

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 112

(Delegate Anderson, *et al.*)

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 found to have committed an “administrative per se” offense if the licensee has no alternative means of transportation for the purpose of receiving necessary health care treatment. An “administrative per se” offense is a refusal to submit to an alcohol or drug test or an alcohol test that indicates an alcohol concentration of .08 or more.

The bill applies only to a licensee who did not refuse to take a test, has not had a license suspended for a prior 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.

Fiscal Summary

State Effect: 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: This bill is a reintroduction of HB 856 of the 2002 session, as amended. HB 856 passed the House and was referred to the Judicial Proceedings Committee where it was not reported out. A similar bill, HB 776 of the 2000 session, was referred to the Judiciary Committee, where it received an unfavorable report.

Cross File: None.

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

Fiscal Note History: First Reader - February 11, 2003
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