
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**

Introduced and read first time: January 25, 2006

Assigned to: Judiciary

A BILL ENTITLED

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

22 BY repealing and reenacting, with amendments,
23 Article - Courts and Judicial Proceedings
24 Section 3-8A-23(a)(4)(i)
25 Annotated Code of Maryland

1 (2002 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Transportation

4 Section 16-205, 16-206(b), 16-208, and 16-213

5 Annotated Code of Maryland

6 (2002 Replacement Volume and 2005 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - Transportation

9 Section 21-902

10 Annotated Code of Maryland

11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 3-8A-23.

16 (a) (4) (i) An adjudication of a child as delinquent by reason of the child's
17 violation of § 21-902 of the Transportation Article or a finding that a child has
18 committed a delinquent act by reason of the child's violation of § 21-902 of the
19 Transportation Article, without an adjudication of the child as delinquent, shall be
20 reported by the clerk of the court to the Motor Vehicle Administration which shall
21 SUSPEND THE CHILD'S LICENSE TO DRIVE AS PROVIDED IN § 16-206(B) OF THE
22 TRANSPORTATION ARTICLE UNTIL THE CHILD IS 21 YEARS OLD[:

23 1. For a violation of § 21-902(a) or (d) of the Transportation
24 Article, revoke the child's driving privilege in the same manner and to the same effect
25 as if the child had been convicted of the offense;

26 2. For a first violation of § 21-902(b) or (c) of the
27 Transportation Article, suspend the child's driving privilege for 6 months; and

28 3. For a second or subsequent violation of § 21-902(b) or (c)
29 of the Transportation Article, suspend the child's driving privilege for 1 year].

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.

19 (b) The Administration:

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

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

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

34 (d) [The] SUBJECT TO SUBSECTION (D-1) OF THIS SECTION, THE
35 Administration may suspend for not more than 120 days the license of any person
36 who, within a 3-year period, is convicted under § 21-902(b) or (c) of this article of
37 driving or attempting to drive a motor vehicle while impaired by alcohol or while so
38 far impaired by any drug, any combination of drugs, or a combination of one or more
39 drugs and alcohol that the person cannot drive a motor vehicle safely and who was
40 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) (1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,
13 FOR A PERSON WHO IS UNDER THE AGE OF 21 YEARS ON THE DATE OF A VIOLATION
14 OF § 21-902 OF THIS ARTICLE, AND WHO IS SUBSEQUENTLY CONVICTED UNDER §
15 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND THE PERSON'S
16 LICENSE TO DRIVE FOR THE LONGER OF:

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

19 (II) 3 YEARS.

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

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

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

29 (3) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON
30 MAY REQUEST ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER THIS
31 SUBSECTION AND ANY OTHER HEARING ON ANOTHER PROPOSED SUSPENSION OR
32 PROPOSED REVOCATION UNDER THIS SECTION, § 16-206(B) OR § 16-213 OF THIS
33 SUBTITLE, OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE CIRCUMSTANCES OF
34 THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS
35 SUBSECTION BE CONSOLIDATED.

36 (II) A PERSON WHO REQUESTS CONSOLIDATION OF HEARINGS
37 UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH APPLICABLE NOTICE
38 OF RIGHT TO REQUEST A HEARING REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 OF

1 THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT
2 APPLIES TO THE OTHER PROPOSED SUSPENSIONS OR PROPOSED REVOCATIONS.

3 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED
4 AT THE REQUEST OF THE PERSON WHO REQUESTS CONSOLIDATION OF HEARINGS
5 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE
6 HEARINGS.

7 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
8 ADMINISTRATION MAY CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
9 PARAGRAPH.

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

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

15 (3) On receiving a record of a conviction of a person for a violation of §
16 21-902(a) of this article more than once within a 5-year period, the Administration
17 shall issue to the person a notice of suspension of the person's license that:

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

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

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

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

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

28 (iii) The person fails to appear for a hearing requested by the
29 person.

