UNOFFICIAL COPY OF HOUSE BILL 1455

R3 HB 990/04 - JUD

By: Delegate Vallario

Introduced and read first time: February 22, 2005 Assigned to: Rules and Executive Nominations

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 on the record
- 5 that another hearing on certain license sanctions arising out of the same
- 6 circumstances be consolidated with the hearing on the administrative per se
- 7 offense under certain circumstances; providing that a certain hearing may not
- 8 be postponed at the request of a certain person due to a consolidation of the
- 9 hearing with another hearing; requiring the Administration to consolidate
- 10 certain administrative hearings under certain circumstances; and generally
- relating to consolidation of certain administrative hearings by the
- 12 Administration.
- 13 BY adding to
- 14 Article Transportation
- 15 Section 12-203.1 and 16-205.1(o)
- 16 Annotated Code of Maryland
- 17 (2002 Replacement Volume and 2004 Supplement)
- 18 BY repealing and reenacting, without amendments,
- 19 Article Transportation
- 20 Section 16-205.1(b)(3) and (f)(1)
- 21 Annotated Code of Maryland
- 22 (2002 Replacement Volume and 2004 Supplement)
- 23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 24 MARYLAND, That the Laws of Maryland read as follows:

1	Article - Transportation
2	12-203.1.
	NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE ADMINISTRATION SHALL CONSOLIDATE HEARINGS IN ACCORDANCE WITH § 16-205.1(O) OF THIS ARTICLE.
6	16-205.1.
7 8	(b) (3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:
9	(i) Confiscate the person's driver's license issued by this State;
10 11	(ii) Acting on behalf of the Administration, personally serve an order of suspension on the person;
12	(iii) Issue a temporary license to drive;
13 14	(iv) Inform the person that the temporary license allows the person to continue driving for 45 days if the person is licensed under this title;
15	(v) Inform the person that:
18 19	1. The person has a right to request, at that time or within 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
23 24 25 26	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;
	(vi) Advise the person of the administrative sanctions that shall be imposed in the event of failure to request a hearing, failure to attend a requested hearing, or upon an adverse finding by the hearing officer; and
	(vii) Within 72 hours after the issuance of the order of suspension, send any confiscated driver's license, copy of the suspension order, and a sworn statement to the Administration, that states:
	1. The officer had reasonable grounds to believe that the person had been driving or attempting to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State while under

- **UNOFFICIAL COPY OF HOUSE BILL 1455** 1 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, 2 any combination of drugs, or a combination of one or more drugs and alcohol that the 3 person could not drive a vehicle safely, while impaired by a controlled dangerous 4 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title; 5 2. The person refused to take a test when requested by the 6 police officer or the person submitted to the test which indicated an alcohol 7 concentration of 0.08 or more at the time of testing; and 8 The person was fully advised of the administrative 9 sanctions that shall be imposed, including the fact that a person who refuses to take 10 the test is ineligible for modification of a suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this section. 12 (f) (1) Subject to the provisions of this subsection, at the time of, or within 13 30 days from the date of, the issuance of an order of suspension, a person may submit 14 a written request for a hearing before an officer of the Administration if: 15 The person is arrested for driving or attempting to drive a motor (i) 16 vehicle while under the influence of alcohol, while impaired by alcohol, while so far 17 impaired by any drug, any combination of drugs, or a combination of one or more 18 drugs and alcohol that the person could not drive a vehicle safely, while impaired by 19 a controlled dangerous substance, in violation of an alcohol restriction, or in violation 20 of § 16-813 of this title; and 21 (ii) 1. There is an alcohol concentration of 0.08 or more at the 22 time of testing; or 23 2. The person refused to take a test. 24 (O) (1) A PERSON MAY ELECT ON THE RECORD THAT A HEARING UNDER 25 THIS SECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR 26 REVOCATION OF A LICENSE UNDER § 16-113(F), § 16-205, OR § 16-404 OF THIS TITLE 27 ARISING OUT OF THE SAME CIRCUMSTANCES BE CONSOLIDATED IF THE PERSON 28 WAIVES ON THE RECORD EACH NOTICE REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 29 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE 30 THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION. A HEARING UNDER THIS SECTION MAY NOT BE POSTPONED AT THE 31 (2) 32 REQUEST OF THE PERSON ELECTING CONSOLIDATION OF HEARINGS UNDER 33 PARAGRAPH (1) OF THIS SUBSECTION DUE TO A CONSOLIDATION OF THE HEARING
- 34 WITH ANOTHER HEARING UNDER THIS SUBSECTION.
- SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE 35
- 36 ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
- 37 SUBSECTION.
- 38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 39 October 1, 2005.