

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 856

(Delegates Gaines and Vallario)

Judiciary

Judicial Proceedings

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

This bill authorizes the Motor Vehicle Administration (MVA) to modify a license suspension or issue a restrictive license to a licensee who has not refused to submit to an alcohol or drug test, has not had a license suspended for an administrative per se offense during the past five years, and has not been convicted of an alcohol or drug-related driving offense within the past five years. This applies to licensees that the MVA finds have no alternative means of transportation for the purpose of receiving necessary health care treatment.

Fiscal Summary

State Effect: The MVA advises that the bill's requirements could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The MVA is required to suspend the driver's license or driving privileges of any individual who either refuses to submit to an alcohol or drug test or whose test indicates an alcohol concentration of 0.08 or more. However, the MVA is authorized to modify a license suspension or issue a restrictive license if:

- (1) the licensee did not refuse to take a test;

- (2) the licensee has not had a license suspended due to a test refusal or test results during the past five years;
- (3) the licensee has not been convicted of an alcohol or drug-related driving offense during the past five years; and
- (4)
 - (a) the licensee is required to drive a motor vehicle in the course of employment;
 - (b) the license is required for the purpose of attending an alcoholic prevention or treatment program; or
 - (c) the MVA finds the licensee has no alternative means of transportation available to or from the licensee's place of employment and, without the license, the licensee's ability to earn a living would be severely impaired.

The bill does not affect other existing provisions of current law that relate to the modification of license suspensions and the issuance of restrictive licenses to individuals who commit administrative per se offenses, but who become participants in the Ignition Interlock System Program.

Additional Information

Prior Introductions: A similar bill, HB 776 of the 2000 session, received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2002
lc/cer Revised - House Third Reader - March 21, 2002

Analysis by: Karen D. Morgan

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510