

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **The Speaker (By Request - Administration) and Delegates**

Aumann, Bartlett, Benson, Bohanan, Boschert, Boteler, Bromwell, Bronrott, Burns, Cardin, Cluster, Conroy, Cryor, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Frank, Gilleland, Glassman, Haddaway, Harrison, Heller, Hogan, Jameson, Jennings, Kach, Kelley, Kelly, King, Kohl, Krebs, Kullen, Leopold, Malone, Mayer, McComas, McConkey, McHale, McKee, McMillan, Miller, Minnick, Moe, Morhaim, Murray, Myers, O'Donnell, Paige, Parker, Parrott, Rosenberg, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Stull, Taylor, Trueschler, V. Turner, Vallario, Weir, Weldon, and Zirkin

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring the Motor Vehicle Administration to suspend for a
4 certain period the license to drive of a person who is adjudicated delinquent or
5 found to have committed a delinquent act without an adjudication of
6 delinquency by reason of a violation of certain alcohol- or drug-related driving
7 offenses; requiring the Administration to suspend for certain periods of time the
8 license to drive of a person under a certain age who is convicted of certain

1 alcohol- or drug-related driving offenses; requiring that a suspension imposed
 2 under this Act be concurrent with any other suspension or revocation that arises
 3 out of the same circumstances; providing that a person who requests a hearing
 4 for a certain ~~proposed~~ suspension under this Act may ~~request~~ ~~elect~~ request on
 5 the record that another hearing on certain ~~proposed~~ license sanctions arising
 6 out of the same circumstances be consolidated with the hearing on the
 7 suspension under this Act under certain circumstances; providing that certain
 8 hearings may not be postponed at the request of a certain person due to a
 9 certain consolidation of hearings; ~~authorizing~~ requiring the Administration to
 10 consolidate certain hearings under certain circumstances; providing for a
 11 certain exception; repealing the authority of the Administration to revoke a
 12 license to drive under certain circumstances; making corrective, conforming, and
 13 stylistic changes; and generally relating to license suspensions for alcohol- or
 14 drug-related driving offenses by certain persons.

15 BY repealing and reenacting, with amendments,
 16 Article - Courts and Judicial Proceedings
 17 Section 3-8A-23(a)(4)(i)
 18 Annotated Code of Maryland
 19 (2002 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article - Transportation
 22 Section 16-205, 16-206(b), 16-208, and 16-213
 23 Annotated Code of Maryland
 24 (2002 Replacement Volume and 2005 Supplement)

25 BY repealing and reenacting, without amendments,
 26 Article - Transportation
 27 Section 21-902
 28 Annotated Code of Maryland
 29 (2002 Replacement Volume and 2005 Supplement)

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

32 **Article - Courts and Judicial Proceedings**

33 3-8A-23.

34 (a) (4) (i) An adjudication of a child as delinquent by reason of the child's
 35 violation of § 21-902 of the Transportation Article or a finding that a child has
 36 committed a delinquent act by reason of the child's violation of § 21-902 of the
 37 Transportation Article, without an adjudication of the child as delinquent, shall be
 38 reported by the clerk of the court to the Motor Vehicle Administration which shall
 39 SUSPEND THE CHILD'S LICENSE TO DRIVE AS PROVIDED IN § 16-206(B) OF THE
 40 TRANSPORTATION ARTICLE ~~UNTIL THE CHILD IS 21 YEARS OLD;~~

1 (b) The Administration:

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

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

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

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

23 (1) § 21-902(a) of this article of driving or attempting to drive a motor
24 vehicle while under the influence of alcohol or while under the influence of alcohol per
25 se;

26 (2) § 21-902(b) of this article of driving or attempting to drive a motor
27 vehicle while impaired by alcohol;

28 (3) § 21-902(c) of this article of driving or attempting to drive a motor
29 vehicle while so far impaired by any drug, any combination of drugs, or a combination
30 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;
31 or

32 (4) § 21-902(d) of this article of driving or attempting to drive a motor
33 vehicle while impaired by a controlled dangerous substance.

34 (D-1) (1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,
35 FOR A PERSON WHO IS UNDER THE AGE OF 21 YEARS ON THE DATE OF A VIOLATION
36 OF § 21-902 OF THIS ARTICLE, AND WHO IS SUBSEQUENTLY CONVICTED OF THE
37 VIOLATION UNDER § 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL
38 SUSPEND THE PERSON'S LICENSE TO DRIVE FOR ~~THE LONGER OF:~~

39 (4) ~~THE PERIOD FROM THE DATE OF CONVICTION UNTIL THE~~
40 ~~PERSON REACHES THE AGE OF 21 YEARS; OR~~

1 ~~(H)~~ 3 YEARS.

