

# HOUSE BILL 259

R3

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By: **Delegates Shewell, Aumann, Bartlett, Boteler, Dwyer, Elliott, Elmore, George, Jenkins, Kach, King, Krebs, McComas, McDonough, Miller, Myers, Robinson, Serafini, Sophocleus, Sossi, Stocksdales, Stull, and Weir**

Introduced and read first time: January 25, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drunk or Drugged Driving – Subsequent Offenders – Notation on Driver’s**  
3 **License**

4 FOR the purpose of requiring the Motor Vehicle Administration to cancel the driver’s  
5 license of a licensee convicted of certain drunk or drugged driving violations if  
6 the licensee was previously convicted of a certain drunk or drugged driving  
7 violation; authorizing an individual whose driver’s license has been canceled  
8 under certain circumstances to apply for a new driver’s license; authorizing a  
9 certain application for a new driver’s license to be made after a certain time;  
10 requiring the Administration to issue a new driver’s license under certain  
11 circumstances; requiring certain licenses issued under this Act to contain a  
12 certain notation; providing that a certain license may only be issued after the  
13 expiration of certain periods of suspension or revocation; providing that the  
14 issuance of a certain driver’s license does not affect any period of suspension or  
15 revocation or any license restriction imposed on a certain licensee; requiring a  
16 certain fee; providing that a merchant or an agent or employee of a merchant  
17 may not be held civilly liable for the refusal to sell or distribute an alcoholic  
18 beverage to a certain individual; providing for the construction of this Act; and  
19 generally relating to individuals convicted of subsequent drunk or drugged  
20 driving offenses.

21 BY adding to  
22 Article – Transportation  
23 Section 16–113.1  
24 Annotated Code of Maryland  
25 (2009 Replacement Volume and 2009 Supplement)

26 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation  
2 Section 16–201  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2009 Supplement)

5 BY repealing and reenacting, without amendments,  
6 Article – Transportation  
7 Section 21–902  
8 Annotated Code of Maryland  
9 (2009 Replacement Volume and 2009 Supplement)

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

12 **Article – Transportation**

13 **16–113.1.**

14 (A) (1) AN INDIVIDUAL WHOSE DRIVER’S LICENSE HAS BEEN  
15 CANCELED UNDER § 16–201(B) OF THIS TITLE MAY APPLY FOR ISSUANCE OF A  
16 NEW DRIVER’S LICENSE.

17 (2) SUBJECT TO THE PROVISIONS OF THIS ARTICLE, AN  
18 APPLICATION FOR A NEW DRIVER’S LICENSE UNDER THIS SECTION MAY BE  
19 FILED AT ANY TIME AFTER THE DAY THE CANCELED DRIVER’S LICENSE IS  
20 SURRENDERED TO AND RECEIVED BY THE ADMINISTRATION.

21 (B) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE  
22 ADMINISTRATION SHALL ISSUE A NEW DRIVER’S LICENSE TO AN INDIVIDUAL  
23 WHO:

24 (I) APPLIES UNDER THIS SECTION;

25 (II) PAYS THE REQUIRED FEE; AND

26 (III) PASSES ANY REQUIRED EXAMINATIONS.

27 (2) A DRIVER’S LICENSE ISSUED UNDER THIS SECTION SHALL  
28 CONTAIN A PROMINENT NOTATION THAT THE LICENSEE HAS BEEN CONVICTED  
29 OF MULTIPLE VIOLATIONS OF DRUNK OR DRUGGED DRIVING.

30 (3) ANY SUBSEQUENT RENEWALS OF A DRIVER’S LICENSE ISSUED  
31 UNDER THIS SECTION SHALL CONTAIN THE NOTATION REQUIRED UNDER  
32 PARAGRAPH (2) OF THIS SUBSECTION.

