

HOUSE BILL 515

R3

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By: **Delegates Shewell, Serafini, Ali, Aumann, Bartlett, Bates, Beidle, Boteler, G. Clagett, DeBoy, Eckardt, Elliott, Elmore, Frank, Kach, Kaiser, King, Krebs, McComas, McConkey, McDonough, Murphy, Nathan-Pulliam, Niemann, Norman, Shank, Stocksedale, and Stull**

Introduced and read first time: February 1, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Mandatory Use of Ignition Interlock System Program**

3 FOR the purpose of altering the Motor Vehicle Administration’s authority to establish
4 an Ignition Interlock System Program to require the Administration to establish
5 the Program; requiring rather than authorizing the Administration to establish
6 a protocol for the Program by certain regulations; providing that certain
7 individuals who are convicted of, or granted probation before judgment for,
8 certain alcohol– or drug–related driving offenses must participate in the
9 Program; requiring an individual who has a license with an alcohol restriction
10 under certain circumstances to participate in the Program; requiring a certain
11 notice of suspension or revocation to include information about how an
12 individual can be required to participate in the Program; providing the time
13 periods for which the Administration must require certain individuals to
14 participate in the Program; requiring the Administration to impose a certain
15 license restriction for a certain minimum amount of time; requiring the
16 Administration to suspend, in accordance with the regulations of the
17 Administration, the driver’s license of certain individuals who are in violation of
18 the Program; requiring the Administration to establish a certain fee; requiring
19 all individuals required to use an ignition interlock system to be monitored by
20 the Administration and to pay a certain fee; clarifying language; making a
21 certain conforming change; and generally relating to participation in the
22 Ignition Interlock System Program.

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 16–404(c)(2) and 16–404.1(b) and (f)(1)
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2009 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Transportation
4 Section 21–902
5 Annotated Code of Maryland
6 (2009 Replacement Volume and 2009 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Transportation**

10 16–404.

11 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the
12 following suspension periods may apply to a suspension for an accumulation of points
13 under § 16–402(a)(25) of this subtitle for a violation of § 21–902(b) or (c) of this article
14 or a suspension imposed under [§ 16–404.1(b)(4)(iii)] **§ 16–404.1(B)(5)(III)** of this
15 subtitle:

16 (i) For a first conviction, not more than 6 months;

17 (ii) For a second conviction at least 5 years after the date of the
18 first conviction, not more than 9 months;

19 (iii) For a second conviction less than 5 years after the date of
20 the first conviction or for a third conviction, not more than 12 months; and

21 (iv) For a fourth or subsequent conviction, not more than 24
22 months.

23 16–404.1.

24 (b) (1) The Administration [may] **SHALL** establish an Ignition Interlock
25 System Program.

26 (2) The Administration [may] **SHALL** establish a protocol for the
27 Program by regulations that require certain minimum standards for all service
28 providers who service, install, monitor, calibrate, and provide information on ignition
29 interlock systems and include requirements that:

30 (i) A service provider who applies to the Administration for
31 certification as an approved service provider shall demonstrate that the service
32 provider is able to competently service, install, monitor, calibrate, and provide
33 information on ignition interlock systems;

1 (ii) A service provider who applies to the Administration for
2 certification as an approved service provider shall be certified by a signed affidavit
3 from the manufacturer that the service provider has been trained by an authorized
4 manufacturer and that the service provider is competent to service, install, monitor,
5 calibrate, and provide information on ignition interlock systems;

6 (iii) Approved service providers be deemed to be authorized
7 representatives of a manufacturer; and

8 (iv) Any service of notice upon an approved service provider, who
9 has violated any laws or regulations or whose ignition interlock system has violated
10 any laws or regulations, be deemed as service upon the manufacturer who certified the
11 approved service provider.

12 (3) An individual [may] **SHALL** be a participant if:

13 (i) [The individual's license is suspended or revoked for a
14 violation of § 21-902(a), (b), or (c) of this article or an accumulation of points under
15 § 16-402(a)(25) or (34) of this subtitle;

16 (ii) The individual is ordered to participate in the Program by a
17 court under § 27-107 of this article;

18 [(iii)](II) The individual's license has an alcohol restriction
19 imposed under [§ 16-113(b) or (g)] **§ 16-113(G)** of this title **OR THE INDIVIDUAL IS**
20 **ORDERED TO PARTICIPATE IN THE PROGRAM UNDER § 16-113(B)(4) OF THIS**
21 **TITLE; or**

22 (III) **THE INDIVIDUAL IS CONVICTED OF, OR GRANTED**
23 **PROBATION UNDER § 6-220(C) OF THE CRIMINAL PROCEDURE ARTICLE FOR, A**
24 **VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE.**

25 (4) **AN INDIVIDUAL MAY BE A PARTICIPANT IF:**

26 [(iv)] (I) The Administration modifies a suspension or issues a
27 restrictive license to the individual under § 16-205.1(b)(3)(vii) or (n)(2) or (4) of this
28 title; **OR**