2 (I) 1 YEAR FOR A FIRST CONVICTION OF § 21-902 OF THIS ARTICLE;
3 AND

4 (II) 2 YEARS FOR A SECOND OR SUBSEQUENT CONVICTION OF §
5 21-902 OF THIS ARTICLE.

6 (2) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

7 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR
8 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE
9 CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS
10 ARTICLE DESCRIBED IN THIS SUBSECTION; AND

11 (II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED
12 UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT
13 OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS
14 ARTICLE DESCRIBED IN THIS SUBSECTION.

15 (3) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON
16 MAY ~~REQUEST~~ ~~ELECT~~ REQUEST ON THE RECORD THAT A HEARING ON A SUSPENSION
17 UNDER THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER ~~PROPOSED~~
18 SUSPENSION OR ~~PROPOSED~~ REVOCATION UNDER THIS SECTION, ~~§ 16-206(B)~~ §
19 16-206(C)(3) OR § 16-213 OF THIS SUBTITLE, OR § 16-404 OF THIS TITLE THAT ARISES
20 OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF
21 THIS ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

22 (II) A PERSON WHO ~~REQUESTS~~ ~~ELECTS~~ REQUESTS
23 CONSOLIDATION OF HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE
24 RECORD EACH APPLICABLE NOTICE OF RIGHT TO REQUEST A HEARING REQUIRED
25 UNDER TITLE 12, SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE
26 STATE GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER ~~PROPOSED~~
27 SUSPENSIONS OR ~~PROPOSED~~ REVOCATIONS ARISING OUT OF THE SAME
28 CIRCUMSTANCES.

29 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED
30 AT THE REQUEST OF THE PERSON WHO ~~REQUESTS~~ ~~ELECTS~~ REQUESTS
31 CONSOLIDATION OF HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE
32 TO A CONSOLIDATION OF THE HEARINGS.

33 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
34 ADMINISTRATION ~~MAY~~ SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
35 PARAGRAPH UNLESS THE ADMINISTRATIVE LAW JUDGE FINDS IN WRITING THAT
36 GOOD CAUSE EXISTS NOT TO CONSOLIDATE THE HEARINGS.

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

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

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

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

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

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

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

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

17 (iii) The person fails to appear for a hearing requested by the
18 person.

19 (5) The Administration shall, within 90 days of the expiration of the
20 1-year period of suspension, issue to the person a notice, unless this notice
21 requirement was waived at a hearing described in paragraph (4) of this subsection,
22 that:

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

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

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

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

- 1 (i) The person does not request a hearing;
- 2 (ii) The Administration finds at a hearing that the person owns one
3 or more motor vehicles and that no financial hardship, as described in paragraphs (7)
4 and (8) of this subsection, will be created by requiring the person to maintain an
5 ignition interlock system on each motor vehicle owned by the person; or

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

8 (7) If the Administration finds at a hearing that maintenance of an
9 ignition interlock system on a motor vehicle owned by the person creates a financial
10 hardship on the person, the family of the person, or a co-owner of the motor vehicle,
11 the Administration:

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

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

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

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

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

23 (9) If a person requests a hearing and the Administration finds that the
24 person does not own a motor vehicle at the expiration of the 1-year period of
25 suspension, the Administration shall impose a restriction on the license of the person
26 for not less than 3 months and not more than 1 year, dating from the expiration of the
27 1-year period of suspension, that prohibits the person from driving any motor vehicle
28 that is not equipped with an ignition interlock system.

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

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

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

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

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

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

9 (2) The Administration may not modify a suspension and issue a
10 restrictive license during a mandatory period of suspension described in subsection (e)
11 of this section.

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

17 16-206.

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

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

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

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

30 (3) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

31 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR
32 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE
33 CIRCUMSTANCES OF THE ADJUDICATION OF DELINQUENCY OR FINDING THAT THE
34 CHILD IS IN VIOLATION OF § 21-902 OF THIS ARTICLE AS DESCRIBED IN THIS
35 SUBSECTION; AND

36 (II) RECEIVE CREDIT FOR ANY SUSPENSION PERIOD IMPOSED
37 UNDER § 16-113(F) OF THIS TITLE OR § 16-205.1 OF THIS SUBTITLE THAT ARISES OUT
38 OF THE CIRCUMSTANCES OF THE VIOLATION OF § 21-902 OF THIS ARTICLE
39 DESCRIBED IN THIS SUBSECTION.