1           **(C) (1) A DRIVER'S LICENSE MAY ONLY BE ISSUED UNDER THIS**  
2 **SECTION AFTER THE EXPIRATION OF ANY PERIOD OF SUSPENSION OR**  
3 **REVOCAION IMPOSED ON THE LICENSEE.**

4           **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS**  
5 **SECTION DOES NOT AFFECT ANY PERIOD OF SUSPENSION OR REVOCAION OR**  
6 **ANY LICENSE RESTRICTION IMPOSED ON THE LICENSEE.**

7           **(D) FOR ISSUANCE OF A DRIVER'S LICENSE UNDER THIS SECTION, A**  
8 **LICENSEE SHALL PAY THE ADMINISTRATION A FEE ESTABLISHED BY THE**  
9 **ADMINISTRATION.**

10           **(E) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, BEFORE ISSUING**  
11 **A NEW DRIVER'S LICENSE UNDER THIS SECTION, THE ADMINISTRATION MAY**  
12 **REQUIRE THE APPLICANT TO SUBMIT TO THE EXAMINATIONS THAT THE**  
13 **ADMINISTRATION CONSIDERS APPROPRIATE.**

14           **(F) A MERCHANT OR AN AGENT OR EMPLOYEE OF A MERCHANT MAY**  
15 **NOT BE HELD CIVILLY LIABLE FOR ANY REFUSAL TO SELL OR OTHERWISE**  
16 **DISTRIBUTE AN ALCOHOLIC BEVERAGE TO A PERSON DISPLAYING A LICENSE**  
17 **ISSUED UNDER THIS SECTION.**

18 16-201.

19           (a) The Administration may cancel a driver's license issued under this title if  
20 it determines that the licensee:

21           (1) Was not entitled to be issued the license;

22           (2) Failed to give the required or correct information in his  
23 application; or

24           (3) Committed fraud in making the application or in obtaining the  
25 license.

26           **(b) (1) THE ADMINISTRATION SHALL CANCEL A DRIVER'S LICENSE**  
27 **ISSUED UNDER THIS TITLE OF A LICENSEE CONVICTED OF ANY VIOLATION**  
28 **UNDER § 21-902 OF THIS ARTICLE IF THE LICENSEE PREVIOUSLY WAS**  
29 **CONVICTED OF ANY VIOLATION UNDER § 21-902 OF THIS ARTICLE.**

30           **(2) IF A DRIVER'S LICENSE IS CANCELED UNDER THIS**  
31 **SUBSECTION, A NEW DRIVER'S LICENSE MAY BE ISSUED TO THE LICENSEE ONLY**  
32 **IN ACCORDANCE WITH § 16-113.1 OF THIS TITLE.**

1           (C) On cancellation, the licensee immediately shall surrender the canceled  
2 license to the Administration.

3 21-902.

4           (a) (1) A person may not drive or attempt to drive any vehicle while under  
5 the influence of alcohol.

6                   (2) A person may not drive or attempt to drive any vehicle while the  
7 person is under the influence of alcohol per se.

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

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

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

14           (c) (1) A person may not drive or attempt to drive any vehicle while he is  
15 so far impaired by any drug, any combination of drugs, or a combination of one or more  
16 drugs and alcohol that he cannot drive a vehicle safely.

17                   (2) It is not a defense to any charge of violating this subsection that  
18 the person charged is or was entitled under the laws of this State to use the drug,  
19 combination of drugs, or combination of one or more drugs and alcohol, unless the  
20 person was unaware that the drug or combination would make the person incapable of  
21 safely driving a vehicle.

22                   (3) A person may not violate paragraph (1) or (2) of this subsection  
23 while transporting a minor.

24           (d) (1) A person may not drive or attempt to drive any vehicle while the  
25 person is impaired by any controlled dangerous substance, as that term is defined in §  
26 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled  
27 dangerous substance under the laws of this State.

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

30           (e) For purposes of the application of subsequent offender penalties under §  
31 27-101 of this article, a conviction for a crime committed in another state or federal  
32 jurisdiction that, if committed in this State, would constitute a violation of subsection  
33 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c),  
34 or (d) of this section.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed to apply only prospectively to a second or subsequent conviction of a  
3 violation under § 21-902 of the Transportation Article on or after the effective date of  
4 this Act.

5           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2010.