
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, Smigel, Sophocleus, Sossi, Stocksdale, Stull, Taylor, Trueschler, V. Turner, Vallario, Weir, Weldon, and Zirkin**

Introduced and read first time: January 25, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

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
 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~~ elect on the record
 13 that another hearing on certain ~~proposed~~ license sanctions arising out of the
 14 same circumstances be consolidated with the hearing on the suspension under
 15 this Act under certain circumstances; providing that certain hearings may not
 16 be postponed at the request of a certain person due to a certain consolidation of
 17 hearings; ~~authorizing~~ requiring the Administration to consolidate certain
 18 hearings under certain circumstances; repealing the authority of the
 19 Administration to revoke a license to drive under certain circumstances; making

1 corrective, conforming, and stylistic changes; and generally relating to license
2 suspensions for alcohol- or drug-related driving offenses by certain persons.

3 BY repealing and reenacting, with amendments,
4 Article - Courts and Judicial Proceedings
5 Section 3-8A-23(a)(4)(i)
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2005 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 16-205, 16-206(b), 16-208, and 16-213
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 21-902
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2005 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 3-8A-23.

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

29 1. FOR 1 YEAR FOR A FIRST ADJUDICATION AS DELINQUENT
30 OR FINDING OF A DELINQUENT ACT FOR A VIOLATION OF § 21-902 OF THE
31 TRANSPORTATION ARTICLE; AND

32 2. FOR 2 YEARS FOR A SECOND OR SUBSEQUENT
33 ADJUDICATION AS DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A
34 VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE[:

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

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

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

5 **Article - Transportation**

6 16-205.

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

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

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

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

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

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

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

28 (b) The Administration:

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

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

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

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

14 (1) § 21-902(a) of this article of driving or attempting to drive a motor
 15 vehicle while under the influence of alcohol or while under the influence of alcohol per
 16 se;

17 (2) § 21-902(b) of this article of driving or attempting to drive a motor
 18 vehicle while impaired by alcohol;

19 (3) § 21-902(c) of this article of driving or attempting to drive a motor
 20 vehicle while so far impaired by any drug, any combination of drugs, or a combination
 21 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;
 22 or

23 (4) § 21-902(d) of this article of driving or attempting to drive a motor
 24 vehicle while impaired by a controlled dangerous substance.

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

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

32 (II) ~~3 YEARS.~~

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

35 (II) 2 YEARS FOR A SECOND OR SUBSEQUENT CONVICTION OF §
 36 21-902 OF THIS ARTICLE.

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

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

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

9 (3) (I) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, A PERSON
10 MAY ~~REQUEST~~ ELECT ON THE RECORD THAT A HEARING ON A SUSPENSION UNDER
11 THIS SUBSECTION AND ANY OTHER HEARING ON ANOTHER ~~PROPOSED~~ SUSPENSION
12 OR ~~PROPOSED~~ REVOCATION UNDER THIS SECTION, ~~§ 16-206(B)~~ § 16-206(C)(3) OR §
13 16-213 OF THIS SUBTITLE, OR § 16-404 OF THIS TITLE THAT ARISES OUT OF THE
14 CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS
15 ARTICLE DESCRIBED IN THIS SUBSECTION BE CONSOLIDATED.

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

22 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED
23 AT THE REQUEST OF THE PERSON WHO ~~REQUESTS~~ ELECTS CONSOLIDATION OF
24 HEARINGS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A
25 CONSOLIDATION OF THE HEARINGS.

26 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
27 ADMINISTRATION ~~MAY~~ SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
28 PARAGRAPH.

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

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

34 (3) On receiving a record of a conviction of a person for a violation of §
35 21-902(a) of this article more than once within a 5-year period, the Administration
36 shall issue to the person a notice of suspension of the person's license that:

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

39 (ii) Advises the person of the right to request a hearing under this
40 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 (e)
37 of this section.

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] THE LICENSE TO DRIVE of the child in
11 accordance with § 3-8A-23(a)(4)(i) of the Courts Article.

12 (2) If a child subject to a suspension [or revocation] under this
13 subsection does not hold a license to operate a motor vehicle on the date of the
14 disposition, the 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 (3) A SUSPENSION IMPOSED UNDER THIS SUBSECTION SHALL:

20 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR
21 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE
22 CIRCUMSTANCES OF THE ADJUDICATION OF DELINQUENCY OR FINDING THAT THE
23 CHILD IS IN VIOLATION OF § 21-902 OF THIS ARTICLE AS DESCRIBED IN THIS
24 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 VIOLATION OF § 21-902 OF THIS ARTICLE
28 DESCRIBED IN THIS SUBSECTION.

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

36 (II) A PERSON WHO ~~REQUESTS~~ ELECTS CONSOLIDATION OF
37 HEARINGS UNDER THIS PARAGRAPH SHALL WAIVE ON THE RECORD EACH
38 APPLICABLE NOTICE OF RIGHT TO REQUEST A HEARING REQUIRED UNDER TITLE 12,
39 SUBTITLE 1 OR 2 OF THIS ARTICLE OR TITLE 10, SUBTITLE 2 OF THE STATE

1 GOVERNMENT ARTICLE THAT APPLIES TO THE OTHER ~~PROPOSED~~ SUSPENSIONS OR
2 ~~PROPOSED~~ REVOCATIONS ARISING OUT OF THE SAME CIRCUMSTANCES.

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

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

10 16-208.

11 (a) (1) Except as provided in paragraph (2) of this subsection, [§] §§
12 16-205(D-1) AND 16-206(a)(4), (B), and (c) of this subtitle, [and] § 16-404(c)(2) and (3)
13 of this title, AND § 3-8A-23 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE the
14 Administration may not suspend a license or privilege to drive for a period of more
15 than 1 year.

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

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

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

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

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

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

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

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

34 (2) (i) If it is the individual's first revocation, the individual may file a
35 reinstatement application at any time after the day the revoked license is
36 surrendered to and received by the Administration or, in the case of an individual who

1 does not have a license issued under this title, after the effective date of the
2 revocation.

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

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

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

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

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

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

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

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

34 A. Conviction or probation before judgment for a violation of
35 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
36 jurisdiction;

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

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

4 2. Alcohol-related or drug-related driving incidents
5 committed at the same time or arising out of the same circumstances may not be
6 considered separate alcohol-related or drug-related driving incidents for the purpose
7 of this subparagraph.

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

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

15 B. Involved in a vehicular accident resulting in the death of
16 another person; or

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

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

22 16-213.

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

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

26 (2) Was convicted of, or granted a probation before judgement under §
27 6-220 of the Criminal Procedure Article for, the violation; and

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

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

33 (c) The Administration:

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

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

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

5 21-902.

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

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

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

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

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

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

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

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

26 (d) (1) A person may not drive or attempt to drive any vehicle while the
27 person is impaired by any controlled dangerous substance, as that term is defined in
28 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
29 dangerous substance under the laws of this State.

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

32 (e) For purposes of the application of subsequent offender penalties under §
33 27-101 of this article, a conviction for a crime committed in another state or federal
34 jurisdiction that, if committed in this State, would constitute a violation of subsection
35 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
36 (c), or (d) of this section.

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