

SENATE BILL 292

R4, R3

3lr0661

By: **Senator Zirkin**

Introduced and read first time: January 23, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Administrative Per Se Offenses – Suspension Modification**
3 **and Restrictive Licenses**

4 FOR the purpose of authorizing the Motor Vehicle Administration to modify a driver's
5 license suspension or issue a restrictive license for a licensee who has
6 committed certain alcohol-related driving offenses if the license is required for
7 the purpose of complying with a court order; and generally relating to
8 administrative per se offenses and modifications of driver's license suspensions
9 and issuance of restrictive licenses.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 16–205.1(n)
13 Annotated Code of Maryland
14 (2012 Replacement Volume)

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

17 **Article – Transportation**

18 16–205.1.

19 (n) (1) This subsection applies only to a licensee:

20 (i) Who takes a test that indicates an alcohol concentration of
21 at least 0.08 but less than 0.15;

22 (ii) Whose license has not been suspended under this section
23 during the past 5 years; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) Who has not been convicted under § 21-902 of this article
2 during the past 5 years.

3 (2) The Administration may modify a suspension under this section or
4 issue a restrictive license if the Administration finds that:

5 (i) The licensee is required to drive a motor vehicle in the
6 course of employment;

7 (ii) The license is required for the purpose of attending an
8 alcohol prevention or treatment program;

9 (iii) The licensee has no alternative means of transportation
10 available to or from the licensee's place of employment and, without the license, the
11 licensee's ability to earn a living would be severely impaired;

12 (iv) The license is required for the purpose of obtaining health
13 care treatment, including a prescription, that is necessary for the licensee or a member
14 of the licensee's immediate family and the licensee and the licensee's immediate family
15 have no alternative means of transportation available to obtain the health care
16 treatment; [or]

17 (v) The license is required for the purpose of attending a
18 noncollegiate educational institution as defined in § 2-206(a) of the Education Article
19 or a regular program at an institution of postsecondary education; **OR**

20 **(VI) THE LICENSE IS REQUIRED FOR THE PURPOSE OF**
21 **COMPLYING WITH A COURT ORDER.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2013.