

HB1342/332410/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1342

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and P. Young” and substitute “P. Young, Anderson, Conaway, Malone, Proctor, Queen, Rey, Sydnor, and Vallario”.

AMENDMENT NO. 2

On page 1, strike beginning with “increasing” in line 4 down through “impaired;” in line 6; in line 8, strike “and driving while impaired”; in line 10, after “regarding” insert “certain revocations and”; in line 11, strike “suspensions on” and substitute “revocations of”; strike beginning with “and” in line 13 down through “person” in line 16; in line 20, after “Program” insert “under certain circumstances”; and in line 21, strike “refuses or”.

On page 2, in line 1, after “a” insert “certain”; in the same line, strike “for breath alcohol concentration”; strike beginning with “authorizing” in line 2 down through “circumstances” in line 3 and substitute “repealing certain disqualifying criteria from participation in the Program”; in line 7, after “for” insert “certain participation toward certain”; strike beginning with “establishing” in line 7 down through the semicolon in line 10; and in line 11, strike “required”.

AMENDMENT NO. 3

On page 2, in line 15, after “16-205.1,” insert “and”; in the same line, strike “, and 27-107”; and strike in their entirety lines 18 through 27, inclusive.

AMENDMENT NO. 4

On page 2, in line 32, after “(a)” insert “**(1)**”; and in lines 33 and 36, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.

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On page 3, in lines 3, 6, 8, and 11, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; and after line 12, insert:

“(2) IN THE NOTICE OF PROPOSED REVOCATION, THE ADMINISTRATION SHALL ADVISE AN INDIVIDUAL WHO IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE THAT THE INDIVIDUAL, IF ELIGIBLE, IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE FOLLOWING PERIODS:

(I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM;

(II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM; AND

(III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM.”

AMENDMENT NO. 5

On page 3, in line 22, strike the brackets; in the same line, strike “SUBSECTIONS (D) AND (E)”; in the same line, after “section” insert “AND § 16-404.1 OF THIS TITLE”; in line 23, strike the brackets; in the same line, strike “SHALL”; strike beginning with the bracket in line 24 down through “PERSON” in line 25; and strike beginning with the semicolon in line 28 down through “ARTICLE” in line 33, inclusive.

On page 4, in lines 5 and 16, in each instance, strike the bracket; in line 5, after “section” insert “AND § 16-404.1 OF THIS TITLE”; in line 16, strike “SUBSECTION”; and in line 17, after “section” insert “AND SUBJECT TO § 16-404.1 OF THIS TITLE”.

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On page 5, in lines 14, 22, 23, 25, and 27, in each instance, strike the bracket; in line 14, after “subsection” insert “**AND § 16-404.1 OF THIS TITLE**”; strike beginning with the colon in line 15 down through “A” in line 20 and substitute “**A**”; in line 23, strike “**SUBSECTION (C)**”; in the same line, strike “**SECTION**”; in line 25, after “year” insert “**SUBJECT TO § 16-404.1 OF THIS TITLE**”; in line 26, strike beginning with “**THE**” through “**SECTION**”; in line 30, after “year” insert “**OR A LONGER PERIOD REQUIRED UNDER § 16-404.1 OF THIS TITLE**”; and in line 32, after the semicolon insert “**AND**”.

On page 6, strike beginning with “The” in line 1 down through “4.” in line 5; strike beginning with the colon in line 7 down through “A” in line 11 and substitute “**A**”; in lines 16, 17, 18, 19, and 31, in each instance, strike the bracket; in line 18, strike “**(III)**”; strike beginning with “**PARTICIPATE**” in line 31 down through “**TITLE**” in line 32; in line 33, strike “**(IV)**” and substitute “**(VI)**”; and in lines 34 and 35, strike “**AS REQUIRED**”.

On page 7, in lines 1, 15, and 17, in each instance, strike the bracket; in line 1, strike “**(3)**”; in the same line, strike “**(2)**”; strike beginning with the colon in line 5 down through “A” in line 13 and substitute “**A**”; in line 19, after “year” insert “**OR A LONGER PERIOD IF REQUIRED UNDER § 16-404.1 OF THIS TITLE**”; in line 21, strike “for 1 year”; and strike beginning with the colon in line 23 down through “Work” in line 27 and substitute “**WORK**”.

