

HOUSE BILL 6

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R3

2004 Regular Session  
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(PRE-FILED)

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By: **Delegate Owings**  
Requested: August 20, 2003  
Introduced and read first time: January 14, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Young Drivers - License Suspension and**  
3 **Revocation**

4 FOR the purpose of requiring the Motor Vehicle Administration to revoke or suspend  
5 for certain periods of time the driver's license or driving privilege of a person  
6 under a certain age who is convicted of certain alcohol- or drug-related motor  
7 vehicle violations; prohibiting the Administration from modifying certain  
8 suspensions of a person's driver's license or driving privilege; requiring the  
9 Administration to return a suspended driver's license or reinstate a suspended  
10 driving privilege after the suspension expires under certain circumstances;  
11 prohibiting the Administration from reinstating a revoked license or driving  
12 privilege of a certain person for certain periods of time; making a stylistic  
13 change; and generally relating to license suspensions and revocations for  
14 alcohol- or drug-related motor vehicle violations by certain persons.

15 BY repealing and reenacting, with amendments,  
16 Article - Courts and Judicial Proceedings  
17 Section 3-8A-23(a)(4)(i)  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Transportation  
22 Section 16-205, 16-206(b), and 16-208(b)  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article - Transportation  
27 Section 21-902  
28 Annotated Code of Maryland  
29 (2002 Replacement Volume and 2003 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 3-8A-23.

5 (a) (4) (i) An adjudication of a child as delinquent by reason of the child's  
6 violation of § 21-902 of the Transportation Article or a finding that a child has  
7 committed a delinquent act by reason of the child's violation of § 21-902 of the  
8 Transportation Article, without an adjudication of the child as delinquent, shall be  
9 reported by the clerk of the court to the Motor Vehicle Administration which shall:

10 1. [For a violation of § 21-902(a) or (d) of the Transportation  
11 Article, revoke] REVOKE the child's driving privilege UNDER § 16-205(A) OF THE  
12 TRANSPORTATION ARTICLE in the same manner and to the same effect as if the child  
13 had been convicted of the offense; OR

14 2. [For a first violation of § 21-902(b) or (c) of the  
15 Transportation Article, suspend] SUSPEND the child's driving privilege [for 6 months;  
16 and

17 3. For a second or subsequent violation of § 21-902(b) or (c)  
18 of the Transportation Article, suspend the child's driving privilege for 1 year] UNTIL  
19 THE CHILD IS 21 YEARS OLD.

20 **Article - Transportation**

21 16-205.

22 (a) The Administration may revoke the license of any person who:

23 (1) Is convicted under § 21-902(a) or (d) of this article of driving or  
24 attempting to drive a motor vehicle while under the influence of alcohol, while under  
25 the influence of alcohol per se, or while impaired by a controlled dangerous substance;  
26 or

27 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this  
28 article of driving or attempting to drive a motor vehicle while impaired by alcohol or  
29 while so far impaired by any drug, any combination of drugs, or a combination of one  
30 or more drugs and alcohol that the person cannot drive a vehicle safely and who was  
31 previously convicted of any combination of two or more violations under:

32 (i) § 21-902(a) of this article of driving or attempting to drive a  
33 motor vehicle while under the influence of alcohol or while under the influence of  
34 alcohol per se;

35 (ii) § 21-902(b) of this article of driving or attempting to drive a  
36 motor vehicle while impaired by alcohol;

1 (iii) § 21-902(c) of this article of driving or attempting to drive a  
2 motor vehicle while so far impaired by any drug, any combination of drugs, or a  
3 combination of one or more drugs and alcohol that the person cannot drive a vehicle  
4 safely; or

5 (iv) § 21-902(d) of this article of driving or attempting to drive a  
6 motor vehicle while impaired by a controlled dangerous substance.

7 (b) The Administration:

8 (1) Shall revoke the license of any person who has been convicted, under  
9 Title 2, Subtitle 5 of the Criminal Law Article, of homicide by a motor vehicle while  
10 under the influence of alcohol, impaired by alcohol, or impaired by any drug, any  
11 combination of drugs, a combination of one or more drugs and alcohol, or a controlled  
12 dangerous substance; and

13 (2) May not issue a temporary license to drive for any person whose  
14 license has been revoked under item (1) of this subsection during an administrative  
15 appeal of the revocation.

16 (c) [The] SUBJECT TO SUBSECTION (D-1) OF THIS SECTION, THE  
17 Administration may suspend for not more than 60 days the license of any person who  
18 is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a  
19 motor vehicle while impaired by alcohol or while so far impaired by any drug, any  
20 combination of drugs, or a combination of one or more drugs and alcohol that the  
21 person cannot drive a vehicle safely.

