

21-902. DRIVING WHILE INTOXICATED, ABILITY IMPAIRED, OR UNDER THE INFLUENCE.

(A) DRIVING WHILE INTOXICATED.

A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE WHILE INTOXICATED.

(B) DRIVING WHILE ABILITY IMPAIRED BY ALCOHOL.

A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE WHILE HIS DRIVING ABILITY IS IMPAIRED BY THE CONSUMPTION OF ALCOHOL.

(C) DRIVING WHILE UNDER INFLUENCE OF DRUGS OR DRUGS AND ALCOHOL.

(1) A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE WHILE HE IS SO FAR UNDER THE INFLUENCE OF ANY DRUG, ANY COMBINATION OF DRUGS, OR ANY COMBINATION OF 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 DRUGS AND ALCOHOL, UNLESS THE PERSON WAS UNAWARE THAT THE DRUG OR COMBINATION WOULD MAKE HIM INCAPABLE OF SAFELY DRIVING A VEHICLE.

(D) DRIVING WHILE UNDER INFLUENCE OF CONTROLLED DANGEROUS SUBSTANCE.

A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE WHILE HE IS UNDER THE INFLUENCE OF ANY CONTROLLED DANGEROUS SUBSTANCE, AS THAT TERM IS DEFINED IN ARTICLE 27, §279 OF THE CODE, IF THE PERSON IS NOT ENTITLED TO USE THE CONTROLLED DANGEROUS SUBSTANCE UNDER THE LAWS OF THIS STATE.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §11-902.

Throughout this section, present references to a person "in actual physical control" of a vehicle are deleted as redundant in light of the definition of "drive" in §11-114 of this article. See revisor's note to that section.

Subsection (c) (2) of this section is revised to clarify its application only to the provisions of subsection (c) (1) and not, as presently - but erroneously - implied, to any charge brought under "this section".

As to evidentiary requirements for violations