

HOUSE BILL 853

R3
HB 504/08 – JUD

9lr0837

By: **Delegate Holmes**

Introduced and read first time: February 12, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Repeat Offenders – Special Registration Plates**

3 FOR the purpose of requiring the Motor Vehicle Administration to issue special license
4 plates to identify a vehicle that is owned by an individual who has been
5 convicted of certain drunk or drugged driving offenses a certain number of
6 times; requiring the special registration plates to be distinctive and to include
7 the letters “DUI”; requiring the Administration to recall the registration plates
8 of each vehicle owned by an individual who has been convicted of certain drunk
9 and drugged driving offenses a certain number of times; requiring the
10 Administration to provide a certain notice concerning recalled registration
11 plates; requiring the Administration to issue special registration plates and
12 certain validation tabs under certain circumstances; requiring a vehicle owner
13 to comply with a certain notice; requiring the owner of a vehicle issued special
14 registration plates to pay a certain fee; requiring special registration plates
15 issued under this Act to be displayed for a certain number of years; requiring an
16 owner to renew registration under certain circumstances; requiring the
17 Administration to return or issue certain registration plates and to issue certain
18 validation tabs at the end of a certain time period; and generally relating to
19 drunk and drugged driving.

20 BY adding to

21 Article – Transportation
22 Section 13–630
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Transportation
27 Section 21–902
28 Annotated Code of Maryland
29 (2006 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article - Transportation**

4 **13-630.**

5 (A) (1) THE ADMINISTRATION SHALL ISSUE, IN ACCORDANCE WITH
6 THIS SECTION, SPECIAL REGISTRATION PLATES THAT IDENTIFY THE VEHICLE
7 DISPLAYING THE PLATES AS BEING OWNED BY AN INDIVIDUAL WHO HAS BEEN
8 CONVICTED OF THREE OR MORE VIOLATIONS OF § 21-902 OF THIS ARTICLE.

9 (2) SPECIAL REGISTRATION PLATES ISSUED UNDER THIS
10 SECTION SHALL BE OF A DISTINCTIVE DESIGN DETERMINED BY THE
11 ADMINISTRATION, INCLUDING A YELLOW BACKGROUND, AND SHALL INCLUDE
12 THE LETTERS "DUI" AND A THREE-DIGIT NUMBER, BOTH IN RED.

13 (B) (1) IF THE OWNER OF A VEHICLE REGISTERED UNDER THIS TITLE
14 IS CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF § 21-902 OF THIS
15 ARTICLE, THE ADMINISTRATION SHALL:

16 (I) RECALL THE REGULAR REGISTRATION PLATES OF EACH
17 VEHICLE REGISTERED TO THE OWNER;

18 (II) NOTIFY THE OWNER THAT THE RECALLED
19 REGISTRATION PLATES SHALL BE RETURNED TO THE ADMINISTRATION WITHIN
20 30 DAYS FROM THE DATE OF THE NOTICE; AND

21 (III) IF THE OWNER OR ANY CO-OWNER OF THE VEHICLE
22 OTHERWISE IS QUALIFIED TO OPERATE THE VEHICLE, AT THE TIME THE
23 RECALLED REGISTRATION PLATES ARE RETURNED TO THE ADMINISTRATION,
24 ISSUE TO THE OWNER:

25 1. SPECIAL "DUI" REGISTRATION PLATES
26 AUTHORIZED UNDER THIS SECTION; AND

27 2. VALIDATION TABS THAT SHALL REMAIN VALID
28 FOR THE REMAINDER OF THE CURRENT REGISTRATION PERIOD OF THE
29 VEHICLE.

30 (2) A VEHICLE OWNER SHALL COMPLY PROMPTLY WITH A NOTICE
31 SENT TO THE OWNER UNDER THIS SUBSECTION.

1 (c) (1) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE,**
2 **THE OWNER OF A VEHICLE ASSIGNED SPECIAL “DUI” REGISTRATION PLATES**
3 **UNDER THIS SECTION SHALL PAY A FEE OF \$500 TO THE ADMINISTRATION ON**
4 **ISSUANCE OF THE PLATES.**

5 (2) **THE FEE:**

6 (I) **SHALL BE RETAINED BY THE ADMINISTRATION FOR THE**
7 **PURPOSE OF RECOVERING ITS COSTS UNDER THIS SECTION; AND**

8 (II) **MAY NOT BE CREDITED TO THE GASOLINE AND MOTOR**
9 **VEHICLE REVENUE ACCOUNT UNDER § 8-402 OF THIS ARTICLE.**

10 (d) (1) **SPECIAL “DUI” REGISTRATION PLATES ISSUED FOR A**
11 **VEHICLE UNDER THIS SECTION SHALL BE DISPLAYED ON THE VEHICLE FOR 5**
12 **YEARS FROM THE DATE THE PLATES ARE ISSUED TO THE OWNER.**

13 (2) **IF THE REGISTRATION PERIOD OF THE VEHICLE EXPIRES**
14 **DURING THE TIME PERIOD THAT THE OWNER IS REQUIRED TO DISPLAY THE**
15 **SPECIAL REGISTRATION PLATES UNDER PARAGRAPH (1) OF THIS SUBSECTION,**
16 **THE OWNER SHALL RENEW THE REGISTRATION AND PAY FEES IN THE MANNER**
17 **PROVIDED FOR REGISTRATION UNDER THIS TITLE.**

18 (3) **AT THE END OF THE TIME PERIOD SPECIFIED IN PARAGRAPH**
19 **(1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:**

20 (I) **1. RETURN THE REGISTRATION PLATES THAT**
21 **PREVIOUSLY HAD BEEN RECALLED UNDER THIS SECTION; OR**

22 **2. ISSUE NEW REGISTRATION PLATES FOR THE**
23 **VEHICLE; AND**

24 (II) **ISSUE VALIDATION TABS THAT SHALL REMAIN VALID**
25 **FOR THE REMAINDER OF THE CURRENT REGISTRATION PERIOD OF THE**
26 **VEHICLE.**

27 21-902.

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

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

1 (3) A person may not violate paragraph (1) or (2) of this subsection
2 while 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
8 so 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
11 the 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 of
14 safely driving a vehicle.

15 (3) A person may not violate paragraph (1) or (2) of this subsection
16 while 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), (c),
27 or (d) of this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.