

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 403 (Senator Giannetti)
Judicial Proceedings

Drivers' Licenses - Restrictive Licenses and Suspension Modifications - Medical Exception

This bill provides that if a driver's license is suspended for alcohol- and/or drug-related driving offenses, the Motor Vehicle Administration (MVA) may modify the suspension or issue a restrictive license if the MVA finds the license is required for the purpose of attending medical appointments or obtaining medical treatment. The MVA may also take these actions if it finds that the licensee is the primary caretaker of an individual who resides with the licensee and no alternative transportation is available for the purpose of transporting the individual to medical appointments or medical treatment.

Fiscal Summary

State Effect: It is expected that the bill's requirements could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not be compelled to take a test of blood or breath after being detained for an alcohol- and/or drug-related driving offense. However, the detaining officer must advise the person that on receipt by the MVA of a sworn statement from the officer that the person refused a test or was tested and the result was an alcohol concentration of .08 or more, the MVA is required to:

- suspend the driver's license for 45 days for a first offense of a test result indicating an alcohol concentration of .08 or more;
- suspend the driver's license for 90 days for a second or subsequent offense of a test result indicating an alcohol concentration of .08 or more;
- suspend the driver's license for 120 days for a first offense of refusing a test; and
- suspend the driver's license for one year for a second or subsequent offense of refusing a test.

The MVA may modify a license suspension or issue a restrictive license if:

- the licensee did not refuse a test;
- the licensee has not had a license suspended during the preceding five years;
- the licensee has not been convicted, during the preceding five years, of driving while under the influence of alcohol or under the influence of alcohol per se, driving while impaired by alcohol, driving while impaired by drugs or drugs and alcohol, or driving while impaired by a controlled dangerous substance;
- the licensee must drive a motor vehicle in the course of employment;
- the license is required for attending an alcoholic prevention or treatment program; or
- the MVA finds the licensee has no alternative transportation to or from the licensee's employment and, without the license, the licensee's ability to earn a living would be severely impaired.

The MVA may also modify a suspension or issue a restrictive license, including a restriction that prohibits driving or attempting to drive unless the licensee participates in the Ignition Interlock System Program, if:

- the licensee did not refuse to take a test;
- the licensee has not been convicted of driving or attempting to drive while under the influence of alcohol or under the influence of alcohol per se, driving while impaired by alcohol, driving while impaired by drugs or drugs and alcohol, or driving while impaired by a controlled dangerous substance; and
- the license is required for attending specified educational programs.

If the licensee refused to take a test, the MVA may not modify the suspension or issue a restrictive license, except that the MVA may modify a suspension or issue a restrictive license to a licensee who participates in the Ignition Interlock System for at least one year.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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