

HOUSE BILL 581

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R3
HB 47/01 - JUD

2002 Regular Session
2lr0769

By: **Delegates Boutin, W. Baker, Barve, Boschert, Dypski, Eckardt, Heller,
Kach, Kagan, Leopold, Marriott, Pitkin, Rosso, Snodgrass, Stocksdale,
Stull, Turner, and Walkup**

Introduced and read first time: February 1, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Refusal to Submit to Test for Alcohol, Drugs,**
3 **or Controlled Dangerous Substances - Suspension of Driver's License**

4 FOR the purpose of increasing the period of suspension of a driver's license for the
5 licensee's refusal to submit to a certain test for alcohol, drugs, or controlled
6 dangerous substances under certain circumstances; providing for the
7 application of this Act; and generally relating to increasing the period of
8 suspension of a driver's license for a refusal to submit to a certain test for
9 alcohol, drugs, or controlled dangerous substances under certain circumstances.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-205.1(b)(1)(i) and (ii) and (f)(4)(i) and (8)(v) and 16-208(a)(1)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2001 Supplement)

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

17 **Article - Transportation**

18 16-205.1.

19 (b) (1) Except as provided in subsection (c) of this section, a person may not
20 be compelled to take a test. However, the detaining officer shall advise the person
21 that, on receipt of a sworn statement from the officer that the person was so charged
22 and refused to take a test, or was tested and the result indicated an alcohol
23 concentration of 0.08 or more, the Administration shall:

24 (i) In the case of a person licensed under this title:

25 1. For a test result indicating an alcohol concentration of
26 0.08 or more at the time of testing:

- 1 A. For a first offense, suspend the driver's license for 45 days;
2 or
- 3 B. For a second or subsequent offense, suspend the driver's
4 license for 90 days; or
- 5 2. For a test refusal:
- 6 A. For a first offense, suspend the driver's license for [120]
7 180 days; or
- 8 B. For a second or subsequent offense, suspend the driver's
9 license for [1 year] 2 YEARS;
- 10 (ii) In the case of a nonresident or unlicensed person:
- 11 1. For a test result indicating an alcohol concentration of
12 0.08 or more at the time of testing:
- 13 A. For a first offense, suspend the person's driving privilege
14 for 45 days; or
- 15 B. For a second or subsequent offense, suspend the person's
16 driving privilege for 90 days; or
- 17 2. For a test refusal:
- 18 A. For a first offense, suspend the person's driving privilege
19 for [120] 180 days; or
- 20 B. For a second or subsequent offense, suspend the person's
21 driving privilege for [1 year] 2 YEARS; and
- 22 (f) (4) If a hearing request is not made at the time of or within 10 days after
23 the issuance of the order of suspension, the Administration shall:
- 24 (i) Make the suspension order effective suspending the license:
- 25 1. For a test result indicating an alcohol concentration of
26 0.08 or more at the time of testing:
- 27 A. For a first offense, for 45 days; or
- 28 B. For a second or subsequent offense, for 90 days; or
- 29 2. For a test refusal:
- 30 A. For a first offense, for [120] 180 days; or
- 31 B. For a second offense or subsequent offense, for [1 year] 2
32 YEARS; and

- 1 (8) (v) The suspension imposed shall be:
- 2 1. For a test result indicating an alcohol concentration of
- 3 0.08 or more at the time of testing:
- 4 A. For a first offense, a suspension for 45 days; or
- 5 B. For a second or subsequent offense, a suspension for 90
- 6 days; or
- 7 2. For a test refusal:
- 8 A. For a first offense, a suspension for [120] 180 days; or
- 9 B. For a second or subsequent offense, a suspension for [1
- 10 year] 2 YEARS.
- 11 16-208.

12 (a) (1) Except as provided in paragraph (2) of this subsection, [§

13 16-206(a)(4) and (c)] §§ 16-205.1 AND 16-206(A)(4) AND (C) of this subtitle, and §

14 16-404(c)(2) and (3) of this title, the Administration may not suspend a license or

15 privilege to drive for a period of more than 1 year.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be

17 construed to apply only prospectively and may not be applied or interpreted to have

18 any effect on or application to any refusal to take a test that occurs before the effective

19 date of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

21 October 1, 2002.