1 (4) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON
 2 MAY ~~REQUEST~~ ~~ELECT~~ REQUEST ON THE RECORD THAT A HEARING ON A SUSPENSION
 3 UNDER THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER ~~PROPOSED~~
 4 SUSPENSION OR ~~PROPOSED~~ REVOCATION UNDER SUBSECTION (C) OF THIS SECTION,
 5 § 16-213 OF THIS SUBTITLE, OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE
 6 CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS
 7 ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

8 (II) A PERSON WHO ~~REQUESTS~~ ~~ELECTS~~ REQUESTS CONSOLIDATION
 9 OF HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH
 10 APPLICABLE NOTICE OF RIGHT TO REQUEST A HEARING REQUIRED UNDER TITLE 12,
 11 SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE
 12 GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER ~~PROPOSED~~ SUSPENSIONS OR
 13 ~~PROPOSED~~ REVOCATIONS ARISING OUT OF THE SAME CIRCUMSTANCES.

14 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED
 15 AT THE REQUEST OF THE PERSON WHO ~~REQUESTS~~ ~~ELECTS~~ REQUESTS
 16 CONSOLIDATION OF HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE
 17 TO A CONSOLIDATION OF THE HEARINGS.

18 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
 19 ADMINISTRATION ~~MAY~~ SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
 20 PARAGRAPH UNLESS THE ADMINISTRATIVE LAW JUDGE FINDS IN WRITING THAT
 21 GOOD CAUSE EXISTS NOT TO CONSOLIDATE THE HEARINGS.

22 16-208.

23 (a) (1) Except as provided in paragraph (2) of this subsection, [§] §§
 24 16-205(D-1) AND 16-206(a)(4), (B), and (c) of this subtitle, [and] § 16-404(c)(2) and (3)
 25 of this title, AND § 3-8A-23 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE the
 26 Administration may not suspend a license or privilege to drive for a period of more
 27 than 1 year.

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

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

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

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

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

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

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

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

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

13 (ii) Except as provided in paragraph (6) of this subsection, on
14 receipt of the application, the Administration may reinstate the license or privilege 6
15 months after the revoked license is received by the Administration or, in the case of
16 an individual who does not have a license issued under this title, 6 months after the
17 effective date of revocation.

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

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

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

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

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

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

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

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

6 A. Conviction or probation before judgment for a violation of
7 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
8 jurisdiction;

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

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

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

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

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

25 B. Involved in a vehicular accident resulting in the death of
26 another person; or

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

29 (7) Except as otherwise provided in this title, before issuing a new
30 license, the Administration shall require the applicant to submit to the examinations
31 that it considers appropriate.

32 16-213.

33 (a) In this section, "offense" means a moving violation committed by an
34 individual who:

35 (1) Holds a provisional license under § 16-111 of this title;

1 (2) Was convicted of, or granted a probation before judgement under §
2 6-220 of the Criminal Procedure Article for, the violation; and

3 (3) Was not eligible for a license under § 16-111.1 of this title at the time
4 of the violation.

5 (b) [The] EXCEPT AS PROVIDED IN § 16-205(D-1) OR § 16-206(B) OF THIS
6 SUBTITLE, THE sanctions under this section are in addition to any other penalty or
7 sanctions that might apply as a result of a moving violation.

8 (c) The Administration:

9 (1) For a first offense, shall require the offender to attend a driver
10 improvement program under § 16-212 of this subtitle;

11 (2) For a second offense, may suspend the offender's provisional license
12 for up to 30 days; and

13 (3) For a third or subsequent offense, may suspend or revoke the
14 offender's provisional license for up to 180 days.

15 21-902.

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

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

20 (3) A person may not violate paragraph (1) or (2) of this subsection while
21 transporting a minor.

22 (b) (1) A person may not drive or attempt to drive any vehicle while
23 impaired by alcohol.

24 (2) A person may not violate paragraph (1) of this subsection while
25 transporting a minor.

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

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

34 (3) A person may not violate paragraph (1) or (2) of this subsection while
35 transporting a minor.

1 (d) (1) A person may not drive or attempt to drive any vehicle while the
2 person is impaired by any controlled dangerous substance, as that term is defined in
3 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
4 dangerous substance under the laws of this State.

5 (2) A person may not violate paragraph (1) of this subsection while
6 transporting a minor.

7 (e) For purposes of the application of subsequent offender penalties under §
8 27-101 of this article, a conviction for a crime committed in another state or federal
9 jurisdiction that, if committed in this State, would constitute a violation of subsection
10 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
11 (c), or (d) of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2006.