22 (d) [The] SUBJECT TO SUBSECTION (D-1) OF THIS SECTION, THE  
23 Administration may suspend for not more than 120 days the license of any person  
24 who, within a 3-year period, is convicted under § 21-902(b) or (c) of this article of  
25 driving or attempting to drive a motor vehicle while impaired by alcohol or while so  
26 far impaired by any drug, any combination of drugs, or a combination of one or more  
27 drugs and alcohol that the person cannot drive a motor vehicle safely and who was  
28 previously convicted of a violation under:

29 (1) § 21-902(a) of this article of driving or attempting to drive a motor  
30 vehicle while under the influence of alcohol or while under the influence of alcohol per  
31 se;

32 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
33 vehicle while impaired by alcohol;

34 (3) § 21-902(c) of this article of driving or attempting to drive a motor  
35 vehicle while so far impaired by any drug, any combination of drugs, or a combination  
36 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;  
37 or

38 (4) § 21-902(d) of this article of driving or attempting to drive a motor  
39 vehicle while impaired by a controlled dangerous substance.

1 (D-1) FOR A PERSON WHO IS AT LEAST 18 YEARS OLD BUT UNDER THE AGE OF 21  
2 YEARS AND WHO IS CONVICTED UNDER § 21-902 OF THIS ARTICLE, THE  
3 ADMINISTRATION SHALL:

4 (1) REVOKE THE PERSON'S LICENSE OR DRIVING PRIVILEGE UNDER  
5 SUBSECTION (A) OF THIS SECTION; OR

6 (2) SUSPEND THE PERSON'S LICENSE OR DRIVING PRIVILEGE FOR THE  
7 LONGER OF:

8 (I) THE PERIOD FROM THE DATE OF CONVICTION THROUGH THE  
9 PERSON'S 21ST BIRTHDAY; OR

10 (II) 1 YEAR.

11 (e) (1) In this subsection, "motor vehicle" does not include a commercial  
12 motor vehicle.

13 (2) Subject to the provisions of this subsection, the Administration shall  
14 suspend for 1 year the license of a person who is convicted of a violation of § 21-902(a)  
15 of this article more than once within a 5-year period.

16 (3) On receiving a record of a conviction of a person for a violation of §  
17 21-902(a) of this article more than once within a 5-year period, the Administration  
18 shall issue to the person a notice of suspension of the person's license that:

19 (i) States that the person's license shall be suspended for 1 year;  
20 and

21 (ii) Advises the person of the right to request a hearing under this  
22 paragraph.

23 (4) After notice under paragraph (3) of this subsection, the  
24 Administration shall suspend a person's license under this subsection if:

25 (i) The person does not request a hearing;

26 (ii) After a hearing, the Administration finds that the person was  
27 convicted of more than one violation of § 21-902(a) of this article within a 5-year  
28 period; or

29 (iii) The person fails to appear for a hearing requested by the  
30 person.

31 (5) The Administration shall, within 90 days of the expiration of the  
32 1-year period of suspension, issue to the person a notice, unless this notice  
33 requirement was waived at a hearing described in paragraph (4) of this subsection,  
34 that:

1 (i) States that the person shall maintain for not less than 3 months  
2 and not more than 1 year, dating from the expiration of the 1-year period of  
3 suspension, an ignition interlock system on each motor vehicle owned by the person;

4 (ii) States that the Administration shall impose a restriction on the  
5 person's license that prohibits the person from driving a motor vehicle that is not  
6 equipped with an ignition interlock system for a period of not less than 3 months and  
7 not more than 1 year, dating from the expiration of the 1-year period of suspension;  
8 and

9 (iii) Advises the person of the right to request a hearing under this  
10 paragraph.

11 (6) After notice under paragraph (5) of this subsection, or a waiver of  
12 notice, the Administration shall order a person to maintain for not less than 3 months  
13 and not more than 1 year, dating from the expiration of the 1-year period of  
14 suspension, an ignition interlock system on each motor vehicle owned by the person  
15 and impose a license restriction that prohibits the person from driving a motor vehicle  
16 that is not equipped with an ignition interlock system if:

17 (i) The person does not request a hearing;

18 (ii) The Administration finds at a hearing that the person owns one  
19 or more motor vehicles and that no financial hardship, as described in paragraphs (7)  
20 and (8) of this subsection, will be created by requiring the person to maintain an  
21 ignition interlock system on each motor vehicle owned by the person; or

22 (iii) The person fails to appear for a hearing requested by the  
23 person.

