
By: **Delegates Menes, Pitkin, Bronrott, Barkley, Montague, Burns, Eckardt,
Walkup, Petzold, Boschert, Hutchins, and Cole**

Introduced and read first time: January 25, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - First Offenders - Uniform Medical Report**

3 FOR the purpose of requiring a person who is convicted of, or receives probation
4 before judgment, for certain alcohol- or drug-related driving offenses to
5 complete and return a certain medical form to the Motor Vehicle Administration
6 within a certain period under certain circumstances; requiring the
7 Administration to suspend for a certain period the license of a person who does
8 not comply with the requirements of this Act; prohibiting the Administration
9 from modifying a suspension or issuing a restrictive license if a license is
10 suspended under this Act; providing for the application of this Act; and generally
11 relating to requiring a certain medical form under certain circumstances.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 16-205
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

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

19 **Article - Transportation**

20 16-205.

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

22 (1) Is convicted under § 21-902(a) or (d) of this article of driving or
23 attempting to drive a motor vehicle while under the influence of alcohol, while under
24 the influence of alcohol per se, or while impaired by a controlled dangerous substance;
25 or

26 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
27 article of driving or attempting to drive a motor vehicle while impaired by alcohol or

1 while so far impaired by any drug, any combination of drugs, or a combination of one
2 or more drugs and alcohol that the person cannot drive a vehicle safely and who was
3 previously convicted of any combination of two or more violations under:

4 (i) § 21-902(a) of this article of driving or attempting to drive a
5 motor vehicle while under the influence of alcohol or while under the influence of
6 alcohol per se;

7 (ii) § 21-902(b) of this article of driving or attempting to drive a
8 motor vehicle while impaired by alcohol;

9 (iii) § 21-902(c) of this article of driving or attempting to drive a
10 motor vehicle while so far impaired by any drug, any combination of drugs, or a
11 combination of one or more drugs and alcohol that the person cannot drive a vehicle
12 safely; or

13 (iv) § 21-902(d) of this article of driving or attempting to drive a
14 motor vehicle while impaired by a controlled dangerous substance.

15 (b) The Administration:

16 (1) Shall revoke the license of any person who has been convicted, under
17 Article 27, § 388A of the Code, of homicide by a motor vehicle while under the
18 influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of
19 drugs, a combination of one or more drugs and alcohol, or a controlled dangerous
20 substance; and

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

24 (c) The Administration may suspend for not more than 60 days the license of
25 any person who is convicted under § 21-902(b) or (c) of this article of driving or
26 attempting to drive a motor vehicle while impaired by alcohol or while so far impaired
27 by any drug, any combination of drugs, or a combination of one or more drugs and
28 alcohol that the person cannot drive a vehicle safely.

29 (d) The Administration may suspend for not more than 120 days the license of
30 any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this
31 article of driving or attempting to drive a motor vehicle while impaired by alcohol or
32 while so far impaired by any drug, any combination of drugs, or a combination of one
33 or more drugs and alcohol that the person cannot drive a motor vehicle safely and who
34 was previously convicted of a violation under:

35 (1) § 21-902(a) of this article of driving or attempting to drive a motor
36 vehicle while under the influence of alcohol or while under the influence of alcohol per
37 se;

38 (2) § 21-902(b) of this article of driving or attempting to drive a motor
39 vehicle while impaired by alcohol;

1 (3) § 21-902(c) of this article of driving or attempting to drive a motor
2 vehicle while so far impaired by any drug, any combination of drugs, or a combination
3 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;
4 or

5 (4) § 21-902(d) of this article of driving or attempting to drive a motor
6 vehicle while impaired by a controlled dangerous substance.

7 (e) [The] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE
8 Administration may modify any suspension under this section or any suspension
9 under § 16-205.1 of this article and issue a restrictive license to a licensee who
10 participates in the Ignition Interlock System Program established under § 16-404.1 of
11 this title.

12 (F) (1) THIS SUBSECTION APPLIES TO A PERSON WHO IS:

13 (I) CONVICTED FOR A FIRST VIOLATION UNDER § 21-902 OF THIS
14 ARTICLE; OR

15 (II) OFFERED AND ACCEPTS PROBATION BEFORE JUDGMENT
16 UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR A FIRST VIOLATION
17 UNDER § 21-902 OF THIS ARTICLE.

18 (2) ON PROVIDING NOTICE AS DESCRIBED UNDER § 12-114 OF THIS
19 ARTICLE, THE ADMINISTRATION MAY REQUIRE A PERSON DESCRIBED IN THIS
20 SUBSECTION TO COMPLETE A UNIFORM MEDICAL REPORT FORM AND RETURN IT TO
21 THE ADMINISTRATION WITHIN 30 DAYS AFTER NOTICE IS EFFECTIVE.

22 (3) IF A PERSON DOES NOT COMPLY WITH PARAGRAPH (2) OF THIS
23 SUBSECTION, THE ADMINISTRATION SHALL SUSPEND THE LICENSE OF THE PERSON
24 FOR 90 DAYS.

25 (4) THE ADMINISTRATION MAY NOT MODIFY A SUSPENSION OR ISSUE A
26 RESTRICTIVE LICENSE FOR A SUSPENSION UNDER THIS SUBSECTION.

27 [(f)] (G) When a suspension imposed under subsections (c) [and (d)], (D), AND
28 (E) of this section expires, the Administration immediately shall return the license or
29 reinstate the privilege of the driver, unless the license or privilege has been refused,
30 revoked, suspended, or canceled under any other provisions of the Maryland Vehicle
31 Law.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
33 apply only prospectively and may not be applied or interpreted to have any
34 effect on or application to any violation of § 21-902 of the Transportation Article
35 that occurs before the effective date of this Act.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2002.