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By: **The President (By Request - Administration) and Senators Colburn, Currie, Della, Garagiola, Hafer, Haines, Harris, Hooper, Jacobs, Kasemeyer, Klausmeier, Kramer, Lawlah, Munson, Pipkin, Schrader, and Stoltzfus**

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Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Drunk and Drugged Driving - Young Drivers - License Suspension and**  
3 **Revocation**

4 FOR the purpose of altering the time period for which the Motor Vehicle  
5 Administration is required to suspend the license to drive of a person who is  
6 adjudicated delinquent or found to have committed a delinquent act without an  
7 adjudication of delinquency by reason of a violation of certain alcohol- or  
8 drug-related driving offenses; requiring the Motor Vehicle Administration to  
9 revoke or suspend for certain periods of time the driver's license or driving  
10 privilege of a person under a certain age who is convicted of certain alcohol- or  
11 drug-related motor vehicle violations; prohibiting the Administration from  
12 modifying certain suspensions of a person's driver's license or driving privilege;  
13 ~~requiring that after the suspension, driving privileges expire under certain~~  
14 ~~circumstances~~; prohibiting the Administration from reinstating a revoked  
15 license or driving privilege of a certain person for certain periods of time;  
16 making a stylistic change; and generally relating to license suspensions and  
17 revocations for alcohol- or drug-related motor vehicle violations by certain  
18 persons.

19 BY repealing and reenacting, with amendments,  
20 Article - Courts and Judicial Proceedings  
21 Section 3-8A-23(a)(4)(i)  
22 Annotated Code of Maryland  
23 (2002 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,  
 2 Article - Transportation  
 3 Section 16-205, 16-206(b), and 16-208  
 4 Annotated Code of Maryland  
 5 (2002 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, without amendments,  
 7 Article - Transportation  
 8 Section 21-902  
 9 Annotated Code of Maryland  
 10 (2002 Replacement Volume and 2004 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 3-8A-23.

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

20 1. ~~{For a violation of § 21-902(a) or (d) of the Transportation~~  
 21 ~~Article, revoke} **REVOKE** the child's driving privilege ~~UNDER § 16-205 OF THE~~  
 22 ~~TRANSPORTATION ARTICLE~~ in the same manner and to the same effect as if the child  
 23 had been convicted of the offense; ~~OR~~~~

24 2. ~~{For a first violation of § 21-902(b) or (c) of the~~  
 25 ~~Transportation Article, suspend} **SUSPEND** the child's driving privilege ~~{for 6 months~~  
 26 ~~1 YEAR; and~~~~

27 3. For a second or subsequent violation of § 21-902(b) or (c)  
 28 of the Transportation Article, suspend the child's driving privilege ~~for 1 year} **UNTIL**  
 29 ~~THE CHILD IS 21 YEARS OLD~~ **2 YEARS.**~~

30 **Article - Transportation**

31 16-205.

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

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

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

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

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

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

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

17       (b)       The Administration:

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

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

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

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

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

4 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
5 vehicle while impaired by alcohol;

6 (3) § 21-902(c) of this article of driving or attempting to drive a motor  
7 vehicle while so far impaired by any drug, any combination of drugs, or a combination  
8 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;  
9 or

10 (4) § 21-902(d) of this article of driving or attempting to drive a motor  
11 vehicle while impaired by a controlled dangerous substance.

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

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

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

18 ~~(I) THE PERIOD FROM THE DATE OF CONVICTION UNTIL THE~~  
19 ~~PERSON REACHES THE AGE OF 21 YEARS; OR~~

20 ~~(II) 3 YEARS;~~

21 ~~(I) FOR 1 YEAR FOR A FIRST VIOLATION OF § 21-902(B) OR (C) OF~~  
22 ~~THIS ARTICLE; AND~~

23 ~~(II) FOR 2 YEARS FOR A SECOND OR SUBSEQUENT VIOLATION OF §~~  
24 ~~21-902(B) OR (C) OF THIS ARTICLE.~~

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

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

30 (3) On receiving a record of a conviction of a person for a violation of §  
31 21-902(a) of this article more than once within a 5-year period, the Administration  
32 shall issue to the person a notice of suspension of the person's license that:

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

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

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

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

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

7 (iii) The person fails to appear for a hearing requested by the  
8 person.

9 (5) The Administration shall, within 90 days of the expiration of the  
10 1-year period of suspension, issue to the person a notice, unless this notice  
11 requirement was waived at a hearing described in paragraph (4) of this subsection,  
12 that:

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

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

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

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

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

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

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

36 (7) If the Administration finds at a hearing that maintenance of an  
37 ignition interlock system on a motor vehicle owned by the person creates a financial

1 hardship on the person, the family of the person, or a co-owner of the motor vehicle,  
2 the Administration:

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

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

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

11 (i) Are specific to the person's motor vehicle; and

12 (ii) Meet criteria contained in regulations that shall be adopted by  
13 the Administration.

14 (9) If a person requests a hearing and the Administration finds that the  
15 person does not own a motor vehicle at the expiration of the 1-year period of  
16 suspension, the Administration shall impose a restriction on the license of the person  
17 for not less than 3 months and not more than 1 year, dating from the expiration of the  
18 1-year period of suspension, that prohibits the person from driving any motor vehicle  
19 that is not equipped with an ignition interlock system.

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

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

24 (i) Revoke or suspend a license of a person; or

25 (ii) Prohibit a person from driving a motor vehicle that is not  
26 equipped with an ignition interlock system.

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

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

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

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

6 16-206.

7 (b) [(1)] Upon notification by the clerk of the court that a child has been  
8 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has  
9 been made that a child violated § 21-902 of this article, the Administration shall  
10 suspend or revoke the driving privilege of the child in accordance with §  
11 3-8A-23(a)(4)(i) of the Courts Article.

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

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

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

19 16-208.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 A. Conviction or probation before judgment for a violation of  
4 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
5 jurisdiction;

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

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

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

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

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

22 B. Involved in a vehicular accident resulting in the death of  
23 another person; or

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

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

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

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

35 ~~(8)~~ (7) Except as otherwise provided in this title, before issuing a new  
36 license, the Administration shall require the applicant to submit to the examinations  
37 that it considers appropriate.

1 21-902.

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

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

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

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

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

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

20 (e) For purposes of the application of subsequent offender penalties under §  
21 27-101 of this article, a conviction for a crime committed in another state or federal  
22 jurisdiction that, if committed in this State, would constitute a violation of subsection  
23 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),  
24 (c), or (d) of this section.

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