

(ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and

(iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

(2) For the purpose of second or subsequent offender penalties for violation of § 21-902(a) of this article provided under this subsection, a prior conviction of § 21-902(b), (c), or (d) of this article, within 5 years of the conviction for a violation of § 21-902(a) of this article, shall be considered a conviction of § 21-902(a) of this article.

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(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21-902(a) of this article ("Driving while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER SE"), or § 21-902(b) of this article ("Driving while [under the influence of] IMPAIRED BY alcohol"), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under Article 27, § 641 of the Code for, a violation of § 21-902(a) or § 21-902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any test for alcohol concentration taken before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Article 1, § 3 of the Annotated Code of Maryland apply to the provisions of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not limit the application of any provision of law, including any criminal or administrative penalty, that is applicable to a subsequent criminal conviction or a subsequent administrative offense, and a conviction or an administrative offense, respectively, under the prior law shall be considered a prior conviction or prior administrative adjudication, respectively, for any purpose provided by law, including any criminal or administrative penalty for a subsequent conviction or a subsequent administrative offense.

SECTION 5. AND BE IT FURTHER ENACTED, That the term "under the influence of alcohol" as used in this Act shall include within its meaning the conduct prohibited by the former references to "intoxicated" and the term "impaired" shall include within its meaning the conduct prohibited by the former references to "under the influence".

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect September 30, 2001.

Approved April 10, 2001.