

(PRE-FILED)

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By: **Delegate Arnick**  
Requested: August 15, 1997  
Introduced and read first time: January 14, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving - Participation in Ignition Interlock System Program**

3 FOR the purpose of authorizing the Motor Vehicle Administration to require certain  
4 licensees to participate in the Ignition Interlock System Program under certain  
5 circumstances; authorizing hearing officers to require certain licensees to  
6 participate in the Program under certain circumstances if suspension or  
7 revocation of motor vehicle licenses would adversely affect the employment or  
8 opportunities for employment of the licensees; and generally relating to  
9 participation in the Ignition Interlock System Program.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 16-205.1(n), 16-404.1(b), and 16-405(a)  
13 Annotated Code of Maryland  
14 (1992 Replacement Volume and 1997 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 16-205.1.

19 (n) (1) The Administration may modify a suspension under this section or  
20 issue a restrictive license if:

21 (i) The licensee did not refuse to take a test;

22 (ii) The licensee has not had a license suspended under this section  
23 during the past 5 years;

24 (iii) The licensee has not been convicted under § 21-902 of this  
25 article during the past 5 years; and

1 (iv) 1. The licensee is required to drive a motor vehicle in the  
2 course of employment;

3 2. The license is required for the purpose of attending an  
4 alcoholic prevention or treatment program; or

5 3. It finds that the licensee has no alternative means of  
6 transportation available to or from the licensee's place of employment and, without  
7 the license, the licensee's ability to earn a living would be severely impaired.

8 (2) In addition to the authority to modify a suspension or issue a  
9 restrictive license under paragraph (1) of this subsection, the Administration may  
10 modify a suspension under this section [or], issue a restrictive license, OR REQUIRE A  
11 LICENSEE TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER  
12 § 16-404.1 OF THIS TITLE, if:

13 (i) The licensee is under the age of 21 years;

14 (ii) The licensee did not refuse to take a test;

15 (iii) The licensee has not been convicted under § 21-902 of this  
16 article; and

17 (iv) The license is required for the purpose of attending:

18 1. A noncollegiate educational institution as defined in §  
19 2-206(a) of the Education Article; or

20 2. A regular program at an institution of postsecondary  
21 education.

22 (3) If the licensee refused to take a test, the Administration may not  
23 modify a suspension under this section or issue a restrictive license.

24 16-404.1.

25 (b) (1) The Administration may establish an Ignition Interlock System  
26 Program.

27 (2) The Administration may establish a protocol for the Program by  
28 regulations.

29 (3) An individual whose license is suspended or revoked for a violation of  
30 § 21-902(a), (b), or (c) of this article or an accumulation of points under §  
31 16-402(a)(22) or (31) of this subtitle may be a participant.

32 (4) AN INDIVIDUAL WHO IS REQUIRED BY THE ADMINISTRATION OR A  
33 HEARING OFFICER TO PARTICIPATE IN THE PROGRAM UNDER § 16-205.1(N)(2) OF THIS  
34 TITLE OR § 16-405(A) OF THIS SUBTITLE SHALL BE A PARTICIPANT.

35 (5) The Administration may:

1 (i) Reduce a participant's driver's license suspension period as  
2 provided under § 16-404(c)(3) of this subtitle;

3 (ii) Reinstate the driver's license of a participant whose license has  
4 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an  
5 accumulation of points under § 16-402(a)(31) of this subtitle for a violation of §  
6 21-902(a) of this article; and

7 (iii) Notwithstanding any other provision of law, impose on a  
8 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this  
9 subtitle in lieu of a license revocation for:

10 1. A violation of § 21-902(a), (b), or (c) of this article; or

11 2. An accumulation of points under § 16-402(a)(31) of this  
12 subtitle for a violation of § 21-902(a) of this article.

13 [(5)] (6) A notice of suspension or revocation sent to an individual under  
14 this title shall include information about the Program and how the individual can  
15 qualify for admission to the Program.

16 [(6)] (7) The Administration may establish a fee for the Program.

17 16-405.

18 (a) Except as provided in § 16-205.1 of this title, if the suspension or  
19 revocation of a license would affect adversely the employment or opportunity for  
20 employment of a licensee, the hearing officer may:

21 (1) Decline to order the suspension or revocation; [or]

22 (2) Cancel or modify the suspension or revocation; OR

23 (3) IF THE LICENSEE VIOLATES § 21-902(A), (B), OR (C) OF THIS ARTICLE,  
24 REQUIRE THE LICENSEE TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM  
25 PROGRAM UNDER §16-404.1 OF THIS ARTICLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 1998.