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By: **The Speaker (By Request - Administration) and Delegates Aumann, Bartlett, Bates, Benson, Bohanan, Boschert, Boteler, Boutin, Bromwell, Bronrott, Cadden, Carter, Cluster, Conroy, Costa, Cryor, DeBoy, Donoghue, Eckardt, Edwards, Elliott, Elmore, Frank, Fulton, Haddaway, Hammen, Hogan, James, Jameson, Jennings, Kelly, Krebs, Kullen, Leopold, Mandel, Marriott, McComas, McHale, McKee, McMillan, Miller, Minnick, Murray, Myers, Nathan-Pulliam, O'Donnell, Paige, Shank, Shewell, Smigiel, Stocksdale, Stull, Taylor, Trueschler, Walkup, Weir, and Weldon**

Introduced and read first time: January 25, 2005

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 that  
9 after the suspension, driving privileges expire under certain circumstances;  
10 prohibiting the Administration from reinstating a revoked license or driving  
11 privilege of a certain person for certain periods of time; making a stylistic  
12 change; and generally relating to license suspensions and revocations for  
13 alcohol- or drug-related motor vehicle violations by certain persons.

14 BY repealing and reenacting, with amendments,  
15 Article - Courts and Judicial Proceedings  
16 Section 3-8A-23(a)(4)(i)  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 16-205, 16-206(b), and 16-208  
22 Annotated Code of Maryland  
23 (2002 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, without amendments,  
2 Article - Transportation  
3 Section 21-902  
4 Annotated Code of Maryland  
5 (2002 Replacement Volume and 2004 Supplement)

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

8 **Article - Courts and Judicial Proceedings**

9 3-8A-23.

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

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

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

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

25 **Article - Transportation**

26 16-205.

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

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

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

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

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

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

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

12 (b) The Administration:

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

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

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

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

34 (1) § 21-902(a) of this article of driving or attempting to drive a motor  
35 vehicle while under the influence of alcohol or while under the influence of alcohol per  
36 se;

37 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
38 vehicle while impaired by alcohol;

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

5 (4) § 21-902(d) of this article of driving or attempting to drive a motor  
6 vehicle while impaired by a controlled dangerous substance.

7 (D-1) FOR A PERSON WHO IS UNDER THE AGE OF 21 YEARS AND WHO IS  
8 CONVICTED UNDER § 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL:

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

11 (2) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,  
12 SUSPEND THE PERSON'S LICENSE OR DRIVING PRIVILEGE FOR THE LONGER OF:

13 (I) THE PERIOD FROM THE DATE OF CONVICTION UNTIL THE  
14 PERSON REACHES THE AGE OF 21 YEARS; OR

15 (II) 3 YEARS.

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

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

21 (3) On receiving a record of a conviction of a person for a violation of §  
22 21-902(a) of this article more than once within a 5-year period, the Administration  
23 shall issue to the person a notice of suspension of the person's license that:

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

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

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

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

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

34 (iii) The person fails to appear for a hearing requested by the  
35 person.

1 (5) The Administration shall, within 90 days of the expiration of the  
2 1-year period of suspension, issue to the person a notice, unless this notice  
3 requirement was waived at a hearing described in paragraph (4) of this subsection,  
4 that:

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

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

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

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

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

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

26 (iii) The person fails to appear for a hearing requested by the  
27 person.

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

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

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

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

- 1 (i) Are specific to the person's motor vehicle; and  
2 (ii) Meet criteria contained in regulations that shall be adopted by  
3 the Administration.

4 (9) If a person requests a hearing and the Administration finds that the  
5 person does not own a motor vehicle at the expiration of the 1-year period of  
6 suspension, the Administration shall impose a restriction on the license of the person  
7 for not less than 3 months and not more than 1 year, dating from the expiration of the  
8 1-year period of suspension, that prohibits the person from driving any motor vehicle  
9 that is not equipped with an ignition interlock system.

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

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

- 14 (i) Revoke or suspend a license of a person; or  
15 (ii) Prohibit a person from driving a motor vehicle that is not  
16 equipped with an ignition interlock system.

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

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

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

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

33 16-206.

34 (b) [(1)] Upon notification by the clerk of the court that a child has been  
35 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has  
36 been made that a child violated § 21-902 of this article, the Administration shall  
37 suspend or revoke the driving privilege of the child in accordance with §  
38 3-8A-23(a)(4)(i) of the Courts Article.

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

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

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

8 16-208.

9     (a)     (1)     Except as provided in paragraph (2) of this subsection, § 16-205(D-1)  
10 OF THIS SUBTITLE, § 16-206(a)(4) and (c) of this subtitle, [and] § 16-404(c)(2) and (3)  
11 of this title, AND § 3-8A-23 OF THE COURTS ARTICLE, the Administration may not  
12 suspend a license or privilege to drive for a period of more than 1 year.

13           (2)     After notice and hearing, the Administration may suspend for an  
14 indefinite period the license or privilege of any individual who cannot drive safely  
15 because of his physical or mental condition.

16           (3)     This subsection does not apply to or affect the suspension of any  
17 license:

18                   (i)     For failure to comply with the required security provisions of  
19 Title 17 of this article;

20                   (ii)    For failure to appear at a hearing as provided in Title 12,  
21 Subtitle 2 of this article;

22                   (iii)   For failure to obey a citation, as provided in Title 26 of this  
23 article;

24                   (iv)   For failure to pay a fine in accordance with the court's directive  
25 as provided in Title 27 of this article; or

26                   (v)     For failure to pay child support, as provided in § 16-203 of this  
27 title.

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

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

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

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

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

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

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

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

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

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

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

32 A. Conviction or probation before judgment for a violation of  
33 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
34 jurisdiction;

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

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



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

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

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

12                                B.       Involved in a vehicular accident resulting in the death of  
13 another person; or

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

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

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

21                                (II)       ANY TIME AFTER 3 YEARS FROM THE DAY THE REVOKED  
22 LICENSE IS SURRENDERED TO AND RECEIVED BY THE ADMINISTRATION OR, IN THE  
23 CASE OF AN INDIVIDUAL WHO DOES NOT HAVE A LICENSE ISSUED UNDER THIS  
24 TITLE, AFTER 3 YEARS FROM THE EFFECTIVE DATE OF REVOCATION.

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

28 21-902.

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

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

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

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

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

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

10       (e)       For purposes of the application of subsequent offender penalties under §  
11 27-101 of this article, a conviction for a crime committed in another state or federal  
12 jurisdiction that, if committed in this State, would constitute a violation of subsection  
13 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),  
14 (c), or (d) of this section.

15       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
16 effect October 1, 2005.