29 (II) **THE INDIVIDUAL'S LICENSE IS SUSPENDED OR**
30 **REVOKED FOR AN ACCUMULATION OF POINTS UNDER:**

31 1. **§ 16-402(A)(25) OF THIS SUBTITLE FOR POINTS**
32 **ASSESSED FOR A VIOLATION OF § 21-902.1 OF THIS ARTICLE; OR**

1 **2. § 16-402(A)(34) OF THIS SUBTITLE FOR POINTS**
 2 **ASSESSED FOR A VIOLATION OF § 21-902(D) OF THIS ARTICLE.**

3 **[(4)](5)** The Administration may:

4 (i) Issue a restrictive license to an individual who is a
 5 participant in the Program during the suspension period as provided under
 6 § 16-404(c)(3) of this subtitle;

7 (ii) Reinstate the driver's license of a participant whose license
 8 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
 9 an accumulation of points under § 16-402(a)(34) of this subtitle for a violation of
 10 § 21-902(a) of this article; and

11 (iii) Notwithstanding any other provision of law, impose on a
 12 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
 13 subtitle in lieu of a license revocation for:

14 1. A violation of § 21-902(a), (b), or (c) of this article; or

15 2. An accumulation of points under § 16-402(a)(34) of
 16 this subtitle for a violation of § 21-902(a) of this article.

17 **[(5)](6)** A notice of suspension or revocation sent to an individual
 18 under this title shall include information about the Program and how the individual
 19 can qualify for admission to, **OR BE REQUIRED TO PARTICIPATE IN**, the Program.

20 **(7) FOR AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN**
 21 **THE PROGRAM UNDER SUBSECTION (B)(3) OF THIS SECTION, THE**
 22 **ADMINISTRATION SHALL:**

23 **(I) REQUIRE AN INDIVIDUAL TO PARTICIPATE IN THE**
 24 **PROGRAM FOR NOT LESS THAN:**

25 1. **FOR A FIRST OFFENSE, A PERIOD OF 1 YEAR OR**
 26 **ANY PERIOD SPECIFIED BY A COURT UNDER § 27-107 OF THIS ARTICLE,**
 27 **WHICHEVER IS LONGER; AND**

28 2. **FOR A SECOND OR SUBSEQUENT OFFENSE, THE**
 29 **PERIOD OF THE TIME THAT THE INDIVIDUAL HOLDS A DRIVER'S LICENSE IN THE**
 30 **STATE;**

31 **(II) IMPOSE A RESTRICTION ON THE INDIVIDUAL'S LICENSE**
 32 **THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS**
 33 **NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF**

1 TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE PROGRAM
2 UNDER THIS PARAGRAPH; AND

3 (III) IN ACCORDANCE WITH THE REGULATIONS OF THE
4 ADMINISTRATION, SUSPEND THE DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS
5 IN VIOLATION OF THE PROGRAM.

6 [(6)](8) The Administration [may] SHALL establish a fee for the
7 Program THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.

8 (f) (1) An individual required to use an ignition interlock system [under a
9 court order]:

10 (i) Shall be monitored by the Administration; and

11 (ii) Shall pay the fee required by the Administration under
12 subsection [(b)(6)] (B)(8) of this section.

13 21-902.

14 (a) (1) A person may not drive or attempt to drive any vehicle while under
15 the influence of alcohol.

16 (2) A person may not drive or attempt to drive any vehicle while the
17 person is under the influence of alcohol per se.

18 (3) A person may not violate paragraph (1) or (2) of this subsection
19 while transporting a minor.

20 (b) (1) A person may not drive or attempt to drive any vehicle while
21 impaired by alcohol.

22 (2) A person may not violate paragraph (1) of this subsection while
23 transporting a minor.

24 (c) (1) A person may not drive or attempt to drive any vehicle while he is
25 so far impaired by any drug, any combination of drugs, or a combination of one or more
26 drugs and alcohol that he cannot drive a vehicle safely.

27 (2) It is not a defense to any charge of violating this subsection that
28 the person charged is or was entitled under the laws of this State to use the drug,
29 combination of drugs, or combination of one or more drugs and alcohol, unless the
30 person was unaware that the drug or combination would make the person incapable of
31 safely driving a vehicle.

32 (3) A person may not violate paragraph (1) or (2) of this subsection
33 while transporting a minor.

1 (d) (1) A person may not drive or attempt to drive any vehicle while the
2 person is impaired by any controlled dangerous substance, as that term is defined in
3 § 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled
4 dangerous substance under the laws of this State.

5 (2) A person may not violate paragraph (1) of this subsection while
6 transporting a minor.

7 (e) For purposes of the application of subsequent offender penalties under
8 § 27–101 of this article, a conviction for a crime committed in another state or federal
9 jurisdiction that, if committed in this State, would constitute a violation of subsection
10 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c),
11 or (d) of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2010.