

HOUSE BILL 112

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HB 856/02 - JUD

2003 Regular Session
3lr0772

By: **Delegates Anderson, Carter, Donoghue, and Vallario**
Introduced and read first time: January 23, 2003
Assigned to: Judiciary

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

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-205.1(n)
16 Annotated Code of Maryland
17 (2002 Replacement Volume)

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:

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

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

27 (iii) The licensee has not been convicted under § 21-902 of this
28 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 FOR THE
10 PURPOSE OF RECEIVING NECESSARY 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, 2003.