



State:

Maryland

Statute/Law:

Transportation Code Section 21-902: *Under the Influence: Incapacity.*

Per Se Law?:

No

Statute/Law Language:

- (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.

Penalties Following Conviction:

For first offense: Not more than 2 months (no mandatory) imprisonment, not more than \$500 fine; for second conviction within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 5 days; for a third or subsequent offense within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days, and a \$500 fine.

Discretionary Court-Ordered Penalties:

Can order restitution or additional fines.





For more information:

<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gtr§ion=21-902&ext=html&session=2017RS&tab=subject5>

Current as of August 2016