On pages 7 and 8, strike beginning with the colon in line 29 on page 7 down through “A” in line 1 on page 8 and substitute “**A**”.

On page 8, in lines 9, 14, 19, and 34, in each instance, strike “3” and substitute “**6**”.

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On page 9, in line 13, strike “3” and substitute “**6**”; in lines 15, 16, 18, and 23, in each instance, strike the bracket; in line 16, strike “**(4)**”; in line 18, strike “**(5)**”; and in line 25, strike “§ 21-902(a) or (d)” and substitute “**§ 21-902(D)**”.

On page 10, in line 3, strike “**(F)**”; and in lines 2, 3, and 4, in each instance, strike the bracket.

AMENDMENT NO. 6

On page 12 in line 2, on page 13 in line 3, on page 18 in line 25, and on page 25 in line 2, in each instance, strike “**270 days; or**” and substitute “**180 DAYS;**”.

On page 12 in line 3, on page 13 in line 4, on page 18 in line 26, and on page 25 in line 3, in each instance, strike “or subsequent”.

On page 12 in line 4, and on page 13 in line 5, in each instance, strike “**2 YEARS;**” and substitute “**1 YEAR; OR**”

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER’S LICENSE FOR 2 YEARS;”.

On page 18, in line 27, strike “**2 YEARS; and**” and substitute “**1 YEAR; OR**”

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER’S LICENSE FOR 2 YEARS; AND”.

On page 25, in line 4, strike “**2 YEARS**” and substitute “**1 YEAR; OR**”

C. FOR A THIRD OR SUBSEQUENT OFFENSE, A SUSPENSION FOR 2 YEARS”.

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AMENDMENT NO. 7

On page 13, strike beginning with “, INCLUDING” in line 33 down through “TITLE,” in line 35.

On pages 13 and 14, strike beginning with “A” in line 35 on page 13 down through “FOR” in line 1 on page 14.

On page 14, in lines 2, 3, and 8, in each instance, strike the bracket; in line 2, strike “AND”; and strike beginning with “, INCLUDING” in line 33 down through “TITLE” in line 35.

On page 15, in line 7, after the semicolon insert “AND”; strike beginning with “The” in line 8 down through “3.” in line 11; in line 16, strike the brackets; strike beginning with the first “A” in line 16 down through “SUBSECTION” in line 17; and in lines 19 and 20, strike “AS REQUIRED”.

On page 16, in lines 3 and 4, in each instance, strike the brackets; in line 3, strike “0.08”; in line 4, strike “ELIGIBLE”; and strike beginning with “§ 16-404.1” in line 5 down through “TITLE” in line 6 and substitute “SUBSECTION (O) OF THIS SECTION”.

On page 24, strike beginning with “UNDER” in line 5 down through “PARAGRAPH” in line 6.

On page 25, in line 20, after the semicolon insert “AND”; strike beginning with “THE” in line 21 down through “(3)” in line 25; and strike in their entirety lines 30 through 32, inclusive, and substitute:

“(II) ELECTS IN WRITING TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.”

AMENDMENT NO. 8

(Over)

On page 29, in line 7, after “(L)” insert “(1)”; after line 9, insert:

“(2) THIS SUBSECTION MAY NOT BE CONSTRUED AS LIMITING THE PROVISIONS OF § 16-404.1(M) OF THIS TITLE.”;

in line 20, strike the bracket; in the same line, strike “(n)” and substitute “(O)”; strike beginning with the colon in line 20 down through “Who” in line 21 and substitute “**WHO**”; and strike beginning with the semicolon in line 22 down through “years” in line 26.

On page 30, in lines 11, 21, and 32, strike “(o)”, “(p)”, and “(O)”, respectively, and substitute “(P)”, “(Q)”, and “(R)”, respectively; in line 12, after the semicolon insert “**OR**”; strike beginning with the semicolon in line 14 down through “section” in line 17; and in line 31, strike the bracket.

