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*Report Of The Task Force On*

# ***THE DRINKING DRIVER***

***October, 1980***

***Prepared For***

***GOVERNOR Harry R. Hughes***

***BY***



***Maryland Department of Transportation***

***James J. O'Donnell, SECRETARY***

***WILLIAM T.S. BRICKER,***

***Chairman  
of***

***TASK FORCE***

***and***

***MOTOR VEHICLE ADMINISTRATOR***

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**Maryland Department of Transportation**

Motor Vehicle Administration

James J. O'Donnell  
Secretary

William T. S. Bricker  
Administrator

October 22, 1980

The Honorable Harry R. Hughes  
Governor of Maryland  
State House  
Annapolis, Maryland 21404

Dear Governor Hughes:

Attached is the report of the Task Force on the  
Drinking Driver.

The report includes an Executive Summary, the report,  
and an Appendix of the significant evidence presented.  
I have retained correspondence directed to the Task  
Force, as well as other statistical reports and data  
compiled, which were too voluminous to include with the  
report.

I would personally like to express my appreciation to you  
for appointing members who not only represent a broad  
spectrum of the community, but who for years have been  
actively involved in promoting highway safety generally,  
and coping with the drinking driver problem specifically.  
Because of extraordinary expertise the Task Force, in a  
matter of eight weeks, was able to tackle an almost over-  
whelming task.

As you point out in your original letter of appointment,  
Maryland's highway safety record is one of the best in the  
country; but we can always do better. Accordingly, I be-  
lieve the adoption of the Task Force recommendations by all  
branches of the State Government will go a long way towards  
keeping Maryland one of the leaders in highway safety.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. T. S. Bricker".

Administrator

WTSB:va  
Attachments

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# **EXECUTIVE SUMMARY**

## EXECUTIVE SUMMARY

The Task Force on the Drinking Driver met a total of five times during the eight week period following its appointment on August 4, 1980.

Testimony was received from citizens who related personal tragedies or experience and from professionals with expertise in various alcohol/driving related fields. Documentary evidence outlining the drinking driver situation both nationally and in Maryland was reviewed and discussed. It was abundantly clear that although the number of deaths on Maryland highways for every 100 million vehicle miles travelled has been among the lowest in the nation, a serious problem still exists concerning the ability to identify the drinking driver, remove him from the road, and attempt to rehabilitate him.

Annually, about 700 people are killed in traffic accidents on Maryland highways and studies indicate that 90% of the at-fault drivers in fatal crashes was detected to have some degree of alcohol in their system at the time of the accident.

In reviewing recent legislative efforts, it was determined that only a coordinated comprehensive effort directed against the drinking driver problem in Maryland would be successful. Law enforcement officers need additional tools and incentives to identify the drinking driver. Prosecutors must work more closely with law enforcement officers to assure proper preparation and presentation of cases. The courts must have additional alternatives available so that, although judges may temper justice with mercy, the public can be assured that all problem drinking drivers are detected and if not dealt with criminally, then, in the appropriate case, are educated or treated and finally rehabilitated. The executive branch, such as the MVA, must have the systems and facilities available through which the courts are able to channel both social and problem drinkers on a rehabilitative course if criminal and administrative sanctions are not sufficient.

The Task Force believes the following items should form the nucleus of a broad-based attack to deal more effectively with the drinking driver in Maryland.

1. Recording probation before judgment on the driving record. (SB244 - 1980)
2. Lowering the BAC levels to .10 for intoxicated and .08 for impaired. (SB80 - 1980)
3. Mandatory minimum penalties for refusal to take BAC test. (60 days minimum suspension)
4. Authorize the arresting officer to select the type of chemical test to be administered if in an approved medical facility.
5. Authorize the use of preliminary breath test by police officers.
6. No point extension for commercial drivers beyond 12 points if convicted of DWI offense.
7. Provide for a statewide driving while impaired/intoxicated alcohol education/treatment/rehabilitation program.

There are a number of other issues of this overwhelming and complex problem which could not be adequately addressed within the short time frame afforded the Task Force. We attempted to give greater priority to the significant legislative matters in order that your office would have sufficient time to review and draft appropriate legislation. Of almost equal importance are those items which the Task Force felt could be addressed administratively by the executive branch of government as well as procedures which could be considered by the judicial branch for inclusion in the rules of practice and procedure for use in the courts. There were a number of other legislative items which the Task Force would like to consider, but could not, because of the time constraints.

From correspondence received by the Task Force and testimony taken at the public hearings, there is an obvious public interest and desire that State officials take immediate action to cope with the drinking driver problem. It is evident also that the public has difficulty perceiving how some persons can continue to drink excessively and still drive and government does not seem to be able to deal with them effectively.

Although the Task Force feels it was able to successfully consider priority legislation, there are numerous other items which require detailed study in order to develop the best possible counter-measures to more effectively deal with the problems associated with drinking drivers as set out in your original charge to the Task Force. Accordingly, we respectfully request that you extend the term of the

Task Force through, at least, the 1981 session of the General Assembly, so that the Task Force can not only consider pending items but actively support your Administration's legislative program addressing the drinking driver problem in Maryland.

The Task Force also wishes to acknowledge the support given to it by the communications media, both reportorial and editorial, which enhanced public consciousness and provided the Task Force with an abundance of evidence and experience.

We feel that with your executive support and the public's desire to attack the drinking driver problem, that the up-coming legislative session will provide an excellent climate in which to address the most serious problem facing us on our highways.

# REPORT OF THE TASK FORCE



## GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

The Task Force held a total of five meetings (on August 4, August 28, September 11, September 23 and October 2), during the eight-week period following its appointment.

The meeting conducted on September 23rd was held jointly with the Constitutional and Public Law Committee of the Senate which had been considering pending alcohol-related motor vehicle bills since the last session of the Legislature. This meeting provided the public an opportunity to present its views and received wide media coverage. In addition to the twenty-six persons who provided testimony at the hearing, the Task Force has also received, considered, and answered correspondence from another 76 citizens.

All meetings of the Task Force were open to the public and evidence was received from the State Police and other law enforcement agencies, the State Toxicologist, several judges of the District Court, the National Highway Traffic Safety Administration, the Shock Trauma Unit, the American Association of University Women, the Medical and Chirurgical Faculty, Advisory Council on Alcohol Control, Maryland Citizens for Safe Drivers, and the Maryland Law Enforcement Officers Association, among others.

The Task Force divided its assignment into three areas. The first category, which was given priority attention, concerned legislative recommendations. The second area dealt with areas that could be implemented administratively with leadership from the Executive Department. Finally, the Task Force considered subjects that might be implemented by rules adopted by the judicial branch of the government.

### LEGISLATIVE CONSIDERATIONS

Following your lead, the Task Force unanimously adopted the recommendation that judicial findings of probation before judgment contained in Section 641 of Article 27 when used by the court in consideration of a charge for violation of Section 21-902 (A) or 21-902 (B) of the Transportation Article be made a part of the driving record. The Task Force recommends the adoption of that legislation in the form considered in the 1980 session of the General Assembly as contained in Senate Bill 244.

Presently the vehicle laws authorize the MVA to record or to note only convictions upon a driving record, but the definition of conviction specifically excludes a find of probation before judgment. The present provision is a serious handicap in the effective identification of drivers who have been involved in an alcohol-related offense.

Following the appointment of the Task Force the Chairman surveyed 52 jurisdictions in the United States (including Puerto Rico and American Samoa). All of those jurisdictions have responded, and although compilation of final statistics has not been completed, preliminary review indicates that 44 of the jurisdictions in some fashion plea bargain cases of driving under the influence to a separate substantive offense that would not indicate on a driving record that the alleged offense was alcohol-related.

The Task Force also gave serious consideration to alcohol-related motor vehicle legislation that has been proposed in Maryland and in other states over the past ten years.

Except for Chapter 454 of the Laws of 1978 codifying the present Section 388 A of Article 27, (homicide by motor vehicle while intoxicated), no significant legislation with regard to alcohol-related motor vehicle offenses has been adopted since 1969 when Maryland first enacted the express consent law and established the offense of driving while impaired at the .10 BAC level.

The Task Force carefully considered the reduction of the present .10 (impaired) and .15 (intoxicated) to the .08 (impaired) and .10 (intoxicated) levels; the latter being the nationally recommended standard for driving under the influence.

There was overwhelming evidence presented by the Medical and Chirurgical Faculty, the former State Toxicologist and the Medical Examiner's Office which indicates that there is sufficient medical justification that .08 and .10 be adopted, respectively, for driving while impaired and driving while intoxicated.

The sense of the Task Force was also to impose a mandatory penalty for refusal to take BAC tests that would be equal or to exceed the penalty for conviction of the substantive alcohol-related offenses. Maryland has one of the highest refusal rates in the nation with approximately 38% of those persons charged refusing to take a chemical test. The Task Force ultimately recommended that a minimum 60-day suspension for refusal to take the test be imposed with a discretionary maximum vested in the MVA Hearing Officer of up to six months. Existing law authorized suspensions of up to 60 days, after a hearing, for refusal of a chemical test.

Law enforcement officials indicated that they were physically unable to transport breath testing units to hospitals when a defendant injured in the accident agreed to take the chemical test, thereby defeating the test law, although a blood test was immediately available. The Task Force recommends to resolve this problem that the arresting officer be authorized to select the type of test to be administered, if in an approved medical facility and if the defendant consents.

