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**By: Delegate Bissett**

Introduced and read first time: February 8, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

**2 Vehicle Laws - Drunk and Drugged Driving - Ignition Interlock System Program**

3 FOR the purpose of authorizing the Motor Vehicle Administration to provide enhanced  
4 driver's license suspensions for individuals who are assessed a certain number of  
5 points after certain convictions for drunk or drugged driving; authorizing the  
6 Administration to establish an Ignition Interlock System Program; authorizing the  
7 Administration to reduce the period of a driver's license suspension imposed on a  
8 participant in the Program under certain circumstances; authorizing the  
9 Administration to reinstate the revoked driver's license of a Program participant  
10 under certain circumstances; authorizing the Administration to charge a fee to  
11 Program participants; requiring the Administration to provide a certain notice to  
12 potential participants; requiring the Administration to approve certain types of  
13 ignition interlock systems for the Program; requiring individuals ordered by a court  
14 to use an ignition interlock system to comply with certain aspects of the Program  
15 and providing that these individuals are not eligible for the reduced suspensions  
16 under this Act; defining certain terms; establishing the time at which a participant is  
17 considered to have entered the Program; and generally relating to the establishment  
18 of an Ignition Interlock System Program.

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 16-208(a)(1) and 16-404  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1995 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article - Transportation  
26 Section 16-402(a)(21)  
27 Annotated Code of Maryland  
28 (1992 Replacement Volume and 1995 Supplement)

29 BY adding to  
30 Article - Transportation  
31 Section 16-404.1  
32 Annotated Code of Maryland

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1 (1992 Replacement Volume and 1995 Supplement)

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

4 **Article - Transportation**

5 16-208.

6 (a) (1) Except as provided in paragraph (2) of this subsection, [and] §  
7 16-206(b) OF THIS SUBTITLE, AND § 16-404(C)(2) AND (3) of this [subtitle] TITLE, the  
8 Administration may not suspend a license or privilege to drive for a period of more than  
9 1 year.

10 16-402.

11 (a) After the conviction of an individual for a violation of Article 27, § 388 or §  
12 388A of the Code, or of the vehicle laws or regulations of this State or of any local  
13 authority, points shall be assessed against the individual as of the date of violation and as  
14 follows:

15 (21) Driving while under the influence of alcohol or while under influence of  
16 a drug, combination of drugs, or combination of drugs and alcohol.... 8  
points

17 16-404.

18 (a) The Administration shall take the following actions for points accumulated  
19 within any 2-year period:

20 (1) Send a warning letter to each individual who accumulates 3 points;

21 (2) Call in for a conference each individual who accumulates 5 points,  
22 except that a Class A, B, or C licensee who submits evidence acceptable to the  
23 Administration that he is a professional driver may not be called in until he accumulates  
24 8 points; and

25 (3) Except as provided in § 16-405 of this subtitle:

26 (i) Suspend the license of each individual who accumulates 8 points;  
27 and

28 (ii) Revoke the license of each individual who accumulates 12 points.

29 (b) (1) Except as provided in § 16-405 of this subtitle:

30 (i) If an individual accumulates 8 points, the Administration shall  
31 issue a notice of suspension; and

32 (ii) If an individual accumulates 12 points, the Administration shall  
33 issue a notice of revocation.

34 (2) Each notice shall:

35 (i) Be personally served or sent by certified mail, return receipt  
36 requested, bearing a postmark from the United States Postal Service;

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1 (ii) State the duration of the suspension or revocation; and

2 (iii) Advise the individual of his right, within 10 days after the notice is  
3 sent (Saturdays, Sundays, and legal holidays excepted), to file a written request for a  
4 hearing before the Administrator.

5 (3) Unless a hearing is requested, each notice of suspension or revocation is  
6 effective at the end of the 10-day period after the notice is sent.

7 (c) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
8 SUBSECTION:

9 (I) An initial suspension may not be for less than 2 days nor more than  
10 30 days[.]; AND

11 (II) Any subsequent suspension may not be for less than 15 days nor  
12 more than 90 days.

13 (2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS  
14 SUBSECTION, THE FOLLOWING MINIMUM SUSPENSION PERIODS SHALL APPLY TO A  
15 SUSPENSION FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(21) OF THIS  
16 SUBTITLE FOR A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE:

17 (I) FOR A FIRST CONVICTION, NOT LESS THAN 6 MONTHS;

18 (II) FOR A SECOND CONVICTION MORE THAN 5 YEARS AFTER THE  
19 DATE OF THE FIRST CONVICTION, NOT LESS THAN 9 MONTHS;

20 (III) FOR A SECOND CONVICTION LESS THAN 5 YEARS AFTER THE  
21 DATE OF THE FIRST CONVICTION OR FOR A THIRD CONVICTION, NOT LESS THAN 12  
22 MONTHS; AND

23 (IV) FOR A FOURTH OR SUBSEQUENT CONVICTION, 24 MONTHS.

