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By: **Delegates Kelley, Vallario, Ramirez, and Sophocleus**

Introduced and read first time: February 12, 2004

Assigned to: Judiciary

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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  
6 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 (b) (3) If the person refuses to take the test or takes a test which results in  
3 an alcohol concentration of 0.08 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 (ii) Acting on behalf of the Administration, personally serve an  
6 order of suspension on the person;

7 (iii) Issue a temporary license to drive;

8 (iv) Inform the person that the temporary license allows the person  
9 to continue driving for 45 days if the person is licensed under this title;

10 (v) Inform the person that:

11 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  
13 concerning the refusal to take the test or for test results indicating an alcohol  
14 concentration of 0.08 or more at the time of testing, and the hearing will be scheduled  
15 within 45 days; and

16 2. If a hearing request is not made at that time or within 10  
17 days, but within 30 days the person requests a hearing, a hearing to show cause why  
18 the driver's license should not be suspended concerning the refusal to take the test or  
19 for test results indicating an alcohol concentration of 0.08 or more at the time of  
20 testing will be scheduled, but a request made after 10 days does not extend a  
21 temporary license issued by the police officer that allows the person to continue  
22 driving for 45 days;

23 (vi) Advise the person of the administrative sanctions that shall be  
24 imposed in the event of failure to request a hearing, failure to attend a requested  
25 hearing, or upon an adverse finding by the hearing officer; and

26 (vii) Within 72 hours after the issuance of the order of suspension,  
27 send any confiscated driver's license, copy of the suspension order, and a sworn  
28 statement to the Administration, that states:

29 1. The officer had reasonable grounds to believe that the  
30 person had been driving or attempting to drive a motor vehicle on a highway or on  
31 any private property that is used by the public in general in this State while under  
32 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug,  
33 any combination of drugs, or a combination of one or more drugs and alcohol that the  
34 person could not drive a vehicle safely, while impaired by a controlled dangerous  
35 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;

36 2. The person refused to take a test when requested by the  
37 police officer or the person submitted to the test which indicated an alcohol  
38 concentration of 0.08 or more at the time of testing; and

