

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 38

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Transportation)

Judicial Proceedings

Judiciary

Vehicle Laws - Ignition Interlock System Program - Required Participation

This departmental bill specifies that an individual must participate in the Ignition Interlock System Program (IISP) as a condition of modification of a suspension or revocation of a license or issuance of a restricted license if the individual violates an alcohol restriction imposed under Title 16 of the Transportation Article. (Currently, only individuals younger than age 21 are subject to this requirement.) Consistent with existing statute, if such an individual fails to successfully complete participation in IISP, the individual is subject to a one-year mandatory license suspension.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill does not directly affect local government finances or operations.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Pursuant to § 21-902 of the Transportation Article, an individual may not drive or attempt to drive any vehicle while (1) under the influence of alcohol or under the influence of alcohol *per se*; (2) impaired by alcohol; (3) impaired by a drug, any combination of drugs, or any combination of drugs and alcohol; or (4) impaired by a controlled dangerous substance. Driving under the influence of alcohol *per se* means

driving with a blood alcohol concentration (BAC) of 0.08 or higher. BAC is measured, at the time of testing, as grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Alcohol Restrictions on Driver's Licenses

The Motor Vehicle Administration (MVA) is required to place an alcohol restriction on the license of every driver younger than age 21. The restriction prohibits the driver from driving or attempting to drive a motor vehicle while having alcohol in the blood. The restriction expires when the driver reaches the age of 21.

Additionally, MVA must impose an alcohol restriction on an individual's driver's license that prohibits them from driving or attempting to drive with alcohol in their blood for a period of three years if the individual is convicted – within a five-year period – of any combination of two or more violations of driving while under the influence of alcohol or under the influence of alcohol *per se*; impaired by alcohol; or impaired by a drug, any combination of drugs, or any combination of drugs and alcohol. This restriction may include a prohibition on the individual driving or attempting to drive a motor vehicle unless the individual participates in IISP.

Required Ignition Interlock System Use

The following drivers are required to participate in IISP and face an indefinite mandatory license suspension if they fail to participate or successfully complete the program:

- a person convicted of, or granted probation before judgment (PBJ) for, driving or attempting to drive under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol (including a person whose license is suspended or revoked for a conviction of these offenses under a specified provision or for an accumulation of points for these violations);
- a person required to participate by court order due to a conviction for driving while impaired by alcohol or while impaired by a drug, any combination of drugs, or a combination of one or more drugs and alcohol, and the trier of fact found beyond a reasonable doubt that the person refused a requested test;
- a person convicted of homicide by motor vehicle while under the influence of alcohol or under the influence of alcohol *per se*; impaired by alcohol; or impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol; and
- a person convicted of life-threatening injury by motor vehicle while under the influence of alcohol or under the influence of alcohol *per se*; impaired by alcohol;

or impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol.

The following drivers are required to participate in IISP as a condition of modification of a suspension or revocation of a license or issuance of a restricted license and face a one-year mandatory license suspension if they fail to participate or successfully complete participation in the program:

- a driver ordered by a criminal court to participate in the program for a drunk driving offense; or
- a driver younger than age 21 who violated the alcohol restriction on the driver's license or violated the prohibition on driving while impaired by a drug or a combination of drugs and alcohol.

In addition to any other penalty, a court *may* prohibit an individual from driving a motor vehicle without an ignition interlock device for up to three years if the person is convicted of or granted PBJ for driving under the influence of alcohol, driving under the influence of alcohol *per se*, or driving while impaired by alcohol.

An individual who is not otherwise required to participate in IISP may participate under specified circumstances, including if the individual's license is suspended or revoked for driving while impaired by a drug or a combination of drugs and alcohol, if the individual's license has an alcohol restriction, or if MVA modifies a license suspension or issues the individual a restricted license.

Background: MDOT advises that the bill is intended to allow individuals age 21 and older who violate an existing alcohol restriction on their driver's licenses to opt into IISP without having to appear before an administrative law judge. Currently, MVA only offers enrollment in IISP to individuals who violate an alcohol restriction on their licenses if they are younger than age 21; individuals age 21 or older who violate an alcohol restriction on their licenses must appear before an administrative law judge and request that their license suspensions be altered to allow for enrollment in IISP. According to MDOT, the bill will decrease the number of hearing requests through the Office of Administrative Hearings for violations of license restrictions on alcohol.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 286 (Chair, Judiciary Committee)(By Request - Departmental - Transportation) - Judiciary.

Information Source(s): Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2026
sj/aad Third Reader - March 13, 2026

Analysis by: Ralph W. Kettell

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws - Ignition Interlock System Program - Required Participation

BILL NUMBER: SB 38

PREPARED BY: Kevin Knight

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This bill will not have an impact on small businesses.