
By: **The President (By Request - Administration) and Senators Brinkley, Colburn, Exum, Garagiola, Hafer, Harris, Hooper, Hughes, Jacobs, Jimeno, Kasemeyer, Kittleman, Klausmeier, Lawlah, Munson, Schrader, Stone, and Teitelbaum**

Introduced and read first time: January 23, 2006

Rules suspended

Assigned to: Judicial Proceedings

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
26 (2002 Replacement Volume and 2005 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Transportation

1 Section 16-205, 16-206(b), 16-208, and 16-213
2 Annotated Code of Maryland
3 (2002 Replacement Volume and 2005 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article - Transportation
6 Section 21-902
7 Annotated Code of Maryland
8 (2002 Replacement Volume and 2005 Supplement)

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

11 **Article - Courts and Judicial Proceedings**

12 3-8A-23.

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

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

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

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

27 **Article - Transportation**

28 16-205.

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

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

34 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
35 article of driving or attempting to drive a motor vehicle while impaired by alcohol or
36 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 vehicle safely and who was
2 previously convicted of any combination of two or more violations under:

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

8 (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 vehicle
11 safely; or

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

14 (b) The Administration:

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

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

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

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

36 (1) § 21-902(a) of this article of driving or attempting to drive a motor
37 vehicle while under the influence of alcohol or while under the influence of alcohol per
38 se;

1 (2) § 21-902(b) of this article of driving or attempting to drive a motor
2 vehicle while impaired by alcohol;

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

7 (4) § 21-902(d) of this article of driving or attempting to drive a motor
8 vehicle while impaired by a controlled dangerous substance.

9 (D-1) (1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,
10 FOR A PERSON WHO IS UNDER THE AGE OF 21 YEARS ON THE DATE OF A VIOLATION
11 OF § 21-902 OF THIS ARTICLE, AND WHO IS SUBSEQUENTLY CONVICTED UNDER §
12 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL SUSPEND THE PERSON'S
13 LICENSE TO DRIVE FOR THE LONGER OF:

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

16 (II) 3 YEARS.

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

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

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

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

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

38 (III) A HEARING UNDER THIS PARAGRAPH MAY NOT BE POSTPONED
39 AT THE REQUEST OF THE PERSON WHO REQUESTS CONSOLIDATION OF HEARINGS

1 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DUE TO A CONSOLIDATION OF THE
2 HEARINGS.

3 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
4 ADMINISTRATION MAY CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
5 PARAGRAPH.

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

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

11 (3) On receiving a record of a conviction of a person for a violation of §
12 21-902(a) of this article more than once within a 5-year period, the Administration
13 shall issue to the person a notice of suspension of the person's license that:

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

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

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

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

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

24 (iii) The person fails to appear for a hearing requested by the
25 person.

26 (5) The Administration shall, within 90 days of the expiration of the
27 1-year period of suspension, issue to the person a notice, unless this notice
28 requirement was waived at a hearing described in paragraph (4) of this subsection,
29 that:

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

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

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

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

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

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

14 (iii) The person fails to appear for a hearing requested by the
15 person.

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

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

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

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

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

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

31 (9) If a person requests a hearing and the Administration finds that the
32 person does not own a motor vehicle at the expiration of the 1-year period of
33 suspension, the Administration shall impose a restriction on the license of the person
34 for not less than 3 months and not more than 1 year, dating from the expiration of the
35 1-year period of suspension, that prohibits the person from driving any motor vehicle
36 that is not equipped with an ignition interlock system.

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

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

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

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

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

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

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

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

22 16-206.

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

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

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

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

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

36 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR
37 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE

1 CIRCUMSTANCES OF THE ADJUDICATION OF DELINQUENCY OR FINDING THAT THE
2 CHILD IS IN VIOLATION OF § 21-902 OF THIS ARTICLE AS DESCRIBED IN THIS
3 SUBSECTION; AND

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

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

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

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

24 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
25 ADMINISTRATION MAY CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
26 PARAGRAPH.

27 16-208.

28 (a) (1) Except as provided in paragraph (2) of this subsection, [§] §§
29 16-205(D-1) AND 16-206(a)(4), (B), and (c) of this subtitle, [and] § 16-404(c)(2) and (3)
30 of this title, AND § 3-8A-23 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE the
31 Administration may not suspend a license or privilege to drive for a period of more
32 than 1 year.

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

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

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

- 1 (ii) For failure to appear at a hearing as provided in Title 12,
2 Subtitle 2 of this article;
- 3 (iii) For failure to obey a citation, as provided in Title 26 of this
4 article;
- 5 (iv) For failure to pay a fine in accordance with the court's directive
6 as provided in Title 27 of this article; or
- 7 (v) For failure to pay child support, as provided in § 16-203 of this
8 title.

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

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

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

22 (3) (i) If it is the individual's second revocation, the individual may file
23 a reinstatement application at any time after 1 year from the day the revoked license
24 is surrendered to and received by the Administration or, in the case of an individual
25 who does not have a license issued under this title, after 1 year from the effective date
26 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 (4) (i) If it is the individual's third revocation, the individual may file
30 a reinstatement application at any time after 18 months from the day the revoked
31 license is surrendered to and received by the Administration or, in the case of an
32 individual who does not have a license issued under this title, after 18 months from
33 the effective date of revocation.

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

36 (5) (i) If it is the individual's fourth or subsequent revocation, the
37 individual may file a reinstatement application at any time after 2 years from the day
38 the revoked license is surrendered to and received by the Administration or, in the

1 case of an individual who does not have a license issued under this title, after 2 years
2 from the effective date of 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.

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

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

10 A. Conviction or probation before judgment for a violation of
11 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
12 jurisdiction;

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

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

18 2. Alcohol-related or drug-related driving incidents
19 committed at the same time or arising out of the same circumstances may not be
20 considered separate alcohol-related or drug-related driving incidents for the purpose
21 of this subparagraph.

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

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

29 B. Involved in a vehicular accident resulting in the death of
30 another person; or

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

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

1 16-213.

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

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

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

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

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

12 (c) The Administration:

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

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

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

19 21-902.

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

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

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

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

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

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

33 (2) It is not a defense to any charge of violating this subsection that the
34 person charged is or was entitled under the laws of this State to use the drug,

1 combination of drugs, or combination of one or more drugs and alcohol, unless the
2 person was unaware that the drug or combination would make the person incapable
3 of safely driving a vehicle.

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

6 (d) (1) A person may not drive or attempt to drive any vehicle while the
7 person is impaired by any controlled dangerous substance, as that term is defined in
8 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
9 dangerous substance under the laws of this State.

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

12 (e) For purposes of the application of subsequent offender penalties under §
13 27-101 of this article, a conviction for a crime committed in another state or federal
14 jurisdiction that, if committed in this State, would constitute a violation of subsection
15 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
16 (c), or (d) of this section.

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