

HOUSE BILL 608

R3

2lr0898

By: **Delegates Arora, Alston, Clippinger, Cluster, Cullison, Dwyer, George, Hough, McDermott, Parrott, B. Robinson, Valentino-Smith, and Wilson**
Introduced and read first time: February 6, 2012
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Minor in Vehicle**

3 FOR the purpose of requiring individuals who are convicted of certain alcohol-related
4 driving offenses involving transportation of a minor to successfully complete the
5 Ignition Interlock System Program; altering certain criminal penalties for a
6 conviction for certain alcohol- or drug-related driving offenses involving
7 transportation of a minor; and generally relating to certain alcohol- or
8 drug-related driving offenses involving transportation of a minor.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 16-404.1(a)(1), (4), and (5) and (d)(1)(ii) and 21-902(a) and (d)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 16-404.1(d)(1)(i) and 27-101(q)(1)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

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

21 **Article – Transportation**

22 16-404.1.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Participant" means a participant in the Ignition Interlock System
2 Program.

3 (5) "Program" means the Ignition Interlock System Program.

4 (d) (1) (i) Notwithstanding subsection (c) of this section, an individual
5 shall be a participant if the individual is convicted of a violation of [§ 21-902(a)]:

6 1. § 21-902(A)(1) OR (2) of this article and had an
7 alcohol concentration at the time of testing of 0.15 or more; OR

8 2. § 21-902(A)(3) OF THIS ARTICLE.

9 (ii) If an individual is subject to this paragraph and fails to
10 participate in the Program or successfully complete the Program, the Administration
11 shall suspend, notwithstanding § 16-208 of this title, the individual's license until the
12 individual successfully completes the Program.

13 21-902.

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

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

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

20 (d) (1) A person may not drive or attempt to drive any vehicle while the
21 person is impaired by any controlled dangerous substance, as that term is defined in §
22 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
23 dangerous substance under the laws of this State.

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

26 27-101.

27 (q) (1) Any person who is convicted of a violation of § 21-902(a)(3) or
28 (d)(2) of this article is subject to:

29 (i) For a first offense, a fine of not more than \$2,000 or
30 imprisonment for not more than 2 years or both;

1 (ii) For a second offense, a fine of not more than ~~[\$3,000]~~
2 **\$4,000** or imprisonment for not more than ~~[3]~~ 4 years or both; and

3 (iii) For a third or subsequent offense, a fine of not more than
4 ~~[\$4,000]~~ **\$6,000** or imprisonment for not more than ~~[4]~~ **6** years or both.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2012.