

Driving Under the Influence of Alcohol or Under the Influence of Alcohol Per Se

Transportation Section 21-902(a)(1) of the Maryland Vehicle laws states that a person may not drive or attempt to drive any vehicle while under the influence of alcohol.

Penalties:

- 1st Offense – A fine of not more than \$1,000 or imprisonment for not more than 1 year or both
- 2nd Offense – A fine of not more than \$2,000, or imprisonment for not more than 2 years, or both
- 3rd Offense – A fine or not more than \$3,000, or imprisonment for not more than 3 years, or both
- 4th + Offense – A fine or not more than \$3,000, or imprisonment for not more than 3 years, or both

Transportation Section 21-902(a)(2) of the Maryland Vehicle laws states that a person may not drive or attempt to drive any vehicle while under the influence of alcohol per se.

Penalties:

- 1st Offense – A fine of not more than \$1,000 or imprisonment for not more than 1 year or both
- 2nd Offense – A fine of not more than \$2,000, or imprisonment for not more than 2 years, or both

Transportation Section 21-902(a)(3) of the Maryland Vehicle laws states that a person may not violate Section 21-902(a)(1) or 21-902(a)(2) while transporting a minor.

Penalties:

- 1st Offense – A fine of not more than \$2,000 or imprisonment for not more than 2 years or both
- 2nd Offense – A fine of not more than \$3,000, or imprisonment for not more than 3 years, or both

Driving While Impaired by Alcohol

Transportation Section 21-902(b)(1) of the Maryland Vehicle laws states that a person may not drive or attempt to drive any vehicle while impaired by alcohol.

Penalties:

- 1st Offense – A fine of not more than \$500 or imprisonment for not more than 2 months or both
- 2nd Offense – A fine of not more than \$500 or imprisonment for not more than 1 year of both

Transportation Section 21-902(b)(2) of the Maryland Vehicle laws states that a person may not violate Section 21-902(b)(1) while transporting a minor.

Penalties:

- 1st Offense – A fine of not more than \$1,000 or imprisonment for not more than 6 months or both
 - 2nd Offense – A fine or not more than \$2,000 or imprisonment for not more than 1 year or both
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Driving While Impaired by Drugs or Drugs and Alcohol

Transportation Section 21-902(c)(1) of the Maryland Vehicle laws states that a person may not drive or attempt to drive any vehicle while he is so 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.

Penalties:

- 1st Offense – A fine of not more than \$500 or imprisonment for not more than 2 months or both
- 2nd Offense – A fine of not more than \$500 or imprisonment for not more than 1 year or both
- 3rd Offense – A fine of not more than \$500 or imprisonment for not more than 1 year or both
- 4th Offense – A fine or not more than \$2,000 or imprisonment for not more than 1 year or both

Transportation Section 21-902(c)(3) of the Maryland Vehicle laws states that a person may not violate Section 21-902(c)(1) while transporting a minor.

Penalties:

- 1st Offense – A fine of not more than \$1,000 or imprisonment for not more than 6 months or both
- 2nd Offense – A fine or not more than \$2,000 or imprisonment for not more than 1 year or both

Driving While Impaired by Controlled Dangerous Substance

Transportation Section 21-902(d)(1) of the Maryland Vehicle laws states that a person may not drive or attempt to drive any vehicle while the person is so impaired by any controlled dangerous substance, as that term is defined in §15-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of the state of Maryland.

Penalties:

- 1st Offense – A fine of not more than \$1,000 or imprisonment for not more than 1 year or both
- 2nd Offense –

Transportation Section 21-902(d)(2) of the Maryland Vehicle laws states that a person may not violate Section 21-902(d)(1) while transporting a minor.