Although preliminary breath tests have been used in eighteen (18) jurisdictions for sometime, evidence presented to the Task Force indicated that there are now available valid pre-arrest test devices that justify the use of the pre-arrest breath test as an effective law enforcement tool. Some years ago there was a question as to the precision of pre-arrest test devices, but that has been resolved by recent scientific technological advances. The adoption of a pre-arrest breath test would improve the quality of arrest, because it would not only provide an objective indicator of intoxication, but would exonerate unimpaired drivers whose reflexes may be slowed by the intake of medication or other medical conditions.

The Task Force adopted Senator Rosalie S. Abrams' recommendation that commercial drivers not be granted the point extension presently available under Section 16-405, if the last assessment of points was for a conviction of driving while impaired or intoxicated. The present point system law provides for suspension and revocation at eight points and twelve points, respectively, but provides an extension to thirteen points for suspension and nineteen points for revocation in the case of professional drivers.

Other major items considered by the Task Force include the adoption of an illegal per se law; that is, the creation of an offense making it a substantive crime to have a certain level of alcohol in the blood while driving any motor vehicle; a statewide ban on open alcohol containers in motor vehicles; dram shop laws; mandatory BAC tests for drivers involved in fatal accidents; raising the minimum driving age; confiscation of vehicles of those persons convicted of driving while impaired or intoxicated and/or suspended or revoked; plus a number of others. The Task Force deferred consideration of these items because of insufficient time to receive evidence to warrant serious consideration.

## EXECUTIVE CONSIDERATIONS

The Task Force recommends the implementation of a statewide alcohol education/treatment program for drivers charged with alcohol-related offenses. Conceptually, this envisions the coordination of a court-administered program used by District Court Judge David Bates of Baltimore County and the Motor Vehicle Administration's Alcohol Education Program used within the Baltimore Beltway, which is the sole surviving program of the original Alcohol Safety Action Project.

In brief, Judge Bates' conditions of probation require attendance of Alcohol Anonymous meeting and/or an Alcohol Education Program, such as MVA, for a period of twenty weeks. Violation of conditions of a probation results in incarceration. The MVA Alcohol Education Program varies from four to fourteen weeks depending upon results obtained by psychological testing upon referral by a MVA Hearing Officer or District Court judge.

The 1980 Legislature enacted Senate Bill 716 which provides that when a court imposes a period of probation under Section 641 of Article 27 for alleged violation of Section 21-902 of the Transportation Article, the defendant must participate in an alcohol treatment or education program approved by the Administrative Office of the Courts. Judge Bates, Senator Francis Kelly and the Chairman of the Task Force along with the Coordinator of the MVA Alcohol Education Program met with the Administrative Office of the Courts in early September. The thrust of the meeting was a request by the Administrative Office of the Courts to consider the administration of the program adopted in Senate Bill 716 by the Executive Department with the approval of the Administrative Office of the Courts. The Courts view alcohol education/treatment programs as an executive function, similar to the probation and parole function, that should require court approval, but be administered in the Executive Department with the appropriate budget. The consensus of the Task Force is that the recommendation of the Administrative Office of the Courts be followed and a statewide program implementing Senate Bill 716 be funded federally (or by the State if necessary) and administered by the Motor Vehicle Administration.

Other major items were considered but deferred because there was not sufficient time within the eight weeks to fully explore the merits of the items and obtain definitive evidence for the support or rejection thereof.

## JUDICIAL CONSIDERATION

The final item concerns consideration by the Judiciary Department for the adoption of rules expediting the trial and appeals of alcohol-related motor vehicle cases both criminally and on appeals under the Administrative Procedure Act. Evidence adduced in the public hearing and Task Force meetings indicated that the resolution of alcohol-related motor vehicle cases are delayed as much as 18 months in some cases.

Testimony indicated that defense attorneys often pray jury trials in drinking driving cases in order to remove the case from the District Court judges who are characterized as "tough", hoping that these cases will pale in significance when included on a criminal docket in the Circuit Court that includes serious criminal matters; such as, murder, rape and armed-robbery. Similarly, appeals from the District Court to the Circuit Courts in both the criminal and administrative aspects of drinking driving cases are often significantly detained, because the defendant for the moving party will appeal and <sup>has</sup> ~~use~~ no incentive to try the case if the sanctions have been stayed pending the outcome of the appeal. One suggestion was that, at least in alcohol-related cases, appeals from the District Court be held "on the record" instead of "de novo". Another suggestion was that appeals, in either criminal or administrative cases, be placed on the trial docket within 60 days, or dismissed unless the court has granted an extension for good cause.

## CONCLUSIONS

It is the recommendation of the Task Force, of many members of the public, and media editorials that the life of the Task Force be extended at least through the end of the 1981 session of the Maryland General Assembly. As can be seen by the comments above, the Task Force tackled in eight weeks a subject that has been addressed by all three branches of government for over ten years, with little or no resolution. Perhaps the failure to resolve some of these problems in that time span has been that, with few exceptions, each department has attacked problems individually and cooperatively, but that effort has lacked consistent coordination which the Task Force might provide. It appears obvious that the makeup of the Task Force, which includes representatives of all three branches of government as well as the public, has undertaken a cooperative and dedicated effort to take dramatic steps within the next year and with your support will resolve a problem that is not unique to Maryland; but one of nationwide concern.

# APPENDIX

## APPENDIX A



STATE OF MARYLAND  
EXECUTIVE DEPARTMENT  
ANNAPOLIS, MARYLAND 21404

HARRY HUGHES  
GOVERNOR

August 4, 1980

Mr. William T. S. Bricker  
Administrator  
Motor Vehicle Administration  
6601 Ritchie Highway, N. E.  
Glen Burnie, Maryland 21062

Dear Mr. Bricker:

While I recognize that in recent years, the number of deaths on Maryland highways for each 100 million vehicle miles travelled has been among the lowest in the Nation, I have a continuing concern regarding the inability of the States, including Maryland, to deal with the problem of the drinking driver.

Daily we have visited upon us reports of individuals who have been killed or maimed in accidents in which one or both drivers have been intoxicated or their abilities impaired by alcohol. Not only are these accidents tragic to those killed or injured, but they also inflict misery and shock on the families of those involved.

With the passage of the National Highway Safety Act of 1966, and with the renewed emphasis placed on coping with the problems of alcohol in relation to the driving task, there was some anticipation that significant progress would be made in this area and, indeed, in some instances, there has been progress.

I believe we can do better.

Mr. William T. S. Bricker

August 4, 1980

For that reason, I am appointing a Task Force with you serving as Chairman to develop broad-based countermeasures to more effectively deal with the problems associated with drivers who operate vehicles either while intoxicated or while their abilities are impaired by alcohol. It is my hope that these countermeasures will enhance the State's ability to identify the drinking driver, remove him from the road, attempt to rehabilitate him and then restore his driving privileges when rehabilitation has been successful.

While in no way attempting to limit the scope of the Task Force's activities, I am hopeful that it will examine fully the utilization of the probation before judgment disposition to determine whether or not it would be appropriate to record such a disposition on an individual's driving record. I would suggest that the Task Force also examine those areas of the federal highway safety standard which deal with alcohol in relation to highway safety to determine where Maryland is not in conformance and to recommend appropriate action in that regard. Of particular concern to me is the fact that Maryland's blood level for intoxication is .15 while the National standard is .10.

I would hope that the Task Force would be in a position to make recommendations to me by October 1, 1980 so that the appropriate steps to enhance this State's highway safety posture can be taken without delay. My office stands ready to assist the Task Force in its deliberations and I appreciate your willingness to serve.

Sincerely,

A handwritten signature in cursive script, reading "Harry Hughes". The signature is written in dark ink and is positioned above the printed name "Governor".

Governor

## APPENDIX B

### GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

#### Chairman

William T. S. Bricker – Mr. Bricker is the Maryland Motor Vehicle Administrator and a former prosecutor and Assistant Attorney General.

#### Members

The Honorable Francis X. Kelly – Mr. Kelly is a State Senator for Baltimore County and a member of the Budget and Taxation Committee.

The Honorable Rosalie S. Abrams – Mrs. Abrams is a State Senator from Baltimore City and Senate Majority Leader.

The Honorable Joseph E. Owens – Mr. Owens is a member of the House of Delegates from Montgomery County and Chairman of the House Judiciary Committee.

The Honorable Jerry H. Hyatt – Mr. Hyatt is a member of the House of Delegates from Montgomery County and a member of the Judiciary Committee.

William Clark – Mr. Clark is Public Affairs Officer for the Maryland State Police.

David H. Hugel – Mr. Hugel is State's Attorneys' Coordinator, a former prosecutor, and Assistant Director of the Traffic Institute at Northwestern University.

Ruth W. Baldwin, M.D. – Dr. Baldwin is Chairman of the Medical Advisory Board; Director of the Exceptional Child Clinic of the University of Maryland and member of the Association of Automotive Medicine.

Mose Ottenheimer – Mr. Ottenheimer is Chairman of the Mayor's Traffic Safety Committee in Baltimore City and a member of the Safety First Club of Baltimore.

Dennis Evans – Mr. Evans is the Assistant Executive Director of the Highway Safety Coordinating Committee.

Frank Altobelli – Mr. Altobelli is the Regional Administrator of the National Highway Traffic Safety Administration.

