

# HOUSE BILL 984

R3

2lr2485

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By: **Delegates McDermott and Cluster**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driving While Impaired by Controlled Dangerous Substance –**  
3 **Penalties**

4 FOR the purpose of increasing certain penalties for driving or attempting to drive a  
5 vehicle while impaired by a controlled dangerous substance; and generally  
6 relating to penalties for driving while impaired by a controlled dangerous  
7 substance.

8 BY repealing and reenacting, without amendments,  
9 Article – Transportation  
10 Section 21–902(d)  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 27–101(k) and (q)  
16 Annotated Code of Maryland  
17 (2009 Replacement Volume and 2011 Supplement)

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

20 **Article – Transportation**

21 21–902.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 27–101.

4 (k) (1) Except as provided in subsection (q) of this section, any person who  
5 is convicted of a violation of any of the provisions of § 21–902(a) of this article  
6 (“Driving while under the influence of alcohol or under the influence of alcohol per se”)  
7 [or § 21–902(d) of this article (“Driving while impaired by controlled dangerous  
8 substance”)]:

9 (i) For a first offense, shall be subject to a fine of not more than  
10 \$1,000, or imprisonment for not more than 1 year, or both;

11 (ii) For a second offense, shall be subject to a fine of not more  
12 than \$2,000, or imprisonment for not more than 2 years, or both; and

13 (iii) For a third or subsequent offense, shall be subject to a fine of  
14 not more than \$3,000, or imprisonment for not more than 3 years, or both.

15 (2) For the purpose of second or subsequent offender penalties for  
16 violation of § 21–902(a) of this article provided under this subsection, a prior  
17 conviction under § 21–902(b), (c), or (d) of this article, within 5 years of the conviction  
18 for a violation of § 21–902(a) of this article, shall be considered a conviction under §  
19 21–902(a) of this article.

20 [(3) For the purpose of second or subsequent offender penalties for  
21 violation of § 21–902(d) of this article provided under this subsection, a prior  
22 conviction under § 21–902(a), (b), or (c) of this article, within 5 years of the conviction  
23 for a violation of § 21–902(d) of this article, shall be considered a conviction under §  
24 21–902(d) of this article.]

25 **(3) EXCEPT AS PROVIDED IN SUBSECTION (Q) OF THIS SECTION,**  
26 **ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS**  
27 **OF § 21–902(D) OF THIS ARTICLE (“DRIVING WHILE IMPAIRED BY CONTROLLED**  
28 **DANGEROUS SUBSTANCE”) SHALL BE SUBJECT TO A FINE OF NOT MORE THAN**  
29 **\$3,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.**

30 (q) (1) Any person who is convicted of a violation of § 21–902(a)(3) [or  
31 (d)(2)] of this article is subject to:

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

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

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

5                   (2) **ANY PERSON WHO IS CONVICTED OF A VIOLATION OF §**  
6 **21-902(D)(2) OF THIS ARTICLE IS SUBJECT TO:**

7                   (I) **FOR A FIRST OR SECOND OFFENSE, A FINE OF NOT**  
8 **MORE THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH;**

9                   (II) **FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT**  
10 **MORE THAN \$4,000 OR IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR BOTH.**

11                   (3) Any person who is convicted of a violation of § 21-902(b)(2) or (c)(3)  
12 of this article is subject to:

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

15                   (ii) For a second or subsequent offense, a fine of not more than  
16 \$2,000 or imprisonment for not more than 1 year or both.

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

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