24 (7) If the Administration finds at a hearing that maintenance of an  
25 ignition interlock system on a motor vehicle owned by the person creates a financial  
26 hardship on the person, the family of the person, or a co-owner of the motor vehicle,  
27 the Administration:

28 (i) Shall impose a restriction on the license of the person for not  
29 less than 3 months and not more than 1 year, dating from the expiration of the 1-year  
30 period of suspension, that prohibits the person from driving any motor vehicle that is  
31 not equipped with an ignition interlock system; and

32 (ii) May not require the person to maintain an ignition interlock  
33 system on any motor vehicle to which the financial hardship applies.

34 (8) An exemption under paragraph (7)(ii) of this subsection applies only  
35 under circumstances that:

36 (i) Are specific to the person's motor vehicle; and

37 (ii) Meet criteria contained in regulations that shall be adopted by  
38 the Administration.

1 (9) If a person requests a hearing and the Administration finds that the  
2 person does not own a motor vehicle at the expiration of the 1-year period of  
3 suspension, the Administration shall impose a restriction on the license of the person  
4 for not less than 3 months and not more than 1 year, dating from the expiration of the  
5 1-year period of suspension, that prohibits the person from driving any motor vehicle  
6 that is not equipped with an ignition interlock system.

7 (10) Each notice and hearing under this subsection shall meet the  
8 requirements of Title 12, Subtitle 2 of this article.

9 (11) This subsection does not limit any provision of this article that allows  
10 or requires the Administration to:

11 (i) Revoke or suspend a license of a person; or

12 (ii) Prohibit a person from driving a motor vehicle that is not  
13 equipped with an ignition interlock system.

14 (12) A suspension imposed under this subsection shall be concurrent with  
15 any other suspension or revocation imposed by the Administration that arises out of  
16 the circumstances of the conviction for a violation of § 21-902(a) of this article  
17 described in this subsection.

18 (f) (1) Subject to paragraph (2) of this subsection, the Administration may  
19 modify any suspension under this section or any suspension under § 16-205.1 of this  
20 subtitle and issue a restrictive license to a licensee who participates in the Ignition  
21 Interlock System Program established under § 16-404.1 of this title.

22 (2) The Administration may not modify a suspension and issue a  
23 restrictive license during a mandatory period of suspension described in subsection  
24 (D-1) OR (e) of this section OR § 16-206(B) OF THIS SUBTITLE.

25 (g) When a suspension imposed under [subsections] SUBSECTION (c), (d),  
26 (D-1), or (e) of this section OR § 16-206(B) OF THIS SUBTITLE expires, the  
27 Administration immediately shall return the license or reinstate the privilege of the  
28 driver, unless the license or privilege has been refused, revoked, suspended, or  
29 canceled under any other provisions of the Maryland Vehicle Law.

30 16-206.

31 (b) [(1)] Upon notification by the clerk of the court that a child has been  
32 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has  
33 been made that a child violated § 21-902 of this article, the Administration shall  
34 suspend or revoke the driving privilege of the child in accordance with §  
35 3-8A-23(a)(4)(i) of the Courts Article.

36 [(2) If a child subject to a suspension or revocation under this subsection  
37 does not hold a license to operate a motor vehicle on the date of the disposition, the  
38 suspension or revocation shall commence:

1 (i) If the child is at least 16 years old on the date of the disposition,  
2 on the date of the disposition; or

3 (ii) If the child is younger than 16 years of age on the date of the  
4 disposition, on the date the child reaches the child's 16th birthday.]

5 16-208.

6 (b) (1) Any individual whose license or privilege to drive has been revoked  
7 may apply for reinstatement of the individual's license or privilege as provided in this  
8 subsection.

9 (2) (i) If it is the individual's first revocation, the individual may file a  
10 reinstatement application at any time after the day the revoked license is  
11 surrendered to and received by the Administration or, in the case of an individual who  
12 does not have a license issued under this title, after the effective date of the  
13 revocation.

14 (ii) Except as provided in paragraph (6) of this subsection, on  
15 receipt of the application, the Administration may reinstate the license or privilege 6  
16 months after the revoked license is received by the Administration or, in the case of  
17 an individual who does not have a license issued under this title, 6 months after the  
18 effective date of revocation.

19 (3) (i) If it is the individual's second revocation, the individual may file  
20 a reinstatement application at any time after 1 year from the day the revoked license  
21 is surrendered to and received by the Administration or, in the case of an individual  
22 who does not have a license issued under this title, after 1 year from the effective date  
23 of revocation.

24 (ii) Except as provided in paragraph (6) of this subsection, on  
25 receipt of the application, the Administration may reinstate the license or privilege.

26 (4) (i) If it is the individual's third revocation, the individual may file  
27 a reinstatement application at any time after 18 months from the day the revoked  
28 license is surrendered to and received by the Administration or, in the case of an  
29 individual who does not have a license issued under this title, after 18 months from  
30 the effective date of revocation.

