
By: Delegate Bissett

Introduced and read first time: February 8, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 13, 1996

CHAPTER ____

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; providing that an
7 individual whose driver's license has been suspended or revoked for certain drunk
8 and drugged driving offenses may be a participant in the Program; authorizing the
9 Administration to reduce the period of a driver's license suspension ~~imposed on or~~
10 impose a period of suspension rather than a license revocation for a participant in
11 the Program under certain circumstances; clarifying that this Act does not limit the
12 authority of the Administration to issue a restrictive license or modify a suspension
13 under this Act; authorizing the Administration to reinstate the revoked driver's
14 license of a Program participant under certain circumstances; authorizing the
15 Administration to ~~charge a fee to~~ establish a fee for Program participants; requiring
16 the Administration to provide a certain notice to potential participants; requiring
17 the Administration to approve certain types of ignition interlock systems for the
18 Program; prohibiting the reinstatement of the driver's license of certain habitual
19 offenders who fail to participate in the Program for a certain minimum period;
20 requiring individuals ordered by a court to use an ignition interlock system to
21 comply with certain aspects of the Program ~~and providing that these individuals are~~
22 ~~not eligible for the reduced suspensions under this Act;~~ providing that a court order
23 requiring the use of an ignition interlock system is not affected by certain provisions
24 of this Act; defining certain terms; establishing the time at which a participant is
25 considered to have entered the Program; and generally relating to the establishment
26 of an Ignition Interlock System Program.

27 BY repealing and reenacting, with amendments,

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1 Article - Transportation
2 Section 16-208(a)(1) and 16-404
3 Annotated Code of Maryland
4 (1992 Replacement Volume and 1995 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - Transportation
7 Section 16-402(a)(21) and (30)
8 Annotated Code of Maryland
9 (1992 Replacement Volume and 1995 Supplement)

10 BY adding to
11 Article - Transportation
12 Section 16-404.1
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article - Transportation**

18 16-208.

19 (a) (1) Except as provided in paragraph (2) of this subsection, [and] §
20 16-206(b) OF THIS SUBTITLE, AND § 16-404(C)(2) AND (3) of this [subtitle] TITLE, the
21 Administration may not suspend a license or privilege to drive for a period of more than
22 1 year.

23 16-402.

24 (a) After the conviction of an individual for a violation of Article 27, § 388 or §
25 388A of the Code, or of the vehicle laws or regulations of this State or of any local
26 authority, points shall be assessed against the individual as of the date of violation and as
27 follows:

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

30 (30) Driving while intoxicated or while under the influence of illegally used
31 controlled dangerous substance..... 12 points

32 16-404.

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

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

36 (2) Call in for a conference each individual who accumulates 5 points,
37 except that a Class A, B, or C licensee who submits evidence acceptable to the

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1 Administration that he is a professional driver may not be called in until he accumulates
2 8 points; and

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

4 (i) Suspend the license of each individual who accumulates 8 points;
5 and

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

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

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

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

12 (2) Each notice shall:

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

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

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

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

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

23 (I) An initial suspension may not be for less than 2 days nor more than
24 30 days[.]; AND

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

27 (2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS
28 SUBSECTION, THE FOLLOWING ~~MINIMUM~~ SUSPENSION PERIODS ~~SHALL~~ MAY APPLY
29 TO A SUSPENSION FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(21) OF THIS
30 SUBTITLE FOR A VIOLATION OF § 21-902(A), ~~(B)~~, (B) OR (C) OF THIS ARTICLE OR A
31 SUSPENSION IMPOSED UNDER § 16-404.1(B)(4)(III) OF THIS SUBTITLE:

32 (I) FOR A FIRST CONVICTION, NOT ~~LESS~~ MORE THAN 6 MONTHS;

33 (II) FOR A SECOND CONVICTION ~~MORE THAN~~ AT LEAST 5 YEARS
34 AFTER THE DATE OF THE FIRST CONVICTION, NOT ~~LESS~~ MORE THAN 9 MONTHS;

35 (III) FOR A SECOND CONVICTION LESS THAN 5 YEARS AFTER THE
36 DATE OF THE FIRST CONVICTION OR FOR A THIRD CONVICTION, NOT ~~LESS~~ MORE
37 THAN 12 MONTHS; AND

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1 (IV) FOR A FOURTH OR SUBSEQUENT CONVICTION, NOT MORE
2 THAN 24 MONTHS.

