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By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses - Restrictive Licenses and Suspension Modifications -**  
3 **Medical Exception**

4 FOR the purpose of authorizing the Motor Vehicle Administration to modify under  
5 certain circumstances a driver's license suspension or issue a restrictive license  
6 if an individual, whose license is subject to suspension for certain  
7 alcohol-related or drug-related administrative offenses, requires the license to  
8 attend medical appointments or obtain medical treatment or is the primary  
9 caretaker of an individual who resides with the licensee and there are no  
10 alternative means of transporting the individual to medical appointments or for  
11 medical treatment; clarifying language; and generally relating to the  
12 modification of a driver's license suspension or the issuance of a restrictive  
13 license.

14 BY repealing and reenacting, without amendments,  
15 Article - Transportation  
16 Section 16-205.1(b)(1)(i)  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 16-205.1(n)  
22 Annotated Code of Maryland  
23 (2002 Replacement Volume)

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

1 **Article - Transportation**

2 16-205.1.

3 (b) (1) Except as provided in subsection (c) of this section, a person may not  
4 be compelled to take a test. However, the detaining officer shall advise the person  
5 that, on receipt of a sworn statement from the officer that the person was so charged  
6 and refused to take a test, or was tested and the result indicated an alcohol  
7 concentration of 0.08 or more, the Administration shall:

8 (i) In the case of a person licensed under this title:

9 1. For a test result indicating an alcohol concentration of  
10 0.08 or more at the time of testing:

11 A. For a first offense, suspend the driver's license for 45 days;  
12 or

13 B. For a second or subsequent offense, suspend the driver's  
14 license for 90 days; or

15 2. For a test refusal:

16 A. For a first offense, suspend the driver's license for 120  
17 days; or

18 B. For a second or subsequent offense, suspend the driver's  
19 license for 1 year;

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

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

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

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

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

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

31 3. [It] THE ADMINISTRATION finds that the licensee has no  
32 alternative means of transportation available to or from the licensee's place of  
33 employment and, without the license, the licensee's ability to earn a living would be  
34 severely impaired;

1 4. THE LICENSE IS REQUIRED FOR THE PURPOSE OF  
2 ATTENDING MEDICAL APPOINTMENTS OR OBTAINING MEDICAL TREATMENT; OR

3 5. THE ADMINISTRATION FINDS THAT THE LICENSEE IS THE  
4 PRIMARY CARETAKER OF AN INDIVIDUAL WHO RESIDES WITH THE LICENSEE AND  
5 THERE ARE NO ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE FOR THE  
6 PURPOSE OF TRANSPORTING THE INDIVIDUAL TO MEDICAL APPOINTMENTS OR FOR  
7 MEDICAL TREATMENT.

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

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

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

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

18 1. A noncollegiate educational institution as defined in §  
19 2-206(a) of the Education Article; or

20 2. A regular program at an institution of postsecondary  
21 education.

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2003.