

# HOUSE BILL 630

R3

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By: **Delegates Vallario, Anderson, Atterbeary, Carter, Conaway, Dumais, Moon, Proctor, Rosenberg, Sanchez, Smith, Sydnor, and B. Wilson**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Reinstatement of Revoked License**

3 FOR the purpose of providing that the Administration may reinstate the driver's license or  
4 privilege to drive of an individual who is involved in certain number of  
5 alcohol-related or drug-related driving incidents during a certain period of time only  
6 if the Administration conducts a certain investigation and makes a certain  
7 determination; altering a certain definition; providing that the Administration may  
8 require evidence of the satisfactory completion of a certain substance abuse  
9 treatment program by an applicant for reinstatement of a driver's license or privilege  
10 to drive under certain circumstances; authorizing the Administration to require an  
11 applicant for reinstatement of a driver's license or privilege to drive to undergo  
12 review by or appear for an interview with the Medical Advisory Board; authorizing  
13 the Administration to impose certain restrictions, limitations, or other requirements  
14 as a condition of reinstatement of the driver's license or privilege to drive;  
15 authorizing the Administration to refuse to reinstate the driver's license or privilege  
16 to drive if a certain applicant for reinstatement does not successfully complete the  
17 Ignition Interlock System Program; making a technical correction; and generally  
18 relating to establishing certain requirements for certain applicants for  
19 reinstatement of a driver's license or privilege to drive.

20 BY repealing and reenacting, without amendments,  
21 Article – Criminal Law  
22 Section 2-503(b), 2-504(b), 2-505(b), 2-506(b), and 3-211(c)(2), (d)(2), (e)(2), and  
23 (f)(3)  
24 Annotated Code of Maryland  
25 (2012 Replacement Volume and 2015 Supplement)

26 BY repealing and reenacting, without amendments,  
27 Article – Transportation  
28 Section 16-208(b)(1) and 16-404.1(a)(1) and (4)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2012 Replacement Volume and 2015 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Transportation  
5 Section 16–208(b)(6)(ii)1. and 3. and 16–404.1(d)(1)  
6 Annotated Code of Maryland  
7 (2012 Replacement Volume and 2015 Supplement)

8 BY adding to  
9 Article – Transportation  
10 Section 16–208(c), (d), and (e)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2015 Supplement)

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

15 **Article – Criminal Law**

16 2–503.

17 (b) A violation of this section is:

18 (1) homicide by motor vehicle or vessel while under the influence of alcohol;

19 or

20 (2) homicide by motor vehicle or vessel while under the influence of alcohol  
21 per se.

22 2–504.

23 (b) A violation of this section is homicide by motor vehicle or vessel while impaired  
24 by alcohol.

25 2–505.

26 (b) A violation of this section is homicide by motor vehicle or vessel while impaired  
27 by drugs.

28 2–506.

29 (b) A violation of this section is homicide by motor vehicle or vessel while impaired  
30 by a controlled dangerous substance.

31 3–211.

1 (c) (2) A violation of this subsection is life-threatening injury by motor vehicle  
2 or vessel while:

3 (i) under the influence of alcohol; or

4 (ii) under the influence of alcohol per se.

5 (d) (2) A violation of this subsection is life-threatening injury by motor vehicle  
6 or vessel while impaired by alcohol.

7 (e) (2) A violation of this subsection is life-threatening injury by motor vehicle  
8 or vessel while impaired by drugs.

9 (f) (3) A violation of this subsection is life-threatening injury by motor vehicle  
10 or vessel while impaired by a controlled dangerous substance.

### 11 Article – Transportation

12 16–208.

13 (b) (1) Any individual whose license or privilege to drive has been revoked may  
14 apply for reinstatement of the individual’s license or privilege as provided in this  
15 subsection.

16 (6) (ii) 1. In this subparagraph, “alcohol-related or drug-related  
17 driving incident” means a:

18 A. Conviction or probation before judgment for a violation of  
19 § 21–902(a), (b), (c), or (d) of this article, **§ 2–503, § 2–504, § 2–505, § 2–506, OR §**  
20 **3–211 OF THE CRIMINAL LAW ARTICLE**, or a substantially similar law of another  
21 jurisdiction;

22 B. Refusal to submit to a test under § 16–205.1 of this subtitle  
23 or a substantially similar law of another jurisdiction; or

24 C. Test result that indicates an alcohol concentration of  
25 **[0.10] 0.08** or more at the time of testing under § 16–205.1 of this subtitle or a substantially  
26 similar law of another jurisdiction.

27 3. Notwithstanding paragraphs (1) through (5) of this  
28 subsection, the Administration may reinstate a license or privilege to drive only if, after an  
29 investigation of an individual’s habits and driving ability, the Administration is satisfied it  
30 will be safe to reinstate the license or privilege of an individual who has been:

31 A. Involved in any combination of three or more separate  
32 alcohol-related or drug-related driving incidents;

1                   **B. INVOLVED IN TWO ALCOHOL-RELATED OR**  
2 **DRUG-RELATED DRIVING INCIDENTS WITHIN THE PREVIOUS 5 YEARS;**

3                   **[B.] C.**       Involved in a vehicular accident resulting in the  
4 death of another person; or

5                   **[C.] D.**       Convicted of a violation for failing to stop after a  
6 vehicular accident resulting in bodily injury or death.