31 (ii) Except as provided in paragraph (6) of this subsection, on  
32 receipt of the application, the Administration may reinstate the license or privilege.

33 (5) (i) If it is the individual's fourth or subsequent revocation, the  
34 individual may file a reinstatement application at any time after 2 years from the day  
35 the revoked license is surrendered to and received by the Administration or, in the  
36 case of an individual who does not have a license issued under this title, after 2 years  
37 from the effective date of revocation.

38 (ii) Except as provided in paragraph (6) of this subsection, on  
39 receipt of the application, the Administration may reinstate the license or privilege.

1                   (6)     (i)     The Administration may not reinstate a license or privilege to  
2 drive under this subsection if the license or privilege has been refused, revoked,  
3 suspended, or canceled under any other provision of the Maryland Vehicle Law.

4                               (ii)     1.       In this subparagraph, "alcohol-related or drug-related  
5 driving incident" means a:

6   A.       Conviction or probation before judgment for a violation of  
7 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
8 jurisdiction;

9   B.       Refusal to submit to a test under § 16-205.1 of this title or  
10 a substantially similar law of another jurisdiction; or

11    C.       Test result that indicates an alcohol concentration of 0.10  
12 or more at the time of testing under § 16-205.1 of this title or a substantially similar  
13 law of another jurisdiction.

14    2.       Alcohol-related or drug-related driving incidents  
15 committed at the same time or arising out of the same circumstances may not be  
16 considered separate alcohol-related or drug-related driving incidents for the purpose  
17 of this subparagraph.

18    3.       Notwithstanding paragraphs (1) through (5) of this  
19 subsection, the Administration may reinstate a license or privilege to drive only if,  
20 after an investigation of an individual's habits and driving ability, the Administration  
21 is satisfied it will be safe to reinstate the license or privilege of an individual who has  
22 been:

23   A.       Involved in any combination of three or more separate  
24 alcohol-related or drug-related driving incidents;

25   B.       Involved in a vehicular accident resulting in the death of  
26 another person; or

27   C.       Convicted of a violation for failing to stop after a vehicular  
28 accident resulting in bodily injury or death.

29                   (7)     NOTWITHSTANDING PARAGRAPHS (1) THROUGH (6) OF THIS  
30 SUBSECTION, THE ADMINISTRATION MAY NOT REINSTATE THE LICENSE OR  
31 PRIVILEGE TO DRIVE OF A PERSON UNDER THE AGE OF 21 YEARS WHOSE LICENSE  
32 HAS BEEN REVOKED UNDER § 16-205 OR § 16-206(B) OF THIS SUBTITLE UNTIL THE  
33 LATER OF:

34    (I)       THE PERSON'S 21ST BIRTHDAY; OR

35    (II)      ANY TIME AFTER 1 YEAR FROM THE DAY THE REVOKED  
36 LICENSE IS SURRENDERED TO AND RECEIVED BY THE ADMINISTRATION OR, IN THE  
37 CASE OF AN INDIVIDUAL WHO DOES NOT HAVE A LICENSE ISSUED UNDER THIS  
38 TITLE, AFTER 1 YEAR FROM THE EFFECTIVE DATE OF REVOCATION.



1           (8)       Except as otherwise provided in this title, before issuing a new  
2 license, the Administration shall require the applicant to submit to the examinations  
3 that it considers appropriate.

4 21-902.

5       (a)       (1)       A person may not drive or attempt to drive any vehicle while under  
6 the influence of alcohol.

7           (2)       A person may not drive or attempt to drive any vehicle while the  
8 person is under the influence of alcohol per se.

9       (b)       A person may not drive or attempt to drive any vehicle while impaired by  
10 alcohol.

11       (c)       (1)       A person may not drive or attempt to drive any vehicle while he is so  
12 far impaired by any drug, any combination of drugs, or a combination of one or more  
13 drugs and alcohol that he cannot drive a vehicle safely.

14           (2)       It is not a defense to any charge of violating this subsection that the  
15 person charged is or was entitled under the laws of this State to use the drug,  
16 combination of drugs, or combination of one or more drugs and alcohol, unless the  
17 person was unaware that the drug or combination would make the person incapable  
18 of safely driving a vehicle.

19       (d)       A person may not drive or attempt to drive any vehicle while the person is  
20 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of  
21 the Criminal Law Article, if the person is not entitled to use the controlled dangerous  
22 substance under the laws of this State.

23       (e)       For purposes of the application of subsequent offender penalties under §  
24 27-101 of this article, a conviction for a crime committed in another state or federal  
25 jurisdiction that, if committed in this State, would constitute a violation of subsection  
26 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),  
27 (c), or (d) of this section.

28       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2004.