Robert S. Heise – Mr. Heise is an Associate Judge, District Court of Maryland, Anne Arundel County.

David N. Bates – Mr. Bates is an Associate Judge, District Court of Maryland, Baltimore County.



**APPENDIX C**

**MINUTES OF**

**TASK FORCE MEETINGS**

## APPENDIX C-1

### MINUTES OF THE GOVERNOR'S TASK

#### FORCE ON THE DRINKING DRIVER

On Thursday, August 14, 1980 the Governor's Task Force On The Drinking Driver conducted its organizational meeting in the Conference Room of the Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Glen Burnie, Maryland 21062.

The following members were present: The Honorable Francis X. Kelly, State Senator; The Honorable Joseph E. Owens, Delegate; Mr. William Clark, Public Affairs Officer, Maryland State Police; Mr. David H. Hugel, State's Attorneys' Coordinator; Mr. Mose Ottenheimer, Public Member; Mr. Dennis Evans, Assistant Executive Director of the Safety Coordinating Committee, Department of Transportation; Mr. Frank Altobelli, Regional Administrator, National Highway Traffic Safety Administration; The Honorable Robert S. Heise, Judge, District Court of Anne Arundel County; The Honorable David N. Bates, Judge, District Court of Baltimore County; and William T. S. Bricker, Maryland Motor Vehicle Administrator. Three members were absent; Senator Rosalie Abrams was attending the Democratic National Convention; Dr. Ruth Baldwin, Chairman, Medical Advisory Board was on vacation and Delegate Jerry H. Hyatt is recovering from injuries sustained in an automobile accident.

The Chairman called the meeting to order at 2:10 p.m. and introduced the members of the Task Force and MVA Staff employees who will assist the Task Force.

The Chairman then read the Governor's letter appointing the Task Force and the charge.

The Task Force discussed the Governor's recommendations plus legislation that has been introduced through the years dealing with the problems of the drinking driver. There seemed to be a great deal of support among members for the Governor's recommendation that the findings of "Probation Before Judgment" be made an entry on all driving records, but that it be available only to criminal justice agencies; such as, Motor Vehicle Administrations, the courts and law enforcement.

There was extended discussion of the Governor's suggestion to lower the blood alcohol level for impairment from .10 to .08 and intoxication from .15 to .10.

There also was a lengthy discussion about alcohol rehabilitation

programs presently conducted throughout the State.

Judge Bates of the District Court for Baltimore County discussed his program and recently enacted Senate Bill 716 which would implement his program statutorily throughout the State.

Senator Cornell Dypski briefly discussed the Motor Vehicle Administration's Alcohol Education Program and the Chairman discussed the various local Alcohol Education Clinics and the approaches taken by them in the education and rehabilitation of drunk drivers.

There was some concern expressed about the Alcohol Control Division of the Department of Health, particularly by Judge Bates. He was unable to obtain financing for his program through those channels. He ultimately had to obtain funding from the Baltimore County Council. Senator Dypski indicated that the Motor Vehicle Administration's Alcohol Education Program was not even listed in the Health Department's Directory of Alcohol Clinics until recently and then was misplaced under another heading.

There seemed to be a general feeling that Alcohol Education and Treatment agencies were not coordinated on a statewide basis, and that there should be a focal point, adequately staffed and funded, to coordinate these programs.

There was also a general feeling that although there is a wealth of statistical material available, no specific area has been developed to provide adequate research staffing to utilize this information. The Chairman indicated that the Motor Vehicle Administration's Alcohol Education Program, which has been operational for six years, have never been evaluated. Judge Bates indicated that such was the case with his program; although, Regional Highway Safety Administrator Altobelli indicated that federal funding may become available soon to evaluate Judge Bates' program.

Because the Governor's charge indicated that he wanted some type of report by October 1st, the Committee discussed agendas for future meetings. It was decided that the next meeting would be limited to discussion of possible legislative programs in order that those items could be submitted to the Governor by the October 1st deadline in the event the Governor decides to accept those recommendations as part of the Administration's legislative package.

The meeting following that will be informational format to provide Judge Bates an opportunity to explain his program and also to afford Senator Dypski an opportunity to outline the Motor Vehicle Administration's Alcohol Education Program. Yale Caplan, State Toxicologist, will also speak briefly with regard to blood alcohol tests. The remaining time will be made available to members of

the public who wish to offer their views and recommendations to the Task Force.

One member of the public was present and was afforded an opportunity to speak. Mrs. Miller outlined her concern of the loss of her son and daughter-in-law recently as a result of an accident with a "drunk driver", whose trial is presently pending. It was noted by the Task Force that the defendant in that case had been convicted of driving while intoxicated in the State of California, but no action had been taken by the State of California with regard to his driving privilege.

The next meeting will be held at the Motor Vehicle Administration on Thursday, August 28th at 2 p.m. The meeting was adjourned at 4:50 p.m.

## APPENDIX C-2

### MINUTES OF THE GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

On Thursday, August 28, 1980 the Governor's Task Force On The Drinking Driver conducted a second meeting in the Conference Room of the Motor Vehicle Administration in Glen Burnie.

The following members were present; Francis X. Kelly, State Senator and Rosalie Abrams, Senator. Delegate Joseph E. Owens; William Clark, Public Affairs Officer, Maryland State Police; David H. Hugel, State's Attorneys' Coordinator; Ruth Baldwin, Chairman, Medical Advisory Board; Mose Ottenheimer, Public Member; Dennis Evans, Assistant Executive Director of the Safety Coordinating Committee, Department of National Highway Traffic Safety Administration; Frank Altobelli, Regional Administrator; Judge David N. Bates, District Court of Baltimore County; and William T. S. Bricker, Administrator Maryland Motor Vehicle Administration. Two members were absent: Delegate Jerry H. Hyatt who is still recovering from injuries sustained in an automobile accident and Judge Robert S. Heise who is on vacation.

The Chairman called the meeting to order at 2:20 p.m. and the Task Force discussed tentative plans for future meetings.

The Chairman brought to the Task Force's attention a scheduled meeting of the Constitutional and Public Law Committee of the Senate which has been scheduled for September 23rd at 1 p.m. The Task Force had intended to conduct an open hearing as well in order to accept testimony from members of the public. It was suggested that possibly the CPL Committee and the Task Force conduct a joint hearing at that time. Donovan Peeters, Counsel to the CPL Committee added that he would check with Senator Edward T. Conroy to determine if such a joint meeting was possible to be set at the legislative joint hearing room. It is contemplated at that time that Judge Bates will make a presentation with regard to his program in Baltimore County. He would be followed by Senator Dypski who would discuss briefly the Motor Vehicle Administration's Alcohol Education Program. Dr. Yale Caplan, State Toxicologist, also would make a brief presentation at that time and Judge Robert Gerstrung of the District Court has also asked to appear and testify. In addition, all members of the public and members of organizations wishing to present evidence to the Task Force and the Committee would be given an opportunity to testify at that time.

The Task Force then proceeded to discuss items of legislation which it would consider for recommendation to the Governor by the October 1st deadline set out in the original charge.

After one hour of discussion the Task Force adopted a motion to recommend to the Governor that he support Senate Bill 244 of the 1980 Session of the General Assembly which would authorize the entry of a finding of Probation Before Judgment on a driving record for use only by Motor Vehicle Administration, the courts, and criminal justice agencies.

The next legislative item discussed would lower the present blood alcohol level of .10 for impairment and .15 for intoxication to .08 and .10, respectively. This item was discussed for over an hour and final consideration of it was deferred until the next meeting.

It was recommended that Dr. Caplan be afforded an opportunity at that meeting to make a brief presentation on the blood alcohol test prior to final consideration of the item.

It was determined that the Task Force would also consider at that time the following legislative proposals:

Illegal Per Se Law

Mandate Minimum Penalties for Refusal to take  
Blood/Breath Test

Raise Minimum Drinking Age Law

Arresting Officer to determine type of test  
to be administered

Preliminary Breath Test Law

Dram Shop Laws

Open Alcohol Containers in Automobiles

The next meeting will be conducted at the Motor Vehicle Administration in Glen Burnie, at 2:00 p.m. on Thursday, September 11th, at which time Mr. Peeters will advise whether or not a joint meeting with the CPL Committee on Tuesday, September 23rd is acceptable.

It was a consensus of the Task Force requesting that the Chairman speak to the Governor with a view to extending the Task Force through the legislative session of 1981.

In addition, the Task Force decided it would dispose of considered items prior to the October 1st deadline, leaving the consideration of items that could be implemented by executive decision for some-time after that.

The meeting adjourned at 4:45 p.m. The following persons also attended:

Rose Marie DiCarlo  
Gilbert Schmidt  
Jean Schmidt  
Jona Layfield  
Sara McFarland  
Dorothea W. Wilfeng  
Phyllis L. MacArthur  
Donovan Peeters  
Hildegarde Shadle  
Charles M. Shadle

## APPENDIX C-3

### MEMBERS OF THE GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

#### MINUTES OF THE MEETING September 11, 1980

The third meeting of the Governor's Task Force on the Drinking Driver was convened at 2:25 P.M. on Thursday, September 11, 1980 in the Conference Room of the Motor Vehicle Administration in Glen Burnie.

