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By: Delegates Kelley, Vallario, Ramirez, and Sophocleus

Introduced and read first time: February 12, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Drunk and Drugged Driving - Administrative Per Se Offenses - Hearings

- 3 FOR the purpose of providing that a person who requests a hearing for a certain
- 4 alcohol- or drug-related administrative per se offense may elect in writing that
- 5 another hearing on certain license sanctions proposed by the Motor Vehicle
- Administration be consolidated with the hearing on the administrative per se
- 7 offense under certain circumstances; requiring the Administration to
- 8 consolidate certain administrative hearings under certain circumstances; and
- 9 generally relating to consolidation of certain administrative hearings by the
- 10 Administration.
- 11 BY adding to
- 12 Article Transportation
- 13 Section 12-203.1 and 16-205.1(o)
- 14 Annotated Code of Maryland
- 15 (2002 Replacement Volume and 2003 Supplement)
- 16 BY repealing and reenacting, without amendments,
- 17 Article Transportation
- 18 Section 16-205.1(b)(3) and (f)(1)
- 19 Annotated Code of Maryland
- 20 (2002 Replacement Volume and 2003 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 22 MARYLAND, That the Laws of Maryland read as follows:
- 23 Article Transportation
- 24 12-203.1.
- 25 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
- 26 ADMINISTRATION SHALL CONSOLIDATE HEARINGS IN ACCORDANCE WITH §
- 27 16-205.1(O) OF THIS ARTICLE.

1	16-205.1.			
2 3	(b) (3) an alcohol concentrate		erson refuses to take the test or takes a test which results in 08 or more at the time of testing, the police officer shall:	
4		(i)	Confiscate the person's driver's license issued by this State;	
5 6	order of suspension of	(ii) n the pers	Acting on behalf of the Administration, personally serve an son;	
7		(iii)	Issue a temporary license to drive;	
8 9	to continue driving fo	(iv) r 45 days	Inform the person that the temporary license allows the person if the person is licensed under this title;	
10		(v)	Inform the person that:	
13 14	1. The person has a right to request, at that time or within 12 10 days, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing, and the hearing will be scheduled within 45 days; and			
18 19 20 21	2. If a hearing request is not made at that time or within 10 days, but within 30 days the person requests a hearing, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing will be scheduled, but a request made after 10 days does not extend a temporary license issued by the police officer that allows the person to continue driving for 45 days;			
			Advise the person of the administrative sanctions that shall be to request a hearing, failure to attend a requested nding by the hearing officer; and	
	send any confiscated statement to the Adm		Within 72 hours after the issuance of the order of suspension, icense, copy of the suspension order, and a sworn on, that states:	
31 32 33 34	any private property the influence of alcol any combination of d person could not driv	that is use nol, while rugs, or a re a vehice	1. The officer had reasonable grounds to believe that the empting to drive a motor vehicle on a highway or on ed by the public in general in this State while under e impaired by alcohol, while so far impaired by any drug, a combination of one or more drugs and alcohol that the ele safely, while impaired by a controlled dangerous lcohol restriction, or in violation of § 16-813 of this title;	
	police officer or the p		2. The person refused to take a test when requested by the bmitted to the test which indicated an alcohol at the time of testing: and	

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3	3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test is ineligible for modification of a suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this section.
	(f) (1) Subject to the provisions of this subsection, at the time of, or within 30 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the Administration if:
10 11 12	(i) The person is arrested for driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title; and
14 15	(ii) 1. There is an alcohol concentration of 0.08 or more at the time of testing; or
16	2. The person refused to take a test.
19	(O) (1) A PERSON WHO REQUESTS A HEARING IN ACCORDANCE WITH THIS SECTION MAY ELECT IN WRITING THAT ANY OTHER HEARING ON ANOTHER PROPOSED SUSPENSION OR REVOCATION OF A LICENSE BE CONSOLIDATED WITH THE HEARING REQUESTED UNDER THIS SECTION.
	(2) A PERSON MAY NOT MAKE AN ELECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION LESS THAN 7 DAYS BEFORE THE DATE OF THE HEARING SCHEDULED UNDER THIS SECTION.
	(3) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS SUBSECTION.
27 28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.