

HOUSE BILL 1105

R3

7lr1142

By: **Delegates Ciliberti, Arentz, Jacobs, Malone, McKay, and Wivell**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Driving While Impaired By Alcohol – Penalties**

3 FOR the purpose of altering certain penalties for certain convictions of driving while
4 impaired by alcohol; and generally relating to altering certain penalties for certain
5 convictions of driving while impaired by alcohol.

6 BY repealing and reenacting, without amendments,
7 Article – Transportation
8 Section 21–902(b)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2016 Supplement)

11 BY repealing
12 Article – Transportation
13 Section 27–101(c)(22)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 27–101(c)(23) through (26), (d)(4) and (5), and (q)(2) and (3)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

21 BY adding to
22 Article – Transportation
23 Section 27–101(d)(6) and (q)(2)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2016 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 MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Transportation**

4 21–902.

5 (b) (1) A person may not drive or attempt to drive any vehicle while impaired
6 by alcohol.

7 (2) A person may not violate paragraph (1) of this subsection while
8 transporting a minor.

9 27–101.

10 (c) Any person who is convicted of a violation of any of the provisions of the
11 following sections of this article is subject to a fine of not more than \$500 or imprisonment
12 for not more than 2 months or both:

13 [(22) Except as provided in subsections (f) and (q) of this section, § 21–902(b)
14 (“Driving while impaired by alcohol”);]

15 [(23) (22) Except as provided in subsections (f) and (q) of this section, §
16 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

17 [(24) (23) § 21–902.1 (“Driving within 12 hours after arrest”);

18 [(25) (24) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from
19 Parking Lots”); or

20 [(26) (25) § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock
21 systems”).

22 (d) Any person who is convicted of a violation of any of the provisions of the
23 following sections of this article is subject to a fine of not more than \$500 or imprisonment
24 for not more than 6 months or both:

25 (4) For each vehicle for which there is a violation, § 23–109 (“Inspections of
26 used vehicles and warnings for defective equipment: Prohibited activities”); [or]

27 (5) Except as provided in subsection (i) of this section and § 27–101.2 of
28 this title, Title 15, Subtitle 5 of this article; **OR**

29 **(6) § 21–902(B)(1) (“DRIVING WHILE IMPAIRED BY ALCOHOL”).**

1 (q) **(2)** **ANY PERSON WHO IS CONVICTED OF A VIOLATION OF §**
2 **21-902(B)(2) OF THIS ARTICLE IS SUBJECT TO:**

3 **(I)** **FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$1,000**
4 **OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH;**

5 **(II)** **FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$2,000**
6 **OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH; AND**

7 **(III)** **FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT**
8 **MORE THAN \$4,000 OR IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR BOTH.**

9 **[(2)] (3)** Any person who is convicted of a violation of [§ 21-902(b)(2) or
10 **(c)(3)] § 21-902(C)(3)** of this article is subject to:

11 (i) For a first offense, a fine of not more than \$1,000 or
12 imprisonment for not more than 6 months or both;

13 (ii) For a second offense, a fine of not more than \$2,000 or
14 imprisonment for not more than 1 year or both; and

15 (iii) For a third or subsequent offense, a fine of not more than \$4,000
16 or imprisonment for not more than 4 years or both.

17 **[(3)] (4)** For the purpose of determining second or subsequent offender
18 penalties provided under this subsection, a prior conviction of any provision of § 21-902 of
19 this article that subjected a person to the penalties under this subsection shall be
20 considered a prior conviction.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2017.