
By: **Delegate Vallario**

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 3, 2005

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

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
11 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)

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

3 **Article - Transportation**

4 12-203.1.

5 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
6 ADMINISTRATION SHALL CONSOLIDATE HEARINGS IN ACCORDANCE WITH §
7 16-205.1(O) OF THIS ARTICLE.

8 16-205.1.

9 (b) (3) If the person refuses to take the test or takes a test which results in
10 an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

11 (i) Confiscate the person's driver's license issued by this State;

12 (ii) Acting on behalf of the Administration, personally serve an
13 order of suspension on the person;

14 (iii) Issue a temporary license to drive;

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

17 (v) Inform the person that:

18 1. The person has a right to request, at that time or within
19 10 days, a hearing to show cause why the driver's license should not be suspended
20 concerning the refusal to take the test or for test results indicating an alcohol
21 concentration of 0.08 or more at the time of testing, and the hearing will be scheduled
22 within 45 days; and

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

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

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

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