The following members were present:

Francis X. Kelly, State Senator  
Joseph E. Owens, Delegate  
William Clark, MSP, Public Info Officer  
David H. Hugel, State's Attorney's Coordinator  
Dr. Ruth W. Baldwin, Medical Advisory Board, MVA  
Dennis Evans, Transportation Safety, DOT  
Frank Altobelli, NHTSA  
Judge David N. Bates, District Court

Five members were absent:

William T. S. Bricker, Administrator, MVA  
Rosalie S. Abrams, State Senator  
Jerry H. Hyatt, Delegate  
Mose Ottenheimer, Public Member  
Judge Robert S. Heise, District Court

The meeting was called to order by Thomas E. Widerman, Associate Administrator, MVA as Acting Chairman in the absence of Administrator Bricker.

Scheduled for appearance at this meeting was Dr. Yale Caplan, State Toxicologist, for the purpose of making a presentation. Dr. Caplan was unable to attend and in his place, Dr. Henry Freimuth, former State Toxicologist was introduced. After making some preliminary remarks, Dr. Freimuth presented a showing of the film entitled "Point Zero Eight." The film was a documentary of tests conducted in Canada some years ago to compare driver experiences when operating with zero BAL's from .04 to .15. Dr. Freimuth concluded that .08 was too high to be considered a safe level.

-- more --



Task Force Meeting  
MVA - Sept. 11, 1980  
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Mr. Clark moved to adopt .10 BAC as the level for intoxication. For lack of a second, no action was taken. After further discussion, and without objection, Judge Bates was invited to make his presentation.

Judge Bates gave his lecture covering a five point program that is being followed by Baltimore County as a result of his efforts. The five points were listed as:

1. Initial Identification
2. Evaluation
3. Motivation (sentencing procedures)
4. Treatment
5. Tracking

Following the lecture, Judge Bates responded to questions from committee members and Dr. Baldwin made a motion that approval be given Judge Bates' program. With comment that perhaps the motion was premature and without a second, the motion was withdrawn.

The acting chairman requested that the committee consider the agenda item deferred from the previous meeting and discussion was resumed on the issue of blood alcohol level and the two tiered approach to evidentiary presumption. After discussion, Judge Bates moved to retain the law as it now stands, i.e. .10 for impaired and .15 for intoxicated. Delegate Owens second. On the question, a 4-4 vote was cast by voting members and the motion failed for lack of a majority.

Voting for the motion were Kelly, Owens, Baldwin and Bates. Voting against the motion were Clark, Hugel, Evans and Altobelli.

After announcement of the next meeting to be held on Tuesday, September 23, 1980 at 1:00 P.M. at the Joint Hearing Room, Legislative Services Building, 90 State Circle, Annapolis in joint session with the Senate Constitutional and Public Law Committee, the meetings was adjourned at 4:50 P.M.

The following persons were also in attendance at this meeting:

-- more --

Task Force Meeting  
MVA- Sept. 11, 1980  
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Phyllis L. MacArthur  
Peter Johnson  
Shirley W. Johnson  
Sara M. McFarland  
Rose Marie Di Carlo  
Laura Lamb  
Cindi Lamb  
Sandy Golden  
Gilbert Schmidt  
Joseph L. Woods  
Paul Mackie

- - - - -

T. E. W.

TEW:ess

## APPENDIX C-4

### MEMBERS OF THE GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

MINUTES OF THE MEETING  
September 23, 1980

The fourth meeting of the Governor's Task Force on the Drinking Driver was convened at 2:15 p.m. on September 23, 1980, jointly with the Senate Constitutional and Public Law Committee in the Joint Hearing Room of the Legislative Services Building in Annapolis.

The following members were present:

Francis X. Kelly, State Senator  
Joseph E. Owens, Delegate  
William Clark, MSP, Public Info Officer  
Dr. Ruth W. Baldwin, Medical Advisory Board, MVA  
Dennis Evans, Transportation Safety, DOT  
Frank Altobelli, NHTSA  
Judge David N. Bates, District Court  
Judge Robert S. Heise, District Court  
Rosalie S. Abrams, State Senator  
Mose Ottenheimer, Public Member  
William T. S. Bricker, Administrator, MVA

The following members were absent:

David H. Hugel, State's Attorney's Coordinator  
Jerry H. Hyatt, Delegate

The joint meeting was called to order by the Chairman of the Task Force in the absence of Senator Edward T. Conroy who was delayed. The purpose of the meeting was to provide the public with an opportunity to comment and make recommendations to the Task Force for consideration.

Twenty-six persons testified at the hearing which lasted four and one-half hours. The proceedings were well covered by the media with representatives of seven television stations in the Baltimore/Washington area, as well as a significant number of newspaper and radio representatives throughout the State.

Some novel approaches were advanced by some of the witnesses. For instance, Judge Robert Gerstrung of the District Court recommended the confiscation of any registered vehicle as part of the penalty for conviction of a charge of driving while suspended or revoked. He also recommended consideration of legislation

Task Force Meeting  
(Drinking Driver)  
9/23/80  
page 2

that would require the presentation of a valid driver's license when purchasing gasoline as a deterrent against driving while suspended or revoked.

Officer William Steele of the Anne Arundel County Police recommended raising the minimum drinking age.

Senator Cornell Dypski explained the Motor Vehicle Administration's Alcohol Education Program in Baltimore City.

The next meeting of the Task Force will be held on Thursday, October 2, 1980 at 2 p.m. in the Conference Room 200, Motor Vehicle Administration in Glen Burnie. The Task Force will consider remaining legislative items on the agenda, as well as consider a draft report to the Governor outlining the progress of the Task Force.

## APPENDIX C-5

### MEMBERS OF THE GOVERNOR'S TASK FORCE ON THE DRINKING DRIVER

#### MINUTES OF THE MEETING October 2, 1980

On Thursday, October 2, 1980 the Governor's Task Force on the Drinking Driver conducted its final meeting in the Conference Room (200) of the Motor Vehicle Administration, 6601 Ritchie Highway, N.E. Glen Burnie, Maryland 21062.

The following members were present:

Francis X. Kelly, State Senator  
Joseph E. Owens, Delegate  
William Clark, MSP, Public Information Officer  
Dr. Ruth W. Baldwin, Medical Advisory Board, MVA  
Dennis Evans, Transportation Safety, DOT  
Frank Altobelli, NHTSA  
Judge David N. Bates, District Court  
Judge Robert S. Heise, District Court  
Rosalie S. Abrams, State Senator  
David H. Hugel, State's Attorney's Coordinator  
William T. S. Bricker, Administrator, MVA

The following members were absent:

Mose Ottenheimer, Public Member  
Jerry H. Hyatt, Delegate

The meeting was called to order by the Chairman at 1 p.m. There were a number of citizens present as well as five television stations in Baltimore and Washington.

The Task Force then considered and discussed in detail various items and recommendations for legislative consideration to be made to the Governor.

Following is the action taken on each of the items:

1. Recording probation before judgment findings.  
Action: Passed at an earlier meeting.
2. Lowering BAC levels to .10 and .08.  
Action: Passed unanimously by all present.
3. Illegal Per Se Law.  
Action: Deferred; may be considered later if Task Force life is extended.

Task Force Meeting  
(Drinking Driver)  
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page 2

4. Maximum penalty of 1 year for BAC test refusal.  
Action: Failed; tie vote 5 to 5 with Abrams  
Owens, Clark, Heise and Bricker opposing.
- 4a. Maximum penalty of 6 months with hearing, for BAC  
test refusal.  
Action: Passed unanimously.
- 4b. Mandatory 60-day minimum penalty for BAC test refusal.  
Action: Passed; 7 to 3 with Owens, Heise and  
Bates opposing.
5. Raise minimum drinking age.  
Action: Defer, may be considered later if  
Task Force life is extended.
6. Authorize selection of BAC test type by officer.  
Action: Passed unanimously by all present.
7. Preliminary breath test law.  
Action: Passed unanimously by all present.
8. Dram Shop laws.  
Action: Defer, may be considered at later date  
pending NHTSA study and extension of  
Task Force, Judge Heise opposed.
9. Open alcohol containers in vehicles.  
Action: Deferred unanimously.
10. No extension of points in DUI cases.  
Action: Passed unanimously by all present.
11. Mandatory jail sentences.  
Action: Deferred unanimously.
12. Confiscation of vehicle.  
Action: Deferred unanimously.
13. Support Statewide use of Judge Bate's and MVA's alcohol  
rehabilitation program.  
Action: Passed unanimously by all present.

The Task Force also unanimously recommended that its report request the Governor to extend the life of the Task Force at least through the 81 legislative session.

The meeting adjourned at 5 p.m.

## APPENDIX D

### AN ANALYSIS OF MARYLAND TRAFFIC FATALITIES

(A Preliminary Report)

Mark Lee Edwards, Ph. D.\*

William E. Clark\*\*

Thomas M. Bailey\*\*\*

\* Program Director, National Public Service Research Institute

\*\* Director of Public Information and Special Projects, Maryland  
State Police

\*\*\* Data Processing Coordinator, Planning and Research Division  
Maryland State Police

August 26, 1980

## AN ANALYSIS OF FATAL CRASHES IN MARYLAND

This report presents the results of an analysis of the extent to which consumption of alcohol was involved in the 729 fatalities occurring on Maryland highways during 1978. Included in this analysis are all deaths involving drivers, passengers, or pedestrians who had been drinking at the time of the crash based on the results of victims who were tested by the State Medical Examiner. The tests were conducted on 67% of the persons killed and it was found that 56% of those tested had been drinking.