24 (3) AN INDIVIDUAL WHO PARTICIPATES IN THE ADMINISTRATION'S  
25 IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS SUBTITLE MAY  
26 HAVE A SUSPENSION UNDER PARAGRAPH (2) OF THIS SUBSECTION REDUCED TO:

27 (I) FOR A FIRST CONVICTION, 15 DAYS, PROVIDED THE  
28 INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 5  
29 MONTHS;

30 (II) FOR A SECOND CONVICTION MORE THAN 5 YEARS AFTER THE  
31 DATE OF THE FIRST CONVICTION, 30 DAYS, PROVIDED THE INDIVIDUAL MAINTAINS  
32 THE IGNITION INTERLOCK SYSTEM FOR NOT LESS THAN 9 MONTHS;

33 (III) FOR A SECOND CONVICTION LESS THAN 5 YEARS AFTER THE  
34 DATE OF THE FIRST CONVICTION OR FOR A THIRD CONVICTION, 45 DAYS, PROVIDED  
35 THE INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR NOT LESS  
36 THAN 12 MONTHS; AND

37 (IV) FOR A FOURTH OR SUBSEQUENT CONVICTION, 6 MONTHS,  
38 PROVIDED THE INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR  
39 NOT LESS THAN 24 MONTHS.

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1 16-404.1.

2 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (1) "PARTICIPANT" MEANS A PARTICIPANT IN THE IGNITION  
5 INTERLOCK SYSTEM PROGRAM.

6 (2) "PROGRAM" MEANS THE IGNITION INTERLOCK SYSTEM PROGRAM.

7 (B) (1) THE ADMINISTRATION MAY ESTABLISH AN IGNITION INTERLOCK  
8 SYSTEM PROGRAM.

9 (2) THE ADMINISTRATION MAY ESTABLISH A PROTOCOL FOR THE  
10 PROGRAM BY REGULATIONS.

11 (3) THE ADMINISTRATION MAY:

12 (I) REDUCE A PARTICIPANT'S DRIVER'S LICENSE SUSPENSION  
13 PERIOD AS PROVIDED UNDER § 16-404(C)(3) OF THIS SUBTITLE; AND

14 (II) REINSTATE THE DRIVER'S LICENSE OF A PARTICIPANT WHOSE  
15 LICENSE HAS BEEN REVOKED FOR A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS  
16 ARTICLE.

17 (4) A NOTICE OF SUSPENSION OR REVOCATION SENT TO AN  
18 INDIVIDUAL UNDER THIS TITLE SHALL INCLUDE INFORMATION ABOUT THE  
19 PROGRAM AND HOW THE INDIVIDUAL CAN QUALIFY FOR ADMISSION TO THE  
20 PROGRAM.

21 (5) THE ADMINISTRATION MAY ESTABLISH AND CHARGE A FEE FOR  
22 ADMISSION TO THE PROGRAM.

23 (C) FOR PURPOSES OF § 16-404(C)(3) OF THIS SUBTITLE AND SUBSECTION (D)  
24 OF THIS SECTION, A PARTICIPANT IS CONSIDERED TO BEGIN PARTICIPATION IN THE  
25 PROGRAM WHEN THE PARTICIPANT PROVIDES EVIDENCE OF THE INSTALLATION OF  
26 AN IGNITION INTERLOCK SYSTEM IN A MANNER REQUIRED BY THE  
27 ADMINISTRATION.

28 (D) AN INDIVIDUAL WHOSE LICENSE IS SUSPENDED UNDER § 16-404(C)(2)(IV)  
29 OR (3)(IV) OF THIS SUBTITLE IS A HABITUAL OFFENDER WHOSE LICENSE MAY NOT  
30 BE REINSTATED UNLESS THE INDIVIDUAL PARTICIPATES IN AN IGNITION  
31 INTERLOCK SYSTEM FOR AT LEAST 24 MONTHS.

32 (E) (1) FOR PURPOSES OF AN IGNITION INTERLOCK SYSTEM USED UNDER  
33 THIS SECTION OR UNDER A COURT ORDER UNDER § 27-107 OF THIS ARTICLE, THE  
34 ADMINISTRATION SHALL PERMIT ONLY THE USE OF AN IGNITION INTERLOCK  
35 SYSTEM THAT MEETS OR EXCEEDS THE TECHNICAL STANDARDS FOR BREATH  
36 ALCOHOL IGNITION INTERLOCK DEVICES PUBLISHED IN THE FEDERAL REGISTER  
37 FROM TIME TO TIME.

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1                   (2) FOR PURPOSES OF AN IGNITION INTERLOCK SYSTEM USED UNDER  
2 THIS SECTION, THE ADMINISTRATION SHALL REQUIRE THE PROGRAM PROTOCOL  
3 ADOPTED BY THE ADMINISTRATION.

4                   (F) AN INDIVIDUAL REQUIRED TO USE AN IGNITION INTERLOCK SYSTEM  
5 UNDER A COURT ORDER:

6                   (1) IS NOT ELIGIBLE FOR THE REDUCED SUSPENSION PERIODS UNDER §  
7 16-404(C)(3) OF THIS SUBSECTION;

8                   (2) SHALL BE MONITORED BY THE ADMINISTRATION; AND

9                   (3) SHALL PAY THE FEE REQUIRED BY THE ADMINISTRATION UNDER  
10 SUBSECTION (B)(5) OF THIS SECTION.

11                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 1996.