
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~~ Teitelbaum, Forehand, and Haines**

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Rules suspended
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
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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 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

1 Section 3-8A-23(a)(4)(i)
 2 Annotated Code of Maryland
 3 (2002 Replacement Volume and 2005 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article - Transportation
 6 Section 16-205, 16-206(b), 16-208, and 16-213
 7 Annotated Code of Maryland
 8 (2002 Replacement Volume and 2005 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article - Transportation
 11 Section 21-902
 12 Annotated Code of Maryland
 13 (2002 Replacement Volume and 2005 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 3-8A-23.

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

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

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

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

32 1. FOR 1 YEAR FOR A FIRST ADJUDICATION AS DELINQUENT
 33 OR FINDING OF A DELINQUENT ACT FOR A VIOLATION OF § 21-902 OF THE
 34 TRANSPORTATION ARTICLE; AND

35 2. FOR 2 YEARS FOR A SECOND OR SUBSEQUENT
 36 ADJUDICATION AS DELINQUENT OR FINDING OF A DELINQUENT ACT FOR A
 37 VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE.

1 **Article - Transportation**

2 16-205.

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

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

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

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

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

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

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

24 (b) The Administration:

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

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

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

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

8 (1) § 21-902(a) of this article of driving or attempting to drive a motor
 9 vehicle while under the influence of alcohol or while under the influence of alcohol per
 10 se;

11 (2) § 21-902(b) of this article of driving or attempting to drive a motor
 12 vehicle while impaired by alcohol;

13 (3) § 21-902(c) of this article of driving or attempting to drive a motor
 14 vehicle while so far impaired by any drug, any combination of drugs, or a combination
 15 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely;
 16 or

17 (4) § 21-902(d) of this article of driving or attempting to drive a motor
 18 vehicle while impaired by a controlled dangerous substance.

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

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

26 ~~(II) 3 YEARS.~~

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

29 (II) 2 YEARS FOR A SECOND OR SUBSEQUENT CONVICTION OF §
 30 21-902 OF THIS ARTICLE.

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

32 (I) BE CONCURRENT WITH ANY OTHER SUSPENSION OR
 33 REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE
 34 CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS
 35 ARTICLE DESCRIBED IN THIS 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

1 OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS
2 ARTICLE DESCRIBED IN THIS SUBSECTION.

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

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

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

19 (IV) SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH, THE
20 ADMINISTRATION MAY CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
21 PARAGRAPH.

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

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

27 (3) On receiving a record of a conviction of a person for a violation of §
28 21-902(a) of this article more than once within a 5-year period, the Administration
29 shall issue to the person a notice of suspension of the person's license that:

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

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

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

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

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

4 (iii) The person fails to appear for a hearing requested by the
5 person.

6 (5) The Administration shall, within 90 days of the expiration of the
7 1-year period of suspension, issue to the person a notice, unless this notice
8 requirement was waived at a hearing described in paragraph (4) of this subsection,
9 that:

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

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

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

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

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

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

31 (iii) The person fails to appear for a hearing requested by the
32 person.

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

37 (i) Shall impose a restriction on the license of the person for not
38 less than 3 months and not more than 1 year, dating from the expiration of the 1-year

1 period of suspension, that prohibits the person from driving any motor vehicle that is
2 not equipped with an ignition interlock system; and

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

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

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

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

10 (9) If a person requests a hearing and the Administration finds that the
11 person does not own a motor vehicle at the expiration of the 1-year period of
12 suspension, the Administration shall impose a restriction on the license of the person
13 for not less than 3 months and not more than 1 year, dating from the expiration of the
14 1-year period of suspension, that prohibits the person from driving any motor vehicle
15 that is not equipped with an ignition interlock system.

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

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

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

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

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

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

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

34 (g) When a suspension imposed under [subsections] SUBSECTION (c), (d),
35 (D-1), or (e) of this section OR § 16-206(B) OF THIS SUBTITLE expires, the
36 Administration immediately shall return the license or reinstate the privilege of the

1 driver, unless the license or privilege has been refused, revoked, suspended, or
2 canceled under any other provisions of the Maryland Vehicle Law.

3 16-206.

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

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

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

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

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

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

26 (4) (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 SUBSECTION (C) OF THIS SECTION, § 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 16-208.

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

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

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

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

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

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

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

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

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

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

35 (ii) Except as provided in paragraph (6) of this subsection, on
36 receipt of the application, the Administration may reinstate the license or privilege 6
37 months after the revoked license is received by the Administration or, in the case of

1 an individual who does not have a license issued under this title, 6 months after the
2 effective date of revocation.

3 (3) (i) If it is the individual's second revocation, the individual may file
4 a reinstatement application at any time after 1 year from the day the revoked license
5 is surrendered to and received by the Administration or, in the case of an individual
6 who does not have a license issued under this title, after 1 year from the effective date
7 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 (4) (i) If it is the individual's third revocation, the individual may file
11 a reinstatement application at any time after 18 months from the day the revoked
12 license is surrendered to and received by the Administration or, in the case of an
13 individual who does not have a license issued under this title, after 18 months from
14 the effective date of revocation.

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

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

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

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

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

29 A. Conviction or probation before judgment for a violation of
30 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another
31 jurisdiction;

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

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

37 2. Alcohol-related or drug-related driving incidents
38 committed at the same time or arising out of the same circumstances may not be

1 21-902.

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

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

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

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

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

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

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

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

22 (d) (1) A person may not drive or attempt to drive any vehicle while the
23 person is impaired by any controlled dangerous substance, as that term is defined in
24 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
25 dangerous substance under the laws of this State.

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

28 (e) For purposes of the application of subsequent offender penalties under §
29 27-101 of this article, a conviction for a crime committed in another state or federal
30 jurisdiction that, if committed in this State, would constitute a violation of subsection
31 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
32 (c), or (d) of this section.

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

