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By: **Delegates Gaines and Vallario**  
Introduced and read first time: February 7, 2002  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Per Se Offense - Modification of Suspension or Issuance of**  
3 **Restrictive License - Health Care Treatment**

4 FOR the purpose of authorizing the Motor Vehicle Administration to modify a  
5 suspension of a driver's license or issue a restrictive license to a licensee who  
6 violates a certain alcohol-related administrative offense if the Administration  
7 finds that the licensee has no alternative means of transportation available to or  
8 from a location at which the licensee receives health care treatment; and  
9 generally relating to the modification of a suspension or issuance of a restrictive  
10 license to a licensee for a certain alcohol-related administrative offense under  
11 certain circumstances concerning health care treatment of the licensee.

12 BY repealing and reenacting, with amendments,  
13 Article - Transportation  
14 Section 16-205.1(n)  
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 16-205.1.

21 (n) (1) The Administration may modify a suspension under this section or  
22 issue a restrictive license if:

23 (i) The licensee did not refuse to take a test;

24 (ii) The licensee has not had a license suspended under this section  
25 during the past 5 years;

26 (iii) The licensee has not been convicted under § 21-902 of this  
27 article during the past 5 years; and

1 (iv) 1. The licensee is required to drive a motor vehicle in the  
2 course of employment;

3 2. The license is required for the purpose of attending an  
4 alcoholic prevention or treatment program; [or]

5 3. It finds that the licensee has no alternative means of  
6 transportation available to or from the licensee's place of employment and, without  
7 the license, the licensee's ability to earn a living would be severely impaired; OR

8 4. IT FINDS THAT THE LICENSEE HAS NO ALTERNATIVE  
9 MEANS OF TRANSPORTATION AVAILABLE TO OR FROM A LOCATION AT WHICH THE  
10 LICENSEE RECEIVES HEALTH CARE TREATMENT.

11 (2) In addition to the authority to modify a suspension or issue a  
12 restrictive license under paragraph (1) or (4) of this subsection, the Administration  
13 may modify a suspension under this section or issue a restrictive license, including a  
14 restriction that prohibits the licensee from driving or attempting to drive a motor  
15 vehicle unless the licensee is a participant in the Ignition Interlock System Program  
16 established under § 16-404.1 of this title, if:

17 (i) The licensee did not refuse to take a test;

18 (ii) The licensee has not been convicted under § 21-902 of this  
19 article; and

20 (iii) The license is required for the purpose of attending:

21 1. A noncollegiate educational institution as defined in §  
22 2-206(a) of the Education Article; or

23 2. A regular program at an institution of postsecondary  
24 education.

25 (3) If the licensee refused to take a test, the Administration may not  
26 modify a suspension under this section or issue a restrictive license except as  
27 provided under paragraph (4) of this subsection.

28 (4) In addition to the authority to modify a suspension or issue a  
29 restrictive license under paragraph (1) or (2) of this subsection, the Administration  
30 may modify a suspension under this section or issue a restrictive license to a licensee  
31 who participates in the Ignition Interlock System Program established under §  
32 16-404.1 of this title for at least 1 year.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2002.