

SENATE BILL 207

R4

(PRE-FILED)

5lr0211
CF HB 70

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drug-Impaired Driving and Failure to Remain at the Scene –**
3 **Revocation of Driver's License**

4 FOR the purpose of requiring the Motor Vehicle Administration to revoke the driver's
5 license of a person who has been convicted of, or been granted probation before
6 judgment for, impaired driving that contributes to an accident, or fails to remain at
7 the scene of an accident, that results in the death or life-threatening injury to
8 another person; authorizing a person whose driver's license is revoked under this Act
9 or for homicide by motor vehicle while impaired to apply for license reinstatement
10 after a certain period of time; requiring a person whose driver's license is revoked for
11 failure to remain at the scene of an accident that results in the death or bodily injury
12 of another person to participate in the Ignition Interlock System Program; and
13 generally relating to driver's license revocation for drunk and drug-impaired driving
14 and failure to remain at the scene of an accident.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 16-205(b), 16-208(b), and 16-404.1(d)(1)(i)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2024 Supplement)

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

22 **Article – Transportation**

23 16-205.

24 (b) The Administration:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) Shall revoke the license of any person who has been convicted **OF, OR GRANTED PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, A VIOLATION** under:

(I) Title 2, Subtitle 5 of the Criminal Law Article[, of] **FOR** homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

(II) **§ 21-902(A), (B), (C), OR (D) OF THIS ARTICLE FOR DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, IMPAIRED BY ALCOHOL, OR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, OR A CONTROLLED DANGEROUS SUBSTANCE THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN THE DEATH OR LIFE-THREATENING INJURY OF ANOTHER PERSON; OR**

(III) **§ 20-102 OF THIS ARTICLE FOR FAILURE TO REMAIN AT THE SCENE OF AN ACCIDENT THAT RESULTS IN THE DEATH OR BODILY INJURY OF ANOTHER PERSON; and**

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

16-208.

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

(2) (i) If it is the individual's first revocation, the individual may file a reinstatement application at any time after the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after the effective date of the revocation.

(ii) Except as provided in paragraph [(6)] **(7)** of this subsection, on receipt of the application, the Administration may reinstate the license or privilege 6 months after the revoked license is received by the Administration or, in the case of an individual who does not have a license issued under this title, 6 months after the effective date of revocation.

(3) (i) If it is the individual's second revocation, the individual may file a reinstatement application at any time after 1 year from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 1 year from the effective date of revocation.

(ii) Except as provided in paragraph [(6)] (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(4) (i) If it is the individual's third revocation, the individual may file a reinstatement application at any time after 18 months from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 18 months from the effective date of revocation.

(ii) Except as provided in paragraph [(6)] (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(5) (i) If it is the individual's fourth or subsequent revocation, the individual may file a reinstatement application at any time after 2 years from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 2 years from the effective date of revocation.

(ii) Except as provided in paragraph [(6)] (7) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(6) (I) IF THE INDIVIDUAL'S LICENSE IS REVOKED UNDER § 16-205(B) OF THIS SUBTITLE, THE INDIVIDUAL MAY FILE A REINSTATEMENT APPLICATION AT ANY TIME AFTER 5 YEARS FROM THE DAY THE REVOKED LICENSE IS SURRENDERED TO AND RECEIVED BY THE ADMINISTRATION OR, IN THE CASE OF AN INDIVIDUAL WHO DOES NOT HAVE A LICENSE ISSUED UNDER THIS TITLE, AFTER 5 YEARS FROM THE EFFECTIVE DATE OF REVOCATION.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, ON RECEIPT OF THE APPLICATION, THE ADMINISTRATION MAY REINSTATE THE LICENSE OR PRIVILEGE.

(7) (i) The Administration may not reinstate a license or privilege to drive under this subsection if the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law.

(ii) 1. In this subparagraph, "alcohol-related or drug-related driving incident" means a:

A. Conviction or probation before judgment for a violation of § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another jurisdiction;

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

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

2. Alcohol-related or drug-related driving incidents committed at the same time or arising out of the same circumstances may not be considered separate alcohol-related or drug-related driving incidents for the purpose of this subparagraph.

3. Notwithstanding paragraphs (1) through [(5)] (6) of this subsection, the Administration may reinstate a license or privilege to drive only if, after an investigation of an individual's habits and driving ability, the Administration is satisfied it will be safe to reinstate the license or privilege of an individual who has been:

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

B. Involved in a vehicular accident resulting in the death of another person; or

C. Convicted of a violation for failing to stop after a vehicular accident resulting in bodily injury or death.

[(7)] (8) Except as otherwise provided in this title, before issuing a new license, the Administration shall require the applicant to submit to the examinations that it considers appropriate.

16–404.1.

(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if:

1. The individual is convicted of, or is granted probation before judgment under § 6–220 of the Criminal Procedure Article for, a violation of § 21–902(a) or (b) of this article;

2. The individual's license is suspended or revoked under § 16–205 of this title for a violation of § 21–902(b) of this article or under § 16–404 of this subtitle for an accumulation of points under § 16–402(a)(29) of this subtitle for driving while impaired by alcohol;

3. The individual's license is suspended or revoked under § 16–205 of this title or § 16–402(a)(38) of this subtitle for a violation of § 21–902(a) of this article;

1 4. The individual's license is revoked under § 16–205(b) of
2 this title or suspended or revoked for an accumulation of points under § 16–402(a)(37) of
3 this subtitle for:

4 A. Homicide by motor vehicle while under the influence of
5 alcohol or alcohol per se, homicide by motor vehicle while impaired by alcohol, or homicide
6 by motor vehicle while impaired by a combination of one or more drugs and alcohol; [or]

7 B. Life–threatening injury by motor vehicle while under the
8 influence of alcohol or alcohol per se, life–threatening injury by motor vehicle while
9 impaired by alcohol, or life–threatening injury by motor vehicle while impaired by one or
10 more drugs and alcohol; or

11 **C. FAILURE TO REMAIN AT THE SCENE OF AN ACCIDENT**
12 **THAT RESULTS IN THE DEATH OR BODILY INJURY OF ANOTHER PERSON; OR**

13 5. The individual is required to be a participant by a court
14 order under § 27–107.1 of this article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2025.