### DRIVER FATALITIES

Deaths to drivers of motor vehicles accounted for 52% of all fatalities occurring in Maryland during 1978. Some 50% of the 373 drivers killed during this period were found to have been drinking at the time of the crash. Of interest is the fact that in approximately 90% of these fatalities involving drivers, the drinking driver was found to have been at fault in the crash. In other words, in only 10% of those fatal accidents where the driver was judged to be at fault, was a non-drinking driver found to be at fault. Of those single vehicle crashes where the driver was fatally injured, approximately half the drivers had a blood alcohol content of .10 or higher, an indication of the extent to which alcohol is overinvolved in single vehicle crashes as well.



### PASSENGER FATALITIES

Two hundred passengers of motor vehicles were also fatally injured during 1978, a figure which accounted for 27% of all traffic related deaths. In these fatalities, 84% of those ~~drinking passengers fatally injured~~ were riding in the at-fault vehicle. Additionally, it is important to note that even those passengers not drinking at the time of the accident were three times more likely to be killed if they were riding with a drinking driver.

### PEDESTRIAN FATALITIES

One hundred fifty-six pedestrians, or 21% of all traffic fatalities, were killed in Maryland in 1978. In those instances where blood alcohol levels were obtained, 32% were found to have a BAC of .10 or higher. A comparison of this data with other pedestrian fatalities indicated that drinking pedestrians were 2 to 3 times more likely to cause their own deaths compared to accidents involving sober pedestrians.

### PRIOR INCIDENTS

Of the 300 at-fault drivers fatally injured during 1978, approximately 42% had at least one prior conviction for alcohol impaired driving, negligent driving, violation of implied consent statutes, or had their license suspended. More specifically, 6% of these drivers had some prior incident involving alcohol either as a DWI or driving while impaired. Another 4% had prior convictions for violation of implied consent laws. Fifteen percent had a previous conviction for reckless or negligent driving, and some 17% had a previous suspension for

incidents other than those related to failure to appear or violations of financial responsibility laws. Thus, in almost half of these instances involving fatally injured drivers, the driver had some previous history of serious departmental action or improper driving.

Feb. 6, 1979

ALCOHOL INVOLVEMENT IN TRAFFIC ACCIDENT VICTIMS: 1978 MARYLAND FATALS (723 victims)

AGE	PERSON KILLED	NO TEST	TESTED	NEG.	POS.	(.01-.05)	(.06-.09)	(.10-.14)	(.15-.19)	(.20-.24)	(.25-.29)	(.30+)
0-17	Driver	13	22	9	13 (59.1%)	3	3	3	2	1	1	0
	Passenger	23	21	13	8 (38.1%)	1	3	1	2	1	0	0
	Pedestrian	20	17	13	4 (23.5%)	0	1	0	2	1	0	0
18-20	Driver	6	44	19	25 (56.8%)	5	6	7	2	4	1	0
	Passenger	12	23	10	13 (56.5%)	3	2	2	4	1	0	1
	Pedestrian	4	12	7	5 (41.7%)	1	1	1	2	0	0	0
21-24	Driver	17	62	22	40 (64.5%)	2	7	8	11	9	4	1
	Passenger	16	11	4	7 (63.6%)	3	0	2	0	2	0	0
	Pedestrian	1	8	3	5 (62.5%)	1	0	0	1	3	0	0
25+	Driver	58	156	66	90 (57.7%)	9	7	12	19	21	17	5
	Passenger	39	37	18	19 (51.4%)	3	2	4	1	5	3	1
	Pedestrian	22	60	22	38 (63.3%)	6	9	3	7	5	4	6
Unknown	Driver	2	2	3	1 (25.0%)	0	0	1	1	0	0	1
	Passenger	4	3	1	2 (66.6%)			1	1			
	Pedestrian	2	5	3	2 (40.0%)	0	0	0	1	0	0	1
		239	484	212	272							
			(67%)		(56% HAD BEEN DRINKING)							

This data was compiled by the Maryland State Police Public Information Office from records provided by the State Police Central Accident Records Division and the results of blood alcohol tests conducted by the State of Maryland Medical Examiner's Office.

# APPENDIX E

May 13, 1980

## ALCOHOL INVOLVEMENT IN TRAFFIC ACCIDENT VICTIMS: 1979 MARYLAND FATALS

AGE	PERSON KILLED	NO TEST	TESTED	NEG.	POS.	(.01-.05)	(.06-.09)	(.10-.14)	(.15-.19)	(.20-.24)	(.25-.29)	(.30+)	
0-17	Driver	20	2	18 (90%)	8	10(55.6%)	2	0	6	1	1	0	0
	Passenger	41	26	15 (36.6%)	7	8(53.3%)	4	2	2	0	0	0	0
	Pedestrian	35	17	18 (51.4%)	12	6(33.3%)	1	1	2	1	1	0	0
18-20	Driver	50	6	44 (88%)	23	21(47.7%)	2	7	3	6	3	0	0
	Passenger	29	16	13 (44.8%)	5	8(61.5%)	2	2	1	1	2	0	0
	Pedestrian	9	0	9 (100%)	4	5(55.6%)	0	1	0	2	2	0	0
21-24	Driver	62	9	53 (85.5%)	13	40(75.5%)	3	7	11	10	6	3	0
	Passenger	26	14	12 (46.2%)	6	6(50%)	0	0	3	2	1	0	0
	Pedestrian	16	5	11 (68.8%)	5	6(54.6%)	1	2	1	0	1	0	1
25+	Driver	255	54	201 (78.8%)	88	113(56.2%)	10	7	19	28	27	18	4
	Passenger	64	26	38 (59.4%)	20	18(47.4%)	5	3	3	2	3	1	1
	Pedestrian	86	18	68 (79.1%)	32	36(52.9%)	6	0	6	7	9	5	3
Unknown	Driver	5	2	3 (60%)	1	2(66.6%)	0	0	0	1	0	1	0
	Passenger	1	1	0	0	0	0	0	0	0	0	0	0
	Pedestrian	1	1	0	0	0	0	0	0	0	0	0	0
		700	197	503 (71.9%)	224	279(55.5%)	36	32	57	61	56	28	9

211 (75.6%)

THIS DATA WAS COMPILED BY THE MARYLAND STATE POLICE PUBLIC INFORMATION OFFICE FROM RECORDS PROVIDED BY THE STATE POLICE CENTRAL ACCIDENT RECORDS DIVISION AND THE RESULTS OF BLOOD ALCOHOL TESTS CONDUCTED BY THE STATE OF MARYLAND MEDICAL EXAMINER'S OFFICE.

# APPENDIX F

STATE OF MARYLAND

August 14, 1980

STATEWIDE DATA: DRIVING WHILE INTOXICATED

YEAR	DWI ARRESTS	REFUSED TEST	TIME EXPIRED*	TEST RESULTS							DRUGS
				TOTAL TESTS	(0-.01)	(.02-.04)	(.05-.09)	(.10-.14)	(.15-.24)	(.25 +)	
1979	13,630	5,164 (37.9%)	122	8,344	232	118	432	1,480	4,865	1,125	92
1978	13,129	4,976 (37.9%)	133	8,020	230	132	400	1,307	4,671	1,189	91
1977	13,223	5,031 (38.1%)	99	8,093	279	145	398	1,370	4,621	1,160	120
1976	12,598	4,607 (36.6%)	105	7,886	267	128	413	1,222	4,344	1,414	98
1975	13,043	4,601 (35.3%)	138	8,304	293	128	339	1,217	4,738	1,508	81
1974	12,540	4,575 (36.5%)	84	7,881	214	157	324	1,067	4,674	1,441	4
1973	11,416	3,967 (34.8%)									
1972	9,426	3,256 (34.5%)									
1971	7,290	2,807 (38.5%)									
1970	5,788	2,643 (45.7%)									
1969 (½ yr.)	2,059	1,013 (49.2%)									

\*Test not administered because the two hour time period expired

This summary chart was compiled by the Maryland State Police Public Information Office from data provided by the State Police Chemical Test for Alcohol Unit.