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

6 (I) FOR A FIRST CONVICTION, UP TO 15 DAYS, PROVIDED THE
7 INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR NOT ~~LESS~~ MORE
8 THAN 5 MONTHS;

9 (II) FOR A SECOND CONVICTION ~~MORE THAN~~ AT LEAST 5 YEARS
10 AFTER THE DATE OF THE FIRST CONVICTION, UP TO 30 DAYS, PROVIDED THE
11 INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR NOT ~~LESS~~ MORE
12 THAN 9 MONTHS;

13 (III) FOR A SECOND CONVICTION LESS THAN 5 YEARS AFTER THE
14 DATE OF THE FIRST CONVICTION OR FOR A THIRD CONVICTION, UP TO 45 DAYS,
15 PROVIDED THE INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR
16 NOT ~~LESS~~ MORE THAN 12 MONTHS; AND

17 (IV) FOR A FOURTH OR SUBSEQUENT CONVICTION, 6 MONTHS,
18 PROVIDED THE INDIVIDUAL MAINTAINS THE IGNITION INTERLOCK SYSTEM FOR
19 NOT ~~LESS~~ MORE THAN 24 MONTHS.

20 (4) THIS SUBSECTION DOES NOT LIMIT THE AUTHORITY OF THE
21 ADMINISTRATION TO ISSUE A RESTRICTIVE LICENSE OR MODIFY A SUSPENSION
22 IMPOSED UNDER THIS SUBSECTION.

23 16-404.1.

24 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (1) "PARTICIPANT" MEANS A PARTICIPANT IN THE IGNITION
27 INTERLOCK SYSTEM PROGRAM.

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

29 (B) (1) THE ADMINISTRATION MAY ESTABLISH AN IGNITION INTERLOCK
30 SYSTEM PROGRAM.

31 (2) THE ADMINISTRATION MAY ESTABLISH A PROTOCOL FOR THE
32 PROGRAM BY REGULATIONS.

33 (3) AN INDIVIDUAL WHOSE LICENSE IS SUSPENDED OR REVOKED FOR A
34 VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE OR AN ACCUMULATION OF
35 POINTS UNDER § 16-402(A)(21) OR (30) OF THIS SUBTITLE MAY BE A PARTICIPANT.

36 ~~(3)~~ (4) THE ADMINISTRATION MAY:

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

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1 (II) REINSTATE THE DRIVER'S LICENSE OF A PARTICIPANT WHOSE
2 LICENSE HAS BEEN REVOKED FOR A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS
3 ARTICLE OR REVOKED FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(30) OF
4 THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE; AND

5 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IMPOSE
6 ON A PARTICIPANT A PERIOD OF SUSPENSION IN ACCORDANCE WITH § 16-404(C)(2)
7 AND (3) OF THIS SUBTITLE IN LIEU OF A LICENSE REVOCATION FOR:

8 1. A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE;
9 OR

10 2. AN ACCUMULATION OF POINTS UNDER § 16-402(A)(30) OF
11 THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE.

12 ~~(4)~~ (5) A NOTICE OF SUSPENSION OR REVOCATION SENT TO AN
13 INDIVIDUAL UNDER THIS TITLE SHALL INCLUDE INFORMATION ABOUT THE
14 PROGRAM AND HOW THE INDIVIDUAL CAN QUALIFY FOR ADMISSION TO THE
15 PROGRAM.

16 ~~(5)~~ (6) THE ADMINISTRATION MAY ESTABLISH ~~AND CHARGE~~ A FEE
17 FOR ~~ADMISSION TO~~ THE PROGRAM.

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

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

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

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

36 (F) (1) AN INDIVIDUAL REQUIRED TO USE AN IGNITION INTERLOCK
37 SYSTEM UNDER A COURT ORDER:

38 ~~(1) IS NOT ELIGIBLE FOR THE REDUCED SUSPENSION PERIODS UNDER §~~
39 ~~16-404(C)(3) OF THIS SUBSECTION;~~

40 ~~(2)~~ (1) SHALL BE MONITORED BY THE ADMINISTRATION; AND

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1 ~~(3)~~ (II) SHALL PAY THE FEE REQUIRED BY THE ADMINISTRATION
2 UNDER SUBSECTION (B)~~(5)~~ (6) OF THIS SECTION.

3 (2) A COURT ORDER THAT REQUIRES THE USE OF AN IGNITION
4 INTERLOCK SYSTEM IS NOT AFFECTED BY § 16-404(C)(3) OF THIS SUBTITLE.

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