## **UNOFFICIAL COPY OF HOUSE BILL 1455**

5lr3256 R3 HB 990/04 - JUD 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

- FOR the purpose of providing that a person who requests a hearing for a certain
- alcohol- or drug-related administrative per se offense may elect on the record 4
- 5 that another hearing on certain license sanctions arising out of the same
- circumstances be consolidated with the hearing on the administrative per se 6
- offense under certain circumstances; providing that a certain hearing may not 7
- be postponed at the request of a certain person due to a consolidation of the 8
- 9 hearing with another hearing; requiring the Administration to consolidate
- certain administrative hearings under certain circumstances; and generally 10
- relating to consolidation of certain administrative hearings by the 11
- 12 Administration.
- 13 BY adding to
- 14 Article - Transportation
- 15 Section 12-203.1 and 16-205.1(o)
- Annotated Code of Maryland 16
- 17 (2002 Replacement Volume and 2004 Supplement)
- 18 BY repealing and reenacting, without amendments,
- Article Transportation 19
- Section 16-205.1(b)(3) and (f)(1) 20
- 21 Annotated Code of Maryland
- 22 (2002 Replacement Volume and 2004 Supplement)

1 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:		
3	3 Article - Transportation		
4	4 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.		
8	8 16-205.1.		
9 10	9 (b) (3) If the person refuses to take the test or takes a test which re 10 an alcohol concentration of 0.08 or more at the time of testing, the police officer s		
11	11 (i) Confiscate the person's driver's license issued by t	his State;	
12 13	12 (ii) Acting on behalf of the Administration, personally 13 order of suspension on the person;	serve an	
14	14 (iii) Issue a temporary license to drive;		
15 16	15 (iv) Inform the person that the temporary license allow 16 to continue driving for 45 days if the person is licensed under this title;	s the person	
17	17 (v) Inform the person that:		
20 21	18 1. The person has a right to request, at that to 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 sched 22 within 45 days; and	d	
25 26 27 28	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;		
	30 (vi) Advise the person of the administrative sanctions 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	that shall be	
	33 (vii) Within 72 hours after the issuance of the order of 34 send any confiscated driver's license, copy of the suspension order, and a sworn 35 statement to the Administration, that states:	suspension,	

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1	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
3	any private property that is used by the public in general in this State while under
4	the influence of alcohol, while impaired by alcohol, while so far impaired by any drug,
5	any combination of drugs, or a combination of one or more drugs and alcohol that the
6	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;
8	2. The person refused to take a test when requested by the
9	police officer or the person submitted to the test which indicated an alcohol
	concentration of 0.08 or more at the time of testing; and
	8,
11	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.
1.	neembe under subsection (ii)(1) of (2) of this section.
15	(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:
1 /	a written request for a hearing before an officer of the Administration in.
18	(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
23	of § 10-613 of this true, and
24	(ii) 1. There is an alcohol concentration of 0.08 or more at the
	time of testing; or
23	time of testing, or
26	2. The person refused to take a test.
20	2. The person refused to take a test.
27	(O) (1) A PERSON MAY ELECT ON THE RECORD THAT A HEARING UNDER
	THIS SECTION AND ANY OTHER HEARING ON ANOTHER SUSPENSION OR
	REVOCATION OF A LICENSE UNDER § 16-113(F), § 16-205, OR § 16-404 OF THIS TITLE
	ARISING OUT OF THE SAME CIRCUMSTANCES BE CONSOLIDATED IF THE PERSON
	WAIVES ON THE RECORD EACH NOTICE REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2
	OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.
33	THAT APPLIES TO THE OTHER SUSPENSION OR REVOCATION.
24	(2) A HEADING HADED THIS SECTION MAY NOT BE DOSTRONED AT THE
34	
	REQUEST OF THE PERSON ELECTING CONSOLIDATION OF HEARINGS UNDER
	PARAGRAPH (1) OF THIS SUBSECTION DUE TO A CONSOLIDATION OF THE HEARING
31	WITH ANOTHER HEARING UNDER THIS SUBSECTION.
20	(2) SUBJECT TO THE DROWIGIONS OF THIS SUBSECTION THE
38	
39	(3) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS SUBSECTION.

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