## 21-902 REPORT

July 1979 - June 1980

DISTRICT	Guilty		N.G.		P B V		N.P.		Stet		Other		Totals		Rcd	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
Balto. City	325	955	25	146	26	347	0	0	53	321	78	560	507	2329	-	-
Dorchester	16	50	26	9	7	13	33	8	2	1	9	9	93	90	0	0
Somerset	10	19	1	0	0	0	0	0	0	0	0	0	11	19	16	16
Wicomico	72	84	8	4	0	0	6	0	1	1	0	0	87	89	47	47
Snow Hill	6	5	0	0	0	0	2	1	2	0	9	0	19	6	0	0
Ocean City	27	35	6	0	0	1	5	0	0	0	12	1	50	37	23	23
Tot. Dist. #2	131	193	41	13	7	14	46	9	5	2	30	10	260	241	86	86
Caroline	24	45	0	0	0	0	1	0	0	0	0	0	25	45	2	2
Cecil	55	189	28	17	2	10	0	0	0	0	0	0	85	216	0	0
Kent	11	16	0	0	1	0	3	0	1	1	4	0	20	17	8	8
Queen Anne's	11	29	2	1	1	0	0	0	0	0	1	0	15	30	13	13
Talbot	58	85	1	3	2	8	2	0	0	0	0	0	63	96	0	0
Tot. Dist. #3	159	364	31	21	6	18	6	0	1	1	5	0	208	404	23	23
Calvert	58	148	2	0	2	1	7	2	3	0	2	1	74	152	138	138
Charles	58	295	4	3	2	3	17	2	5	4	72	27	158	334	234	234
St. Mary's	56	146	4	0	4	2	8	1	4	0	0	0	76	149	126	126
Tot. Dist. #4	172	589	10	3	8	6	32	5	12	4	74	28	308	635	498	498
Tot. Dist. #5	217	1,018	78	20	64	250	114	23	21	5	0	0	494	1,316	722	722
Tot. Dist. #6	98	543	33	0	34	232	122	15	0	0	41	6	328	706	330	330
Annapolis	69	358	0	53	4	61	0	15	0	2	0	3	73	492	0	0
Glen Burnie	53	419	26	0	0	48	0	0	0	0	0	0	79	467	0	0
Tot. Dist. #7	122	777	26	53	4	109	0	15	0	2	0	3	152	959	0	0
Tot. Dist. #8	109	392	85	5	453	183	51	1	1	0	4	0	703	581	87	87
Bel Air	19	84	4	0	0	0	2	0	1	0	19	0	45	84	0	0
Havre dGr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aberdeen	21	65	8	0	1	2	3	0	0	0	8	0	41	67	0	0
Tot. Dist. #9	40	149	12	0	1	2	5	0	1	0	27	0	86	151	0	0

## 21-902 REPORT (continued)

DISTRICT	Guilty		N.G		P B V		N. P.		Stet		Other		Totals		Rdcd	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	to B
Carroll	35	72	10	2	9	37	28	1	4	0	60	0	146	112	0	
Howard	49	398	37	0	0	92	36	0	16	0	44	0	182	490	0	
Tot. Dist. #10	84	470	47	2	9	129	64	1	20	0	104	0	328	602	0	
Frederick	120	180	7	0	0	4	15	0	8	0	32	0	182	184	150	
Washington	95	192	10	1	0	2	0	0	0	0	0	0	105	195	0	
Tot. Dist. #11	215	372	17	1	0	6	15	0	8	0	32	0	287	379	150	
Allegany	140	146	17	1	2	18	9	1	3	0	11	1	182	167	11	
Garrett	24	40	3	0	0	2	0	0	0	0	1	0	28	42	15	
Tot. Dist. #12	164	186	20	1	2	20	9	1	3	0	12	1	210	209	26	
GRAND TOTAL	1,836	5,918	425	265	614	1,316	464	70	125	335	407	608	3,871	8,512	1,922	



## **Maryland Department of Transportation**

Motor Vehicle Administration

James J. O'Donnell  
Secretary

William T. S. Bricker  
Administrator

Because of certain apparent deficiencies in the law, Maryland's Governor has created an executive task force, which includes Maryland's Motor Vehicle Administrator, to look into the state's drunk driving laws. The purpose of the task force is to thoroughly examine these laws and to recommend changes that would strengthen the state's position when processing alcohol-related motor vehicle offenses.

In order to obtain a broader perspective of how alcohol-related driving offenses are handled in other jurisdictions, I have been requested by Administrator William T. S. Bricker to poll various legal, law enforcement, and Motor Vehicle officials nationwide. We invite your participation and sincerely request your assistance in this important task.

Will you be kind enough to please take a few minutes from your busy schedule to complete the attached survey document. Feel free to add any personal views you may have on the subject, and be assured all such personal comments will be held strictly confidential. Your assistance will be greatly appreciated by all concerned.

A summary copy of the survey results will be forwarded to all participants.

Thank you very much.

Very truly yours,

Albert D. Paolino  
Administrative Officer

ADP:dl  
Attachment




**Maryland Department of Transportation**

Motor Vehicle Administration

 James J. O'Dannell  
Secretary

 William T. S. Bricker  
Administrator

 SURVEY OF SANCTIONING PROCEDURES IN  
ALCOHOL RELATED MOTOR VEHICLE CASES

The purpose of this survey is to determine the amount of uniformity, if any, which may exist among the various legal and law enforcement communities of the United States in the treatment and processing of alcohol related motor vehicle driving offenses.

For the purposes of this survey, alcohol related driving offenses are categorized as (a), driving while intoxicated; (b), drunk driving; (c), driving under the influence of alcohol; (d), driving while impaired by alcohol; and, (e), attempting to commit any of the above alcohol related driving offenses.

\* \* \* \* \*

Although composite summaries may be prepared from data produced by this survey, all individual data, comments and other information will be retained by the office of the Maryland Motor Vehicle Administrator and will be held strictly confidential.

\* \* \* \* \*

Name of Agency/Jurisdiction: \_\_\_\_\_

 Name and Title of Person  
Completing Survey Form: \_\_\_\_\_

Business Address: \_\_\_\_\_

State City/Zip Code: \_\_\_\_\_

Telephone Number: (    ) \_\_\_\_\_

1. In the charging of an individual with an alcohol related motor vehicle violation, is the individual requested to permit a chemical test to be taken to determine the alcoholic content of his blood?  

☐ Yes☐ No
2. What types of chemical tests are used?  

☐ Blood☐ Breath☐ Urine
3. What are the blood alcohol evidentiary levels for alcohol driving offenses for the blood and breath tests?
  - a. No Intoxication Presumed: \_\_\_\_\_ Percent, by weight, of alcohol.
  - b. No Presumption of Impairment: \_\_\_\_\_ Percent, by weight, of alcohol.
  - c. Prima facie evidence of impairment: \_\_\_\_\_ Percent, by weight, of alcohol.
  - d. Prima facie evidence of intoxication: \_\_\_\_\_ Percent, by weight, of alcohol.
4. What are the blood alcohol evidentiary levels for alcohol driving offenses for the urine test?
  - a. No Intoxication Presumed: \_\_\_\_\_ Percent, by weight, of alcohol.
  - b. No Presumption of Impairment: \_\_\_\_\_ Percent, by weight, of alcohol.
  - c. Prima facie evidence of impairment: \_\_\_\_\_ Percent, by weight, of alcohol
  - d. Prima facie evidence of intoxication: \_\_\_\_\_ Percent, by weight, of alcohol.
5. Who has the right of test selection?  

☐ Driver☐ Arresting Officer

6. In administering a chemical test, must the test be taken within any time limitation after the individual is apprehended?

☐ Yes ☐ No

7. If yes, what is your state's time limit?
- 
- 

8. Does your state have an express consent law whereby each individual signs a certificate at the time of obtaining a license or renewal of a license, consenting to take a chemical test should he/she be detained on suspicion of an alcohol related motor vehicle offense?

☐ Yes ☐ No

- 9A. If the answer to question #8 is no, does your state have, instead, an implied consent law whereby in return for the privilege given to drive, each individual is deemed to have consented to take a chemical test for alcohol?

☐ Yes ☐ No

- 9B. If the answer to question #8 is yes, does your state also have an implied consent law?

☐ Yes ☐ No

10. Does your implied consent law apply only to non-resident drivers operating motor vehicles within your state, or does it apply to both resident licensed drivers and non-resident drivers?

- a. ☐ No implied consent law  
b. ☐ Non-resident only  
c. ☐ Both resident and non-resident

11. Is it required that the driver be informed or reminded of the express consent or implied consent law at the time he is requested to permit a chemical test to be taken?

☐ Yes

☐ No

12. How is the driver so informed or reminded? When? Where, How, By Whom?

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13. When a driver is requested to permit a chemical test to be taken, is the driver advised that he/she cannot be compelled to take a chemical test for alcohol?

☐ Yes

☐ No

14. Are the penalties for chemical test refusal:

a. ☐ Administrative (License suspension, etc.)

b. ☐ Criminal (Infraction, misdemeanor, etc.)

15. Is it required that the driver be advised of the administrative and/or criminal penalties that may be imposed for refusal to permit a chemical test to be taken?

☐ Yes

☐ No

16. How is the driver so advised? (When, Where, How, By Whom?)

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17. Is he advised of any other legal rights or legal procedures concerning a chemical test at the time the driver is detained and asked to permit a chemical test to be taken?

☐ Yes

☐ No

18. If yes, briefly explain:

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19. If the answer to question #17 is yes, how is the driver so advised? (When, Where, How, By Whom?)

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20. Is the administrative penalty for refusal of a chemical test:

- a. ☐ Mandatory
- b. ☐ Discretionary

21. Is the administrative penalty for refusal of a chemical test imposed:

- a. ☐ Without providing any hearing whatsoever.
- b. ☐ Only after providing an opportunity for a hearing prior to imposition of the penalty.
- c. ☐ Subject to providing an opportunity for hearing after imposition of the penalty.

22. Who imposes the administrative penalty?

- a. ☐ A court of law
- b. ☐ The driver licensing agency (DMV)
- c. ☐ Other: \_\_\_\_\_

23. What is the maximum administrative penalty for a chemical test refusal?

---

24. What is the length of time (of suspension, etc.) generally imposed as the administrative penalty for a chemical test refusal?

---

25. Does the maximum administrative penalty change with a second or third chemical test refusal? How?

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26. What is the length of time generally imposed as the administrative penalty for a second or third chemical test refusal?

