

# SENATE BILL 212

R3

5lr0756  
CF 5lr2292

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By: **Senators Young, Conway, Ferguson, Montgomery, and Simonaire**  
Introduced and read first time: February 2, 2015  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Driving Under the Influence – Ignition Interlock System Program**

3 FOR the purpose of requiring a person who is convicted of driving while under the influence  
4 of alcohol to successfully complete the Ignition Interlock System Program; making  
5 conforming changes; and generally relating to driving while under the influence of  
6 alcohol and the Ignition Interlock System Program.

7 BY repealing and reenacting, without amendments,  
8 Article – Transportation  
9 Section 16–404.1(a)(1), (4), and (5) and 21–902(a)  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 16–404.1(d)(1) and (2)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2014 Supplement)

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

19 **Article – Transportation**

20 16–404.1.

21 (a) (1) In this section the following words have the meanings indicated.

22 (4) “Participant” means a participant in the Ignition Interlock System  
23 Program.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           (5)    “Program” means the Ignition Interlock System Program.

2           (d)    (1)    (i)    Notwithstanding subsection (c) of this section, an individual  
3 shall be a participant if the individual is convicted of a violation of:

4                           1.    [§ 21–902(a)(1) or (2) of this article and had an alcohol  
5 concentration at the time of testing of 0.15 or more] **§ 21–902(A) OF THIS ARTICLE**; or

6                           2.    [§ 21–902(a)(3) or (b)(2)] **§ 21–902(B)(2)** of this article  
7 and the minor who was transported was under the age of 16 years.

8                           (ii)   If an individual is subject to this paragraph and fails to  
9 participate in the Program or successfully complete the Program, the Administration shall  
10 suspend, notwithstanding § 16–208 of this title, the individual’s license until the individual  
11 successfully completes the Program.

12                           (iii)   Nothing contained in this paragraph limits the authority of the  
13 Administration to modify a suspension imposed under this paragraph to allow an  
14 individual to be a participant in accordance with subsection (e) or (o) of this section.

15           (2)    (i)    Notwithstanding subsection (c) of this section, an individual  
16 shall be a participant as a condition of modification of a suspension or revocation of a license  
17 or issuance of a restrictive license if the individual:

18                           1.    Is required to be a participant by a court order under §  
19 27–107 of this article;

20                           2.    Is convicted of a violation of [§ 21–902(a) or (b)] **§**  
21 **21–902(B)** of this article and within the preceding 5 years the individual has been  
22 convicted of any violation of § 21–902 of this article; or

23                           3.    Was under the age of 21 years on the date of a violation by  
24 the individual of:

25                                   A.    An alcohol restriction imposed under § 16–113(b)(1) of this  
26 title; or

27                                   B.    [§ 21–902(a), (b), or (c)] **§ 21–902(B) OR (C)** of this article.

28                           (ii)   If an individual is subject to this paragraph and the individual  
29 fails to participate in the Program or does not successfully complete the Program, the  
30 Administration shall suspend the individual’s license for 1 year.

31                           (iii)   Nothing contained in this paragraph limits the authority of the  
32 Administration to modify a suspension imposed under this paragraph to allow an  
33 individual to be a participant in accordance with subsection (e) or (o) of this section.

1 21-902.

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2015.