Penalties:

- 1st Offense – A fine of not more than \$2,000 or imprisonment for not more than 2 years or both
- 2nd Offense – A fine of not more than \$3,000, or imprisonment for not more than 3 years, or both
- 3rd Offense – A fine or not more than \$4,000, or imprisonment for not more than 4 years, or both
- 4th Offense – A fine or not more than \$4,000, or imprisonment for not more than 4 years, or both

Driving After Arrest for Violation for DUI or DWI

Transportation Section 21-902.1 of the Maryland Vehicle laws states that an arrestee, a person who has been

arrested for violation of the DUI or DWI laws in the state of Maryland, may not drive a motor vehicle within 12 hours after the arrestee's arrest for violation of the DUI or DWI laws in the state of Maryland.

Penalties:

- 1st Offense – A fine of not more than \$500 or imprisonment for not more than 2 months or both
- 2nd Offense – A fine of not more than \$500 or imprisonment for not more than 2 months or both
- 3rd Offense – A fine of not more than \$500 or imprisonment for not more than 2 months or both
- 4th Offense – A fine of not more than \$500 or imprisonment for not more than 2 months or both

Consumption of Alcoholic Beverage While Driving on Highway

Transportation Section 21-903 of the Maryland Vehicle laws states that a driver of a motor vehicle may not consume alcoholic beverage in a passenger area of a motor vehicle on a highway.

Measuring Blood Alcohol Content, Chemical Test for Alcohol, Drug or Controlled Dangerous Substance Content

If a valid analysis of the person's blood or breath sample taken at the time of the infraction has an alcohol concentration of –

- 0.02 or more, it is evidence that the person was driving with at least some alcohol in the person's blood
- 0.05 or less, it is presumed that the person was NOT under the influence of alcohol and that the person was NOT driving while impaired by alcohol
- more than 0.05 but less than 0.07, there is no presumption that the person was or was not under the influence of alcohol or that the person was or was not driving while impaired by alcohol, but the blood alcohol level may be considered with other competent evidence in determining whether the person was or was not driving while under the influence of alcohol or driving while impaired by alcohol
- at least 0.07 but less than 0.08, it is presumed that the person WAS driving while impaired by alcohol absent any defense evidence to the contrary
- 0.08 or more, the person was under the influence of alcohol per se as defined in §11-174.1 of the Transportation Article which states "Under the influence of alcohol per se" means having an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Refusal to Submit to Breathalyzer or Blood tests

If you refuse to submit to a test for alcohol your right to drive will be suspended will for a period of 270 days for the first offense and for a period of 1 year for a second or subsequent offense.

Please see our [DUI & DWI Advice](#) page for advice on this subject from a local Ocean City, Md. DWI / DUI lawyer.

Mandatory Minimum Sentences for DUI or DWI in the state of Maryland

If you are convicted of a violation of Driving Under the Influence of Alcohol (21-902(a)) or Driving While Impaired by a Controlled Dangerous Substance (21-902(d)) within 5 years after a prior conviction of 21-902 , pursuant to Transportation Article, section 27-101(j), you are subjected to a mandatory minimum penalty of imprisonment for not less than 5 days.

Underage DUI or DWI in Maryland

In the State of Maryland and in Worcester County one of the more growing issues is what happens when to a person under the age of 21 gets arrested for DWI / DUI?

When a new driver in Maryland signs the application for his or her license, it states that a license restriction is being placed on his/her license permit. This license restriction prohibits a person under the age of 21 from having any alcohol in their system while they are driving. Essentially, what that means is if a person under the age of 21 is suspected of having a BAC of .02 or greater while they are driving, the Motor Vehicle Administration will be notified and that persons license may/and or could get suspended for up to a period of six (6) months. Moreover, the Motor Vehicle Administration will then send a notice to the underage person that that they have only 15 days to request a hearing to contest the underage violation.

The underage hearing at the Motor Vehicle Administration will be conducted by an Administrative Law Judge from the Office of Administrative Hearings. When a person under the age of 21 is arrested and charged with a violation of Article 21-902 of the Transportation Article, (DUI / DWI) he/she automatically faces a maximum of a one year of incarceration and \$1000 fine or both and the possibility of 12 points on their license driving record. Keep in mind that an underage driver can receive additional suspension for being under age.