
By: **Senator Jimeno**

Introduced and read first time: March 3, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Refusal to Take a Blood or Breath Test -**
3 **Prohibition**

4 FOR the purpose of establishing the offense of knowingly refusing to take a certain
5 blood or breath test if a person is detained for a suspected violation of certain
6 drunk or drugged driving provisions of law and the person's license to drive
7 previously was suspended for refusal to take a certain blood or breath test;
8 establishing a certain penalty; and generally relating to drunk and drugged
9 driving.

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

15 BY adding to
16 Article - Transportation
17 Section 21-902.2 and 27-101(y)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2005 Supplement)

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

22 **Article - Transportation**

23 21-902.

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

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

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

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

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

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

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

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

17 (d) (1) A person may not drive or attempt to drive any vehicle while the
18 person is impaired by any controlled dangerous substance, as that term is defined in
19 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
20 dangerous substance under the laws of this State.

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

23 (e) For purposes of the application of subsequent offender penalties under §
24 27-101 of this article, a conviction for a crime committed in another state or federal
25 jurisdiction that, if committed in this State, would constitute a violation of subsection
26 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
27 (c), or (d) of this section.

28 21-902.2.

29 A PERSON DETAINED FOR A SUSPECTED VIOLATION OF § 21-902 OF THIS
30 SUBTITLE MAY NOT KNOWINGLY REFUSE TO TAKE A TEST UNDER § 16-205.1 OF THIS
31 ARTICLE IF THE PERSON'S LICENSE TO DRIVE HAS PREVIOUSLY BEEN SUSPENDED
32 FOR A REFUSAL TO TAKE A TEST UNDER § 16-205.1 OF THIS ARTICLE.

33 27-101.

34 (Y) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-902.2 OF THIS
35 ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR
36 NOT MORE THAN 1 YEAR OR BOTH.

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