

# SENATE BILL 87

R3

4lr0015

(PRE-FILED)

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 29, 2014

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Drunk Driving – Ignition Interlock System Program – Repeat Offenders**

3 FOR the purpose of repealing the requirement that the Motor Vehicle Administration  
4 impose a certain period of suspension to be served before participation in the  
5 Ignition Interlock System Program by certain repeat drunk or drugged driving  
6 offenders; making conforming changes; altering the required statements  
7 contained in a certain notice of suspension; increasing the period of time that a  
8 person must participate in the Program in order for the person to qualify for  
9 certain exemptions; prohibiting certain repeat drunk or drugged driving  
10 offenders from operating a motor vehicle in the course of employment without  
11 installation of an ignition interlock system; and generally relating to  
12 participation in the Ignition Interlock System Program.

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 16–205(e) and 27–107(g)  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2013 Supplement)

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

20 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 16–205.

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

4 (2) Subject to the provisions of this subsection, the Administration  
5 shall suspend for 1 year the license of a person who is convicted of:

6 (i) A violation of § 21–902(a) of this article more than once  
7 within a 5–year period;

8 (ii) A violation of § 21–902(a) of this article within a 5–year  
9 period after the person was previously convicted of a violation of § 21–902(d) of this  
10 article; or

11 (iii) A violation of § 21–902(d) of this article within a 5–year  
12 period after the person was previously convicted of a violation of § 21–902(a) of this  
13 article.

14 (3) On receiving a record of a conviction of a person for a violation  
15 described in paragraph (2) of this subsection, the Administration shall issue to the  
16 person a notice of suspension of the person’s license that:

17 (i) States that the person’s license shall be suspended for 1  
18 year;

19 (ii) [States that the period of the first 45 days of the 1–year  
20 period of suspension is not subject to modification by the Administration;

21 (iii)] States **THAT** a restricted license may be issued [for the  
22 remainder of] **DURING** the 1–year period of suspension if:

23 1. The person maintains an ignition interlock system on  
24 a motor vehicle owned or operated by the person for [the remainder of the 1–year  
25 period of suspension] **1 YEAR**;

26 2. The license is restricted to prohibit the person from  
27 driving a motor vehicle that is not equipped with an ignition interlock system;

28 3. The license is restricted to permit the person to drive  
29 only to and from work, school, an alcohol treatment program, or an ignition interlock  
30 system service facility, if the person was convicted of a violation of § 21–902(a) of this  
31 article more than once within a 5–year period; and

1                   4.     The license is restricted to permit the person to drive  
2 only to and from work, school, an alcohol treatment program, a drug treatment  
3 program, or an ignition interlock system service facility, if the person was convicted of:

4                   A.     A violation of § 21-902(a) of this article within a  
5 5-year period after the person was previously convicted of a violation of § 21-902(d) of  
6 this article; or

7                   B.     A violation of § 21-902(d) of this article within a  
8 5-year period after the person was previously convicted of a violation of § 21-902(a) of  
9 this article;

10                   [(iv)] (III)    Advises the person of the requirements under  
11 paragraph (7) of this subsection for a person who does not participate in the Ignition  
12 Interlock System Program in accordance with this paragraph during the 1-year period  
13 of suspension;

14                   [(v)] (IV)     Advises the person of the right to request a hearing on  
15 a suspension under this paragraph; and

16                   [(vi)] (V)     Advises the person of the right, instead of requesting  
17 a hearing on a suspension under this paragraph, to be subject to a 1-year period of  
18 suspension, [with the period of the first 45 days of the suspension not subject to  
19 modification by the Administration, and for the remainder of the 1-year period of  
20 suspension to be] **DURING WHICH, THE PERSON MAY BE** issued a restricted license  
21 under this paragraph if the following conditions are met:

22                   1.     The person's driver's license is not currently  
23 suspended, revoked, canceled, or refused;

24                   2.     The violation did not arise out of circumstances that  
25 involved a death of, or serious physical injury to, another person;

26                   3.     The person surrenders a valid Maryland driver's  
27 license or signs a statement certifying that the driver's license is no longer in the  
28 person's possession; and

29                   4.     The person elects in writing, within the same time  
30 limit for requesting a hearing, to meet the ignition interlock system requirements  
31 under this paragraph for [the remainder of the 1-year period of suspension] **1 YEAR.**

32                   (4)     After notice under paragraph (3) of this subsection, the  
33 Administration shall suspend a person's license under this subsection if:

34                   (i)     The person does not request a hearing;

1 (ii) After a hearing, the Administration finds that the person  
2 was convicted of:

3 1. More than one violation of § 21–902(a) of this article  
4 within a 5–year period;

5 2. A violation of § 21–902(a) of this article within a  
6 5–year period after the person was previously convicted of a violation of § 21–902(d) of  
7 this article; or

8 3. A violation of § 21–902(d) of this article within a  
9 5–year period after the person was previously convicted of a violation of § 21–902(a) of  
10 this article; or

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

13 (5) The Administration may modify a suspension under paragraph (4)  
14 of this subsection to:

15 (i) [Impose a suspension of 45 days;

16 (ii)] Order the person to maintain[, for the remainder of the  
17 1–year period of suspension,] **FOR 1 YEAR** an ignition interlock system on a motor  
18 vehicle owned or operated by the person; and