---

---

27. Where the Driver Licensing Agency (DMV, MVA) imposes the administrative penalty, with an opportunity for a hearing, who presides at the hearing?

a. ☐ Administrative Hearing Officer

b. ☐ Other; explain \_\_\_\_\_

---

28. Where administrative hearing officers are used, are they required to have:

a. ☐ Graduated from a law school

b. ☐ Passed the State's bar examination

c. ☐ Other: \_\_\_\_\_

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29. Who imposes the criminal penalty, if any (see question #14) for chemical test refusal?

a. ☐ A court of law.

b. ☐ The Licensing Agency (DMV)

c. ☐ Other: \_\_\_\_\_

d. ☐ No such penalty provided.

30. What is the maximum criminal penalty for chemical test refusal?

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31. Does the maximum criminal penalty for chemical test refusal change with a second or third chemical test refusal?

How?

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32. Are alcohol related criminal driving offenses tried by:

a. ☐ A court of law

b. ☐ The Licensing Agency (DMV)

c. ☐ Other: \_\_\_\_\_

33. If any alcohol related criminal driving offenses are tried by the Licensing Agency (DMV), explain the types of alcohol related offenses over which the agency has jurisdiction and the maximum penalties.

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34. Are trial judges hearing alcohol related criminal driving offenses required to have:

a. ☐ Graduated from law school

b. ☐ Passed the State's bar examination

c. ☐ None of the above

35. Are trial judges hearing alcohol related criminal motor vehicle driving offenses?

- a. ☐ Appointed; For How Long \_\_\_\_\_  
By Whom \_\_\_\_\_
- b. ☐ Appointed, subject to the next election
- c. ☐ If then elected, for how long \_\_\_\_\_
- d. ☐ Elected; For How Long? \_\_\_\_\_

36. Are the trial judges authorized to impose sanctions or restrictions (suspension, revocation, etc.) on an individual's driver's license or driving privilege upon conviction for alcohol related driving offenses?

☐ Yes ☐ No

37. If yes, what are the sanctions or restrictions a trial judge may impose on an individual's license or driving privilege, after conviction?

- a. ☐ Suspension  
Maximum length of time \_\_\_\_\_
- b. ☐ Revocation  
Maximum length of time \_\_\_\_\_
- c. ☐ Restricted license for employment or student purposes only, etc.
- d. ☐ Other: \_\_\_\_\_  
\_\_\_\_\_

38. Are the sanctions or restrictions imposed by a trial judge, upon conviction,

- a. ☐ Mandatory
- b. ☐ Discretionary



39. Are the trial judges when imposing sentence concerning an alcohol related criminal driving offense authorized to impose both fines and jail sentences?

☐ Yes ☐ No

40. Are there any alcohol related driving offenses where the maximum criminal penalty is limited to only a fine? If so, state the offense(s).

a. ☐ Yes \_\_\_\_\_

b. ☐ No

41. Do the trial judges use their sentencing authority to impose fines and/or jail sentences with regularity?

☐ Yes ☐ No

42. Is probation granted to a significant degree to first offenders of alcohol related driving offenses?

☐ Yes ☐ No

43. Is a suspended jail sentence and probation granted to a significant degree to offenders of alcohol related driving offenses?

☐ Yes ☐ No

44. Is probation more prevalent in alcohol related driving offenses in courts located in:

a. ☐ Urban areas

b. ☐ Suburban areas

c. ☐ Rural areas

d. ☐ Not any more prevalent in one area than in other areas in our State

45. Are alcohol related driving offenses extensively plea bargained?

- a. ☐ Yes, but only in the heavily populated counties and cities
- b. ☐ Yes
- c. ☐ Not any more than other types of criminal cases
- d. ☐ No

46. Are offenders charged with alcohol related driving offenses "often" convicted of lesser charges instead?

☐ Yes ☐ No

47. Generally speaking, how and why are such charges reduced to lesser offenses?

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48. Are license sanctions (suspensions, revocations, etc.), evaded? By whom?

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49. How are such evasions accomplished?

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50. Does your State have any statistics or studies concerning evasions of license sanctions, including statistics on drivers caught driving while suspended or revoked arising from prior alcohol related offenses?

☐ Yes ☐ No

51. Are such statistics or studies available upon request?

☐ Yes ☐ No

52. Do driving records include alcohol related driving offenses in which probation was granted?

☐ No

☐ Yes, and that record is available to the public

☐ Yes, but that record only available to courts, law enforcement agencies, and DMV

ADDITIONAL COMMENTS:

PLEASE RETURN COMPLETED FORM TO:

Mr. Albert D. Paolino,  
Administrative Officer  
Motor Vehicle Administration  
6601 Ritchie Highway, N.E.  
Glen Burnie, Maryland 21062

# APPENDIX J

# APPENDIX J-1

## SENATE OF MARYLAND

01r0684

No. 80  
(PRE-FILED)

-----  
By: ~~Senator Helton~~ Senators Helton, Abrams, Bishop, Curran, 27  
Garritty, Mitchell and Welsh 28  
Requested: September 27, 1979 29  
Introduced and read first time: January 9, 1980 30  
Assigned to: Judicial Proceedings 33  
----- 34  
Committee Report: Favorable with amendments 35  
Senate action: Adopted 36  
Read second time: February 1, 1980 37  
----- 38

CHAPTER \_\_\_\_\_ 41

AN ACT concerning 45

Judicial Proceedings - Evidence - Blood Alcohol Content 48

FOR the purpose of changing the evidentiary effect of the 52  
results of a test of a person's blood or breath as it 53  
pertains to certain alcohol-related offenses of the 55  
criminal and vehicle laws; and clarifying language.

BY repealing and reenacting, with amendments, 57

Article - Courts and Judicial Proceedings 59  
Section 10-307 62  
Annotated Code of Maryland 63  
(1974 Volume and 1979 Supplement) 64

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 67  
MARYLAND, That section(s) of the Annotated Code of Maryland 68  
be repealed, amended, or enacted to read as follows: 69

Article - Courts and Judicial Proceedings 71

10-307. 76

(a) In a proceeding in which a person is charged with 78  
a violation of § 388A of Article 27 or with driving or 79  
attempting to drive a vehicle in violation of § 21-902 of 80  
the Transportation Article, the amount of alcohol in the 81  
person's breath or blood shown in chemical analysis as 82  
provided in this subtitle is admissible in evidence and has 83  
the effect set forth in subsections (b) through (e) of this 84  
section.

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike-out~~ indicates matter stricken by amendment.

(b) If there was in his blood at the time of testing 87  
 0.05 percent or less[,] by weight[,] of alcohol, as 88  
 determined by an analysis of his blood or breath, it shall 89  
 be presumed that the defendant was not intoxicated and that 90  
 his driving ability was not impaired by the consumption of 91  
 alcohol.

(c) If [there was in his blood] at the time of testing 94  
 THERE WAS IN THE PERSON'S BLOOD more than 0.05 percent[,] 95  
 but less than [0.10] 0.08 percent[,] by weight[,] of 96  
 alcohol, as determined by an analysis of [his] THE PERSON'S 97  
 blood or breath, this fact may not give rise to any 98  
 presumption that the defendant was or was not intoxicated or 99  
 that [his] THE DEFENDANT'S driving ability was or was not 100  
 impaired by the consumption of alcohol, but this fact may be 101  
 considered with other competent evidence in determining the 102  
 guilt or innocence of the defendant. 103

(d) If [there was in his blood] at the time of testing 106  
 THERE WAS IN THE PERSON'S BLOOD [0.10] 0.08 percent[,] or 107  
 more[,] by weight[,] of alcohol, as determined by an 108  
 analysis of [his] THE PERSON'S blood or breath, it shall be 109  
 prima facie evidence that the defendant's driving ability 110  
 was impaired by the consumption of alcohol. 111

(e) If [there was in his blood] at the time of testing 113  
 THERE WAS IN THE PERSON'S BLOOD [0.15] 0.10 percent[,] or 114  
 more[,] by weight[,] of alcohol, as determined by an 115  
 analysis of [his] THE PERSON'S blood or breath, it shall be 116  
 prima facie evidence that the defendant was intoxicated. 117  
 118

SECTION 2. AND BE IT FURTHER ENACTED, That this Act 121  
 shall take effect July 1, 1980. . 122

Approved:

\_\_\_\_\_  
 Governor.

\_\_\_\_\_  
 President of the Senate.

\_\_\_\_\_  
 Speaker of the House of Delegates.

## APPENDIX J-2

### S E N A T E   O F   M A R Y L A N D

01r1780

No. 244

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By. <del>Senate</del> <u>Senators Curran (Jud. Conf.) and Schafer</u>	28
Introduced and read first time: January 10, 1980	29
Assigned to: Constitutional and Public Law	32
-----	
Committee Report: Favorable with amendments	33
Senate action: Adopted	34
Read second time: March 11, 1980	35
-----	
	36
	37
CHAPTER _____	40
AN ACT concerning	44
Motor Vehicles - Offense Records	47
FOR the purpose of requiring the Motor Vehicle	51
Administration to keep records of probation before	52
judgment records in certain cases; restricting the use	
of these records; and prohibiting insurers under	53
automobile insurance policies from considering such	54
probation before judgment records for purposes of	
reclassifying insureds in a classification entailing a	55
higher premium.	56
BY repealing and reenacting, with amendments,	58
Article - Transportation	60
Section 16-117(b)	63
Annotated Code of Maryland	64
(1977 Volume and 1979 Supplement)	65
BY adding to	68
Article 48A - Insurance Code	71
Section 242(c)(7)(iii)	74
Annotated Code of Maryland	75
(1979 Replacement Volume and 1979 Supplement)	76
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF	80
MARYLAND, That section(s) of the Annotated Code of Maryland	81
be repealed, amended, or enacted to read as follows:	82
Article - Transportation	84
16-117.	87
-----	

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
 [Brackets] indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike-out~~ indicates matter stricken by amendment.