AMENDMENT NO. 9

On page 32, in lines 5, 11, 12, 20, 25, 26, 30, and 32, in each instance, strike the bracket; in line 5, strike “SHALL”; in line 7, strike “§ 21-902(a), (b), or (c)” and substitute “**§ 21-902(B) OR (C)**”; in line 8, strike “or (37)”; in line 10, in each instance, strike the bracket; in line 11, strike “restrictive” and substitute “**RESTRICTED**”; in line 12, strike “**INDIVIDUAL’S LICENSE IS SUSPENDED**”; strike beginning with the semicolon in line 13 down through “ARTICLE” in line 19; in line 21, strike “the individual is convicted of a violation of”; in line 22, strike “§ 21-902(a)(1) or (2)” and substitute “**THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(A)**”; strike beginning with “and” in line 22 down through “more” in line 23; in line 23, strike “or”; in line 24, strike “§ 21-902(a)(3) or (b)(2)” and substitute “**THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(B)(2)**”; in line 25, strike the period and substitute “;”

3. THE INDIVIDUAL’S LICENSE IS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE OR § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE; OR

4. THE INDIVIDUAL'S LICENSE IS REVOKED UNDER § 16-205(B) OF THIS TITLE FOR:

A. HOMICIDE BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR HOMICIDE WHILE IMPAIRED BY A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL; OR

B. LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ONE OR MORE DRUGS AND ALCOHOL.”;

in lines 26 and 30, strike “(I)” and “(II)”, respectively; in line 27, strike “SUBSECTION (C) OF THIS SECTION”; in line 32, strike “(P)”; and after line 32, insert:

“(IV) THE ADMINISTRATION SHALL ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION AND WHO IS OTHERWISE ELIGIBLE.”

AMENDMENT NO. 10

On page 33, in lines 1 and 19, in each instance, strike the bracket; in line 6, strike “§ 21-902(a) or (b)” and substitute “**§ 21-902(B)**”; in line 13, strike “§ 21-902(a), (b), or (c)” and substitute “**§ 21-902(B) OR (C)**”; in line 19, before “THE” insert “.

(IV)”;

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in line 21, after “SECTION” insert “AND WHO IS OTHERWISE ELIGIBLE”; in line 22, strike “An” and substitute “EXCEPT AS PROVIDED IN § 16-205.1 OF THIS TITLE, AN”; and strike beginning with “THE” in line 23 down through “SPECIFIED” in line 24.

On page 34, in lines 3 and 10, in each instance, strike the brackets; in line 10, strike “SHALL”; in line 17, strike “§ 21-902(a), (b), or (c)” and substitute “§ 21-902(B) OR (C)”; in line 18, strike “§ 16-402(a)(37)” and substitute “§ 16-402(A)(28)”; in line 19, strike “§ 21-902(a)” and substitute “§ 21-902(B) OR (C)”; in line 24, strike “§ 21-902(a), (b), or (c)” and substitute “§ 21-902(B) OR (C)”; in line 25, strike “§ 16-402(a)(37)” and substitute “§ 16-402(A)(28)”; in line 26, strike “§ 21-902(a)” and substitute “§ 21-902(B) OR (C)”; after line 27, insert:

“(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:

(I) MODIFY A SUSPENSION AND ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM DURING THE SUSPENSION PERIOD AS PROVIDED UNDER § 16-205 OR § 16-205.1 OF THIS TITLE OR § 16-404 OF THIS SUBTITLE;

(II) REINSTATE THE DRIVER’S LICENSE OF A PARTICIPANT WHOSE LICENSE HAS BEEN REVOKED:

1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;
OR

3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IMPOSE ON A PARTICIPANT A PERIOD OF SUSPENSION IN ACCORDANCE WITH § 16-404(2) AND (3) OF THIS SUBTITLE IN LIEU OF A LICENSE REVOCATION:

1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;
OR

3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.”;

and in line 28, strike “(2)” and substitute “**(3)**”.

On page 35, in line 1, strike “(3)” and substitute “**(4)**”; in line 3, strike the brackets; and in the same line, strike “§ 27-107(H)”.

On page 36, in line 2, strike “REQUIRED” and substitute “**AUTHORIZED**”; in the same line, after “SECTION” insert “**OR AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION**”; strike in their entirety lines 3 through 19, inclusive; and in lines 20, 23, and 34, strike “(O)”, “(P)”, and “(Q)”, respectively, and substitute “**(N)**”, “**(O)**”, and “**(P)**”, respectively.

On page 37, in line 3, strike “(R)” and substitute “**(Q)**”.

AMENDMENT NO. 11

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On pages 37 through 42, strike beginning with line 17 on page 37 through line 2 on page 42, inclusive.