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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 5, 2002

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CHAPTER \_\_\_\_\_

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~~ for the purpose of receiving  
9 necessary health care treatment; and generally relating to the modification of a  
10 suspension or issuance of a restrictive license to a licensee for a certain  
11 alcohol-related administrative offense under certain circumstances concerning  
12 health care treatment of the licensee.

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 16-205.1(n)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2001 Supplement)

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

20                                   **Article - Transportation**

21 16-205.1.

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

- 1 (i) The licensee did not refuse to take a test;
- 2 (ii) The licensee has not had a license suspended under this section  
3 during the past 5 years;
- 4 (iii) The licensee has not been convicted under § 21-902 of this  
5 article during the past 5 years; and
- 6 (iv) 1. The licensee is required to drive a motor vehicle in the  
7 course of employment;
- 8 2. The license is required for the purpose of attending an  
9 alcoholic prevention or treatment program; [or]
- 10 3. It finds that the licensee has no alternative means of  
11 transportation available to or from the licensee's place of employment and, without  
12 the license, the licensee's ability to earn a living would be severely impaired; OR
- 13 4. IT FINDS THAT THE LICENSEE HAS NO ALTERNATIVE  
14 MEANS OF TRANSPORTATION AVAILABLE TO OR FROM A LOCATION AT WHICH THE  
15 LICENSEE RECEIVES FOR THE PURPOSE OF RECEIVING NECESSARY HEALTH CARE  
16 TREATMENT.
- 17 (2) In addition to the authority to modify a suspension or issue a  
18 restrictive license under paragraph (1) or (4) of this subsection, the Administration  
19 may modify a suspension under this section or issue a restrictive license, including a  
20 restriction that prohibits the licensee from driving or attempting to drive a motor  
21 vehicle unless the licensee is a participant in the Ignition Interlock System Program  
22 established under § 16-404.1 of this title, if:
- 23 (i) The licensee did not refuse to take a test;
- 24 (ii) The licensee has not been convicted under § 21-902 of this  
25 article; and
- 26 (iii) The license is required for the purpose of attending:
- 27 1. A noncollegiate educational institution as defined in §  
28 2-206(a) of the Education Article; or
- 29 2. A regular program at an institution of postsecondary  
30 education.
- 31 (3) If the licensee refused to take a test, the Administration may not  
32 modify a suspension under this section or issue a restrictive license except as  
33 provided under paragraph (4) of this subsection.
- 34 (4) In addition to the authority to modify a suspension or issue a  
35 restrictive license under paragraph (1) or (2) of this subsection, the Administration  
36 may modify a suspension under this section or issue a restrictive license to a licensee

1 who participates in the Ignition Interlock System Program established under §  
2 16-404.1 of this title for at least 1 year.

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