7           **(C) REGARDLESS OF THE NUMBER OF ALCOHOL-RELATED OR**  
8 **DRUG-RELATED DRIVING INCIDENTS, IF THE ADMINISTRATION DETERMINES, AS A**  
9 **RESULT OF AN INVESTIGATION OR ASSESSMENT, THAT AN APPLICANT FOR**  
10 **REINSTATEMENT SUFFERS FROM ALCOHOLISM OR SUBSTANCE ABUSE THAT HAS**  
11 **NOT BEEN ADDRESSED, THE ADMINISTRATION MAY REQUIRE EVIDENCE OF**  
12 **SATISFACTORY COMPLETION OF A CERTIFIED SUBSTANCE ABUSE TREATMENT**  
13 **PROGRAM OF AT LEAST 90 DAYS.**

14           **(D) THE ADMINISTRATION MAY REQUIRE AN INDIVIDUAL WHO IS APPLYING**  
15 **FOR REINSTATEMENT TO UNDERGO REVIEW BY OR APPEAR FOR AN INTERVIEW WITH**  
16 **THE MEDICAL ADVISORY BOARD.**

17           **(E) AS A CONDITION OF REINSTATEMENT, THE ADMINISTRATION MAY**  
18 **IMPOSE RESTRICTIONS, LIMITATIONS, OR OTHER REQUIREMENTS, INCLUDING:**

19                   **(1) PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM**  
20 **DETERMINED BY THE ADMINISTRATION TO BE APPROPRIATE TO ENSURE AN**  
21 **APPLICANT'S SAFE DRIVING;**

22                   **(2) PARTICIPATION OR CONTINUED PARTICIPATION IN A CERTIFIED**  
23 **SUBSTANCE ABUSE TREATMENT PROGRAM FOR A SPECIFIED PERIOD OF TIME;**

24                   **(3) ATTENDANCE FOR A SPECIFIED PERIOD OF TIME AT MEETINGS OF**  
25 **A SUPPORT GROUP, SUCH AS ALCOHOLICS ANONYMOUS OR NARCOTICS**  
26 **ANONYMOUS;**

27                   **(4) ENROLLMENT IN THE DRINKING DRIVER MONITOR PROGRAM OF**  
28 **THE DIVISION OF PAROLE AND PROBATION, DEPARTMENT OF PUBLIC SAFETY AND**  
29 **CORRECTIONAL SERVICES, FOR A SPECIFIED PERIOD OF TIME AND IN THE MANNER**  
30 **PRESCRIBED BY THE PROGRAM'S MONITOR;**

31                   **(5) ATTENDANCE AT AN APPROVED ALCOHOL EDUCATION PROGRAM**  
32 **FOR THE PERIOD OF TIME PRESCRIBED BY THE PROGRAM'S DIRECTOR; OR**

1                   **(6) COMPLIANCE WITH RECOMMENDATIONS OF THE MEDICAL**  
2 **ADVISORY BOARD.**

3 16–404.1.

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

5                   (4)   “Participant” means a participant in the Ignition Interlock System  
6 Program.

7           (d)   (1)   (i)   Notwithstanding subsection (c) of this section, an individual  
8 shall be a participant if the individual is convicted of a violation of:

9                               1.   § 21–902(a)(1) or (2) of this article and had an alcohol  
10 concentration at the time of testing of 0.15 or more; or

11                              2.   § 21–902(a)(3) or (b)(2) of this article and the minor who  
12 was transported was under the age of 16 years.

13                           (ii)   If an individual is subject to **SUBPARAGRAPH (I) OF** this  
14 paragraph and fails to participate in the Program or successfully complete the Program,  
15 the Administration shall suspend, notwithstanding § 16–208 of this title, the individual’s  
16 license until the individual successfully completes the Program.

17                           **(III) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN**  
18 **INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL IS AN APPLICANT FOR**  
19 **REINSTATEMENT WHO IS REQUIRED BY THE ADMINISTRATION TO PARTICIPATE IN**  
20 **THE PROGRAM AS A CONDITION OF REINSTATEMENT UNDER § 16–208 OF THIS**  
21 **TITLE.**

22                           **(IV) 1.   IF AN APPLICANT FOR REINSTATEMENT IS SUBJECT**  
23 **TO SUBPARAGRAPH (III) OF THIS PARAGRAPH AND FAILS TO PARTICIPATE IN THE**  
24 **PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION**  
25 **MAY DENY REINSTATEMENT OF THE DRIVER’S LICENSE OR PRIVILEGE TO DRIVE**  
26 **UNTIL THE INDIVIDUAL SUCCESSFULLY COMPLETES THE PROGRAM.**

27                           **2.   NOTHING CONTAINED IN THIS SUBPARAGRAPH**  
28 **LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A REVOCATION ON**  
29 **THE CONDITION THAT THE APPLICANT FOR REINSTATEMENT PARTICIPATES IN THE**  
30 **PROGRAM IN ACCORDANCE WITH § 16–208 OF THIS TITLE.**

31                           **[(iii)] (V)   Nothing contained in this paragraph limits the authority of the**  
32 **Administration to modify a suspension imposed under this paragraph OR A REVOCATION**  
33 **IMPOSED UNDER ANOTHER PROVISION OF THIS TITLE to allow an individual to be a**  
34 **participant in accordance with subsection (e) or (o) of this section.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2016.