19 [(iii)] **(II)** Impose a restriction on the person’s license for [the  
20 remainder of the 1–year period of suspension] **1 YEAR** that prohibits the person from  
21 driving a motor vehicle that is not equipped with an ignition interlock system and  
22 permits the person to drive only to and from:

23 1. Work, school, an alcohol treatment program, or an  
24 ignition interlock system service facility, if the person was convicted of a violation of §  
25 21–902(a) of this article more than once within a 5–year period;

26 2. Work, school, an alcohol treatment program, a drug  
27 treatment program, or an ignition interlock system service facility, if the person was  
28 convicted of:

29 A. A violation of § 21–902(a) of this article within a  
30 5–year period after the person was previously convicted of a violation of § 21–902(d) of  
31 this article; or

32 B. A violation of § 21–902(d) of this article within a  
33 5–year period after the person was previously convicted of a violation of § 21–902(a) of  
34 this article.

1           (6) A person who participates in the Ignition Interlock System  
2 Program for at least [3 months] 1 YEAR under paragraph (5) of this subsection is  
3 exempt from the requirements of paragraphs (7) through (11) of this subsection.

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

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

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

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

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

24           (i) The person does not request a hearing;

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

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

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

35           (i) Shall impose a restriction on the license of the person for not  
36 less than 3 months and not more than 1 year, dating from the expiration of the 1-year

1 period of suspension, that prohibits the person from driving any motor vehicle that is  
2 not equipped with an ignition interlock system; and

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

5 (10) An exemption under paragraph (9)(ii) of this subsection applies  
6 only under circumstances that:

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

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

10 (11) If a person requests a hearing and the Administration finds that  
11 the person does not own a motor vehicle at the expiration of the 1-year period of  
12 suspension, the Administration shall impose a restriction on the license of the person  
13 for not less than 3 months and not more than 1 year, dating from the expiration of the  
14 1-year period of suspension, that prohibits the person from driving any motor vehicle  
15 that is not equipped with an ignition interlock system.

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

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

20 (i) Revoke or suspend a license of a person; or

21 (ii) Prohibit a person from driving a motor vehicle that is not  
22 equipped with an ignition interlock system.

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

27 **(15) NOTWITHSTANDING ANY OTHER PROVISION OF THIS**  
28 **SUBSECTION, A PERSON WHO IS SUBJECT TO SUSPENSION UNDER PARAGRAPH**  
29 **(2) OF THIS SUBSECTION MAY NOT OPERATE A MOTOR VEHICLE OWNED OR**  
30 **PROVIDED BY THE PERSON'S EMPLOYER THAT IS NOT EQUIPPED WITH AN**  
31 **IGNITION INTERLOCK DEVICE, AS SET FORTH IN § 27-107(G) OF THIS ARTICLE.**

32 27-107.

1 (g) (1) Subject to the provisions of paragraph (2) of this subsection, a  
2 person may not knowingly furnish a motor vehicle not equipped with a functioning  
3 ignition interlock system to another person who the person knows is prohibited under  
4 subsection (b) of this section or Title 16 of this article from operating a motor vehicle  
5 not equipped with an ignition interlock system.

6 (2) (i) This paragraph does not limit or otherwise affect any  
7 provision of federal or State law relating to a holder of a commercial driver's license.

8 (ii) If a person is required, in the course of the person's  
9 employment, to operate a motor vehicle owned or provided by the person's employer,  
10 the person may operate that motor vehicle in the course of the person's employment  
11 without installation of an ignition interlock system if [the]:

12 **1. THE PERSON HAS NOT BEEN CONVICTED OF:**

13 **A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE**  
14 **MORE THAN ONCE WITHIN A 5-YEAR PERIOD;**

15 **B. A VIOLATION OF § 21-902(A) OF THIS ARTICLE**  
16 **WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF**  
17 **A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR**

18 **C. A VIOLATION OF § 21-902(D) OF THIS ARTICLE**  
19 **WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF**  
20 **A VIOLATION OF § 21-902(A) OF THIS ARTICLE; AND**

21 **2. THE** court or the Administration has expressly  
22 permitted the person to operate in the course of the person's employment a motor  
23 vehicle that is not equipped with an ignition interlock system.

24 (iii) The Administration may allow a participant in the Ignition  
25 Interlock System Program under § 16-404.1 of this article to operate, in the course of  
26 the person's employment, a motor vehicle owned or provided by the person's employer  
27 that is not equipped with an ignition interlock system if [the]:

28 **1. THE** person provides information acceptable to the  
29 Administration regarding the person's current employment and the need for the  
30 person to operate the motor vehicle in the course of employment; **AND**

31 **2. THE PERSON HAS NOT BEEN CONVICTED OF:**

32 **A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE**  
33 **MORE THAN ONCE WITHIN A 5-YEAR PERIOD;**

1                                   **B. A VIOLATION OF § 21-902(A) OF THIS ARTICLE**  
 2 **WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF**  
 3 **A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR**

4                                   **C. A VIOLATION OF § 21-902(D) OF THIS ARTICLE**  
 5 **WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF**  
 6 **A VIOLATION OF § 21-902(A) OF THIS ARTICLE.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 8   October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.