(b) (1) The Administration shall file each accident report and abstract of court [conviction] DISPOSITION records that it receives under the laws of this State.	90 91 93
(2) The Administration shall keep convenient records or make suitable notations showing:	95 97
(I) [the] THE convictions or traffic accidents in which each licensee has been involved; AND	98 100
(II) A PROBATION BEFORE JUDGMENT DISPOSITION OF A MOTOR VEHICLE LAW OFFENSE, IF THE OFFENSE IS PUNISHABLE BY IMPRISONMENT.	101 102 103
(3) These records or notations shall be made so that they are readily available for consideration by the Administration of any license renewal application and at any other suitable time.	105 106 108
(4) A RECORD OR NOTATION OF A PROBATION BEFORE JUDGMENT DISPOSITION IS FOR THE USE AND AVAILABLE ONLY TO THE ADMINISTRATION, THE COURTS, AND CRIMINAL JUSTICE AGENCIES.	109 110 111 112
Article 48A - Insurance Code	114
242.	118
(c) All rates shall be made in accordance with the following principles:	120 121
(7) (III) AN INSURER UNDER AN AUTOMOBILE INSURANCE POLICY MAY NOT CONSIDER A PROBATION BEFORE JUDGMENT DISPOSITION OF A MOTOR VEHICLE LAW OFFENSE ON RECORD WITH THE MOTOR VEHICLE ADMINISTRATION, AS PROVIDED IN SECTION 16-117(B) OF THE TRANSPORTATION ARTICLE, FOR PURPOSES OF RECLASSIFYING AN INSURED IN A CLASSIFICATION ENTAILING A HIGHER PREMIUM.	123 124 125 126 127 128
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1980.	131 132

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.

## APPENDIX J -3

SENATE BILL No. 716  
(01r3064)

Introduced by Senators Kelly, Dypski, ~~and-Abrams~~ Abrams and Garrity 25  
26

Read and Examined by Proofreader: 28

\_\_\_\_\_  
Proofreader. 30  
31

\_\_\_\_\_  
Proofreader. 33  
34

Sealed with the Great Seal and presented to the Governor, 36  
for his approval this \_\_\_\_\_ day of \_\_\_\_\_ 38  
at \_\_\_\_\_ o'clock, \_\_\_\_\_ M. 40

\_\_\_\_\_  
President. 42  
43

CHAPTER \_\_\_\_\_ 46

AN ACT concerning 50

Intoxicated Drivers - Education and Rehabilitation 53

FOR the purpose of providing that when the court places 57  
certain intoxicated drivers on probation, it shall 58  
require participation in educational ~~and~~ OR treatment  
programs; and providing certain exceptions. 60

BY repealing and reenacting, with amendments, 62

Article 27 - Crimes and Punishments 64  
Section 639 and 641 67  
Annotated Code of Maryland 68  
(1976 Replacement Volume and 1979 Supplement) 69

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 72  
MARYLAND, That section(s) of the Annotated Code of Maryland 73  
be repealed, amended, or enacted to read as follows: 74

Article 27 - Crimes and Punishments 76

639. 81

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike--out~~ indicates matter stricken by amendment.

The courts may suspend sentence generally or for a definite time, and may make such orders and impose such terms as to costs, recognizance for appearance, or matters relating to the residence or conduct of the convicts as may be deemed proper; and if the convict is a person under eighteen years of age, the courts may also make such orders as to his detention in any care or custody as may be deemed proper. HOWEVER, WHEN THE CONVICTION IS FOR VIOLATION OF SECTION 21-902(A) OR 21-902(B) OF THE TRANSPORTATION ARTICLE, IF THE COURT PLACES THE PERSON ON PROBATION, IT SHALL REQUIRE THE PERSON TO PARTICIPATE IN AN ALCOHOL TREATMENT OR EDUCATION PROGRAM APPROVED BY ~~THE COURT~~ THE ADMINISTRATIVE OFFICE OF THE COURTS AS A CONDITION OF THE SUSPENSION OF SENTENCE, UNLESS THE COURT FINDS AND AFFIRMATIVELY STATES ON THE RECORD THAT THE INTERESTS OF THE PERSON AND THE PEOPLE OF THE STATE DO NOT REQUIRE THE IMPOSITION OF THIS CONDITION. In Prince George's County, the courts may also and they are hereby empowered to impose such sentences as may be provided by law with respect to the offense upon which an accused has been convicted and cause the convict to serve such sentence by attendance at the county detention center or place of confinement under the jurisdiction of the sheriff, where the sentence is to be performed during any 48-hour period, in any seven-day period, with each period of confinement to constitute not less than two days of the sentence imposed; provided however the offense leading to such conviction shall permit confinement in the county detention center and the total sentence imposed by the judge shall not exceed 30 two-day periods of confinement.

641.

(a) (1) Whenever a person accused of a crime pleads guilty or nolo contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if satisfied that the best interests of the person and the welfare of the people of the State would be served thereby, and with the written consent of the person after determination of guilt or acceptance of a nolo contendere plea, may stay the entering of judgment, defer further proceedings, and place the person on probation subject to reasonable terms and conditions as appropriate. The terms and conditions may include ordering the person to make restitution, but before the court orders restitution the person is entitled to notice and a hearing to determine the amount of restitution, what payment will be required, and how payment will be made. The terms and conditions also may include, any type of rehabilitation program or clinic, [including but not limited to the driving while intoxicated school,] or similar program, or the parks program or voluntary hospital program.

HOWEVER, WHEN THE OFFENSE FOR WHICH THE JUDGMENT IS BEING STAYED IS FOR VIOLATION OF SECTION 21-902(A) OR 21-902(B) OF THE TRANSPORTATION ARTICLE, THE COURT SHALL IMPOSE A PERIOD OF PROBATION AND AS A CONDITION THEREOF

REQUIRE THE PERSON TO PARTICIPATE IN AN ALCOHOL TREATMENT OR 134  
 EDUCATION PROGRAM APPROVED BY THE ADMINISTRATIVE OFFICE OF  
 THE COURT AS A CONDITION OF THE PROBATION, UNLESS THE COURT 135  
 FINDS AND AFFIRMATIVELY STATES ON THE RECORD THAT THE 136  
 INTERESTS OF THE PERSON AND THE PEOPLE OF THE STATE DO NOT  
 REQUIRE THE IMPOSITION OF THIS CONDITION. 138

(2) By consenting to and receiving a stay of 140  
 entering of the judgment as provided by this subsection, the 141  
 person waives the right to appeal from the judgment of guilt 142  
 by the court at any time. Prior to the person consenting to 143  
 the stay of entering of the judgment, the court shall notify 144  
 the person that by consenting to and receiving a stay of 145  
 entry of judgment, he waives the right to appeal from the  
 judgment of guilt by the court at any time. 147

(b) Upon violation of a term or condition of 150  
 probation, the court may enter judgment and proceed with  
 disposition of the person as if the person had not been 151  
 placed on probation. 152

(c) Upon fulfillment of the terms and conditions of 155  
 probation, the court shall discharge the person from 156  
 probation. The discharge is final disposition of the  
 matter. Discharge of a person under this section shall be 157  
 without judgment of conviction and is not a conviction for 158  
 purposes of any disqualification or disability imposed by 159  
 law because of conviction of crime. 160

SECTION 2. AND BE IT FURTHER ENACTED, That this Act 163  
 shall take effect July 1, 1980. 164

Approved:

\_\_\_\_\_  
 Governor.

\_\_\_\_\_  
 President of the Senate.

\_\_\_\_\_  
 Speaker of the House of Delegates.

# APPENDIX K

## APPENDIX K1 - K3

### K-1 Transportation Article

- 16-205 Suspension and revocation for certain alcohol or drug related offenses
- 16-205.1 Suspension for refusal to submit to intoxication tests
- 16-206 Authority of MVA to suspend, revoke, or refuse license
- 16-208 Period of suspension
- 16-402 Assessment of points
- 16-404 Effect of accumulated points
- 16-407 Duration of points
- 21-901.1 Reckless and negligent driving
- 21-902 Driving while intoxicated, ability impaired, or under the influence
- 27-101 Penalties for misdemeanor

### K-2 Article 27 - Crimes and Punishments

- 388 Manslaughter by auto, motorboat, etc.
- 388A Homicide by motor vehicle while intoxicated
- 641 Probation Prior to Judgment

### K-3 Courts and Judicial Proceedings

- 10-302 Chemical test for intoxication
- 10-303 Time limitation for test
- 10-304 Qualified person to administer test
- 10-305 Right to select type of test
- 10-306 Admissibility of test
- 10-307 Presumptions of test results
- 10-308 Other evidence
- 10-309 Refusal to take test

