

## **Chapter 89**

**(Senate Bill 885)**

AN ACT concerning

### **Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol**

FOR the purpose of establishing that, subject to a certain provision of law, a conviction for driving while impaired by alcohol is included among the standards reasonably related to an insurer's economic and business purposes that may be applied by the insurer for purposes of canceling or refusing to underwrite or renew a particular insurance risk or class of risk in the case of private passenger motor vehicle insurance; and generally relating to standards for the cancellation or refusal of motor vehicle insurance and the offense of driving while impaired by alcohol.

BY repealing and reenacting, without amendments,  
Article – Insurance  
Section 27–501(a)(2)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 27–501(l)(1)(vi)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 21–902  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

#### **Article – Insurance**

27–501.

(a) (2) Except as provided in this section, an insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk

or class of risk except by the application of standards that are reasonably related to the insurer's economic and business purposes.

(l) (1) In the case of private passenger motor vehicle insurance, standards reasonably related to the insurer's economic and business purposes under subsection (a)(2) of this section include, but are not limited to, the following and do not require statistical validation:

(vi) subject to § 27-609 of this title, conviction of the named insured or a covered driver under the policy of any of the following:

1. a violation of § 21-902(a), **(B)**, (c), or (d) of the Transportation Article;
2. homicide, assault, reckless endangerment, or criminal negligence arising out of the operation of the motor vehicle; or
3. using the motor vehicle to participate in a felony;

### **Article – Transportation**

21-902.

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

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

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

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

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

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

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the

person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

**Approved by the Governor, April 12, 2011.**