE INDIVIDUAL.~~

1 ~~16-405.~~

2 (a) Except as provided in § 16-205.1 of this title ~~AND SUBSECTION (B) OF THIS~~
3 ~~SECTION~~, if the suspension or revocation of a license would affect adversely the
4 employment or opportunity for employment of a licensee, the hearing officer may:

5 (1) ~~Decline to order the suspension or revocation; or~~

6 (2) ~~Cancel or modify the suspension or revocation.~~

7 (b) ~~SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A SUSPENSION OR~~
8 ~~REVOCATION UNDER § 16-404 OF THIS SUBTITLE FOR A SECOND OR SUBSEQUENT~~
9 ~~CONVICTION UNDER § 21-902 OF THIS ARTICLE WITHIN A 5-YEAR PERIOD.~~

10 (C) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a
11 motor vehicle in the course of his regular employment:

12 (1) ~~Suspension requires 16 points; and~~

13 (2) ~~Revocation requires 19 points.~~

14 ~~[(c)] (D) The provisions of subsection [(b)] (C) of this section do not apply to an~~
15 ~~individual whose current accumulation of points includes points resulting from a~~
16 ~~conviction for a violation of § 21-902 of this article.~~

17 ~~27-101.~~

18 (j) (1) ~~In this subsection, "imprisonment" includes confinement in an~~
19 ~~inpatient rehabilitation or treatment center.~~

20 (2) ~~A person who is convicted of a SECOND violation of § 21-902[(a)] of~~
21 ~~this article within [3] 5 years after a prior conviction under that [subsection]~~
22 ~~SECTION is subject to a mandatory minimum penalty of:~~

23 (i) ~~Imprisonment for not less than [48] 120 [consecutive] hours; or~~

24 (ii) ~~Community service for not less than [80 hours] 30 DAYS AS A~~
25 ~~MANDATORY CONDITION OF PROBATION OR A SUSPENDED SENTENCE OF NOT LESS~~
26 ~~THAN 5 DAYS.~~

27 (3) ~~A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT~~
28 ~~OFFENSE UNDER § 21-902 OF THIS ARTICLE WITHIN 5 YEARS AFTER A PRIOR~~
29 ~~CONVICTION OF ANY OFFENSE UNDER THAT SECTION IS SUBJECT TO A MANDATORY~~
30 ~~MINIMUM PENALTY OF:~~

31 (I) ~~IMPRISONMENT FOR NOT LESS THAN 10 DAYS; OR~~

32 (II) ~~COMMUNITY SERVICE FOR NOT LESS THAN 60 DAYS AS A~~
33 ~~MANDATORY CONDITION OF PROBATION OR A SUSPENDED SENTENCE OF NOT LESS~~
34 ~~THAN 10 DAYS.~~

1 ~~(4) A PERSON WHO IS CONVICTED OF A SECOND OR SUBSEQUENT~~
2 ~~OFFENSE UNDER § 21-902 OF THIS ARTICLE WITHIN 5 YEARS OF A PRIOR CONVICTION~~
3 ~~OF ANY OFFENSE UNDER THAT SECTION SHALL BE REQUIRED BY THE COURT TO:~~

4 ~~(I) UNDERGO A COMPREHENSIVE DRUG AND ALCOHOL~~
5 ~~ASSESSMENT; AND~~

6 ~~(II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT,~~
7 ~~PARTICIPATE IN A DRUG OR ALCOHOL PROGRAM CERTIFIED BY THE DEPARTMENT~~
8 ~~OF HEALTH AND MENTAL HYGIENE.~~

9 ~~(5) The penalties provided by this subsection are mandatory and are not~~
10 ~~subject to suspension or probation BEFORE JUDGEMENT UNDER ARTICLE 27, § 641.~~

11 16-205.

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

13 (1) Is convicted under § 21-902(a) or (d) of this article of driving or
14 attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or
15 while under the influence of a controlled dangerous substance; or

16 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
17 article of driving or attempting to drive a motor vehicle while under the influence of
18 alcohol or while so far under the influence of any drug, any combination of drugs, or
19 a combination of one or more drugs and alcohol that the person cannot drive a vehicle
20 safely and who was previously convicted of any combination of two or more violations
21 under:

22 (i) § 21-902(a) of this article of driving or attempting to drive a
23 motor vehicle while intoxicated or while intoxicated per se;

24 (ii) § 21-902(b) of this article of driving or attempting to drive a
25 motor vehicle while under the influence of alcohol;

26 (iii) § 21-902(c) of this article of driving or attempting to drive a
27 motor vehicle while so far under the influence of any drug, any combination of drugs,
28 or a combination of one or more drugs and alcohol that the person cannot drive a
29 vehicle safely; or

30 (iv) § 21-902(d) of this article of driving or attempting to drive a
31 motor vehicle while under the influence of a controlled dangerous substance.

32 (b) The Administration:

33 (1) Shall revoke the license of any person who has been convicted, under
34 Article 27, § 388A of the Code, of homicide by a motor vehicle while intoxicated or
35 under the influence of alcohol, drugs, or a controlled dangerous substance; and

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

4 (C) THE ADMINISTRATION SHALL SUSPEND FOR 12 MONTHS THE LICENSE OF
5 AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE
6 MORE THAN ONCE WITHIN A 5-YEAR PERIOD.

