

HB1276/238278/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1276  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Drunk Driving Reduction Act”; in line 8, after the semicolon insert “expanding participation in the Program by requiring certain individuals who are convicted of a certain offense and who had a certain alcohol concentration at the time of testing to participate in the Program for certain periods of time and successfully complete the Program;”; and in line 13, after the semicolon, insert “requiring the Administration to suspend for an indefinite period, rather than revoke, licenses of certain individuals who are convicted of a certain offense and had a certain alcohol concentration at the time of testing and who fail to participate in the Program or successfully complete the Program; providing that a suspension of a license that is imposed as a result of certain circumstances shall be concurrent with any other suspension or revocation arising out of the same incident;”.

On page 2, strike beginning with “the” in line 5 down through “Law” in line 6 and substitute “law”; and in line 14, after the first semicolon insert “requiring the Administration to provide certain warnings to certain persons; prohibiting a person from raising the absence of a warning or the failure to receive the warning as a basis for limiting the authority of the Administration in a certain manner;”.

AMENDMENT NO. 2

On page 7, in line 18, strike “PARAGRAPH” and substitute “SUBSECTION”.

AMENDMENT NO. 3

On page 9, in line 24, after “(1)” insert “(I) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS”.

(Over)

ARTICLE AND HAD AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF 0.15 OR MORE.

(II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND FAILS TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND, NOTWITHSTANDING § 16-208 OF THIS TITLE, THE INDIVIDUAL'S LICENSE UNTIL THE INDIVIDUAL SUCCESSFULLY COMPLETES THE PROGRAM.

(III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.

(2) (I);

in line 28, strike “(I)” and substitute “1.”; in line 29, strike “§ 27-101” and substitute “§ 27-107”; and strike in their entirety lines 30 through 32, inclusive.

AMENDMENT NO. 4

On page 10, in lines 1, 4, 6, 8, 9, and 18, strike “(III)”, “(IV)”, “1.”, “2.”, “(2)”, and “(3)”, respectively, and substitute “2.”, “3.”, “A.”, “B.”, “(3)”, and “(4)”, respectively; after line 8, insert:

“(II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND THE INDIVIDUAL FAILS TO PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S LICENSE FOR 1 YEAR.

(III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.”;

in line 18, strike “(2)” and substitute “(3)”; and strike in their entirety lines 23 through 27, inclusive.

AMENDMENT NO. 5

On page 12, in line 27, strike “SUBSECTION (D) OF”; and in line 28, strike “THE MARYLAND VEHICLE LAW” and substitute “LAW”.

On page 13, in line 3, strike “IF” and substitute “NOTWITHSTANDING § 16-208 OF THIS TITLE, IF”; and after line 14, insert:

“(P) A SUSPENSION OR REVOCATION OF A LICENSE OF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION THAT IS IMPOSED AS A RESULT OF THE FAILURE OF THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION ARISING OUT OF THE SAME INCIDENT FOR WHICH THE INDIVIDUAL IS SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION.

(Q) (1) IF A PERSON IS CONVICTED OF ANY VIOLATION OF § 21-902 OF THIS ARTICLE, THE ADMINISTRATION SHALL INCLUDE IN THE NOTICE OF PROPOSED SUSPENSION OR REVOCATION A WARNING IN BOLD CONSPICUOUS TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE PERSON IS SUBSEQUENTLY CONVICTED OF A VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE AS DESCRIBED IN THIS SECTION.

(2) AT THE TIME THAT THE ADMINISTRATION ISSUES A LICENSE TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, THE ADMINISTRATION SHALL PROVIDE TO THE PERSON A WRITTEN WARNING IN BOLD CONSPICUOUS TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE ADMINISTRATION FINDS THE PERSON VIOLATED THE ALCOHOL RESTRICTION ON A DRIVER UNDER THE AGE OF 21 YEARS OR THE PERSON VIOLATED ANY PROVISION OF § 21-902 OF THIS ARTICLE.

(3) A PERSON MAY NOT RAISE THE ABSENCE OF THE WARNING DESCRIBED UNDER THIS SUBSECTION OR THE FAILURE TO RECEIVE THAT WARNING AS A BASIS FOR LIMITING THE AUTHORITY OF THE ADMINISTRATION TO REQUIRE THAT THE PERSON PARTICIPATE IN THE PROGRAM IN ACCORDANCE WITH THIS SECTION.”.