

HB1276/302216/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, Eckardt, Afzali, George, Haddaway-Riccio, McMillan, W. Miller, and Stocksdales”.

AMENDMENT NO. 2

On page 1, in line 14, strike “or revoke”; in line 16, after “Program;” insert “providing for reconsideration of entry in the Program under certain circumstances;”; in line 21, after the semicolon insert “providing that an individual who is removed from the Program may reenter the Program under certain circumstances; establishing a criminal prohibition of a participant in the Program driving a vehicle without an ignition interlock system; providing for certain penalties; providing for certain administrative procedures;”; and in line 26, strike “defining certain terms;”.

On page 2, in line 20, after “Section” insert “16-113(k) and”; in line 25, after “Section” insert “16-205.1(b)(3)(viii)3.”; and in the same line, after “16-404.1,” insert “27-101(h).”.

AMENDMENT NO. 3

On page 3, after line 4, insert:

“(K) A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE MAY NOT DRIVE OR ATTEMPT TO DRIVE A VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IN VIOLATION OF AN IGNITION INTERLOCK SYSTEM RESTRICTION ON A LICENSE ISSUED TO THE PARTICIPANT.”

(Over)

AMENDMENT NO. 4

On page 3, after line 10, insert:

“(b) (3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(viii) Within 72 hours after the issuance of the order of suspension, send any confiscated driver’s license, copy of the suspension order, and a sworn statement to the Administration, that states:

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of testing is ineligible for modification of a suspension or issuance of a restrictive license under subsection [(n)(1) or (2)] (O) of this section.”.

AMENDMENT NO. 5

On page 6, in line 15, strike “SUMMARILY”; and after line 21, insert:

“(4) IF A LICENSEE REQUESTS A HEARING UNDER THIS PARAGRAPH, THE SUSPENSION SHALL BE STAYED PENDING THE DECISION AT THE ADMINISTRATIVE HEARING.”.

AMENDMENT NO. 6

On page 7, strike in their entirety lines 20 through 23, inclusive.

On page 8, in line 22, strike “§ 16-113(b) or (g)” and substitute “§ 16-113(G)(1)”.

AMENDMENT NO. 7

On page 9, strike beginning with “BASED” in line 23 down through “TITLE” in line 24; and strike in their entirety lines 28 through 32, inclusive, and substitute:

“(E) IF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION DOES NOT INITIALLY BECOME A PARTICIPANT:

(1) THE INDIVIDUAL MAY APPLY LATER TO THE ADMINISTRATION TO BE A PARTICIPANT; AND

(2) THE ADMINISTRATION MAY RECONSIDER ANY SUSPENSION OR REVOCATION OF THE DRIVER’S LICENSE OF THE INDIVIDUAL ARISING OUT OF THE SAME CIRCUMSTANCES AND ALLOW THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM.”

AMENDMENT NO. 8

On page 10, in lines 1, 20, 26, 30, and 33, strike “(E)”, “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(F)”, “(G)”, “(H)”, “(I)”, and “(J)”, respectively.

On page 11, in lines 7, 12, 15, 17, and 22, strike “(J)”, “(E)(3)”, “(K)”, “(L)”, and “(M)”, respectively, and substitute “(K)”, “(F)(3)”, “(L)”, “(M)”, and “(N)”, respectively; in line 25, strike “RETURN THE” and substitute “ISSUE A”; and after line 26, insert:

“(O) (1) IF THE ADMINISTRATION REMOVES AN INDIVIDUAL FROM THE PROGRAM BECAUSE THE INDIVIDUAL VIOLATED REQUIREMENTS OF THE PROGRAM, THE ADMINISTRATION MAY ALLOW THE INDIVIDUAL TO REENTER THE PROGRAM AFTER A PERIOD OF 30 DAYS FROM THE DATE OF REMOVAL.

(2) IF AN INDIVIDUAL REENTERS THE PROGRAM UNDER THIS SUBSECTION, THE INDIVIDUAL SHALL PARTICIPATE IN THE PROGRAM FOR THE

ENTIRE PERIOD OF TIME THAT WAS INITIALLY NECESSARY FOR SUCCESSFUL COMPLETION OF THE PROGRAM WITHOUT ANY CREDIT FOR THE PERIOD OF PARTICIPATION BEFORE THE INDIVIDUAL WAS REMOVED FROM THE PROGRAM.

(3) NOTHING CONTAINED IN PARAGRAPH (2) OF THIS SUBSECTION LIMITS A PERIOD OF PARTICIPATION IN THE PROGRAM REQUIRED UNDER ANY OTHER PROVISION OF THIS TITLE OR § 27-107 OF THIS ARTICLE.”.

AMENDMENT NO. 9

On page 11, after line 33, insert:

“27-101.

(h) Any person who is convicted of a violation of any of the provisions of § 16-113(k) OF THIS ARTICLE (“IGNITION INTERLOCK SYSTEM PROGRAM PARTICIPANT DRIVING VEHICLE WITHOUT IGNITION INTERLOCK”), § 16-303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled, suspended, refused, or revoked”), § 17-107 of this article (“Prohibitions”), or § 17-110 of this article (“Providing false evidence of required security”) is subject to:

(1) For a first offense, a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than \$1,000, or imprisonment for not more than 2 years, or both.”.