30 (5) The Administration shall, within 90 days of the expiration of the
31 1-year period of suspension, issue to the person a notice, unless this notice
32 requirement was waived at a hearing described in paragraph (4) of this subsection,
33 that:

34 (i) States that the person shall 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;

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

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

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

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

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

19 (iii) The person fails to appear for a hearing requested by the
20 person.

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

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

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

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

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

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

36 (9) If a person requests a hearing and the Administration finds that the
37 person does not own a motor vehicle at the expiration of the 1-year period of
38 suspension, the Administration shall impose a restriction on the license of the person

1 for not less than 3 months and not more than 1 year, dating from the expiration of the
2 1-year period of suspension, that prohibits the person from driving any motor vehicle
3 that is not equipped with an ignition interlock system.

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

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

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

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

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

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

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

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

27 16-206.

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

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

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

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

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

4 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR
5 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE
6 CIRCUMSTANCES OF THE ADJUDICATION OF DELINQUENCY OR FINDING THAT THE
7 CHILD IS IN VIOLATION OF § 21-902 OF THIS ARTICLE AS DESCRIBED IN THIS
8 SUBSECTION; AND

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

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

20 (II) A PERSON WHO REQUESTS CONSOLIDATION OF HEARINGS
21 UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH APPLICABLE NOTICE
22 OF RIGHT TO REQUEST A HEARING REQUIRED UNDER TITLE 12, SUBTITLE 1 OR 2 OF
23 THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE THAT
24 APPLIES TO THE OTHER PROPOSED SUSPENSIONS OR PROPOSED REVOCATIONS.

25 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED
26 AT THE REQUEST OF THE PERSON WHO REQUESTS CONSOLIDATION OF HEARINGS
27 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE
28 HEARINGS.

29 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
30 ADMINISTRATION MAY CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
31 PARAGRAPH.

32 16-208.

33 (a) (1) Except as provided in paragraph (2) of this subsection, [§] §§
34 16-205(D-1) AND 16-206(a)(4), (B), and (c) of this subtitle, [and] § 16-404(c)(2) and (3)
35 of this title, AND § 3-8A-23 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE the
36 Administration may not suspend a license or privilege to drive for a period of more
37 than 1 year.

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

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

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

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

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

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

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

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

16 (2) (i) If it is the individual's first revocation, the individual may file a
17 reinstatement application at any time after the day the revoked license is
18 surrendered to and received by the Administration or, in the case of an individual who
19 does not have a license issued under this title, after the effective date of the
20 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 6
23 months after the revoked license is received by the Administration or, in the case of
24 an individual who does not have a license issued under this title, 6 months after the
25 effective date of revocation.

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

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

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

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

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

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

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

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

15 A. Conviction or probation before judgment for a violation of
16 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
17 jurisdiction;

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

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

23 2. Alcohol-related or drug-related driving incidents
24 committed at the same time or arising out of the same circumstances may not be
25 considered separate alcohol-related or drug-related driving incidents for the purpose
26 of this subparagraph.

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

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

34 B. Involved in a vehicular accident resulting in the death of
35 another person; or

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

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

4 16-213.

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

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

8 (2) Was convicted of, or granted a probation before judgement under §
9 6-220 of the Criminal Procedure Article for, the violation; and

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

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

15 (c) The Administration:

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

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

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

22 21-902.

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

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

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

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

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

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

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

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

11 (d) (1) A person may not drive or attempt to drive any vehicle while the
12 person is impaired by any controlled dangerous substance, as that term is defined in
13 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
14 dangerous substance under the laws of this State.

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

17 (e) For purposes of the application of subsequent offender penalties under §
18 27-101 of this article, a conviction for a crime committed in another state or federal
19 jurisdiction that, if committed in this State, would constitute a violation of subsection
20 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
21 (c), or (d) of this section.

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