7 [(c)] (D) The Administration may suspend for not more than 60 days the
8 license of any person who is convicted under § 21-902(b) or (c) of this article of driving
9 or attempting to drive a motor vehicle while under the influence of alcohol or while so
10 far under the influence of any drug, any combination of drugs, or a combination of one
11 or more drugs and alcohol that the person cannot drive a vehicle safely.

12 [(d)] (E) The Administration may suspend for not more than 120 days the
13 license of any person who, within a 3-year period, is convicted under § 21-902(b) or
14 (c) of this article of driving or attempting to drive a motor vehicle while under the
15 influence of alcohol or while so far under the influence of any drug, any combination
16 of drugs, or a combination of one or more drugs and alcohol that the person cannot
17 drive a motor vehicle safely and who was previously convicted of a violation under:

18 (1) § 21-902(a) of this article of driving or attempting to drive a motor
19 vehicle while intoxicated or while intoxicated per se;

20 (2) § 21-902(b) of this article of driving or attempting to drive a motor
21 vehicle while under the influence of alcohol;

22 (3) § 21-902(c) of this article of driving or attempting to drive a motor
23 vehicle while so far under the influence of any drug, any combination of drugs, or a
24 combination of one or more drugs and alcohol that the person cannot drive a motor
25 vehicle safely; or

26 (4) § 21-902(d) of this article of driving or attempting to drive a motor
27 vehicle while under the influence of a controlled dangerous substance.

28 [(e)] (F) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
29 PARAGRAPH, WHEN A SUSPENSION IMPOSED UNDER SUBSECTION (C) OF THIS
30 SECTION EXPIRES, THE ADMINISTRATION SHALL IMMEDIATELY RETURN THE
31 LICENSE OF THE INDIVIDUAL SUBJECT TO THE INDIVIDUAL'S MAINTENANCE OF AN
32 IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 12 MONTHS ON EACH VEHICLE
33 OWNED BY THE PERSON.

34 (II) IF MAINTENANCE OF AN IGNITION INTERLOCK SYSTEM ON A
35 VEHICLE AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH CREATES A
36 FINANCIAL HARDSHIP ON THE INDIVIDUAL OR THE FAMILY OF THE INDIVIDUAL AS
37 DETERMINED BY THE ADMINISTRATION, THE ADMINISTRATION MAY PLACE A
38 RESTRICTION ON THE LICENSE OF THE INDIVIDUAL FOR NOT LESS THAN 12 MONTHS
39 THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT
40 EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

1 (2) When a suspension imposed under subsections [(c)] (D) and [(d)] (E)
 2 of this section expires, the Administration immediately shall return the license or
 3 reinstate the privilege of the driver, unless the license or privilege has been refused,
 4 revoked, suspended, or canceled under any other provisions of the Maryland Vehicle
 5 Law.

6 16-405.

7 (a) Except FOR A SUSPENSION UNDER § 16-205(C) OF THIS TITLE AND EXCEPT
 8 as provided in § 16-205.1 of this title, if the suspension or revocation of a license
 9 would affect adversely the employment or opportunity for employment of a licensee,
 10 the hearing officer may:

11 (1) Decline to order the suspension or revocation; or

12 (2) Cancel or modify the suspension or revocation.

13 (b) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a
 14 motor vehicle in the course of his regular employment:

15 (1) Suspension requires 16 points; and

16 (2) Revocation requires 19 points.

17 (c) The provisions of subsection (b) of this section do not apply to an individual
 18 whose current accumulation of points includes points resulting from a conviction for a
 19 violation of § 21-902 of this article.

20 27-101.

21 (j) (1) In this subsection, "imprisonment" includes confinement in [an]:

22 (I) AN inpatient rehabilitation or treatment center; OR

23 (II) HOME DETENTION THAT INCLUDES ELECTRONIC MONITORING.

24 (2) A person who is convicted of a violation of § 21-902(a) of this article
 25 within [3] 5 years after a prior conviction under that subsection is subject to a
 26 mandatory minimum penalty of:

27 (i) Imprisonment for not less than [48 consecutive hours] 5 DAYS;

28 or

29 (ii) Community service for not less than [80 hours] 30 DAYS.

30 (3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT
 31 VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN 5 YEARS AFTER A PRIOR
 32 CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM
 33 PENALTY OF:

34 (I) IMPRISONMENT FOR NOT LESS THAN 10 DAYS; OR

1 (II) COMMUNITY SERVICE FOR NOT LESS THAN 60 DAYS.

2 (4) A PERSON WHO IS CONVICTED OF A SECOND OR SUBSEQUENT
3 VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN 5 YEARS OF A PRIOR CONVICTION
4 UNDER THAT SUBSECTION SHALL:

5 (I) RECEIVE AN ASSESSMENT OF THE PERSON'S DEGREE OF ABUSE
6 OF ALCOHOL; AND

7 (II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT,
8 RECEIVE APPROPRIATE ALCOHOL TREATMENT.

9 (5) The penalties provided by this subsection are mandatory and are not
10 subject to suspension or probation.

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