

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 262  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Forehand” and substitute “Senators Forehand, Jacobs, and Mooney”; in line 7, after “offenses;” insert “requiring the Administration to include a certain additional statement when issuing a notice of suspension of a drivers license; authorizing the Administration, under certain circumstances, to modify a certain suspension and issue a certain restrictive license during a certain mandatory period of suspension; providing that a person who participates in the Ignition Interlock System Program for at least a certain number of months is exempt from certain requirements;”; and in line 11, strike “(e)(2), (3), and (4)” and substitute “(e) and (f)”.

AMENDMENT NO. 2

On page 2, in line 1, after “(e)” insert:

“(1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.”;

strike lines 12 through 15, inclusive, and substitute:

“(i) States that the person’s license shall be suspended for 1 year; [and]

**(II) STATES THAT A RESTRICTIVE LICENSE MAY BE ISSUED DURING THE MANDATORY PERIOD OF SUSPENSION AS PROVIDED UNDER PARAGRAPH (5) OF THIS SUBSECTION; AND**

(Over)

[(ii)] (III) Advises the person of the right to request a hearing under this paragraph.”;

and after line 24, insert:

**“(5) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:**

**(I) IMPOSE A MINIMUM SUSPENSION PERIOD OF AT LEAST 45 DAYS;**

**(II) ORDER THE PERSON TO MAINTAIN FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON EACH MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON; AND**

**(III) IMPOSE A RESTRICTION ON THE PERSON’S LICENSE FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION THAT:**

**1. PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM; AND**

**2. ALLOWS THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SERVICE FACILITY.**

**(6) A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR AT LEAST 3 MONTHS UNDER PARAGRAPH (5) OF THIS SUBSECTION IS EXEMPT FROM THE REQUIREMENTS OF PARAGRAPHS (7) THROUGH (11) OF THIS SUBSECTION.**

[(5)] (7) The Administration shall, within 90 days of the expiration of the 1-year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

[(6)] (8) After notice under paragraph [(5)] (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs [(7) and (8)] (9) AND (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(Over)

(iii) The person fails to appear for a hearing requested by the person.

[(7)] (9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

[(8)] (10) An exemption under paragraph [(7)(ii)] (9)(II) of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

[(9)] (11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

[(10)] (12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

[(11)] (13) This subsection does not limit any provision of this article that allows or requires the Administration to:

- (i) Revoke or suspend a license of a person; or
- (ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

[(12)] (14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902(a) of this article described in this subsection.

(f) [(1)] Subject to [paragraph (2)] SUBSECTIONS (D) AND (E) of this [subsection,] SECTION, the Administration may modify any suspension under this section or any suspension under § 16-205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16-404.1 of this title.

[(2) The Administration may not modify a suspension and issue a restrictive license during a mandatory period of suspension described in subsection (e) of this section.]”.