
By: **Senator Garagiola**

Introduced and read first time: February 21, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Driver's License Suspension and Revocation - Furnishing Alcoholic**
3 **Beverages to a Minor or Allowing Consumption of Alcoholic Beverages by a**
4 **Minor**

5 FOR the purpose of authorizing the Motor Vehicle Administration to revoke the
6 driver's license of a person who, within a certain time period, is found guilty a
7 certain number of times of a code violation for the offense of furnishing an
8 alcoholic beverage to a minor or knowingly and willfully allowing the possession
9 and consumption of an alcoholic beverage by a minor at the person's residence;
10 authorizing the Administration to suspend for a certain number of days the
11 driver's license of a person who is found guilty of a code violation for the offense
12 of furnishing an alcoholic beverage to a minor or knowingly and willfully
13 allowing the possession and consumption of an alcoholic beverage by a minor at
14 the person's residence; authorizing the Administration to suspend for a certain
15 number of days the driver's license of a person who, within a certain time period,
16 is found guilty a certain number of times of a code violation for the offense of
17 furnishing an alcoholic beverage to a minor or knowingly and willfully allowing
18 the possession and consumption of an alcoholic beverage by a minor at the
19 person's residence; and generally relating to driver's license suspensions and
20 revocations.

21 BY repealing and reenacting, without amendments,
22 Article - Criminal Law
23 Section 10-117
24 Annotated Code of Maryland
25 (2002 Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Transportation
28 Section 16-205(a), (c), and (d)
29 Annotated Code of Maryland
30 (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 - Criminal Law**

4 10-117.

5 (a) Except as provided in subsection (c) of this section, a person may not
6 furnish an alcoholic beverage to an individual if:

7 (1) the person furnishing the alcoholic beverage knows that the
8 individual is under the age of 21 years; and

9 (2) the alcoholic beverage is furnished for the purpose of consumption by
10 the individual under the age of 21 years.

11 (b) Except as provided in subsection (c) of this section, an adult may not
12 knowingly and willfully allow an individual under the age of 21 years actually to
13 possess or consume an alcoholic beverage at a residence, or within the curtilage of a
14 residence that the adult owns or leases and in which the adult resides.

15 (c) (1) The prohibition set forth in subsection (a) of this section does not
16 apply if the person furnishing the alcoholic beverage and the individual to whom the
17 alcoholic beverage is furnished:

18 (i) are members of the same immediate family, and the alcoholic
19 beverage is furnished and consumed in a private residence or within the curtilage of
20 the residence; or

21 (ii) are participants in a religious ceremony.

22 (2) The prohibition set forth in subsection (b) of this section does not
23 apply if the adult allowing the possession or consumption of the alcoholic beverage
24 and the individual under the age of 21 years who possesses or consumes the alcoholic
25 beverage:

26 (i) are members of the same immediate family, and the alcoholic
27 beverage is possessed and consumed in a private residence, or within the curtilage of
28 the residence, of the adult; or

29 (ii) are participants in a religious ceremony.

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

1 the influence of alcohol per se, or while impaired by a controlled dangerous substance;
2 [or]

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

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

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

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

17 (iv) § 21-902(d) of this article of driving or attempting to drive a
18 motor vehicle while impaired by a controlled dangerous substance; OR

19 (3) WITHIN A 3-YEAR PERIOD, HAS BEEN FOUND GUILTY THREE OR
20 MORE TIMES OF A CODE VIOLATION UNDER § 10-117 OF THE CRIMINAL LAW ARTICLE
21 OF FURNISHING AN ALCOHOLIC BEVERAGE TO A MINOR OR KNOWINGLY AND
22 WILLFULLY ALLOWING THE POSSESSION AND CONSUMPTION OF AN ALCOHOLIC
23 BEVERAGE BY A MINOR AT THE PERSON'S RESIDENCE.

24 (c) The Administration may suspend for not more than 60 days the license of
25 any person who [is]:

26 (1) IS convicted under § 21-902(b) or (c) of this article of driving or
27 attempting to drive a motor vehicle while impaired by alcohol or while so far impaired
28 by any drug, any combination of drugs, or a combination of one or more drugs and
29 alcohol that the person cannot drive a vehicle safely; OR

30 (2) IS FOUND GUILTY OF A CODE VIOLATION UNDER § 10-117 OF THE
31 CRIMINAL LAW ARTICLE OF FURNISHING AN ALCOHOLIC BEVERAGE TO A MINOR OR
32 KNOWINGLY AND WILLFULLY ALLOWING THE POSSESSION AND CONSUMPTION OF
33 AN ALCOHOLIC BEVERAGE BY A MINOR AT THE PERSON'S RESIDENCE.

34 (d) The Administration may suspend for not more than 120 days the license of
35 any person who[, within]:

36 (1) WITHIN a 3-year period, is convicted under § 21-902(b) or (c) of this
37 article of driving or attempting to drive a motor vehicle while impaired by alcohol or
38 while so far impaired by any drug, any combination of drugs, or a combination of one

1 or more drugs and alcohol that the person cannot drive a motor vehicle safely and who
2 was previously convicted of a violation under:

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

6 [(2)] (II) § 21-902(b) of this article of driving or attempting to drive a
7 motor vehicle while impaired by alcohol;

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

12 [(4)] (IV) § 21-902(d) of this article of driving or attempting to drive a
13 motor vehicle while impaired by a controlled dangerous substance; OR

14 (2) WITHIN A 3-YEAR PERIOD HAS BEEN FOUND GUILTY TWO TIMES OF
15 A CODE VIOLATION UNDER § 10-117 OF THE CRIMINAL LAW ARTICLE OF FURNISHING
16 AN ALCOHOLIC BEVERAGE TO A MINOR OR KNOWINGLY AND WILLFULLY ALLOWING
17 THE POSSESSION AND CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY A MINOR AT
18 THE PERSON'S RESIDENCE.

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