
By: **Delegates Anderson, Carter, Donoghue, and Vallario**
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Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: February 25, 2003

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 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:

- 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 FOR THE
15 PURPOSE OF RECEIVING NECESSARY HEALTH CARE TREATMENT.
- 16 (2) In addition to the authority to modify a suspension or issue a
17 restrictive license under paragraph (1) or (4) of this subsection, the Administration
18 may modify a suspension under this section or issue a restrictive license, including a
19 restriction that prohibits the licensee from driving or attempting to drive a motor
20 vehicle unless the licensee is a participant in the Ignition Interlock System Program
21 established under § 16-404.1 of this title, if:
- 22 (i) The licensee did not refuse to take a test;
- 23 (ii) The licensee has not been convicted under § 21-902 of this
24 article; and
- 25 (iii) The license is required for the purpose of attending:
- 26 1. A noncollegiate educational institution as defined in §
27 2-206(a) of the Education Article; or
- 28 2. A regular program at an institution of postsecondary
29 education.
- 30 (3) If the licensee refused to take a test, the Administration may not
31 modify a suspension under this section or issue a restrictive license except as
32 provided under paragraph (4) of this subsection.
- 33 (4) In addition to the authority to modify a suspension or issue a
34 restrictive license under paragraph (1) or (2) of this subsection, the Administration
35 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, 2003.