

---

By: **Senators Garagiola, Colburn, Hogan, Hollinger, Hooper, and Kramer**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2006

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Driver's License Suspension and Revocation - Alcoholic Beverages**  
 3 **Violations**

4 FOR the purpose of authorizing the Motor Vehicle Administration to revoke the  
 5 driver's license of a person who, within a certain time period, is found guilty a  
 6 certain number of times of a code violation for the offense of knowingly and  
 7 willfully furnishing an alcoholic beverage to an individual under a certain age or  
 8 knowingly and willfully allowing the possession or consumption of an alcoholic  
 9 beverage by an individual under a certain age at the person's residence;  
 10 authorizing the Administration to suspend for a certain number of days the  
 11 driver's license of a person who is found guilty of a code violation for the offense  
 12 of knowingly and willfully furnishing an alcoholic beverage to an individual  
 13 under a certain age or knowingly and willfully allowing the possession or  
 14 consumption of an alcoholic beverage by an individual under a certain age at the  
 15 person's residence; authorizing the Administration to suspend for a certain  
 16 number of days the driver's license of a person who, within a certain time period,  
 17 is found guilty a certain number of times of a code violation for the offense of  
 18 knowingly and willfully furnishing an alcoholic beverage to an individual under  
 19 a certain age or knowingly and willfully allowing the possession or consumption  
 20 of an alcoholic beverage by an individual under a certain age at the person's  
 21 residence; providing a certain exception for a person subject to certain other  
 22 penalties; and generally relating to driver's license suspensions and revocations.

23 BY repealing and reenacting, without amendments,

24 Article - Criminal Law

25 Section 10-117

26 Annotated Code of Maryland

1 (2002 Volume and 2005 Supplement)  
2 BY repealing and reenacting, with amendments,  
3 Article - Transportation  
4 Section 16-205(a), (c), and (d)  
5 Annotated Code of Maryland  
6 (2002 Replacement Volume and 2005 Supplement)

7 BY adding to  
8 Article - Transportation  
9 Section 16-205(h)  
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 - Criminal Law**

15 10-117.

16 (a) Except as provided in subsection (c) of this section, a person may not  
17 furnish an alcoholic beverage to an individual if:

18 (1) the person furnishing the alcoholic beverage knows that the  
19 individual is under the age of 21 years; and

20 (2) the alcoholic beverage is furnished for the purpose of consumption by  
21 the individual under the age of 21 years.

22 (b) Except as provided in subsection (c) of this section, an adult may not  
23 knowingly and willfully allow an individual under the age of 21 years actually to  
24 possess or consume an alcoholic beverage at a residence, or within the curtilage of a  
25 residence that the adult owns or leases and in which the adult resides.

26 (c) (1) The prohibition set forth in subsection (a) of this section does not  
27 apply if the person furnishing the alcoholic beverage and the individual to whom the  
28 alcoholic beverage is furnished:

29 (i) are members of the same immediate family, and the alcoholic  
30 beverage is furnished and consumed in a private residence or within the curtilage of  
31 the residence; or

32 (ii) are participants in a religious ceremony.

33 (2) The prohibition set forth in subsection (b) of this section does not  
34 apply if the adult allowing the possession or consumption of the alcoholic beverage

1 and the individual under the age of 21 years who possesses or consumes the alcoholic  
2 beverage:

3 (i) are members of the same immediate family, and the alcoholic  
4 beverage is possessed and consumed in a private residence, or within the curtilage of  
5 the residence, of the adult; or

6 (ii) are participants in a religious ceremony.

7 **Article - Transportation**

8 16-205.

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

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

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

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

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

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

28 (iv) § 21-902(d) of this article of driving or attempting to drive a  
29 motor vehicle while impaired by a controlled dangerous substance; OR

30 (3) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, WITHIN  
31 A 3-YEAR PERIOD, HAS BEEN FOUND GUILTY THREE OR MORE TIMES OF A CODE  
32 VIOLATION UNDER § 10-117 OF THE CRIMINAL LAW ARTICLE OF KNOWINGLY AND  
33 WILLFULLY FURNISHING AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL UNDER THE  
34 AGE OF 21 YEARS OR KNOWINGLY AND WILLFULLY ALLOWING THE POSSESSION OR  
35 CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN INDIVIDUAL UNDER THE AGE OF  
36 21 YEARS AT THE PERSON'S RESIDENCE.

1 (c) The Administration may suspend for not more than 60 days the license of  
2 any person who [is]:

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

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, IS  
8 FOUND GUILTY OF A CODE VIOLATION UNDER § 10-117 OF THE CRIMINAL LAW  
9 ARTICLE OF KNOWINGLY AND WILLFULLY FURNISHING AN ALCOHOLIC BEVERAGE  
10 TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS OR KNOWINGLY AND WILLFULLY  
11 ALLOWING THE POSSESSION OR CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN  
12 INDIVIDUAL UNDER THE AGE OF 21 YEARS AT THE PERSON'S RESIDENCE.

13 (d) The Administration may suspend for not more than 120 days the license of  
14 any person who[, within]:

15 (1) WITHIN a 3-year period, is convicted under § 21-902(b) or (c) of this  
16 article of driving or attempting to drive a motor vehicle while impaired by alcohol or  
17 while so far impaired by any drug, any combination of drugs, or a combination of one  
18 or more drugs and alcohol that the person cannot drive a motor vehicle safely and who  
19 was previously convicted of a violation under:

20 [(1)] (I) § 21-902(a) of this article of driving or attempting to drive a  
21 motor vehicle while under the influence of alcohol or while under the influence of  
22 alcohol per se;

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

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

29 [(4)] (IV) § 21-902(d) of this article of driving or attempting to drive a  
30 motor vehicle while impaired by a controlled dangerous substance; OR

31 (2) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, WITHIN  
32 A 3-YEAR PERIOD HAS BEEN FOUND GUILTY TWO TIMES OF A CODE VIOLATION  
33 UNDER § 10-117 OF THE CRIMINAL LAW ARTICLE OF KNOWINGLY AND WILLFULLY  
34 FURNISHING AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL UNDER THE AGE OF 21  
35 YEARS OR KNOWINGLY AND WILLFULLY ALLOWING THE POSSESSION OR  
36 CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN INDIVIDUAL UNDER THE AGE OF  
37 21 YEARS AT THE PERSON'S RESIDENCE.

38 (H) THE ADMINISTRATION MAY NOT SUSPEND OR REVOKE THE LICENSE OF A  
39 PERSON IF:

1           (1)       ANY OF THE VIOLATIONS OF § 10-117 OF THE CRIMINAL LAW ARTICLE  
2 ON WHICH THE SUSPENSION OR REVOCATION IS BASED ARE COMMITTED WHILE THE  
3 PERSON IS ACTING IN THE CAPACITY OF A LICENSEE LICENSED UNDER ARTICLE 2B  
4 OF THE CODE OR AN EMPLOYEE OF A LICENSEE; AND

5           (2)       THE PERSON HAS COMMITTED A VIOLATION OF AND IS SUBJECT TO  
6 THE PENALTIES UNDER ARTICLE 2B, § 12-108 OF THE CODE.

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